



CANADA

Debates of the Senate

3rd SESSION

•

40th PARLIAMENT

•

VOLUME 147

•

NUMBER 97

OFFICIAL REPORT
(HANSARD)

Wednesday, March 23, 2011



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.
Also available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, March 23, 2011

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

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

The **Hon. the Speaker** informed the Senate that the following communication had been received:

RIDEAU HALL

March 23, 2011

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 23rd day of March, 2011, at 3:00 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Stephen Wallace

The Honourable
The Speaker of the Senate
Ottawa

SENATORS' STATEMENTS

L'ORDRE DE LA PLÉIADE

CONGRATULATIONS TO RECIPIENTS

Hon. Rose-Marie Losier-Cool: Honourable senators, today I would like to draw your attention to the ceremony to honour recipients of the Ordre de la Pléiade, which was held here on Parliament Hill, on the evening of Monday, March 21.

The Ordre de la Pléiade, created in 1976 by the Assemblée parlementaire de la Francophonie, honours individuals who have distinguished themselves in promoting the cooperation and friendship ideals of the international Francophonie.

This year, 15 Canadians were honoured with the Ordre de la Pléiade, including four proud Acadians from New Brunswick, whom I would like to sincerely thank for their contributions to the vitality of my beloved Acadia.

The celebrated Antonine Maillet, already a Chevalier in the Ordre de la Pléiade for several years, was promoted to the rank of Officier. The Honourable Antonine Maillet, a renowned author

and playwright, the only Canadian winner of the prestigious Prix Goncourt, created, among others, the unforgettable character La Sagouine. I am proud to congratulate her on this new honour, just one more in her long career.

I would also like to warmly congratulate the Honourable Herménégilde Chiasson, a former lieutenant-governor of my province, New Brunswick, who is, above all, a prolific and highly-regarded multidisciplinary artist with equal talents as a writer, playwright, filmmaker and painter. I wish to congratulate him from the bottom of my heart, on behalf of all Acadians, for being awarded the rank of Chevalier de l'Ordre de la Pléiade.

Another Acadian from the Atlantic provinces to be named a Chevalier de l'Ordre is Françoise Enguehard, who chairs the Société nationale de l'Acadie. Originally from France, from St-Pierre et Miquelon, and now living in St. John's, Newfoundland, Ms. Enguehard is also an author, in addition to working in communications. Her efforts to defend the French language and francophone culture in Acadia and Canada deserve our deepest admiration.

The last of the Acadians to be awarded the Ordre de la Pléiade in 2011 is the historian Robert Pichette. This newly appointed Chevalier has enjoyed a long and rich career as a journalist and former chief of staff to Louis J. Robichaud, a former premier of my province and former senator who did so much for our Acadia. Robert Pichette, for his part, made an important contribution to has New Brunswick's Official Languages Act and the cause of official languages in general.

I warmly applaud these four proud Acadians, and I would also like to congratulate the 11 other recipients of the Ordre de la Pléiade, including Chief Justice of the Supreme Court Beverley McLachlin.

I would also like to congratulate the organizer and host of the ceremony, the Chair of the Canadian Branch of the Assemblée parlementaire de la Francophonie, my honourable colleague Senator Champagne, who was, quite simply, perfect.

[English]

THE LATE WILLIAM LENNOX ROWE THE LATE WILLIAM MAURICE LEE THE LATE NOEL VILLENEUVE

Hon. Lowell Murray: Honourable senators, the obituary notices in the daily press contain much history, including a lot of political and parliamentary history. For those of us who are of an advanced age and need no further reminder of impending mortality, too much of that history is already part of our own past lives.

Yesterday's news brought three such reminders to me and others of, or approaching, my vintage. William Lennox Rowe, 88, a Second World War air force veteran and a highly successful

businessman and sportsman, notably in the field of harness racing in Ontario, had also been prominent in the affairs of the Progressive Conservative Party for many years. He had served at the party's national headquarters in Ottawa even before the Diefenbaker years, and his role is chronicled in the political literature of that era, including in Dalton Camp's memoir, *Gentlemen, Players and Politicians*.

He was a brother of Jean Casselman Wadds, former member of Parliament, former Canadian High Commissioner to the U.K. and former royal commissioner here. Their father was the late Honourable Earl Rowe, a Tory cabinet minister in the 1930s who served later as Lieutenant-Governor of Ontario.

• (1340)

William M. Lee, 86, also a Second World War veteran, was a leading Liberal figure on Parliament Hill for several decades. He came to national prominence as executive assistant to the Honourable Paul Hellyer, Minister of National Defence in the Pearson government. Bill Lee's friendships and acquaintances went well beyond his own party, and his service extended beyond the political to a wide variety of community and charitable causes to which he gave generous leadership and support.

Finally, I note with a mixture of sadness and many pleasant memories, the passing of Noel Villeneuve at 89. For some years, he was assistant manager of our parliamentary restaurant. He is remembered as a fine gentleman who personified the good manners, high standards and hospitality that is a tradition in that place. One of the busboys under his supervision was Don Boudria, who went on to other employment on the Hill.

These three, whose obituaries appeared in yesterday's media, were part of the Ottawa political and parliamentary family in days gone by. I would not want to see their passing go unremarked on the Hill, where succeeding generations are the beneficiaries of their service.

THE LATE DR. NAIRN KNOTT

Hon. Yonah Martin: Honourable senators, I rise to pay tribute to a true Canadian hero, Dr. Nairn Knott, born in Nanaimo, B.C. on November 14, 1920. On March 13, 2011, surrounded by his loving family, his children, Janet, Buz and Lyall; their spouses, George Hungerford, Wendi Copeland and Susan; his grandchildren, Geordie, Michael, Drew and Janie; his three great grandchildren; and his one and only love of 68 years, Jane, nee Murdoch, Dr. Knott passed away peacefully at the Vancouver General Hospital, the very place where he was one of the attending staff for 42 years.

Dr. Knott was a highly regarded physician whose bedside manner was legendary, as were his early morning hospital visits to see his patients. He practiced medicine with great compassion and understanding. His life was one of service.

[Translation]

He decided at a young age that he wanted to become a doctor. He obtained his degree from Columbia University and completed his medical studies at New York Medical College. He received his

commission in the U.S. Navy Medical Corps in 1942. After completing his medical training, he served in the Pacific where he was decorated for his role in the liberation of Hong Kong and of the Philippines. He was awarded a Battle Star for his participation in the war against Japan.

[English]

In August of 1945, he was a member of the Allied Command that accepted the surrender of the Imperial Japanese Navy. In 1948, he returned to active duty in the Navy to pursue studies for his chosen specialty of Internal Medicine.

It is impossible to capture the breadth of someone's life in a brief statement. I would be merely scratching the surface of Dr. Knott's illustrious medical or military career or his leadership role in numerous organizations.

[Translation]

Dr. Knott was a member of the Conservative Party for many years; he encouraged his family, including his youngest son, Lyall, to also become members. I had the honour of meeting Dr. Nairn Knott for the first time in the fall of 2010, with Lyall. I met Lyall through politics, and I simply knew him as an eminent Conservative from British Columbia.

[English]

Last summer, at Senator St. Germain's home, Lyall and I had a conversation about the motion to "recognize and endorse July 27th annually as National Korean War Veterans Day," which we unanimously passed on June 8, 2010. Lyall's father, Dr. Knott, is one of the Second World War veterans who also answered the call to serve in the Korean War. Like other Second World War veterans with knowledge, skill and nerves of steel that only direct experience can produce, Dr. Knott added invaluable depth and strength to the military might of the Allied forces.

A few months later, Lyall arranged for me to visit his parents' home. I will remember Dr. Knott, a Canadian hero, whose legacy also includes the Republic of Korea's meteoric rise to economic prosperity and the lives of millions of people of Korean descent and their successes, including mine. We are indebted to Dr. Knott and all veterans of the Korean War for our lives.

In 1950, when war broke out on the Korean peninsula, he volunteered to go to Korea. Dr. Knott left his home, practice, family —

The Hon. the Speaker: I regret to inform the honourable senator that her time under Senators' Statements has expired.

NEWFOUNDLAND AND LABRADOR

SIXTY-SECOND ANNIVERSARY OF CONFEDERATION

Hon. Elizabeth (Beth) Marshall: Honourable senators, it was believed for centuries that the island of Newfoundland had been discovered in 1497 by John Cabot. However, history was rewritten in the last century. Archaeological explorations indicated that Aboriginal cultures lived in Newfoundland and Labrador 7,000 to 9,000 years ago.

[Senator Murray]

Also, in 1960, a Norwegian explorer and his archaeologist wife determined that the mounds and lumps at the L'Anse aux Meadows on the northern tip of Newfoundland are the remains of Norse settlements from 1,000 years ago.

Honourable senators, Newfoundland and Labrador has a rich history and unique culture. Many explorers explored Newfoundland in its early days. The names of Leif Ericsson, John Cabot, Sebastian Cabot, Corte Real, Jacques Cartier, Sir Humphrey Gilbert and Captain James Cook are all found in the history books of Newfoundland and Labrador.

Over the centuries, Great Britain, France, Spain and Portugal benefited from the richness of the Newfoundland fisheries.

In the early 1930s, a royal commission was established to examine Newfoundland's political and economic history. It recommended a commission of government to govern Newfoundland. In 1934, Newfoundland voluntarily relinquished the right to govern itself. The Commission of Government lasted in Newfoundland for 15 years until 1949.

The idea that Newfoundland might join Canada was discussed as early as the 1800s. Despite Newfoundland's close relationship with Great Britain and the United States, the first referendum on union with Canada was held on June 3, 1948. The referendum did not result in enough votes to support Confederation.

The second referendum on union with Canada was held on July 22, 1948, and resulted in 78,000 votes for Confederation and 71,000 votes for responsible government.

The closeness of the vote, 52 per cent for Confederation and 48 per cent against Confederation, is still discussed and debated in Newfoundland and Labrador today.

The terms of union were approved by the House of Commons on February 16, 1949, and by the Senate of Canada on February 17, 1949. The British Parliament approved the enabling legislation on March 23, 1949. On March 31, 1949, the province of Newfoundland and Labrador became the tenth province of the country of Canada.

Honourable senators, next Thursday, March 31, marks the sixty-second anniversary of Newfoundland and Labrador's entry into the Canadian Confederation. Please join me in recognizing this historic occasion.

[Translation]

OFFICIAL LANGUAGES IN ATLANTIC CANADA

Hon. Maria Chaput: Honourable senators, I wish to draw your attention today to a petition that has been circulating for the past few days. The signatories are denouncing Service Canada's decision to designate Atlantic Canada as a unilingual English administrative region. More than 5,800 people have signed the petition so far. A young Acadian woman from the village of Chiasson on the Acadian Peninsula of New Brunswick started this petition on March 15, 2011, with the goal of collecting 5,000 signatures. That goal was quickly reached and exceeded in just a few days. The Acadian and francophone youth in Atlantic

Canada, concerned about the consequences of this new administrative designation of their region, quickly became interested in this matter. They are motivated by a desire to protect and promote their language, French. The concern of the Acadians and francophones in Atlantic Canada quickly spread to the west, where many francophones in minority situations are today expressing their solidarity with their eastern cousins.

It warms my heart to see Acadians and French-Canadians realizing that they share common interests with regard to language, and understanding that a loss for Acadia is a loss for French Canada.

These thousands of Acadians, francophones and francophiles are not alone in their concern. I want to point out that the Canada Employment and Immigration Union, which represents more than 19,000 employees in the federal public service, has declared the designation of Atlantic Canada as a unilingual English administrative region as, and I quote:

... a sad but all-too-predictable result of Service Canada's recent decision to amalgamate the region's four provincially-based administrative units into one entity;

• (1350)

... the decision effectively makes second class citizens of the half-million French-speaking citizens of Atlantic Canada.

Honourable senators, the Acadians, francophones and francophiles who signed the petition I referred to, and the Service Canada staff of the new Atlantic Canada administrative region, strongly support the right of francophones to receive public services in their language.

[English]

JUVENILE ARTHRITIS AWARENESS MONTH

Hon. Catherine S. Callbeck: Honourable senators, one in six Canadian adults is affected by arthritis. It is the leading cause of long-term disability in Canada and costs the Canadian economy over \$4.4 billion each year.

We think of arthritis as a disease of the elderly; however, juvenile arthritis, or JA, is one of the most common chronic illnesses affecting children. Juvenile arthritis affects one in 1,000 Canadian children under the age of 16 years.

Honourable senators, to help Canadians better understand this disease, the Arthritis Society has designated March as Juvenile Arthritis Month. During the month of March, activities, outreach programs and fundraising activities across the country are taking place to provide monies for services and research. These fundraising drives help to provide educational programs and services, as well as support research projects to help find better treatments for arthritis.

In my home province, the Prince Edward Island division of the Arthritis Society is holding its annual Go Blue and Give Too! campaign for schools and businesses. It encourages people to wear something blue — a blue shirt, blue socks, or even blue suede shoes — in support of Go Blue Day.

Alex Compton from Summerside, whose juvenile arthritis is thankfully in remission, has persuaded his school to make the whole month of March “blue” in order to raise \$2,000 in support of the Arthritis Society in P.E.I. One of his teachers, who herself has rheumatoid arthritis, has even pledged to dye her hair blue if Alex succeeds. I wish all those participating in the Go Blue and Give Too! campaign the best of luck in reaching their goals.

Honourable senators, no one knows what causes arthritis, but scientists have been making real progress. More and more effective therapies have been discovered in recent years. Something can be done to manage most forms of arthritis, which helps to ensure that those who suffer from the various forms of arthritis are able to cope, live comfortably and participate in society. However, it is important that we continue to support research into this disorder. This is the only way to discover new and better forms of treatment and to perhaps someday prevent arthritis altogether.

Honourable senators, I would like to commend the Arthritis Society, all its divisions in the provinces and territories, and its staff and volunteers for the difference they are making. I wish them the very best in their work to eliminate juvenile arthritis.

[Translation]

ROUTINE PROCEEDINGS

BUDGET 2011

DOCUMENTS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Budget 2011 entitled: *The Next Phase of Canada's Economic Action Plan — A Low-Tax Plan for Jobs and Growth*.

[English]

STUDY ON MATTERS RELATING TO ANTI-TERRORISM

THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM TABLED

Hon. Serge Joyal: Honourable senators, on behalf of the Honourable Senator Segal and as Deputy Chair of the committee, I have the honour to table, in both official languages, the third report, interim, of the Special Senate Committee on Anti-terrorism, entitled: *Security, Freedom and the Complex Terrorist Threat: Positive Steps Ahead*.

(On motion of Senator Joyal, report placed on the Orders of the Day for consideration two days hence.)

[Senator Callbeck]

[Translation]

THE SENATE

MOTION TO PHOTOGRAPH ROYAL ASSENT CEREMONY ADOPTED

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

That photographers and cameras be authorized in the Senate Chamber to photograph and record today's Royal Assent Ceremony with the least possible disruption of the proceedings.

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

Hon. Senators: Agreed.

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

(Motion agreed to.)

[English]

FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—FIRST READING

Hon. Lowell Murray: Honourable senators, in view of the fact that the budget has indicated that the government will be headed to the markets to borrow at least \$34 billion this year, I have the honour to introduce Bill S-229, An Act to amend the Financial Administration Act (borrowing of money).

(Bill read first time.)

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

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

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, I wish to draw the attention of honourable senators to the *Rules of the Senate of Canada*, which state that no electronic device that makes a noise is allowed in the chamber.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF SOUTHERN GOVERNORS' ASSOCIATION, AUGUST 27-30, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States

Inter-Parliamentary Group to the Seventy-sixth Annual Meeting of the Southern Governors' Association, held in Birmingham, Alabama, United States of America, from August 27 to 30, 2010.

[Translation]

BUDGET 2011

NOTICE OF INQUIRY

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

I will call the attention of the Senate to the budget entitled, *A Low-Tax Plan for Jobs and Growth*, tabled in the House of Commons on March 22, 2011, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 23, 2011.

LIBYA

NOTICE OF INQUIRY

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

I will call the attention of the Senate to the deplorable use of violence by the Libyan regime against the Libyan people as well as the actions the Canadian Government is undertaking alongside our allies, partners and the United Nations, in order to promote and support United Nations Security Council Resolution 1973.

[English]

QUESTION PERIOD

FINANCE

BUDGET 2011

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

Yesterday in the budget, we saw, once again, that the government is out of touch with Canadians and still refuses to come clean with Canadians about its spending plans. We saw a budget that completely ignores major spending items by this government, such as tens of billions of dollars for jets, jails and corporate tax cuts.

The Parliamentary Budget Officer says that their stealth fighter jets alone will cost \$30 billion. That is \$1,000 for every man, woman and child in this country. Today, the Parliamentary Budget Officer, established by this government, issued a second report saying that he stands by his numbers, which were contradicted by the government.

• (1400)

This Prime Minister has lost touch with Canadians. Does he really think that Canadians prefer \$30 billion for fighter jets instead of investments in health care or daycare?

Hon. Marjory LeBreton (Leader of the Government): Thank you, Senator Cowan. The Parliamentary Budget Officer obviously has figures that he believes are correct. As the government, we also believe that we tabled all the proper figures in the House of Commons.

I remind the honourable senator that the aircraft contract is over a long period of time. This is a program to replace the CF-18s, which are obviously needed as we witness what is happening in Libya today.

The short answer to the honourable senator's question is that we are focused on jobs and economic growth, and not on wasting \$300 million of taxpayers' money on an unnecessary election and denying seniors, volunteer firefighters and a host of other people the benefits that they would have with the budget being passed.

Senator Cowan: Honourable senators, the leader raised the issue of seniors. She used to be the minister responsible for seniors. Her government spent more in a single day on the G20 than yesterday's budget would spend on seniors in an entire year.

Some Hon. Senators: Shame!

Senator Cowan: The government would spend a thousand times more on fighter jets than on post-secondary students, a thousand times more on prisons than for youth crime prevention programs, and nothing on affordable housing or child care. Canadian families and seniors have been abandoned by this government.

When will the government start to take action and listen to the priorities of Canadians?

Senator LeBreton: First, the honourable senator really has to stop having Scott Brison write his lines for him.

All governments have programs, including for national defence. Obviously, when the country hosts an international conference, there are costs associated with that.

Our government is clearly focused on the economy. We are still hopeful that the opposition will come to its senses and support the budget, which contains measures that the opposition has been requesting for years. We are focused on keeping taxes low and not giving in to demands for massive tax increases. We will undertake targeted investments to support jobs and the economy.

With regard to seniors, I was Minister of State for Seniors and I am proud of the government's record on seniors. Since the honourable senator has given me the opportunity to do this, I will go over the government's record on seniors.

The next phase of *Canada's Economic Action Plan* introduces new measures to improve the quality of life and expand opportunities for Canadian seniors. It builds on the results our government has already taken with regard to seniors, and I will go through them now.

Canada's Economic Action Plan increased the Age Credit by \$1,000 for the second time, providing tax savings to 2.2 million seniors. The Economic Action Plan built on previous tax relief. We provided a \$1,000-increase in the Age Credit in 2006; the introduction of pension income splitting in 2007; and an increase in the age limit for maturing pensions and RRSPs from 69 to 71. We raised the GIS earnings exemption from \$500 to \$3,500, which helped 1.6 million seniors. The Old Age Security and GIS benefits provide almost \$37 billion per year to seniors. We introduced automatic renewal of GIS so that eligible seniors who file a tax return no longer have to apply each year. We are investing \$400 million in affordable housing for low-income seniors. We have increased funding for the Targeted Initiative for Older Workers.

In 2007, when I was the minister, we established the National Seniors Council. We launched a national awareness campaign on the very serious issue of elder abuse and we increased support for the New Horizons for Seniors Program.

With this budget, we are increasing the GIS by \$600 per year for single seniors and \$840 for couples. Again, we will increase the New Horizons for Seniors Program by another \$10 million.

Senator Cowan: I am glad I gave an opportunity to the leader to talk about the record of her government. I want to ask a further supplementary with respect to another aspect of the government's record.

The Speaker in the other place has issued three rulings against the Harper government, finding breaches of the fundamental rights of Parliament. This government is on the verge of being the first government in Canadian history, and perhaps the first government in the British Commonwealth, to be found in contempt of Parliament.

Some Hon. Senators: Shame!

Senator Cowan: Prime Minister Harper has shut down Parliament twice, once to avoid a vote of non-confidence. The RCMP has been called in twice within a week to investigate two former Conservative staffers, one of whom was a very close adviser and, indeed, at one time acting chief of staff to the Prime Minister. Four members of the Prime Minister's close inner circle are facing possible jail time for election fraud.

This Prime Minister has shown contempt for Canadians and contempt for parliamentary democracy. He broke his promises to Canadians. Given what has happened, why should Canadians trust anything this government will say in the next six weeks?

Senator LeBreton: First, I invite the honourable senator to say those things outside.

The fact of the matter is, only those people who watch the parliamentary system would know that in the case of the so-called "contempt of Parliament," our government tabled all the documents in accordance with the Speaker's ruling. We cannot help it if everything we release is never enough for the opposition. At the committee last week, the witnesses, including the former Clerk of the Privy Council, gave strong testimony that supported the position of the government.

The fact is, as the honourable senator well knows, it did not matter what the witnesses said or what the testimony was; it was a foregone conclusion that, in a minority Parliament where in committees the government is in the minority, the opposition would have written the report no matter what the witnesses said.

While I am on my feet, I must say that I have never, in the almost 50 years I have been around this place, seen a woman — nor anyone else, including any cabinet minister — subjected to the abuse that was meted out to my colleague Minister Oda.

Some Hon. Senators: Oh, oh!

Senator Tkachuk: Shame! Coalition Abuse!

Senator LeBreton: I dare say, had it been a Conservative making those comments about a Liberal minister, we would have been accused of being misogynists and racists.

Some Hon. Senators: Hear, hear!

Hon. Jane Cordy: It is a shame this government feels that democracy is a bother.

Some Hon. Senators: Oh, oh.

Senator Cordy: Honourable senators, after seeing this government's 2011 fiscal budget, it is clear to me how Mr. Harper plans to pay for the corporate tax cuts, the American-style prisons and the untendered F-35 fighter jet contracts.

Some Hon. Senators: Oh, oh.

Some Hon. Senators: Order!

Senator Cordy: He is paying for their out-of-touch agenda by cutting services to Atlantic Canada, with the closing down of Service Canada community sites across Atlantic Canada, with millions of dollars cut to Marine Atlantic, with millions of dollars cut to ACOA, with millions of dollars cut to the Department of Fisheries and Oceans, and with no mention anywhere of the Atlantic Gateway. That is what Atlantic Canadians saw in yesterday's budget.

Some Hon. Senators: Shame!

Senator Cordy: What are this government's priorities when it comes to Atlantic Canada?

• (1410)

Senator LeBreton: Honourable senators, obviously they did not read the budget.

If senators would like a good example of contempt of Parliament, yesterday, when the Minister of Finance stood up to deliver the budget, not one single leader of an opposition party was in the house.

Senator Tkachuk: That was contempt of Parliament!

Senator LeBreton: With regard to the Atlantic Gateway, as I have said recently, our government believes that the Atlantic region is uniquely poised to play a vital role in the Canadian economy. Our officials have had successful meetings with our provincial partners and they are pleased to announce the Atlantic Gateway and Trade Corridor strategy. Important strategic funding announcements enhancing key infrastructure projects have been made recently across Atlantic Canada, and we look forward to more in the future.

Our government is delivering an economic action plan that continues to stimulate economic growth, create jobs and support Canadian families. The government is taking action to help unlock the enormous potential of Atlantic Canada and all the people who so lovingly call it home.

We know the party opposite would increase spending recklessly, raise taxes and kill jobs, not only in Atlantic Canada but across the country as well.

Senator Mitchell: How can you say that! That is such a lie!

An. Hon. Senator: Watch it.

Senator Tkachuk: Watch what you say! You're in contempt.

An Hon. Senator: You're in contempt.

Senator Tkachuk: Say it out loud! Stand up and say it in front of the Speaker.

Senator LeBreton: I again urge the honourable senator to speak to her colleagues in the other place.

By the way, I have never seen a budget that has had so many positive reports.

Senator Stewart Olsen: Hear, hear!

Some Hon. Senators: Oh, oh!

Senator LeBreton: I will name a few: the Environmental Defence organization — I could read the quotes, but I will not, for the moment —

Senator Dawson: Oh, oh.

Senator LeBreton: Senator Mitchell, your imagination is about as large as you are, or whoever said it.

An Hon. Senator: That would be an insult to him.

Senator LeBreton: Oh, it was Senator Dawson. They all look the same.

Senator Tkachuk: You sound like Senator Mitchell, Senator Dawson.

Senator LeBreton: I will continue: the Grain Growers of Canada, the Canadian Cattlemen's Association, the Canadian Caregiver Coalition, the Canadian Home Care Association, the College Student Alliance, the Association of Universities and

Colleges, the Council of Ontario Universities, the Canadian Chamber of Commerce, the Canadian Federation of Independent Business, the Toronto Board of Trade —

An. Hon. Senator: More, more!

Senator LeBreton: This one, in particular, the association for the research and treatment of brain disorders, the Forest Products Association of Canada, the Federation of Canadian Municipalities, the Canadian Building Trades Association, and those are only a few.

I will be happy to read them all into the record if the honourable senator wishes me to do so.

Senator Tkachuk: Read them again.

The Hon. the Speaker: Order.

Honourable senators, the Speaker is having a hard time hearing. Senator Cordy has the floor.

Senator Cordy: I remind the Leader of the Government in the Senate that there is still no strategic plan for the Atlantic Gateway, and it is past due by at least a year and a half. I have asked questions about it many times. First, it was that the minister had changed. That was a long time ago. There is still no strategic plan for the Atlantic Gateway.

The budget plan is 352 pages long. Atlantic Canada, or a variation of it, is mentioned a total of five times. Of these five times, four are in reference to ACOA funding cuts. Four out of five mentions of Atlantic Canada are related to program cuts to ACOA. ACOA is a long-standing contributor to the economic development of Atlantic Canada, yet millions of dollars of funding have been cut from ACOA in this budget.

Would the leader tell us again, please, why Atlantic Canada is being shortchanged by this Conservative government?

Senator LeBreton: The honourable senator is using the same tactic that Senator Callbeck used yesterday with regard to so-called cuts in agriculture.

Certain funds under the economic stimulus were paid out over and above the general budgets of ACOA for that specific stimulus purpose. There were no cuts. The funding has returned to the normal level of funding.

Senator Cordy did not hear my answer to her first question. I will repeat more slowly. Our government believes that the Atlantic region is uniquely poised to play a vital role in the Canadian economy. Our officials have had successful meetings with our provincial partners, and they are pleased to announce the Atlantic Gateway and Trade Corridor strategy — “pleased” to announce, past tense — and important strategic funding announcements enhancing key infrastructure projects have recently been made across Atlantic Canada, a copy of which I will be happy to provide to the honourable senator. We are looking forward to more announcements in the future.

Some Hon. Senators: Hear, hear!

Senator Cordy: I heard what the leader said but I have a hard time believing it. I would ask the leader to table the strategy for the Atlantic Gateway. I ask again, is the leader telling honourable senators that there are no cuts to ACOA in this budget?

Senator LeBreton: I will be pleased to table a written answer to the honourable senator's last question.

[Translation]

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

As you know, your government "generously" granted the province of Quebec the status of distinct society on November 27, 2006. That said, I do not need to remind you of the enormous contribution that Quebecers have made to culture on the national and international scene.

Take, for example, Quebec writers like Arlette Cousture, the author of the successful novel *Les Filles de Caleb*, which has sold over 300,000 copies worldwide, or Yann Martel, winner of the Man Booker Prize and the Prime Minister's "official book supplier." There are musical artists like Arcade Fire and Céline Dion, not to mention our filmmakers like Denys Arcand and Denis Villeneuve, who have received dozens of nominations and awards at a number of international film festivals. There is also the fabulous Xavier Dolan, who brought home an award from the prestigious Cannes Film Festival.

In our opinion, Quebec is indeed the cultural motor of the North American continent. It provides the entire world with a wide variety of unique cultural products, and they are not taxed in our province.

It should be noted that Quebecers pay an average of 25 per cent more for their cultural products than Canadians in other provinces because their market is smaller than the anglophone market — 330 million people versus 8 million on this part of the continent.

Recently, Ontario was granted several billion dollars for the GST. The previous Liberal government gave the Atlantic provinces close to a billion dollars, and British Columbia also received a very significant contribution for the GST. Quebec was expecting a contribution of \$2.2 billion in this budget as compensation for the GST/QST, which it collects under a decision made by a previous Liberal government. The government's refusal to grant Quebec this \$2.2 billion has made the Bloc Québécois and Quebec even more cynical; on one hand, the government recognizes Quebec as a distinct society but, on the other, it does not grant Quebec any compensation for the GST, which applies to cultural products.

Since the Government of Quebec has confirmed that cultural products are being targeted, can the minister tell us what the important reasons are for blocking this \$2.2 billion when Quebecers are paying 25 per cent more for their cultural products?

[English]

Senator LeBreton: I am glad the honourable senator pointed out that this has been going on for 20 years. Next thing we know, they will be blaming us for the 15 years the Liberals did not do anything about this situation.

• (1420)

As the honourable is aware, and as the Minister of Finance has stated on many occasions, he has been in very worthwhile and fruitful discussions with the Quebec government. These discussions have been going on in good faith, although some points have remained unresolved.

The honourable senator's colleagues in the other place should not be delaying these ongoing, productive talks by forcing an unnecessary election on the Canadian electorate and Quebec electorate.

[Translation]

Senator Hervieux-Payette: It is a matter of justice for Quebec. It is a matter of equality for Quebecers. The minister, Raymond Bachand, has been negotiating in good faith with your government for years. You gave Ontario and British Columbia billions of dollars in compensation. The Government of Quebec has been imposing a harmonized tax in Quebec for nearly 10 years, so it is not a question of beginning a new system.

Yesterday, the *Journal de Québec* reported that Conservative minister Denis Lebel expected the two parties to reach an agreement. I do not know how long it will take for the government to understand that Quebec is a distinct society. Minister Lebel stated:

I hope to see a resolution that is suitable for both parties. I hope that resolution can be achieved in the next few weeks or months.

This raises some questions. How are our ministers from Quebec representing us within cabinet? When will the government understand that Quebecers pay their taxes, just like all other Canadians? The government often likes to suggest that Quebec receives gifts from the federal government. In this case, I must say, not only are we not receiving any gifts, but we are being treated completely unfairly.

I would like to know what points are still in dispute and preventing compensation for the harmonized tax. I would like the government to disclose the outstanding issues so that we can help you resolve this dispute with Quebec.

[English]

Senator LeBreton: Honourable senators, after that long question, I would say that we, too, as well as the Government of Quebec, are bargaining in good faith. These discussions have been ongoing.

Minister Flaherty has had useful discussions with Minister Bachand and the negotiations are proceeding in good faith. We are not going to negotiate with the Bloc Québécois. We are

negotiating with the Government of Quebec. As I pointed out, some points remain unresolved. I would hope that the opposition in the other place would come to their senses, support the budget, and allow the ministers of finance to continue their good work.

Senator Hervieux-Payette: Honourable senators, if the leader would tell us which points the government is unable to solve with Quebec, perhaps we might be able to help.

Senator LeBreton: Perhaps the honourable senator can help us by telling us where the \$40 million is that we have been trying to recover from your colleagues in Quebec.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker: Order.

AGRICULTURE AND AGRI-FOOD

AGRICULTURAL RESEARCH AND INNOVATION

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. In response to a question from Senator Cordy, the leader indicated that yesterday, I was wrong in suggesting that there were cuts in agricultural research.

Honourable senators, I ask the leader to look at the Main Estimates, 2011-12, on page 46, under the heading Agriculture and Agri-Food and Science, Innovation and Adoption. In 2010-11, the figure was \$404.449 million, and for 2011-12, the figure is \$252,284 million. By my math, that is a reduction of roughly \$150,000 million.

How can the Leader of the Government in the Senate say that there has not been a cut?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as I explained, there were programs under the Economic Action Plan and the stimulus plan, when we were helping lead the G7 out of the economic downturn, and specific funds were put in over and above what is normally allocated to these agencies. I indicated yesterday that the reason why I am so sure of what I am saying is that I made an inquiry. The honourable senator will receive a full response by written answer.

Senator Callbeck: I thank the leader for that. I will appreciate getting that answer. What the minister is saying is certainly not my understanding of these figures at all.

FINANCE

BUDGET 2011

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

Honourable senators, last year, the Senate unanimously adopted a report on poverty, housing and homelessness. It was a bipartisan effort. Contained in that report were several recommendations on housing. One of them was to continue

with the Affordable Housing Initiative, which was the main program in which new affordable housing was constructed for people in need in this country. Another program was the Residential Rehabilitation Assistance Program. Both these programs have existed for a number of years. The Residential Rehabilitation Assistance Program was instrumental in helping to preserve and renovate housing for low-income people, as well as providing rental accommodation in that housing. Both of these programs are scheduled to terminate at the end of this fiscal year. They are sunsetted. There was nothing in yesterday's budget to renew or replace those programs.

Honourable senators, there are 4 million Canadians in need of decent, affordable housing. What will the government do to replace these programs and provide affordable housing to low-income Canadians?

The budget talked about everything the government has done in the past four years. Please do not talk about that; I read that. What will be done for these people from here on?

Hon. Marjory LeBreton (Leader of the Government): The honourable senator is right. The budget deals with matters that are of concern right now. With regard to homelessness and housing, we kept our five-year commitment to the Homelessness Partnering Strategy. In November, we announced funding until 2014. We are investing in more than 1,200 projects to prevent and reduce homelessness. We have engaged in comprehensive nationwide consultations and have used what we heard from the provinces, municipalities and Canadians to improve funding post-2011. The improvements address long-term concerns from the stakeholders. We actually dealt with people dealing with this issue.

Honourable senators, we recognize that this is not just an urban issue. We have added rural and remote components to this plan, as well as a mental health and addiction component. We have made major investments in affordable housing that have created thousands of jobs. Over 12,000 projects are completed or are under way. We provided the provinces and territories with the greater flexibility they asked for. It was not Big Brother telling them what to do. We recognize that each province and territory faces different challenges.

Honourable senators, the provinces and territories are aware of their specific needs. We also increased accountability measures to ensure maximum value for taxpayers' dollars in the housing and homelessness program.

Senator Eggleton: Honourable senators, I asked the leader specifically about affordable housing as opposed to homelessness, although that is another issue.

It is ironic that if you do not build or rehabilitate existing housing for permanent facilities, you will have only more homeless people that you will not be able to accommodate. The leader's argument is self-defeating. You have to address the issue of affordable housing.

In the report, we also called for a national housing strategy, which was adopted unanimously by this body.

Honourable senators, the leader spoke about job creation and the things that have been done. Under the stimulus package, there was a fair bit put in. The stimulus package has now come to an end. What I find particularly alarming about the budget yesterday is that —

The Hon. the Speaker: Order. I regret to advise honourable senators that the time for Question Period has been exhausted.

• (1430)

ORDERS OF THE DAY

POINT OF ORDER

SPEAKER'S RULING RESERVED

Hon. Consiglio Di Nino: Honourable senators, I am not particularly happy to do this, but there comes a time when I think all of us need to remind ourselves about decorum in this place, and decorum only carries so far.

On a number of occasions during Question Period, Senator Mitchell said to Senator LeBreton, "It's a lie, it's a lie, it's a lie." That is inappropriate behaviour in this chamber. We can certainly understand that in the heat of debate we will sometimes exceed appropriate decorum.

I also remember not too many months ago when Senator Mitchell accused this chamber — at least, either the staff or this side — of tampering with Hansard, of changing Hansard. I did not get up at that time.

I am getting up right now, honourable senators, on the basis of the fact that the rules say that if a senator uses this kind of language, then he should stand up, retract it and apologize, which I hope Senator Mitchell will do; otherwise, I will make it an actual question of privilege.

Hon. Grant Mitchell: Honourable senators, I appreciate having the chance to debate and to answer the two accusations — the first is the one made by the Leader of the Government that somehow the Liberals increased taxes and spent inappropriately or too much, and the second one, that I used inappropriate language. There are two issues here worthy of consideration, and I accept that.

The first is the truth of what was said by the Leader of the Government in the Senate about how the Liberals conducted themselves and the fiscal regime of this government while they were in government.

The second is the question of the word —

An Hon. Senator: Order.

Senator Mitchell: Well, he has raised it.

Senator Angus: You are totally out of order and you know it.

Senator Mitchell: I am not at all. He has raised a question. I have a right to defend myself. He has accused me.

The Hon. the Speaker: Honourable senators, order, please.

The rules provide that at the call of Orders of the Day, an honourable senator may rise on a point of order. We are on a point of order that has been raised by Senator Di Nino. He has expressed some views where he feels that there is a point of order. I am now hearing from the Honourable Senator Mitchell on the point of order. Senator Mitchell has the floor.

Senator Mitchell: Thank you, Your Honour. I appreciate that. I would like to address both those points, which were appropriately and properly raised in turn by the whip, Senator Di Nino.

The first question is, is it true what the Leader of the Government said in the Senate moments ago? Is it true that the Liberals somehow increased taxes inappropriately or at all and that they somehow did not run the fiscal regime of this government effectively and, I would argue, way more effectively — infinitely more effectively — than the current government? That is the first question I will address.

Once I have established that what she was saying is not true, the second question is, was my choice of language appropriate to describe that in these environs? I will answer both of those.

First, the facts: The fact is that the Conservative government under Mr. Mulroney — and the Leader of the Government worked in his office and should know better — left the subsequent Liberal government with a \$42-billion deficit. Our government, the Liberal government, under Mr. Chrétien and subsequently under Mr. Martin, turned that into a \$12-billion surplus.

An Hon. Senator: Oh, oh.

Senator Mitchell: You raised it; you will get every single last point of this — a \$12-billion surplus.

In turn, we watched as this government under Mr. Harper — the Harper government, the new cult — turned that into a \$56-billion deficit.

An Hon. Senator: How much?

Senator Mitchell: Fifty-six billion dollars; count them. He took a \$12-billion surplus and turned it into a \$56-billion deficit, turning around a \$68-billion difference.

How did he do that? I will tell honourable senators how he did that. He increased spending by \$80 billion in four years. That is a 40 per cent increase. He increased debt—

Some Hon. Senators: Oh, oh.

Senator Mitchell: You asked for this.

Senator Cowan: You will have your chance.

Senator Mitchell: You asked for this.

The Prime Minister increased the debt by the end of their 2015-16 budget — which they will not get to present and which, of course, they would not be able to reach any way — by another \$200 billion. If we divide that by the number of Canadians, we are looking at upwards of \$85,000 in total debt per Canadian person, for a five-member family. They should think about that when they start to criticize the government under Chrétien and Martin for not doing fiscally responsible management and for increasing taxes, which in fact they did not do.

Let us look at how they got to that \$56-billion deficit. They say it was a stimulus package, but, of course, the stimulus package was good for about \$30 billion last year; so \$26 billion of it can only be bad fiscal management. How do we know they cannot manage effectively? We know it because they could not even provide us with the kind of information we needed to be able to assess their crime legislation and what all of that was going to cost in terms of new prison construction and new prison administration. If they cannot budget for something that obvious and that expensive, how could they ever begin to manage a government in a fiscally responsible manner?

It is not a surprise, of course, because their government hates government. If the President of Toyota hated cars, what kind of company would Toyota be? The Prime Minister of this government hates government, so how can they possibly manage government effectively?

Do we think it is going to end? We notice now, and this is how it happens —

Senator Wallin: Sit down.

Senator Mitchell: I am not finished.

The Hon. the Speaker: Order. Honourable senators, rule 18(3) states:

When the Speaker has been asked to decide on any question of privilege or point of order he or she shall determine when sufficient argument has been adduced to decide the matter . . .

I have heard enough in order to take this matter under consideration, and I will return with a ruling.

Senator Mitchell: Point of order, Your Honour.

Some Hon. Senators: Oh, oh.

Senator Mitchell: Point of order. I have to apologize and I need a moment to do that. I just need five more minutes to do that —

Some Hon. Senators: Oh, oh!

Senator Mitchell: Five more seconds.

My second point is that, yes, I used inappropriate language and I apologize for that inappropriate language. My argument was correct; my language was incorrect.

ATLANTIC ACCORD

DOCUMENT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): May I, with leave, table a document? The issue today was of the Atlantic Accord. I have a news release entitled: “The Government of Canada announces The Atlantic Gateway and Trade Corridors Strategy,” which was the subject of a question of Senator Cordy of our leader. Senator LeBreton did make allusion to the Atlantic Accord announcements. Do I have leave to table the document in both official languages?

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING— DEBATE SUSPENDED

Hon. Larry W. Smith moved third reading of Bill C-59, An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts.

He said: Honourable senators, we had a very exhilarating committee review with outstanding witnesses. Senator Fraser did an outstanding job as our chair over a long period of time. Without making any major statement, because I am not sure major statements are in vogue today, it is important that people look at what is trying to be accomplished here in terms of creating a proper new balance and recognition. I urge all honourable senators to support the passage of this bill.

• (1440)

In the area that I represent, approximately 50 people are directly affected by this bill. It is important to understand that when one harms other people one must pay the appropriate price. There must be responsibility and accountability for one's acts.

Finally, as we see it, one has to earn rights at certain times in one's life. The law that will come into being as a result of this bill is balanced and will ensure that offenders earn the right to have parole.

Hon. George Baker: Honourable senators, I will speak only briefly, as another senator on this side will speak to the bill.

I will echo the words of the mover of the motion. On Monday, the committee held 10 continuous hours of hearings on this bill during which senators from both sides of the house examined witnesses.

The main point of contention on the bill is its constitutionality. Senator Joyal said that he believed the bill would not pass constitutional muster. The evidence from the Canadian Bar Association and the Barreau du Québec was in support of Senator Joyal's opinion. Professors from universities in British Columbia and the East Coast agreed with that opinion.

As the honourable senator said a few moments ago, the meeting was an interesting one. The lawyers and students who will look back at those proceedings when the constitutionality of the bill is being determined will be interested in the debate that was held between the minister and Senator Joyal, and between Senator Carignan and the representative of the Canadian Bar Association.

Senator Joyal cross-examined the Honourable Vic Toews. Minister Toews is the ideal minister to promote this legislation. He has a history as a prosecutor, and the main contention in the bill is whether we can pass retroactive legislation. According to the Canadian Bar Association and the Barreau du Québec, the bill is retroactive. The minister disagreed, saying it is retrospective in application.

If we look at the history of the Honourable Vic Toews, we will see that he was the prosecuting attorney in the first case litigated on this question. He was prosecuting the banks for not applying labour laws. Of course, we were all hopeful that he would win the argument.

It had to do with hours of work and pay conditions for tellers in the chartered banks. The banks said that the bill was retrospective in nature and, therefore, unconstitutional. Mr. Toews lost at the provincial court level, took the case to the Superior Court level and, as Senator Joyal pointed out, lost again. Therefore, Senator Joyal asked what makes Minister Toews believe that, having lost the argument back then, he will win it now with this bill.

Do not forget that the people who inspired the formulation of this bill are Vincent Lacroix, Earl Jones and other persons who have been convicted of, and sentenced for, defrauding a great number of people of their resources. Under this bill, parole conditions will be changed.

The other argument that I found interesting was between Senator Carignan and the bar. The representative of the bar said that parole conditions and timing of parole are part of sentencing.

As honourable senators know, subsection 11(i) of the Canadian Charter of Rights and Freedoms says that if a law is changed between the time someone is convicted and their sentencing, the lesser prejudice of sentence shall apply as punishment. Senator Carignan asked how parole can be part of the punishment in sentencing. The bar, of course, said just the opposite.

That discussion was fascinating, and it reflects on all the bills that we have passed here in the Senate in the past two or three years. For example, we recently passed the Tackling Violent Crime Act, and it has been stuck in the courts across this country ever since.

I reference for honourable senators the case of *R. v. Randhawa* of the Ontario Court of Justice, 2010, Carswell Ontario 10426, a case decided three months ago. The judge reviewed some of the other cases in Canada that were hung up in provincial court on this question.

In paragraph 3 of the decision in *R. v. Jaycox*, British Columbia, a decision of Morgan, J., of the British Columbia Provincial Court, Morgan, J., goes through in great detail the reasons he finds that the amendments to section 252.2, which were made on July 7, 2008 as a result of the Tackling Violent Crime Act, result in the section being valid, and I will attempt to summarize his reasons.

As honourable senators understand, whether something is unconstitutional is really not the question. Something can be unconstitutional and still apply if it passes section 1 of the Constitution. If it is a reasonable limitation on the fundamental constitutional rights of society in general, it can be saved by section 1. Judges in each jurisdiction of the country were debating this point.

The judge made reference to the case that I cited, and then, at paragraph 5, he comes to the conclusion that section 8 cannot be saved by section 1 of the Charter. As a remedy — paragraph 6 — he reads into the amended section the words.

In other words, something passed by the Senate can be unconstitutional, be saved by section 1, or, if not saved by section 1, words can be read in to make it constitutional.

• (1450)

The arguments that took place are fascinating from the point of view that the minister said, “Look, we know this may be unconstitutional.” These were his exact words. He said, “This is retrospective legislation. I admit it.” All of these questions on constitutionality that deal with the intent of Parliament — that is, what was the intent of Parliament? What was the intent of the government at the time? Honourable senators can consult experts such as Sullivan and Driedger for their interpretation of statutes, but you do not have to do that here because the minister appeared before the committee and said, “Look, this is retrospective in application. This will apply to persons who are already in jail and who will be seeking parole in the future.” The minister admitted it outright, so that does not even come into the question.

I am sorry for going on so long, honourable senators; however, it was a fascinating 10 hours. I made it to about nine hours.

Honourable senators may wonder: Why would the Senate not take up section 10 of this act and try to amend it? I will tell you why not, honourable senators, and why I think the matter should go to a vote, as is requested by members opposite in promoting the government's position, with which I do not agree. Why can it not be amended? It cannot be amended because the House of Commons table and the Speaker of the House of Commons ruled, when it was before the House of Commons, that to change the retrospective aspect of this bill would violate the principle of the bill and, therefore, would not be permissible. I can understand that, honourable senators, because you have the government saying something is retrospective and here it is clearly drawn out — and do not forget that when we got this bill in 2009, it was not retrospective. It did not date it back. In fact, it said just the opposite; it would apply from the moment it was proclaimed. Now it is changed intentionally by the minister.

Honourable senators, we cannot bring forward an amendment in the Senate that has been ruled out of order and contrary to the rules of Beauchesne and Erskine May before that because that

would certainly be against the principles. You would have mayhem. One house would say that you can do it and one house would say that you cannot. You cannot get into that.

Honourable senators, following those who wish to speak on this bill, I suggest that we proceed to a vote on the bill forthwith and then let the courts review all of the evidence before the Senate committee.

One thing is certain, honourable senators: The Senate has done its job on this particular bill.

[Translation]

Hon. Céline Hervieux-Payette: Honourable senators, I attended practically all the hearings on Bill C-59, which lasted 11 hours. I heard extremely credible witnesses. The proof was beyond a reasonable doubt. Almost 80 per cent of the witnesses who came before the committee told us that Bill C-59 was an abominable bill and an insult to our judicial system, that it violates all our principles of natural justice, and that it especially attacks our most disadvantaged citizens, that is, our youth and women.

What especially bothers me is that the people most affected by the bill will be Aboriginal women who, in today's society, are victims of destitution, suffering, and poverty, and their children who are in trouble with the law.

I believe it is important to relay to you the ideas of people I consider to be experts, who addressed the committee, such as Ivan Zinger, the Executive Director and General Counsel for the Office of the Correctional Investigator. These are not people who simply gave us their impressions or biases. The first thing they told us is that this law will obviously affect Aboriginal people the most as they are currently overrepresented in our prisons. I am talking about both men and women.

We know that Aboriginal people represent 4 per cent of the Canadian population, but 20 per cent of the prison population. Furthermore, because of their concentration in certain provinces, we can say the Aboriginal inmate population is much more than 20 per cent in certain provinces.

We also learned that the number of female Aboriginal inmates is higher in federal institutions and that their success rate is much lower when applying for parole after serving one sixth of their sentences.

One specific reason is the difficulty of reintegrating into the community, which is a problem intrinsic to the nature of individuals who did not grow up with all the measures that should have been in place to assist with their development.

Let us speak about the future. The number of Aboriginal women admitted to federal penitentiaries over the past 10 years has increased by about 35 per cent. Therefore, this problem is not in the process of being resolved; rather, it is getting worse.

I would like to share some statistics with you. Another extremely competent individual, Shelley Trevethan, the Executive Director General of the Parole Board of Canada, came before us to tell us that this bill is primarily focused on

one-third of offenders — those who commit as a first offence under the Controlled Drugs and Substances Act. This constitutes over 30 per cent of offenders; 14 per cent were part of another group of people who had drug addictions.

That is already 47 per cent, or almost 50 per cent. She then told us that 7 per cent were convicted of conspiracy to commit an indictable offence, 7 per cent were convicted of breaking and entering, 4 per cent were convicted of fraud over \$5,000 and 3 per cent were serving time for theft of \$5,000 or less. Most or nearly two thirds of the offences were non-violent.

If, tomorrow morning, we had to put all the people who broke into our cottages or cars in prison, I believe that we would have to allocate not just \$5 billion but rather \$10 billion to building prisons in Canada.

It is important to remember who is in our prisons: people who were convicted of non-violent crimes. I would also like to share with the honourable senators the opinions of another extremely competent individual, Graham Stuart, an expert who has been wondering what will happen next.

I believe that the honourable senators opposite should listen very carefully to this quote:

... increased inconsistency for the purpose of corrections as set out in the CCRA as well as the principles of least restrictive measures without evidence to justify the need for this change.

There is no reason for a change.

Mr. Stewart continued:

It is unfairness. To systemically deprive the least serious offenders of the opportunity to apply for day parole on their eligibility date ... We should not overestimate the implications on a prison population of a flagrantly unfair practice.

He added:

It leads to ineffective corrections. Depriving most non-violent inmates the benefit of the most effective correctional programs is not effective corrections ...

Namely, gradual supervised release,

... leads to potentially greater victimization.

I refer here mostly to women and women inmates.

Honourable senators, it is not possible to reduce violent recidivism rates from already extremely low rates because most of the time the actual system is about equal for those one sixth or one third of the sentence. In terms of recidivism, it was about the same, which means it has not produced anything except if you leave youth in regular prison for a longer time, they will not be rehabilitated; they will be more criminalized. You do not need to be a scientist to understand that.

• (1500)

One of the main arguments of those witnesses was the fact that the \$350 million that the potential 1,500 people will cost the state would be better invested in rehabilitation.

We have received letters from citizens. You might think that people who are concerned for their safety would tell us to leave the offenders in prison. Even the representative of the victims of Earl Jones who met with us was horrified to know that there would be more than a thousand people who would remain in prison because of the Earl Jones case.

In the Earl Jones case, if we are to believe the Canadian Bar Association, the Barreau du Québec and Quebec criminal law experts, retroactivity will not apply. The only reason this bill was introduced, in a totally shameful marriage between the Bloc Québécois and the Conservatives, with a cheap partisan agenda, was to make it seem as though Bill C-59 will be a warning to Mr. Jones or punish him longer when we know that this bill will not apply to Mr. Jones.

That raises the following question: what is the purpose of this bill? Why keep people in prison who, tomorrow morning, could begin serving a sentence the day after completing one sixth of their sentence?

I would like to explain to my colleagues that the minister told us that they will be out in the street. We might have thought that the minister, with his expertise, would know better.

[English]

They will not be out in the street. They will be in a halfway house. They will have several conditions, depending on their crime.

[Translation]

We heard testimony from an expert, the president of the Elizabeth Fry Society, who explained the process to us. Probation officers, correctional officers, and psychologists or sociologists study each case. They then report on the individual's eligibility for early parole after having served one sixth of the sentence.

That is not all. No one returns to the community that way. The first step towards rehabilitation is finding professional training within the community, completing high school, returning to the workforce, ceasing to spend time with certain people, et cetera. The conditions are tailored to each individual. Misleading the public by talking about being "out in the street" is proof positive that the minister is not very serious.

What is strange is that not a single expert from any organization that works with offenders told us that this bill had any merit.

[Senator Hervieux-Payette]

[English]

The Hon. the Speaker: Honourable senators, is it your pleasure that the sitting be suspended to await the arrival of His Excellency the Governor General?

Hon. Senators: Agreed.

(Debate suspended.)

(The Senate adjourned during pleasure.)

[Translation]

ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Motor Vehicle Safety Act and the Canadian Environmental Protection Act, 1999 (*Bill S-5, Chapter 1, 2011*)

An Act to amend the Criminal Code and another Act (*Bill S-6, Chapter 2, 2011*)

An Act to amend the Electricity and Gas Inspection Act and the Weights and Measures Act (*Bill C-14, Chapter 3, 2011*)

An Act respecting the mandatory reporting of Internet child pornography by persons who provide an Internet service (*Bill C-22, Chapter 4, 2011*)

An Act to amend the Criminal Code and to make consequential amendments to the National Defence Act (*Bill C-48, Chapter 5, 2011*)

An Act to amend the Criminal Code (sentencing for fraud) (*Bill C-21, Chapter 6, 2011*)

An Act to amend the Criminal Code (*Bill C-30, Chapter 7, 2011*)

An Act to amend the Immigration and Refugee Protection Act (*Bill C-35, Chapter 8, 2011*)

An Act to amend the Aeronautics Act (*Bill C-42, Chapter 9, 2011*)

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 (*Bill C-61, Chapter 10, 2011*)

The House of Commons withdrew.

His Excellency the Governor General was pleased to retire.

• (1530)

[English]

(The sitting of the Senate was resumed.)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, it is a great honour and pleasure for me to call your attention to the presence in the gallery of Her Excellency Sharon Johnston.

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

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Teodor Baconschi, Minister of Foreign Affairs of Romania.

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

Hon. Senators: Hear, hear.

[Translation]

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING

On the Order:

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

Hon. Céline Hervieux-Payette: Honourable senators, I would like to return to the issue of women who will be unnecessarily punished. These women already suffer so much. Unbelievable cases of self-mutilation and suicide attempts are much more common among women than men in incarcerated populations. When passing legislation, we need to consider all of the consequences.

Under the law, more services should be provided to people experiencing difficulties in prisons. These people should be able to re-adapt to society and gradually return to a productive life. That certainly does not happen in prison. Prison is not the right place to rehabilitate people.

• (1540)

Only 2.9 per cent of them reoffend, which is minimal. That is proof beyond all reasonable doubt that parole after having served one sixth of the sentence is a civilized, modern method. In fact,

both the United States, in particular the State of New York, and England used to use this method. However, now they are following the example set by Canada, which is and are abolishing a technique that works well.

I would ask the honourable senators on the other side of the chamber to consider the impact this law will have on more than 1,000 people in Canada. This law will never serve to punish Mr. Jones, especially given that the Supreme Court must rule on it, and I would be very surprised if his lawyer did not challenge the law on constitutional grounds.

This law will be ineffective and would actually punish people who should be reintegrated into society. Instead of following the belief of an eye for an eye, perhaps we should follow the path of forgiveness and reconciliation. Numerous witnesses spoke to us about wonderful programs that work to reconcile offenders and their victims.

I urge all honourable senators to oppose Bill C-59 and, instead, deal with the issue of serious white collar crime by simply amending this law so that it only applies to white collar crimes of more than \$100,000, for example, and not to the victims we are talking about now.

As the saying goes, "If it ain't broke, don't fix it." I believe that if you truly understand the experts' argument, an argument that I have tried to summarize to the best of my ability, you will recognize that this bill will never fulfill the government's purpose for it and that it is purely a partisan measure created with a view to an election campaign.

[English]

Hon. Tommy Banks: Honourable senators, I will make a short observation with regard to the interesting things that have been said about this bill. I wish I had been at the meetings to which Senator Baker referred earlier. Of course, Senator Baker can make the phone book interesting when he speaks about it.

Senator Baker called important things to our attention. It is too bad, the minister having acknowledged the unconstitutionality of this bill, that we are stopped from amending it, as Senator Baker explained to us, because the amendment would be contrary to the principle of the bill. Therefore, the principle of the bill is unconstitutional in itself.

We must prepare ourselves that if we were to pass this bill into law and if the courts find that the bill is unconstitutional, as the evidence seems to suggest they will, we will hear squeals from certain quarters of judge-made law. The judges will have made the law because Parliament made a mistake. Thank you, honourable senators.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, the Harper Government, notwithstanding its Conservative moniker, is in fact a radical government. It has inverted not only how politics are conducted in this country but also how public policy is developed. Bill C-59 is another regrettable example of legislation grounded in crass politics instead of sound policy.

We all remember how Mr. Harper, the candidate, promised a new era of openness, transparency and accountability. We then watched as he proceeded to run the most closed, opaque and unaccountable government Canadians have ever seen.

He cynically introduced a so-called "Accountability Act" which he still trumpets as a major achievement. It was, in the words of the then Deputy Information Commissioner, Alan Leadbeater, "smoke and mirrors." Mr. Leadbeater was subsequently dismissed from his position and escorted from his office. That action would become characteristic of the Harper Government's treatment of any public servant or independent watchdog who dared disagree with the Prime Minister.

The Standing Senate Committee on Legal and Constitutional Affairs was prescient in its observations on the Federal Accountability Act and the Harper Government's true attitude to openness, transparency and accountability. The committee told us:

The Conservative party made much of its intent to "force the government to open its windows" during the recent election campaign. However, it became patently clear to your Committee during the weeks of testimony on Bill C-2 that immediately upon assuming power, "Canada's new government," —

— the predecessor to the Harper government,

— did its best to slam all windows and doors shut.

Since then, things have gone from bad to worse. This government refuses to hand over to parliamentarians the documents that they need as the representatives of the Canadian people who have elected them. The Speaker in the other place, on three occasions, has found *prima facie* evidence that the Harper government is in contempt of Parliament. Prime Minister Harper's reaction to this infamous entry in Canadian history was: "You win some, you lose some."

Honourable senators, governance is not a game, and Parliament is not a hockey arena where you win some and lose some.

The accountability regime has proven to be the opposite of what was promised. Now, we have the so-called "tough-on-crime" agenda. Again, that agenda is little more than smoke and mirrors.

I remember a Canadian Prime Minister who spoke of a just society. Prime Minister Trudeau said:

I've always dreamt of a society where each person should be able to fulfill himself to the full extent of his capabilities as a human being, a society where inhibitions to equality would be eradicated. This means providing individual freedoms, and equality of opportunity, health, and education, and I conceive of politics as a series of decisions to create this society.

By contrast, Prime Minister Harper's vision appears to be locked in the narrow sights of revenge, retribution and prison. This is a time when the crime rate in fact is falling.

Instead of celebrating the fact that Canadian policies evidently have been working, and focusing on the real issues facing Canadians, including the real crime issues, the Harper government tells Canadians that they should be afraid because unreported crime is on the rise.

Canadians expect and deserve honest, serious discussion of real solutions for real problems. In this debate, let us be honest with each other. Unreported crime is just that. It is not reported. No one investigates, no one is charged and no one is convicted and sent to prison.

Honourable senators, it is irresponsible to spend billions of taxpayers' dollars to build prisons to house so-called criminals who will never be sent there as their alleged crimes were never even reported, let alone adjudicated.

With regard to the real problems of crime facing Canadians, the solution proposed by this government, mandatory minimum penalties and longer prison time, simply will not work.

Let us look closely at Bill C-59. This bill would do away with accelerated parole review for non-violent first-time offenders. It would do so with respect to offenders who were sentenced even before the bill was introduced, as our colleague Senator Baker drew to our attention.

Let us look at some statistics to put this situation in context. In the past five years, 7,272 offenders were entitled to be considered for accelerated day parole after serving one sixth of their sentence. Of those, 4,878 applications were successful. That is roughly 1,000 per year. That is a grant rate of 67 per cent. In other words, contrary to the some suggestions, accelerated parole has not been automatically granted; one third of the applications have been denied.

• (1550)

Most significant, though, is the success rate for those whose applications were approved. Don Head, Commissioner of the Correctional Service of Canada, told the Standing Senate Committee on Legal and Constitutional Affairs that in fiscal year 2009-10, some 87 per cent of accelerated day paroles were successfully completed. Of the 13 per cent that were revoked, not one was for a violent offence; indeed, the vast majority were for breach of parole conditions. Only 2.4 per cent were revoked for the commission of an offence, and those were all for non-violent crimes. In other words, the system has worked and it has worked well.

Can it be improved? Unquestionably. However, should we simply toss out the whole concept, with its 87 per cent success rate? I would not have thought so.

Honourable senators, this bill was introduced in an apparent attempt to persuade Canadians that the government was taking decisive action to address the injustice of Vincent Lacroix receiving early parole after defrauding more than 9,000 Canadians of millions of dollars of life savings. The retroactive or retrospective nature of the bill is designed to ensure that Earl Jones, the other notorious large-scale fraudster, is not similarly released.

Honourable senators, during the debate in this house, on the so-called “tackling violent crime bill,” I spoke about the importance of not reacting in a knee-jerk or ill-considered manner to the politics of fear and sensationalism. That is what this government is doing, once again, with this bill. Instead of taking the time and care to draft a precise, surgical amendment that would address cases like *Lacroix* and *Jones*, this government has simply slapped together another one-size-fits-all bill.

What will be the impact of Bill C-59? First, will it indeed focus on large-scale fraudsters like Vincent Lacroix and Earl Jones? The answer is no. Testimony this week before our Standing Senate Committee on Legal and Constitutional Affairs revealed that only 4 per cent of accelerated parole review, or APR, applications are from offenders convicted of fraud over \$5,000. According to the Correctional Service of Canada’s own research, 61.6 per cent of those who are eligible for APR are women.

Digging down deeper, Kim Pate of the Canadian Association of Elizabeth Fry Societies testified in committee in the other place that about 82 per cent of women imprisoned are behind bars for poverty-related offences. Ms. Pate described how women are often recruited at social assistance centres by hardened criminals to do their dirty work, explaining that in a number of well-documented cases poor women are seen as targets. Honourable senators, 82 per cent of women overall and 91 per cent of indigenous women have histories of physical or sexual abuse. The lack of supports for their victimization as children and as women often mean that they self-medicate. Therefore, according to Ms. Pate, there are cross-addiction and mental health issues, and we end up seeing these women in the system.

Honourable senators, these are not hardened criminals, whether so-called white collar criminals or otherwise. These are fellow citizens in terrible circumstances who turned once to criminal activity. Remember, this bill concerns first-time, non-violent offenders. The evidence is clear that our prisons do not provide the help that is needed for these Canadians to successfully re-enter our communities.

The Public Safety and National Security Committee in the other place conducted a major study on the prevalence of mental illness and addiction in the federal prison system. It found that 80 per cent of the people in federal institutions suffer from addictions to alcohol or drugs.

In January, *The Globe and Mail* ran a special report called, “To heal and protect.” It cited recent statistics that nearly 35 per cent of the 13,300 inmates in federal penitentiaries suffer from a mental illness requiring treatment. The statistics are especially dramatic for women prisoners. By some measures, 40 per cent to 45 per cent of female offenders have serious mental afflictions, according to another article in that *The Globe and Mail* series I spoke about. Some experts believe that this staggering figure underestimates the problem.

What is the answer, honourable senators? Lock them up for longer and longer periods in circumstances wherein they are already not receiving the treatment they need and in places where they certainly will not get the resources they require.

How does this make our streets seem safer? They will get out one day and I suspect their illnesses will be worse. Certainly their options for leading productive lives in society will be reduced even further.

The scarcity of services available in our prisons was already reducing the chances these Canadians would be eligible for early parole, leaving parole officers no real opportunity to help them reintegrate into the community. Howard Sapers, the Correctional Investigator of Canada, was quoted in *The Globe and Mail* saying, “This leaves them at a higher risk of reoffending. It is a great irony. The cycle is very counterproductive.”

Honourable senators, the Office of the Correctional Investigator Canada has said publicly that it is concerned about the differential impacts of Bill C-59 and the effect that will have on women, and on Aboriginal women, in particular. We all know the statistics: Aboriginal people are less than 4 per cent of the Canadian population but comprise almost 20 per cent of the total federal prison population. Aboriginal women represent 33 per cent of women in federal penitentiaries.

Are these women in prison because they have masterminded a large-scale fraud of millions of dollars from Canadian investors? I do not think so. Should some of them be denied accelerated parole? Undoubtedly some should, and 11 per cent of the APR applications for women have been denied. However, should all of these women be automatically denied a chance at early parole because the Government of Canada wants Canadians to think that it is doing something about Mr. Lacroix and Mr. Jones? Is that justice?

What is our goal, honourable senators? Do we aim to simply punish, whatever the long-term consequences for the person and Canadian society might be, or is it to direct our efforts at making our communities truly safer, striving to build a truly just society?

Remember what we are talking about here: Bill C-59 is directed to first-time, non-violent offenders. These are precisely the people who are the best candidates for rehabilitation and who would or could become productive members of Canadian society.

Kim Pate spoke in the other place about the record of success for female offenders under APR. Ms. Pate said that their reintegration potential is high and that very few accelerated paroles are breached, and when they are breached, they tend to be breached on conditions as opposed to any new offences. They have a very low breach rate, a very high reintegration rate and a very good success on the use of accelerated parole with women.

Honourable senators, one of my colleagues in the Correctional Service of Canada said to me the other day, “If this bill goes through, we will probably need at least several more prisons fairly quickly to incarcerate the women who will be held for longer periods of time.”

Honourable senators, this is not a fuzzy, soft-on-crime thing. It is a question of what works. Let me read to you from a letter that appeared in the *National Post* last August. It is from Mr. William Perry, from Victoria, British Columbia:

The latest Conservative plan to invest billions in new prisons has not worked in the United States and won’t work here.

As a former cop, I know that reforming the criminal justice system makes more sense. Each imprisoned generation, under our system of priorities, begets an even larger imprisoned generation. The problem is not that there aren't enough people in prison. It is that there are far too many people in prison.

We don't need more prisons, longer sentences, three strikes laws and bans on parole. We need funding for schools, jobs and rehabilitation for those re-entering society.

Honourable senators, the best evidence that we have says that sending more and more people to prison for longer and longer periods of time simply does not work. This has been tried in the United States.

Honourable senators, in November 2007, a report entitled *Unlocking America* was published by the JFA Institute, a non-profit agency that has worked for 30 years on justice and corrections research. The report lists nine authors, each a prominent expert in the criminal justice field. They wrote about the explosion in the prison population in the United States from just under 200,000 people in state and federal prisons in 1970 to over 1.5 million in 2007. This is what they said:

This generation-long growth of imprisonment has occurred not because of growing crime rates, but because of changes in sentencing policy that resulted in dramatic increases in the proportion of felony convictions resulting in prison sentences and in the length-of-stay in prison that those sentences required . . .

• (1600)

This is the result, and remember that they are speaking about the U.S. here:

Prison policy has exacerbated the festering national problem of social and racial inequality. . . . A shocking eight per cent of black men of working age are now behind bars, and 21% of those between the ages of 25 and 44 have served a sentence at some point in their lives. At current rates, one-third of all black males, one-sixth of Latino males, and one in 17 white males will go to prison during their lives. Incarceration rates this high are a national tragedy.

They concluded:

In effect, the imprisonment binge created our own American apartheid.

Eminent conservatives in the United States have now openly acknowledged that the policies that have produced these results, and which they themselves supported, were wrong and should be reversed.

Newt Gingrich, former Republican Speaker of the House of Representatives, and Pat Nolan, who was Republican Leader in the California State Assembly, co-authored an article that appeared in *The Washington Post* on January 7, 2011. This is what they wrote:

We can no longer afford business as usual with prisons. The criminal justice system is broken, and conservatives must lead the way in fixing it.

The authors described how states that lowered their prison population over the years actually experienced a greater reduction in crime than those that increased it. They said:

Americans need to know that we can reform our prison systems to cost less and keep the public safe. We hope conservative leaders across the country will join with us in getting it right on crime.

Asa Hutchinson, who served in the George W. Bush administration as head of the U.S. Drug Enforcement Administration and was Under Secretary at the Department of Homeland Security, appeared before the Public Safety Committee in the other place. He described the American experience and explained why he now advocates for a re-evaluation of the U.S. approach. He said, "We have made some mistakes, and I hope you can learn from those mistakes."

Unfortunately, honourable senators, the Harper government seems to be living in some sort of a time warp, and it can only see the short-term political advantage of replicating failed American policies of the past.

I spoke earlier about the disproportionate impact that Bill C-59 will have on women, especially Aboriginal women. I now want to speak about the impact it will have on our prison system and on Canadian taxpayers who pay for that system.

Howard Sapers, the Correctional Investigator of Canada, has said there is a "system shock" that is beginning to set in, as the men and women who operate the corrections system are trying to adjust and then readjust to the pace and rapidity of the changes that are coming in from this government's so-called "tough on crime" agenda. Here is what he said to our Legal and Constitutional Affairs Committee:

If enacted, Bill C-59 will likely lead to an increase in the incarcerated offender population. . . . My office is concerned with the impact of another significant increase in the inmate population on an already burdened correctional system. An increase in the federal inmate population will affect the safety and security of institutions as well as individual inmates' ability to receive programs and services that will assist their safe and timely reintegration into the community.

In his submission to our committee, Dr. Ivan Zinger, Executive Director and General Counsel in the Office of the Correctional Investigator, wrote:

It is well documented that overcrowding in prison can lead to increased levels of tension and violence and can jeopardize the safety of staff, inmates and visitors.

He explained it this way:

. . . the pervasive effects of prison crowding reach far beyond the provision of a comfortable living environment. . . . Stretching the system beyond its capacity to move offenders through their correctional

plans in a timely fashion has negative impacts on the protection of society itself as offenders are incarcerated for a greater proportion of their sentence only to be released into the community ill-prepared and then supervised for a shorter period of time.

The Harper government often tries to deflect attention away from the cost of its crime bills by emphasizing the immeasurable cost to victims of crime. Honourable senators, that is one of the main reasons I object so strongly to this so-called “tough on crime” approach. The evidence is that this approach will only create more hardened criminals and, with that, more victims of crime.

As responsible parliamentarians, it is our duty to consider the cost of legislation to Canadian taxpayers. Astonishingly — and Senator Baker referred to this earlier — the minister responsible for this legislation, Public Safety Minister Vic Toews, told our Legal and Constitutional Affairs Committee on Monday that the department had prepared costing figures, but he, the minister, had not yet seen them. What kind of fiscal responsibility is that, to propose a bill in Parliament, to sponsor it through two houses, and to admit that one has not even seen the cost estimates prepared by one’s own department? How can he expect that responsible Canadian parliamentarians could vote on a bill without knowing what it will cost Canadian taxpayers?

We do now know that it currently costs between \$90,000 and \$140,000 to keep a male prisoner in a federal institution for a year and \$185,000 for a female prisoner. We also know that the cost to keep an offender in a halfway house in a major city is about \$25,000 a year.

According to their own figures — which time and again underestimate the actual cost — Bill C-59 will cost Correctional Services over \$350 million over five years, with ongoing costs of \$53.2 million. There are also additional dollars that will be required for the National Parole Board. The government’s figures are relatively modest, ranging from \$5.6 million to \$17.3 million. These sound low given the testimony from the National Parole Board of the vastly increased workload they anticipate from this bill.

In fact, one witness testified that the costs of this bill alone will approach \$500 million. How much health care could we provide to Canadians for \$500 million? How many doctors and nurses could we send to rural communities for that money? How many young Canadians could be helped to go to a university or community college?

In the interest of being seen to take action between two high-profile fraudsters — one of whom will not be affected by this bill at all — we are being asked to pass legislation that will cost taxpayers hundreds of millions of borrowed dollars to keep thousands of non-violent, first-time offenders in prison longer. They will be kept in close contact with hardened, violent criminals and away from the services that could both help them with the problems that made them turn to crime in the first place, and facilitate their successful reintegration into Canadian society.

Essentially, this government is writing off these Canadians — in the words of the American report, creating a kind of Canadian apartheid. However, instead of “three strikes and you’re out,” in the Harper game you only get one chance at bat.

I must also say a word about the retroactive or retrospective application of this law. Essentially, in order to have it apply to Earl Jones, as Senator Baker has explained to us, the government has made this bill apply to all inmates, including those sentenced long before the bill was even tabled in Parliament. As a matter of principle, we — and especially many of us in this chamber, on both sides of the aisle — have often expressed great reluctance to pass retroactive laws, particularly when the issue is criminal legislation. There are good reasons for that. Earl Jones is one case, but there are likely many more who decided to plead guilty rather than go to trial — or decided not to defend themselves in court — because of the accelerated parole review process.

Now all the rules are changed. There is a problem with that, honourable senators. There may well be, as Senator Baker said earlier and as Senator Joyal pointed out in cross-examining witnesses before the committee, a constitutional problem with that as well.

• (1610)

Fundamentally, I do not believe that criminal justice is best served by legislating mandatory prison terms and eliminating or severely reducing the role of discretion afforded judges and other decision-makers. Our justice system, honourable senators, was built on the premise that everyone is an individual before the law. Increasingly, with mandatory minimum penalties set out in statute, and the abolition of alternatives such as accelerated parole review, we are replacing our criminal justice system with something very different.

Instead of looking at each case on its individual merits, we are applying a kind of group sanction or group-think, yet we are doing so with no evidence to suggest that this system will be an improvement. In fact, all the evidence indicates that these approaches have not worked where they have been tried. We are discarding a system that has worked well for the most part; it can be improved, but it is no improvement, I suggest, to simply throw the whole thing out.

Honourable senators, Bill C-59, like so much of this government’s law and order agenda, is simply wrong-headed. It will prove costly to Canadian taxpayers both in the short term, with the cost of housing all of these offenders for longer and longer periods of time, and in the long term, with what I firmly believe will be an increase in the crime rate as we turn non-violent, first-time offenders into repeat ones.

For all these reasons, I cannot support this bill.

Hon. Bob Runciman: Will Senator Cowan accept a question?

Senator Cowan: Absolutely.

Senator Runciman: The senator talked about applications being denied, but under this program there are no applications; the review is automatic.

The honourable senator mentioned, in reference to the Earl Jones situation, that this bill would not impact Mr. Jones. We were advised at the committee, I believe — and maybe it was not through official testimony — that if this bill does not come into

effect prior to an election, that Mr. Jones will be eligible for early release this fall. Of course, I am sure the honourable senator is aware, this man is convicted of stealing over \$60 million: the life savings of many people. I think the situation is in need of clarification with respect to that individual. Why has the honourable senator concluded that Mr. Jones will not be impacted by this legislation?

Senator Cowan: Honourable senators, I said two things. First, the fact is that everyone who applied did not automatically receive accelerated parole. I provided the statistics, which I can provide again, but I think they are there. I doubt the honourable senator would disagree with the statistics. Parole has not been automatic. Many applications have been denied, and many people are not released when their applications are considered.

I suggested that without this bill, without the retroactive and retrospective application, the bill would not apply to Mr. Jones. I did not hear Minister Toews, but I think that was the reason why he suggested that it was made retroactive and retrospective, so as to apply to Mr. Jones.

I was not suggesting that this bill, if it was passed in the form it is now, would not apply to Mr. Jones: I think it does. The reason it applies is because it was made retroactive and retrospective. If I did not make that point clear, that was my intention.

Senator Runciman: That is accurate. As a further clarification, as Senator Fraser mentioned at the hearings, we believe Mr. Jones does not have even a parking ticket on his record. This review is automatic. If there is a concern about this individual committing a violent offence, those are the only grounds really for rejection. If we look at this individual's background, I do not think there are any grounds there for denial. That is the concern.

Hon. Joan Fraser: Honourable senators, on a clarification, Senator Runciman has me quoted almost entirely accurately, but since we are in the business of clarifying, I would like to try to clarify precisely what happened at that point in the proceedings.

It is my strong recollection that, when I said that, it was in the context of a discussion within the committee that suggested that large numbers — perhaps even the majority — of first-time, non-violent offenders who are in the federal penitentiary system already have significant criminal records in the provincial system, but that accelerated parole review would apply to them because this conviction would be their first in the federal system for a non-violent offence.

I said in response to that discussion, based on nothing other than my reading of the newspapers, that I was not aware that Mr. Jones had even been proceeded against for unpaid parking tickets. Let me be perfectly clear that I was talking about it not in the context of his review and not in the context of any accurate, specific, formal, legal knowledge of the case.

Hon. John D. Wallace: Would Senator Cowan entertain another question?

Senator Cowan: Certainly.

Senator Wallace: If I understood the honourable senator correctly, I thought he said that Bill C-59 would result in the removal of discretion by the decision makers in relation to parole. That is not any understanding. My understanding is the consequence would be that the parole board, in cases involving offenders of violent and non-violent offences, would exercise that discretion. The parole board would exercise discretion using the same consideration, whether the offender is a violent offender or a non-violent offender. Of course, that is not the circumstance today with accelerated parole review in place.

I wonder if I misunderstood the honourable senator when I thought he said it would remove discretion from the decision makers.

Senator Cowan: I thank the honourable senator. In previous lives, he and I shared a common profession. I am sure that he in his career, as I did, would have appealed to judges to exercise their discretion, and would have spoken many times about the value of our system, where we appoint the best people to be judges and invest them with discretion to consider the facts before them in the theory that they are best able to evaluate those facts and render decisions.

My comment here was the same as I have made about other bills dealing with mandatory minimums. It was more in the context of those bills and other parts of the tough-on-crime agenda that introduce, enhance or increase the mandatory minimum sentences and occasions when those sentences are used. It was directed toward the mandatory minimum regime and my regret that the judicial discretion that the honourable senator and I would have pointed to with pride is being eroded by the introduction of mandatory minimum sentences, which removes the discretion the judge has, having heard the evidence before him.

It was in the context of the discussion of mandatory minimum sentences versus the judicial discretion that I was speaking of in that case, not in the context of this bill. I thank the honourable senator for the opportunity to clarify the question.

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

Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Do we have advice from the whips as to the length of the bell?

Senator Di Nino: We have many committees meeting at different places, so one hour.

The Hon. the Speaker: Honourable senators, I take it we have agreement on a one-hour bell?

Some Hon. Senators: Yes.

The Hon. the Speaker: The vote will take place at 1720 hours.

Do I have permission to leave the chair?

Hon. Senators: Agreed.

• (1720)

Motion agreed to and bill read third time and passed, on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	MacDonald
Ataullahjan	Marshall
Boisvenu	Martin
Braley	Meighen
Brazeau	Meredith
Brown	Mockler
Carignan	Nancy Ruth
Champagne	Neufeld
Cochrane	Nolin
Comeau	Ogilvie
Demers	Patterson
Di Nino	Plett
Duffy	Raine
Eaton	Rivard
Finley	Runciman
Fortin-Duplessis	Seidman
Gerstein	Smith (<i>Saurel</i>)
Greene	Stewart Olsen
Housakos	Stratton
Johnson	Tkachuk
Kochhar	Wallace
Lang	Wallin—46

NAYS THE HONOURABLE SENATORS

Baker	Joyal
Banks	Kenny
Callbeck	Losier-Cool
Campbell	Lovelace Nicholas
Chaput	Mercer
Cordy	Merchant
Cowan	Mitchell
Dawson	Moore

Day
De Bané
Downe
Dyck
Eggleton
Fairbairn
Fox
Fraser
Furey
Hervieux-Payette
Hubley
Jaffer

Munson
Murray
Pépin
Peterson
Poulin
Ringuette
Robichaud
Rompkey
Smith (*Cobourg*)
Tardif
Watt
Zimmer—40

ABSTENTIONS THE HONOURABLE SENATORS

Nil

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Bob Runciman moved second reading of Bill C-54, An Act to amend the Criminal Code (sexual offences against children).

He said: Honourable senators, I am pleased to rise in support of Bill C-54, the protecting children from sexual predators act, which has appropriately received support from all parties in the other place.

Bill C-54 seeks to achieve two important goals. First, all child sexual offences must be treated seriously and consistently when sentencing offenders. Second, children must be protected from such offences and the best way to do that is to prevent the offences from happening in the first place. These objectives are clearly reflected in the changes proposed by Bill C-54.

Honourable senators, the proposed reforms would ensure that all child sexual offences carry significant and consistent mandatory minimum penalties. They would also assist in preventing such crimes by creating two new offences addressing conduct that often leads to the commission of child sexual offences and by expanding the powers of the court to prohibit suspected child sex offenders from engaging in conduct that may help them to commit an offence.

• (1730)

I will briefly outline the sentencing reforms. Currently, 12 child-specific sexual offences impose mandatory minimum sentences, but none of the general sexual offences, which may also have a child victim, do so. This means that conditional sentences — house arrest — are available for some sexual offences committed against children, but not for others. However, such offences against children, given their nature and severity, must require a term of imprisonment if the principles of denunciation and deterrence are to be realized.

A situation whereby some sexual assaults against children are treated less seriously than others — simply because they are charged under a different but, nonetheless, similar section — should not be tolerated.

That is exactly what happens under the current law. In 2008, 80 per cent of police-reported incidents of child sexual assault were charged under the general sexual assault offences, section 271 of the Criminal Code. This means that the vast majority of child sexual offences are not subjected to a mandatory minimum penalty.

This gives cause for concern. What is the message the criminal law is sending here? Is it that some child victims of sexual assault are not as important as others? How do child victims feel, given such inconsistent treatment? This incoherent approach to penalties for child sexual offences means the penalties do not adequately or consistently reflect the serious nature of the crime.

Bill C-54 would fix these inconsistencies. First, it would add seven new mandatory minimum penalties for offences that currently do not impose such penalties for child victims.

Three of the new penalties would apply to child-specific offences: bestiality in the presence of a child, luring a child, and exposing one's self to a person under 16 years.

The remaining four would apply to general sexual offences where the victim is a child under the age of 16 years. These offences include incest, sexual assault, sexual assault with a weapon, threats or causing bodily harm, and aggravated sexual assault.

Importantly, Bill C-54 also proposes higher minimum penalties for seven child-specific sexual offences that already carry mandatory minimum penalties.

The goal of this bill is to create a coherent response to all child sexual offences. Similar minimum penalties would be imposed for similar offences. For example, Bill C-54 would increase the current mandatory minimum for sexual interference, when proceeding by indictment, from 45 days to one year. This is the same as the mandatory minimum that the bill proposes to add to the general sexual assault offence, when proceeding by indictment. This makes sense because both of these offences impose a maximum penalty of 10 years on indictment.

Honourable senators, prevention of crime plays a significant role in protection from crime. What better way to ensure the safety of our children than to prevent the crimes from being committed against them in the first place? Bill C-54 seeks to achieve this important goal in two ways. First, it will propose the creation of two new offences that address conduct that generally occurs before a child sexual assault takes place. Second, it will require courts to consider imposing two new specific conditions to prevent a suspected or convicted child sex offender from engaging in conduct that could facilitate the commission of child sexual offences.

The first new offence would prohibit anyone from providing sexually explicit material to a young person for the purpose of facilitating the commission of a sexual offence against that young person. Child sex offenders often engage in this type of behaviour in an attempt to lower their victims' sexual inhibitions. It is part of what is often referred to as the "grooming" process.

Currently, if such sexually explicit material constitutes child pornography, the conduct of the offender would be caught under the child pornography offence. If such material constitutes obscenity, the offender would be caught under the corrupting morals offence.

However, as honourable senators know, child pornography only applies where the material involves depiction of persons under the age of 18 years. The obscenity offence sets an even higher threshold and only applies to extreme forms of sexually explicit material that involve depictions of explicit sexual activity coupled with violence or that are judicially determined to be degrading or dehumanizing.

Bill C-54's proposed new offence would fill a gap in the current law. It would apply where a person provided sexually explicit material to a child for the purpose of facilitating the commission of a sexual offence against that child. Sexually explicit material is defined using terminology that is consistent with its use in other existing offences, namely, voyeurism and child pornography.

This would assist the courts in interpreting the provision in a consistent way. Also, the new offence would only apply where sexually explicit material is provided to a young person for the purpose of facilitating the commission of one of the listed sexual or abduction offences against that young person. The penalties for this offence would range from 30 days to 6 months on a summary conviction and 90 days to 2 years on indictment.

The second proposed new offence would prohibit using telecommunications, such as the Internet, to agree or make arrangements with another person to commit a sexual offence against a child. This proposed offence addresses preparatory conduct that is of grave concern. Adults who conspire to have sexual offences committed against children must be held to account, even where such offences are not actually carried out.

This offence provides an important tool in this regard. It would not only apply to cases where an actual child could be harmed, but also in cases involving police acting undercover. The new offence would include provisions similar to those currently found in the luring-a-child section, which state that it is not a defence if one of the persons involved in making the arrangement is a peace officer, or someone acting under the direction of a peace officer, or if, in either situation, there is no "real" child.

This new offence would include a presumption about the age of the young person. In the absence of proof to the contrary, evidence that the young person was represented as being under the relevant age is proof that the accused believed that the young person was under that age.

The new offence would also include a provision denying the defence of mistaken belief in the age of the young person where the accused did not take reasonable steps to ascertain the age.

The penalty structure of this new proposed offence is a minimum of 90 days and a maximum of 18 months on summary conviction, and one year to 10 years on indictment.

Bill C-54 also ensures, through coordinating amendments with Bill S-2, the Protecting Victims from Sex Offenders Act, which received Royal Assent on December 15, 2010, and is expected to

be proclaimed into force soon, that the two new offences it proposes will be on the list of primary designated offences for which forensic DNA analysis is mandatory. Bill S-2 will add many of the sexual offences addressed by Bill C-54 to the list of primary designated offences. Bill C-54 ensures that this list will include all child sexual offences, once Bill S-2 is proclaimed into force, to ensure consistent treatment of such offences by the criminal law.

Finally, Bill C-54 proposes to expand the powers of the court to prohibit convicted or suspected child sex offenders from engaging in conduct that may facilitate the commission of a child sex crime. Right now, the court can prohibit a convicted child sex offender from going to certain places where persons under 16 years of age might be present and from obtaining employment or a volunteer position that might involve being in a position of trust or authority over persons who are under 16 years of age.

• (1740)

For accused persons, a judge may now impose a recognizance if there are reasonable grounds to believe that a person will commit a child sexual offence. Both these provisions are important preventative tools.

Specifically, Bill C-54 proposes to expand the list of offences for which these conditions may be imposed to include the four child-procuring and prostitution offences: procuring; living on the avails of prostitution of a person under the age of 18 years; the aggravated offence in relation to living on the avails of prostitution of a person under the age of 18 years; and prostitution of a person under the age of 18 years.

Bill C-54 would also specifically direct the court to consider imposing a condition prohibiting the offender from having unsupervised access to a young person and unsupervised use of the Internet.

Imposing such conditions would assist in preventing an offender from gaining the opportunity to sexually assault a child and from using the Internet and other technologies that have made it so much easier for offenders to commit sexual offences against children.

Honourable senators, we must protect our children from those who want to abuse them sexually. First and foremost, this protection must involve preventing the commission of such offences. Bill C-54 makes important proposals in that regard. Further, where a sexual assault against a child has occurred, that offence must be severely punished. Mandatory minimum penalties ensure that the principles of denunciation and deterrence are served.

Bill C-54's message is simple: Canada will not tolerate this type of crime. Canada's laws must ensure the right of children to be raised in safe communities.

I hope that all honourable senators will join me in supporting this important bill.

Hon. Joan Fraser: Will Senator Runciman take a couple of questions?

Senator Runciman: Yes.

Senator Fraser: Thank you and congratulations on that helpful description of this bill. As the honourable senator knows, the Standing Senate Committee on Legal and Constitutional Affairs has been busy with a number of bills, and I am beginning my learning curve on this particular one. Therefore, I was grateful for the honourable senator's careful explanation of it.

I would like to seek clarification on a couple of things at this point, if I may. I think I heard the honourable senator say that sexual assault will now carry a mandatory minimum sentence of a year. Did I hear correctly that minimum includes any sexual assault committed by anybody? Let us bear in mind that the term "sexual assault" in law covers a wide array of offences, including not only what we normally think of as sexual assault but things all the way down the scale to somebody getting drunk at the office Christmas party and stealing a kiss, which is offensive but not as serious as rape.

Senator Runciman: If my understanding is mistaken, I will rectify it in a response to the honourable senator. However, I believe this bill covers offences dealing with children.

Senator Fraser: Only with children?

Senator Runciman: Only with children, yes.

Senator Fraser: My second question has to do with clause 15 of the bill, which is on page 8, at line 23. It deals with proposed subsection 173 (2):

Every person who, in any place, for a sexual purpose, exposes his or her genital organs to a person who is under the age of 16 years

(a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than two years and to a minimum punishment of imprisonment for a term of 90 days; or

(b) is guilty of an offence punishable on summary conviction and is liable to imprisonment for a term of not more than six months and to a minimum punishment of imprisonment for a term of 30 days.

I think we all wholeheartedly agree that people who engage in indecent exposure before children are not socially desirable and should be punished. However, as I read this provision, it would apply to every person; it could apply to a 16- or 15-year-old who is with another 15 year old when the two of them engage in sexual relations. While I am sure no one in this chamber wants to encourage excessively young sexual relations, do we want to send the kids to jail?

Senator Runciman: That is an interesting question and I am sure we will pursue it at committee. I believe the bill would not deal with the situation the honourable senator described. I would share her concern if it does.

Hon. Larry W. Campbell: Honourable senators, I want to thank Senator Runciman for his thoughts. I will be the critic on this bill. I wanted to hear what he had to say, and I will address the bill tomorrow. Therefore, I move the adjournment in my name.

(On motion of Senator Campbell, debate adjourned.)

THE ESTIMATES, 2011-12

MAIN ESTIMATES—ELEVENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report (interim) of the Standing Senate Committee on National Finance, (*Main Estimates 2011-2012*), presented in the Senate on March 22, 2011.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this report is not unlike the report that I gave yesterday with respect to Supplementary Estimates (C). The Main Estimates are just another piece of the puzzle that we deal with on an annual basis. This report is the interim report on the Main Estimates that begin April 1. We are required to submit an interim report, but we have the mandate to deal with the Main Estimates throughout the year. That is what we will do on behalf of honourable senators. This report gives honourable senators a snapshot of what we have seen as a first look and after hearing from a few witnesses in relation to the Main Estimates for next year.

We should anticipate receiving on Friday the supply bill that will go along with the Main Estimates and that will provide for interim supply to the government in that it gives the government an appropriation to deal with matters where funds do not flow from statutes for a particular period of time. Typically, that period of time is three months, but we will see on Friday whether that typical three-month interim supply holds in this particular political climate. Regardless, the government will look for some interim supply from this main supply.

Honourable senators will all have received the Main Estimates for the year. There is a schedule within those estimates. When we receive the main supply bill, we will compare the schedule we have studied to what is in the bill. If they are the same, which they typically are, that study then allows us to have effectively pre-studied the bill. That will mean that what we have studied is the bill and we will have completed a pre-study of that aspect of it. Therefore, it would not be necessary to send the bill to committee when the bill arrives here, since we will have looked at it already.

• (1750)

This report and the work that we have done thus far does not deal with what is in the budget that came out on March 22. That budget was in the works but was private to the government, whereas this set of estimates for the coming year began to be developed in the fall and in the early part of this year.

Honourable senators, we should anticipate that any initiatives in the budget that are adopted for the coming year will be in supplementary estimates. It was one of those supplementary estimates that we spoke to and adopted the report on yesterday, Supplementary Estimates (C).

For the last two or three years, there have been three supplementary estimates during the year, when the government comes forward and says, "We now need some money for this new initiative or for something that was not fully developed when we did the Main Estimates." We are at the front end of a new fiscal year, and the government is looking for interim supply in that regard.

We looked at the Main Estimates once they were sent to us, and we met with Treasury Board Secretariat, as we normally do. I think it is important for my Deputy Chair, Senator Gerstein, and the other members of the committee to acknowledge the good work that Treasury Board is doing and the good guidance that they provide to us. They are very responsive to some of our concerns.

We met with Correctional Service Canada and the Department of Finance Canada from the point of view of their estimates and the money that they anticipate spending. In fact, that is what we discuss with the departments. We ask them what amount of money they anticipate they will need to spend over the next year.

We look at both those voted appropriations that we will be required to vote through the supply bills, as well as the statutory appropriations for which authority for spending is given in the statutes that we pass here in this chamber. However, we still want to know how much they anticipate they will spend during the coming year. We will look at statutory expenditures, which we are not authorizing but just looking at them, and we look at the voted appropriations.

One of the areas we looked at was the PPP, or Private-Public Partnerships Canada Inc. This is a new initiative of about two years ago, and we thought we had better bring them in and talk to them. Honourable senators will see that we found some interesting information while talking to representatives of Private-Public Partnerships. We found that Canadian Heritage is almost a basket department that has many different agencies, associations and groups that fit under that general rubric. We could only pick and choose a few of those within Canadian Heritage to explore further. Finally, Agriculture and Agri-Food Canada was an area of interest to us. I can briefly refer to some of the points that came out of this particular interim view.

Honourable senators, \$276 billion is the overall amount, \$278 billion for the coming year. This is what the government is spending of combined voted appropriations and statutory appropriations. The figure is significantly less than it would be if we had continued the stimulus package. On many of these matters, we see reductions in departments. However, when you delve into the reason for the reduction, it is as a result of the end of the stimulus spending. That was helpful, but we wanted to ensure that it was in fact the case in each instance when we saw some reductions, so we delved into that a little more thoroughly.

Treasury Board Secretariat, for example, talked to us about 28 per cent of forecasted expenditures being allocated to operating and capital expenditures. We tried to analyze what goes into operating and what goes into capital. Treasury Board Secretariat indicated that 60 per cent of the expected expenditures would consist of transfers. Think about that, honourable senators: 60 per cent of the government money on an annual

basis goes to transfers, either to pensions that are paid out or to transfers and equalization payments. That means we are down to 40 cents on every \$1 that the federal government can deal with. From the 40 cents, what percentage goes to interest charges on the debt that is accumulating and growing larger each year? That is down to 12 per cent at this time, and it is expected to grow as our debt grows with deficits on an annual basis.

Honourable senators, the flexibility that the government has to look after program spending, which is the area that we all focus on, becomes less and less, because the transfer payments — the Canada Health and Social Transfer — will not go down. The provinces need those transfer payments. As interest rates increase and as debt increases, that portion gets bigger and bigger. You have less and less money available to deal with program expenditure. We analyze that on an annual basis to see where we might be going. Fortunately, the interest rates have been very low over the past while, which has provided more flexibility than would normally be the case. That will not last forever, as we all know and therefore, there will be a high wall to overcome in the near future.

Honourable senators, we discussed the budget freeze at length. The budget freeze is with respect to the envelope of money that goes to each department. You say, “Okay, department, you manage that money. We will not give you more money for extra salaries or any salary increases that have been negotiated through collective agreements.” Where does that money come from? It comes from operating or capital. It is other operating activity, other programs, that you might otherwise want to see, but the department is not able to do them because they have to find within their envelope, which has not increased, money to pay for increased salaries. That is beginning to have an impact. The base year was last year. It is to be applied for the next two years, based on this base year. That will continue.

This is the first year we saw capital expenditure carry forward provisions, and 20 per cent of capital expenditures that were not expended, for whatever reason, will not lapse or will not have to be re-profiled or approved by us to go into another year. That means that 20 per cent that is not spent can be moved forward into the next year. This is a new provision, and we do not know whether that will continue. Previously, we saw 5 per cent of operating and capital, and this is 20 per cent for capital, which is a new initiative to try to encourage departments that have funds approved for capital but do not spend them not to spend recklessly and irresponsibly, since they know they can have 20 per cent moved into the next year. It makes good sense and I am hopeful that we will see that initiative continued over another year.

• (1800)

Honourable senators, Correctional Service of Canada is an area we should talk about. The total increase is \$522 million and \$458 million of that, which is 88 per cent of the forecasted expenditure, is attributable to costs associated with the implementation of the Truth in Sentencing Act. Honourable senators have heard discussions about that cost here on several occasions. We are now starting to see the impact of that act for the coming —

The Hon. the Speaker: Honourable senators, it being 6 o'clock, pursuant to the Rules — Senator Comeau?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have discussed it with the deputy leader on the other side and I wonder if there would be agreement, unanimous consent, that we not see the clock and continue on the Order Paper.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Day: There is \$458 million more attributable to the Truth in Sentencing Act. That estimate does not take into account the additional costs that will be incurred, and must be incurred, by the provincial and territorial governments. We see that item as a growing concern. That figure is only an anticipated figure as the legislation starts to take hold.

We had the Department of Finance in to talk about their expenses. Primarily, we talked about interest rates. We also talked about a particular project related to the stimulus package that would be a continuum. That project was with respect to the Department of Finance buying up mortgages from our financial institutions so that the financial institutions would have more funds to do other things with, and put more money out for more mortgages to keep things going during the economic downturn.

That program was not taken up to the extent anticipated. Therefore, the Department of Finance had shown a reduction in the amount of money they needed for interest. The interest is interest on loans, but also interest on these mortgages that they bought up. There was a saving in that regard, which was explained to us; and we understood it better once we had the Department of Finance in to talk to us about it.

With respect to provincial transfers and equalization, the program —

The Hon. the Speaker: Senator Day's 15 minutes have expired.

Senator Day: Honourable senators, can I have an additional five minutes, plus the one minute and a half that I lost while we determined whether we would see the clock or not?

Senator Comeau: Five minutes is fine.

Senator Day: Six and a half minutes, thank you. Provincial transfer and equalization are not changing this year, but keep in mind, honourable senators, that the agreements are coming up for renewal. The expiry date on the current agreements with respect to health, social transfers and general equalization is March 31, 2014.

There will be the need for serious work in relation to those various transfer programs prior to that date. Another agreement in health, wait list reduction transfers, valued at \$250 million a year, also expires at the end of March 2014.

On the harmonized sales tax, British Columbia and Ontario received \$3 billion from the federal government in transitional assistance in that regard. Honourable senators might have heard Mr. Duceppe discussing that subject from the point of view of Quebec.

Honourable senators, before my time runs out again, I would like to talk generally about PPP Canada. I will summarize. We were surprised, frankly, that Public-Private Partnerships Canada appears to be, at this stage, only another granting agency. We felt that it would have been operating more on a business footing, with a contribution from the government and a contribution from the private sector all moving together to build infrastructure that might not be built otherwise purely from the public purse point of view.

We discovered, honourable senators, that \$1.2 billion over five years has been put into this program. There are 40 employees and the organization wants more employees. Their annual operating budget is \$12.7 million, and in two and a half years, they have made three grants — not three investments, but three grants.

We were shocked by that finding. Over \$500 million was transferred to them and they put out \$1 million in grants, so they are sitting on a large bank account. Honourable senators, we will want to keep a close eye on that particular initiative. If the organization is only a granting agency, we already have several granting agencies and economic development tools in existence, so why do we need to create another infrastructure? That is one of the things that we found.

I mentioned Canadian Heritage. Their operating budget overall is \$34 million less. As to where that reduction will come from, they said they can save it basically from within, but we will see.

With respect to Agriculture and Agri-Food Canada, a final area I wanted to mention, many programs are coming to an end at the end of this month, which is only next week. There is a reduction in expenditure in that particular department of \$192 million in voted appropriations and \$226 million in statutory appropriations.

What we were told by Treasury Board and by Agriculture Canada when they came before us is not to worry because the budget will have things that are not in the Main Estimates. We understand that. I explained that earlier, that the Main Estimates do not include budgetary initiatives.

However, I went to the budget. We had the value and benefit of the budget, and if we look at the budget, it says that we will be looking forward to Growing Forward 2, which is the name of the program that will be launched in 2013-14. For the next two years, there are few initiatives, and I see none of those initiatives that are sunseting and were in many different sectors of agriculture. That will be an area of concern, unless we see something that is not in the budget come forward in some of the supplementary estimates.

Honourable senators, those are the highlights of the report. The report is much more extensive and has much more detail. Of course, the Main Estimates are equally in much more detail. Assuming this particular report is adopted, it will form the basis for us adopting, later this week, the supply bill for interim supply between April 1 and the end of June.

Hon. Irving Gerstein: Honourable senators, I am honoured to rise in this place today to speak on the Main Estimates for the fiscal year 2011-12. I do not say I am honoured merely because it is customary to say so, and I do not say it because it is always an

honour to address this august assembly, although that is also true. Rather, I say it because I am genuinely proud of this government's track record of strong economic management, and these estimates are another small step in extending that track record.

• (1810)

The appropriations detailed in these estimates reflect the next phase of Canada's Economic Action Plan, which is thoroughly detailed in Budget 2011, tabled yesterday in the House of Commons. However, honourable senators, before I go too far in describing what the future holds, a brief review of recent economic trends may be helpful.

Two years ago, Prime Minister Harper stated that Canada was the last advanced country to fall into this recession, that we will make sure its effects here are the least severe, and that we will come out of this faster than anyone and stronger than ever.

Honourable senators, that is exactly what is happening and all Canadians should be very proud of that. Long before anyone saw the recession coming, this government cut taxes for consumers, lowering the federal sales tax from 7 to 5 per cent. We enacted targeted personal tax reductions, lowering the tax burden of the average Canadian family by \$3,000. By the time the recession struck, the federal tax burden in Canada was already at its lowest level since Prime Minister John Diefenbaker was in office some 50 years ago.

Thanks to measures like these, in addition to the solid foundation on which our financial sector has been built over the years and, I emphasize, under governments of both stripes, Canada was able to weather the recession better than most countries.

When the recession hit, the Government of Canada, like our economic partners throughout the world, responded with a large-scale stimulus program.

However, we did not just throw money around arbitrarily in the hope that it would do some good and we did not create major new spending programs and bloated bureaucracies that would persist after the crisis was over. Instead, we slashed red tape; we accelerated thousands of planned investments in public infrastructure that will support economic growth for generations to come; we removed tariffs from manufacturing inputs like machinery to boost the productivity of Canadian companies; we provided targeted help to hard-hit industries and Canadians who had lost their long-term employment through no fault of their own; and we provided extra funds for work-sharing so companies and employees can avoid the painful ordeal of layoffs, retraining and subsequent rehiring.

Honourable senators, thanks to Canada's Economic Action Plan, our country is indeed, as the prime minister promised, emerging from the global recession stronger than ever. Do not just take my word for it, honourable senators. The proof of the pudding, as they say, is in the eating. As my colleagues on the other side know very well, having been schooled in such matters by the Right Honourable Jean Chrétien — and I quote him directly — “a proof is a proof.”

Honourable senators, here is the proof.

The Canadian economy has created 480,000 jobs since the trough of the recession in July 2009. This means there are more Canadians working today than there were before the recession struck. Few other developed economies have even come close to recouping all their jobs. Canada's job growth is strong because our overall economic growth is strong. Indeed, we have the strongest economic growth in the G7 by a wide margin. Canada has had six consecutive quarters of growth and our economic activity today exceeds pre-recession levels.

Canada also leads the G7 when it comes to the growth of disposable income per capita, meaning that Canadian families have more money to spend on their own priorities. The marginal effective tax rate on new business investment in Canada has been cut almost in half under the current government and is now the lowest in the G7. Thanks to the government's five-year plan to reduce business taxes, which became law in 2007 with the support of our Liberal friends in the other place, Canada's business tax rate will fall below the OECD average in 2012.

As leading economist and tax expert Jack Mintz recently noted, this will create a powerful allure for businesses to expand their operations in Canada, creating tens or even hundreds of thousands of jobs with negligible costs to the federal treasury.

Honourable senators, the first phase of Canada's Economic Action Plan, the direct stimulus phase I just described, is not without cost. However, note that the Conservative government did not tax and spend. That would have only made matters worse, but we did borrow and spend. Nevertheless, honourable senators, Canada's total government net debt as a percentage of our economy, and this includes all levels of government, is still by far the lowest in the G7.

In addition, we have a solid plan to bring our budgets back into the black over the next four years. The deficit shrank by more than 25 per cent in the past year and our plan will shrink it by the same amount again in the coming year. The Conservative government is on track to meet its goal of balancing the budget by fiscal year 2015-16. In fact, we are slightly ahead of the curve we projected in the economic update last fall. However, I caution all honourable senators that we are still early in the process and nothing can be taken for granted.

Private sector economists expect real GDP growth of 2.9 per cent in 2011. This is half a percentage point higher than the rate they forecasted at the time of the fall economic update. They now expect nominal GDP, the best measure of the tax base, to be more than \$20 billion higher than the private sector economists predicted last fall.

As honourable senators are aware, the forecasts produced by the knowledgeable and hardworking economists in the Department of Finance are based on an average of over a dozen forecasts by some of Canada's leading financial and economic institutions. The government then adjusts the private sector forecasts for nominal GDP downward by \$10 billion per year for budget planning. Therefore, honourable senators, the government forecasts are very conservative indeed. Canadians can have confidence that the plan laid out by this Conservative government will balance the budget by 2015.

This brings me back to the Main Estimates for the fiscal year 2011-12 and the next phase of Canada's Economic Action Plan. Of course, in speaking of Canada's economic future, I am assuming that, one way or another, this government will retain its mandate to implement Canada's Economic Action Plan.

Honourable senators, it was British Prime Minister Anthony Eden who observed in 1956, "Everyone is always in favour of general economy and particular expenditure." We see the timeless truth of this remark in the calls of the opposition for massive new spending programs even as they criticize the deficit. These are contradictory policies that can only be reconciled by a job-killing, recovery-halting agenda of higher taxes.

Honourable senators, we must not stray down that path. We must stay on our course toward a balanced budget. However, we must do so through spending restraint and sound policy, not higher taxes. The Conservative government will increase revenues by creating the conditions for economic growth. We will increase the tax base, not the tax rate.

However, while holding the line on expending, we must avoid balancing the budget at the expense of transfers to the provinces for vital services such as health care and education. We also cannot afford to neglect our core responsibilities at the federal level, such as maintaining a capable military.

In summary, honourable senators, we must find a realistic balance between general economy and particular expenditure.

The Main Estimates for 2011-12 and Budget 2011 do just that. They contain no funding for professional sports facilities. They contain no plan for a 45-day work year. In short, they contain nothing that would require a regressive GST hike or higher taxes on job-creating businesses.

Honourable senators, allow me to describe some of the salient details in the estimates. The estimates detail \$250.8 billion in planned budgetary spending for the fiscal year. This is a decline of \$10.4 billion from last year's Main Estimates. Most of the reduction is attributable to lower statutory expenditures as a result of Canada's continuing economic recovery. For example, Canada's impressive job growth has led to a significant decline in the amount of Employment Insurance benefits that must be paid out. However, the government's ongoing efforts to restrain costs is evidenced by the fact that the total voted budgetary expenditures in these Main Estimates are 4.6 per cent lower than those described in the estimates for 2010-11. Voted appropriations for program and operating expenditures in particular have declined by \$720 million, or 1.5 per cent.

• (1820)

Some of the officials who appeared before the National Finance Committee explained that many of these differences between the Main Estimates for 2010-11 and those for 2011-12 can be attributed to economic action plan initiatives that have simply run their course. It should be noted, though, that while most of the government's stimulus measures expire on March 31 of this year, some will continue into the new fiscal year. For example, the time frame during which economic action plan infrastructure projects will be eligible for federal funding has been extended until

October 2011. This involves no additional cost to the federal government; the money has already been dedicated to stimulus infrastructure projects and is simply being stretched over a longer time frame to allow projects already approved and under way to be completed.

As I mentioned earlier, honourable senators, not every area of expenditure is being reduced in our drive to balance the budget. For example, our Conservative government has promised not to transfer the burden of the deficit to the provinces. True to our word, the Main Estimates for 2011-12 indicate a 6.3 per cent increase in health transfers to the provinces, a 2.7 per cent increase in social transfers and a 2.1 per cent expansion in equalization payments. These increased transfers to the provinces are in keeping with multi-year arrangements between our government and the provinces to provide stable and predictable funding for health care, education and social services.

Our government is also committed to providing the Canadian Forces with the tools and resources they need to do their vital work effectively and as safely as possible. These Main Estimates reflect a planned increase of \$200 million in total budgetary expenditures by National Defence.

Honourable senators, those are examples of particular expenditures to which our government remains committed, even in the current climate of general economy.

In closing, I need not remind honourable senators that the Main Estimates are just the first of the four sets of estimates we will see through the fiscal year of 2011-12. They do not reflect new initiatives contained in Budget 2011. I know honourable senators are looking forward with great enthusiasm to debating the legislation to implement these new measures whenever that opportunity presents itself.

Senator Day: Will the honourable senator accept a question?

Senator Gerstein: With pleasure.

Senator Day: I congratulate the honourable senator on the presentation of that speech. I was listening intently, but I think it would be helpful for this chamber to know whether he supports the report that is under discussion at the present time.

Senator Gerstein: As the honourable senator is aware, I am delighted he asked that question. I very much support the report under discussion at the present time.

[Translation]

Hon. Fernand Robichaud: Honourable senators, the honourable senator made a speech. He often gets carried away. However, when asked by Senator Day, he said that he supported the report. I do not believe that he was referring to the same report that Senator Day was talking about. Could he clarify?

[English]

Senator Gerstein: I thank the honourable senator for asking that question. I have been accused throughout my life of being a little over-enthusiastic; it is one of the things I have had to deal with. I know the Canadian people are looking forward to getting this report through, because they know the budget contains the right things for Canada.

[Senator Gerstein]

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

Hon. Senators: Question!

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

(Motion agreed to and report adopted, on division.)

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 23, 2011

Mr. Speaker:

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 23rd day of March, 2011, at 5:57 p.m.

Yours sincerely,

Stephen Wallace

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Wednesday, March 23, 2011:

An Act to amend the Corrections and Conditional Release Act (accelerated parole review) and to make consequential amendments to other Acts (*Bill C-59, Chapter 11, 2011*).

[English]

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Dennis Dawson moved second reading of Bill S-227, An Act to amend the Canada Elections Act (election expenses).

He said: Honourable senators, I know at least one honourable senator — Senator Gerstein — has been anticipating my speech I was expected to make on the fourteenth day. I wanted to do make this speech next week but for all kinds of reasons, I will not have the occasion to do so. My speech has created expectations and I will try to live up to them.

Honourable senators, I will give a short explanation of the bill. Those honourable senators who were in the chamber have heard this bill and the various explanations of it. There is no intention of stopping people from advertising between campaigns. Rather, it just tells them that if they are to do it, they must budget it in the campaign if it is done during the three months before the campaign.

This bill is built on certain principles. Since I am reintroducing the same bill, I will repeat myself a few times on the justifications and principles behind it. I will also be listing some of this government's outrageous behaviour. The behaviour is not the same as last time. It is just a longer list. I will try to update that list with the novelties that the Harper government has enriched us with.

[Translation]

The first principle on which this bill is based is the following: elections should not and must not depend on the size of a political party's coffers. The results of our elections should be based on who, in the opinion of Canadians, presents the best ideas for the country. Elections are a battle of ideas and not a battle to see who can spend the most money. This way of doing things, where ideas are more important than money during an election campaign, is a long Canadian tradition that goes back to Mr. Diefenbaker. The idea of having a level playing field during an election campaign was promoted and defended by Mr. Diefenbaker. I know that you quote him often and that is why I am quoting him today.

Money should not allow a party to influence public discourse. To ensure that all political parties have the same chance of expressing their ideas, we should return to traditional values. The Canada Elections Act sets limits on the amount that the parties can spend during election campaigns. That is the spirit behind this philosophy.

• (1830)

The vast majority of Canadians accept the Canada Elections Act with regard to the level playing field.

[English]

We have had this tradition of a level playing field for decades now, but the current Conservatives are trying to change that Canadian tradition. The present government came to power promising to do away with the role of big money in politics, but now they are trying to change that tradition of a level playing field.

The first principle of this bill is to reduce the power of money in politics, to ensure that richer political parties cannot buy elections simply because they have more money, and to protect the level playing field so all candidates and parties can present their ideas.

The second principle is also a Canadian tradition that goes back to Mr. Diefenbaker and probably goes back, Senator Gerstein, even to Senator Meighen's grandfather. Following last month's accusations, I know some honourable senators on the other side will not like this principle, but it is a major one in every

democracy: the principle that we should not abuse loopholes in legislation. Thinking that we can get around the loopholes in legislation and thinking it is okay as long as we do not get caught by Elections Canada is wrong.

Clearly, there is a loophole in the Canada Elections Act, since the Conservatives introduced their fixed election date legislation. If we have fixed the election date by legislation, if that law was respected — it was not respected last time, and obviously will not be respected this time around — for the three months leading up to the campaign, any of the political parties can spend millions and millions of dollars trying to influence the electorate, and that is not the traditional, Canadian way. With elections theoretically being tied to fixed election dates, we know that an election will take place and can easily start spending. Clearly, if a party can engage in an advertising free-for-all blitz immediately prior to visiting the Governor General, there is a loophole in the current legislation. This sort of campaign does not respect the essence of the Canada Elections Act. They are allowed to advertise again, but they are held accountable for it.

[Translation]

With fixed election dates, all the parties know the date of the next election and can easily launch advertising campaigns months in advance without the campaign being subject to the law.

This situation is even more worrisome when there is a minority government. As soon as an election seems to be on the horizon, all the parties throw themselves into a pre-election frenzy. Honourable senators know as well as I do that, with a minority government, there are threats of elections every six months, this week being no exception.

Whether the opposition withdraws its confidence in the government or the Prime Minister decides to violate his own fixed election date legislation, as Mr. Harper did in 2008, elections always seem to be imminent when there is a minority government.

Are we therefore always going to have advertising and pre-election campaigns each time there is a threat of an election? I sincerely believe that Canadian parliamentarians are paid to govern, not to hold campaigns every three months.

This brings me to the third principle, concerning permanent campaigns.

[English]

The Canadian way is also to work and govern between elections, not to spend most of the time campaigning against other political parties. For decades, political parties waited for the election call before launching their official campaign, but now the Conservatives are trying to impose on Canadians a permanent campaign strategy, as exists in the U.S., where representatives spend one year collecting money and one year spending it instead of spending time governing. It is not a nice model to follow. There are some things we would like to follow in the U.S., but that is not one of their great qualities.

The day after I tabled this bill, last month, on February 3, the *National Post*, a newspaper that honourable Conservative senators know better than I, stated:

... the Canadian political landscape moves further into what some experts call a “permanent campaign.”

It was not a supportive editorial, trust me.

I do not believe in permanent campaigns because it is not the Canadian way. The Canadian way is to debate ideas, not to throw money around all year long and to try to discredit your opponents. The Canadian way is also to work and govern between elections, not to spend the time campaigning. Canadians expect their parliamentarians to develop and work on legislation, not on electoral advertisements on a permanent basis. That is precisely why I reintroduced my bill. I sincerely believe Canadians deserve a debate on the kind of politics they want in this country.

The Liberals will not sit here and watch the Conservatives change this tradition, so we have to react. I believe that we have to debate this shift in the way we conduct politics in Canada. The core question of the debate is, do we want to be in a permanent electoral mode, as the Conservatives are trying to put us, or do we want to preserve Canadian traditions of fair elections where ideals prevail over money?

The Conservatives are trying outrageously to change this Canadian tradition by spending, spending and spending outside electoral campaigns. When I spoke last time on this bill, in 2009, the essence of this issue was that about \$5 million was being spent on campaigns. Spending certainly has not gone down since that time.

It is worth mentioning, though, that although the Reform-Tory alliance spent that much money, they were still not able to influence the electorate into supporting them. Granted, they probably had some negative influence on our party, but the reality is that, even with all that spending, they did not go up in the polls. Do honourable senators think spending another \$4 million this year will help them more? I do not believe that.

Last week, the media announced that the Harper government, the re-branded government, has spent \$26 million on an advertising blitz to promote the government's action plan. The current government should be ashamed of the use and abuse of taxpayer money for partisan purposes. The saying “the end justifies the means” applies well to the Conservatives. For them, anything can be done to achieve their political goals.

Not only do they abuse power, but they abuse government resources — government resources such as the Prime Minister's office and residence — in partisan advertisements, as Senator Mercer mentioned, and the use and abuse of ministerial staff on the part of Minister Kenney. The list goes on forever. I will jump over a few examples, but the best one is the newest one. There is a signing machine in Ms. Oda's office, because the minister indicated the machine signed the note. This is a first, honourable senators. We have heard blame the opposition and blame the bureaucrats. They have been doing it for five years. Blame the previous government? It has been done. We heard it before. Blame the media? We all heard it before. Blame the signing machine? That one is a first, honourable senators.

We have government cheques with the Conservative logo and disproportionate spending in Tory ridings as compared to other ridings, and the list goes on.

The use of government resources by the Conservatives is clear and well known to most of us. In my opinion, this use is problematic. I think this bill is only a first step in amendments to the Canada Elections Act. The Conservatives are going so far in their abuse that I believe we will have to go eventually to a more realistic debate.

I would like this bill to be sent to a committee so we can debate some of these issues that are changing the way Canada is perceived elsewhere. For example, I believe that we should legislate on the use of public broadcast corporation footage by political parties. The Conservatives were accused of using CBC footage. The Conservatives have used recently, without consent and against the will of the CBC, images and footage owned by the public broadcasting corporation. The CBC has to remain neutral, and political parties should not be allowed to use its content for partisan reasons. This use, I believe, is unacceptable.

More and more Canadians are being cynical about politics and their politicians. The participation rate in the last election is a good example of this cynicism. I believe that the Republican-inspired attack ads are partly to blame for the fact that Canadians are turning off politics. I believe that attack ads are a major factor in this situation simply because Canadians do not like them. Canadians are looking for a higher and more constructive political discourse than attack ads.

I am not bringing this bill forward to whine. I am bringing this bill forward because I think it is a subject that should be debated. Negative ads turn Canadians off. They turn off voters, which is a known objective that the Tories share with the right-wing parties in the United States. The fewer people that vote, the more the right-wing parties win. Narrowcasting is a political objective. Lowering turnout strategy is an objective they share. The fewer people that vote, the more right-wing ideologues win.

We all know that the smaller voter turnout always helps the Tories. It was useful last time. They received fewer votes than in the election before, but they still won. I guess they are attaining their objectives. They received fewer votes in 2008 than in 2006, but they still gained more seats. If that is their objective, at least come out and say it. They share a lot with the Republicans, but contrary to Republicans, they do not have the courage to face it. If we are to campaign permanently, like the United States, maybe we should try to campaign like them. Maybe Conservatives should have their leader say, “I am Stephen Harper, and I approve these ads.” He has never done that because I am sure he is probably a little bit embarrassed by those advertisements; but I think if you are going to be imitating the Americans, go all the way.

• (1840)

Senator Tkachuk: What is a negative advertisement?

Senator Dawson: I am sure you have seen them in Saskatchewan.

Senator Cowan: I think you have their attention, Senator Dawson.

Senator Dawson: I am supposed to be chairing a committee in five minutes, so I will be leaving. However, I do not think the Prime Minister would say “I am Stephen Harper and I approve these lies”; I know we are not allowed to say “lie,” but every time they were criticized after having aired them because they were lies, they took them off. However, they still have an aim of turning off Canadians, which is a well-known objective. The fewer people vote, the more you think you have a chance of winning.

[Translation]

In conclusion, honourable senators, in order to put an end to Canadians’ cynicism with regard to politics, and for the good of Canadian democracy, we must hold elections that are won with ideas and not with money.

[English]

Honourable senators, I believe this bill is needed because it would preserve the Canadian tradition, end permanent campaigning and in the end, hopefully, restore people’s appetite for elections and politics. When you pride yourself in weakening the voter participation in a democratic state at a time when the world is asking for a greater voice in democratic elections, the only word I can use for this is “pathetic.”

Honourable senators, as with most Canadians, I do not believe in permanent campaigning. I believe in fair debates; I believe in politicians who work for Canada instead of fighting permanently.

Honourable senators have probably heard the Liberal response to the Conservative negative advertisements because, yes, opponents always have to respond. They do not just sit there and watch. This is probably why permanent campaigns are bad. As soon as one starts, the other one responds, which opens a vicious circle of political and partisan replies.

Remember, the Liberal response was “Is this your Canada or Harper’s?” Let me tell you something, honourable senators, permanent campaigns are not my Canada; they are Harper’s. I truly believe in our Canadian tradition. I believe that elections should be decided through a fair contest of ideas, not through a contest of who can spend the most. Most of all, I know that most Canadians across the country believe that the politician’s first priority should be to govern, not to campaign permanently.

[Translation]

Hon. Suzanne Fortin-Duplessis: Would the honourable senator accept a question or comment?

Senator Dawson: Yes.

Senator Fortin-Duplessis: Senator Dawson listed various mistakes that the government supposedly made, but does the senator not think that his party’s attitude was the cause of all of this?

All of the parties were aware that a budget would be presented in the House of Commons and, over a month ago, the Liberal leader declared that he would not approve it and that he would not even read it. In fact, that statement, which made no sense, elicited some reactions. That is my comment.

Senator Dawson: Honourable senators, I must say that the Liberal Party based its decision regarding this government not only on the budget, as you know, but also on the contempt of Parliament, on all of this government’s actions in recent weeks, on all of the scandals — including Carson and “hug-a-thug” in the PMO. All these actions led our party to conclude that we could not continue to support this government. When there is no longer confidence in the party in power, it is the role of an opposition party to defeat it. That is what they will do in the other place and then it will be up to us to campaign so that we can get back to the other side of the house.

[English]

Hon. Irving Gerstein: Your Honour, I will be the critic on this bill and plan to speak to it tomorrow. I move to adjourn this bill in my name.

(On motion of Senator Gerstein, debate adjourned.)

PATENT ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Fairbairn, P.C., for the 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.

Hon. Stephen Greene: Honourable senators, after the fine speeches from my colleagues regarding Bill C-393, I am happy to have the opportunity to add my voice. Let me begin by mentioning that the goals and spirit of this bill are such that being the critic is not an enviable task, as I am rather conflicted. Indeed, my heart and my hope are for the intentions of this bill.

As a Canadian with a keen eye on our position in the international arena, I do believe that the intentions of this bill are in step with our priorities of health promotion in areas of the world that truly need our help. Further, we have an obligation as one of the wealthiest, most generous countries on earth to listen and to know about instances of human suffering when they happen and to act when we can.

With all the calls and emails to various parliamentary offices regarding this bill, with all the media hype, with the rock stars getting involved and the well-orchestrated, heartfelt and sincere lobby surrounding this bill, it would appear that the solution to drug access and supply to Africa might be solved, or at least positively impacted in a significant way, with support and passage of the bill in this chamber. Unfortunately, I do not believe that is the case.

Honourable senators, this bill is not a silver bullet or anything close to it. It will not fix the problem it aims to fix and it might even create new problems. I will attempt to explain why.

What passage of this bill essentially would do is facilitate an unpopular and expensive purchasing option for those groups or countries obtaining medicines for Africa. The simple fact is that already, without any application or bureaucratic headache, African health care providers can obtain cheaper medicines from generic drug manufacturers in other countries than we can provide from Canada. This is good news. There are drugs making it to Africa. Some people are being treated — not enough, for sure, and more medicine is needed, but there is an option that has traction and there are deliveries of medicines and treatments happening all of the time.

This bill, if passed, will provide another purchasing option, but at a price that is more expensive than our competitors in India and other countries such as Brazil can provide. The bill would also create a legal avenue that features fewer obstacles for access. It would not generate higher demand for Canadian generics, however, and unfortunately it would also put Canadian patents at risk.

When CAMR was first enacted, it was imagined that countries in Africa would be lining up to use the legal procurement avenue that it provided. Those countries did not line up. In fact, only one country has used the program. That deal, between Rwanda and the Canadian company Apotex, was the result of a real effort on the part of both entities to attempt to try out the program.

Honourable senators, it is important that we understand that CAMR has not failed because of bureaucratic reasons; rather, it has failed because of economic reasons. A bill similar to this one came before the Standing Senate Committee on Banking, Trade and Commerce, of which I am a member, in the autumn of 2009. It was at that time that I gained familiarity with this issue. I was able to meet and speak with many stakeholders, including the grandmothers whose dedication and passion for this cause I sincerely admire.

However, within the context of the specific failings of the bill, I would like to mention here some of the opinions of Dr. Amir Attaran, associate professor in the faculties of law and medicine at the University of Ottawa. Dr. Attaran is a passionate advocate of health initiatives in Africa and around the world. He had this to say about CAMR and the proposed legislative changes to it:

In a correct diagnosis, CAMR has failed for economic reasons, not for legal reasons. Where the causes of CAMR's failures are deeply economic, it stands to reason that amending the housekeeping provisions of the law is not likely to help.

• (1850)

Dr. Attaran went on to say:

We would all agree that CAMR exists to foster the export of Canadian generics to poor countries; but obviously for that export to take off, the precondition is that Canadian generics must be price competitive with other generics on the global market. That is necessary as a starting point. The trouble is that through no fault of CAMR or those who worked for it, Canadian generics are possibly the most expensive generics in the world. Therefore, no poor country is eager to buy them.

[...]

Here is the most important point: What poor country in its right mind would buy generics from Canada that it could buy elsewhere for half or less than half the price? The poor country doing its comparison shopping would rather buy from America, Europe, India, China or perhaps New Zealand — anyone but Canada.

Dr. Attaran's analysis is thorough on the subject. He also provided us with the insight that, if we effected the changes sought in this bill, we would be contorting our patent law into a shape that is already being tried by some of the 27 countries in the European Union. They have not yet had any orders under their regimes. These regimes are similar, if not identical, to that which we would have if we passed this bill. Those efforts have been total failures, zero orders. I feel our changes here would have a similar zero effect.

People might say, and they have said to me, when it comes to health care in Africa, we must throw everything at the wall and see what sticks. I expect the government of Canada to take a more serious approach in the creation of positive health outcomes in places where our help is needed.

The testimony we heard at the Standing Senate Committee on Banking, Trade and Commerce in the fall of 2009 on this bill's identical Senate bill is instructive. The expert witnesses told us that this bill loosens the restrictions around the current CAMR, which could result in some or all of the following effects.

First, instead of one shipment of a particular drug to a particular country in a safe and secure manner, a purchaser would be granted, in effect, permission to break patents of multiple drugs and ship them to multiple locations potentially for commercial purposes.

Second, drugs that are not certified by Health Canada as being safe and effective could be shipped to unsuspecting populations, to their detriment.

Third, drugs under the new CAMR could be redirected to the black market with proceeds going to non-humanitarian causes, such as weapons.

Fourth, if drugs are shipped without the consent of the host government, which would be possible under this bill, the drugs could run against their domestic laws and traditions.

Fifth, if Bill C-393 is passed, Canada's CAMR could be out of step with our international trade obligations in the WTO. We could be sued potentially.

Finally, if current patents are threatened, the patent holders might leave Canada seeking shelter in countries that value patent protection. The loss to Canadian research and development could be significant.

It is Canada's duty to have a serious approach to assist positive health care outcomes in Africa, not high profile band-aid solutions such as this well-intentioned bill.

It is clear that the solution to the problems of drugs in Africa is multifaceted. To that end, the Canadian government has launched the Canadian HIV Vaccine Initiative. It has made

[Senator Greene]

significant contributions to organizations such as the Health Partners International of Canada, and in turn, the HPIC has sent millions of doses of free drugs from Canadian pharmaceutical companies to the developing world. The government has made significant financial contributions to the Global Fund, the Global Polio Eradication Initiative and the Clinton Foundation, to name a few.

The bottom line is that Bill C-393 loosens Canadian patent protection as well as the vital health, safety and verification of non-commercial purpose checks. Worst of all, it will not solve the problem of CAMR, which is mainly a marketplace problem, not a bureaucratic one.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak also on Bill C-393. Senator Carstairs has already spoken so articulately about why we need to pass this bill soon. I shed light on the difference it will make in the lives of so many Africans. To our voice has been added the voice of Senator Murray. Senator Carstairs and Senator Murray are two people who, most of us believe, are our leaders and mentors in the Senate. Senator Nancy Ruth and Senator Dallaire added their voices.

I agree with, and endorse, what my esteemed colleagues have said on this bill. Like most of you, I have been listening to the debate on Bill C-393, An Act to amend the Patent Act (drugs for international humanitarian purposes) and to make a consequential amendment to another Act.

At the moment, many of us are preoccupied with what is happening around us. We are working on 101 other bills and issues; we are not convinced this bill is a priority or we believe it is an issue of the marketplace that will not make much difference to Africans.

I have had the Canadian Grandmothers for Africa work from my office for a number of years. I have seen their absolute commitment to this issue. I have admired their dedication. I salute them for their work on behalf of the children of Africa.

I am a child of Africa. I have drunk water from the River Nile and swam in Lake Victoria. However, Canada is now my home. For over 40 years, the people, who now are my people, have put clothes on my family's back and fed my family when we were hungry refugees. Today, Canadians have given me the amazing opportunity of being part of this great institution, the Senate of Canada.

Today, I, as a Canadian, have the opportunity to eat well and use the best health care system in the world. I have lived in one of the most peaceful countries. I truly believe that Canada is the best country in the world.

As a result of all these advantages we have, as a Canadian, I believe that we have to do more to ensure the neediest in the world are not overlooked by Canadians.

Let me share my experience. In November 2007, I had the privilege of accompanying Prime Minister Stephen Harper to my country of birth, Uganda, for the Commonwealth Conference. It

is a cherished moment in my life. Senator Stewart Olsen was also present and she and I, from time to time, have compared notes of this special trip.

As part of this trip, the Canadian High Commissioner's wife, Vanessa Hynes, was assigned to arrange my program in Uganda. She is a kind-hearted woman. On behalf of Canada, she has done amazing work to help the most unfortunate in Africa. During my time in Uganda, she took me to a hospital. We toured and then we proceeded to distribute dolls made by Canadians to the children in the pediatric ward.

As we distributed the dolls, we saw a young girl named Miriam slowly crawl towards us. She was 4 years old and had a large scar on the left side of her neck. I had to stop and speak to young Miriam. She had an enticing smile. As she reached for the doll, I reached down to play with her. Her father explained to me in Kiswahili that Miriam had a large cancerous tumour and had undergone a successful surgery to remove it.

I looked puzzled and asked why they were in the outpatient unit. He explained that Miriam had malaria and he could not afford the anti-malarial tablets. He had returned to the hospital to see if he could get the tablets for his daughter.

While we were arranging to have the tablets given to Miriam, she dropped the doll and fell into a coma. She was readmitted to the hospital.

On our way back from visiting the other wards, we saw Miriam's parents sobbing. Miriam had died because they could not afford the anti-malarial tablets that cost only a few dollars to us. A child who had survived lifesaving cancer surgery died of malaria because her parents could not afford the tablets.

Passing Bill C-393 would save the lives of many Miriams.

A number of years later, I returned to the same hospital. I again headed for the pediatric ward. We saw John, a tall, handsome 13-year-old boy, brought into the hospital. He was very sick. He had a high fever. His father had walked him to the hospital in his outstretched arms.

Later, I found out that John died. Why? Because John's parents could not afford the medicine he so desperately needed. Bill C-393 will save the lives of many boys just like John.

• (1900)

My assistant, Rahmat Kassam, and I were in East Africa last week. We went to a maternity ward as we have been working on finding ways to help prevent fistulae in pregnant woman. For those who are unaware, an obstetric fistula is a hole in the birth canal caused by prolonged labour without prompt medical intervention, which is usually a Caesarean section. The woman is left with chronic problems and delivers a stillborn baby in most cases.

When we arrived at the hospital, we found that fistulae were not prevalent in this particular area as women had access to a clinic. However, since we were already at the maternity ward, we decided to take a tour. During our tour, we were informed that the clinic did not have access to the medicines they needed. There were no anti-malarial tablets for the mothers who had malaria, no

antibiotics for the mothers who had fever, and no anti-viral drugs for mothers who had AIDS. They all delivered in the same small, overcrowded room that held three women to each bed.

Out of all the women in the ward, Rahmat and I could not take our eyes off Josephine. She had the most attractive face, but it was contorted with excruciating pain because the clinic had no painkillers or epidurals to give to her or any of the other woman.

Josephine was sitting in the corner all by herself. No relative was allowed to hold her hand as she battled contractions, since there was no room for relatives. We headed to her bedside to try to console her. One of the nurses, however, pointed out that another reason relatives were not allowed into the room was because they were susceptible to TB. In the event any patients or family members contracted this disease, they would have no medicine to treat them. Both Rahmat and I felt incredibly helpless.

We left hurriedly because the pain of the women around us was unbearable. We quickly returned to the hotel and started to pack to return to Ottawa. It was a very long evening. The next morning over breakfast, we were both quiet. We both decided that we should stop by the maternity ward before going home.

Upon arriving at the clinic, we ran into Josephine and her beautiful baby daughter. As soon as she saw us, she handed us her baby girl with great pride. We embraced her and we left the clinic that morning with warmth in our hearts having seen a smiling mother with her baby.

Honourable senators, today we can decide to continue the debate on Bill C-393. However, this bill has been debated before. We can wait to have the bill returned to us from committee. However, this bill has been studied in committee before.

Honourable senators, we have already studied, debated and reflected on this bill. On behalf of the Miriams, Johns and Josephines, whose lives can be saved, I stand before you and say that we, who have the power to make a difference in the lives of several African people, must take this opportunity and do so now.

Honourable senators, let us have the courage to pass Bill C-393 this week. We are here in the Senate to make a difference. Now we can truly make that difference. There are times when we, as parliamentarians, must disagree on certain issues. It is inevitable in a democracy. However, the very same ideology requires us to strive to work together whenever possible.

This bill is an example of one of those times when, regardless of which party we represent and what we think will not work, it is up to us. We are very fortunate people as Canadians. We are fortunate just because of our luck. Therefore, we have a special duty to look out for those who do not have our privileges.

Honourable senators, let us go forward with the simplest of intentions: that we, as human beings, do what we can to help fellow human beings. If it has taken me 15 minutes to deliver this speech, 30 children have died in Africa. Every 45 seconds, a child dies of malaria. Honourable senators, we truly can make a difference. The time to do so is now.

[Senator Jaffer]

Hon. Kelvin Kenneth Ogilvie (The Hon. the Acting Speaker): Senator Carignan, on debate.

[Translation]

Hon. Claude Carignan: Honourable senators, I see that Senator Smith has had to leave and I know that he would like to speak to this bill. I therefore move the adjournment in his name.

[English]

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Acting Speaker: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Acting Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Acting Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Acting Speaker: Call in the senators.

Do the whips have a recommendation for the bell?

Senator Di Nino: Let it be a one-hour bell.

The Hon. the Acting Speaker: I therefore wish to inform honourable senators that the vote will take place at 8:05 p.m.

Do I have permission to leave the chair?

• (2000)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Ataullahjan
Boisvenu
Braley
Brazeau
Brown
Carignan
Champagne
Cochrane
Comeau
Demers
Di Nino
Duffy
Eaton

Kochhar
Lang
LeBreton
MacDonald
Marshall
Martin
Meighen
Meredith
Mockler
Neufeld
Nolin
Ogilvie
Patterson
Plett
Raine

Finley
Fortin-Duplessis
Gerstein
Greene
Housakos
Johnson
Kinsella

Rivard
Runciman
Seidman
Stewart Olsen
Tkachuk
Wallace
Wallin—44

NAYS
THE HONOURABLE SENATORS

Banks
Callbeck
Campbell
Chaput
Cordy
Cowan
Dawson
Day
De Bané
Downe
Dyck
Eggleton
Fairbairn
Fox
Fraser
Hervieux-Payette
Hubley
Jaffer

Joyal
Losier-Cool
Lovelace Nicholas
Mercer
Merchant
Mitchell
Moore
Munson
Murray
Pépin
Peterson
Ringuelette
Robichaud
Rompkey
Smith (*Cobourg*)
Tardif
Watt
Zimmer—36

ABSTENTIONS
THE HONOURABLE SENATORS

Nil.

- (2010)

**NATIONAL HUNTING, TRAPPING AND FISHING
HERITAGE DAY BILL**

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill C-465, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

Hon. Charlie Watt: Honourable senators, I rise today to speak to Bill C-465, which aims to make September 23 a national hunting, trapping and fishing heritage day.

While I accept that there are many fine hunters, trappers and fisherman who enjoy these activities as sports here in southern Canada, we must recognize that hunting and fishing are necessary to the survival of all northern communities. By calling it “sport,” we undermine the critical role of these hunter and providers.

I do not want the issue of subsistence hunting to become lost in this dialogue today. The main point I want to make is that not everyone hunts and fishes for sport. The food crisis in the North and our economic needs have forced us to continue subsistence hunting, which remains very active today. We still cannot rely on store-bought food in the North because of the high cost and limited availability in our northern grocery stores.

I appreciate the government efforts to provide better subsidies to Northerners through a revised food mail system, but this is not enough. We still need to address poverty and food scarcity, and we need to find permanent solutions for our Arctic communities.

As a start, we could give our subsistence hunters the recognition they deserve. We should give them subsidies and programs in a fashion similar to those given to farmers and fishermen, because our hunters are harvesting the food of our region.

I ask honourable senators to keep the distinction between sport hunters and subsistence hunters clear in their minds, and I ask them to consider innovative ways to show gratitude and respect to the hunters who hunt for the survival of their people.

Honourable senators, when the European Economic Community no longer accepted sealskins, our hunters were not eligible for EI. However, as you will remember, the cod fishermen of the Maritimes received compensation when the cod stocks were depleted many years ago. Perhaps we can use similar parameters or come up with something better. At the very least, our hunters should receive better payment from hunter support programs and our hunters should get some tax breaks on hunting income and on their equipment, such as ropes, nets and other items required to do their work, including boats and snow machines.

The Hon. the Speaker: Is there further debate?

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 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 Social Affairs, Science and Technology.)

• (2020)

PROTECTION OF INSIGNIA OF MILITARY ORDERS AND MILITARY DECORATIONS AND MEDALS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Daniel Lang moved second reading of Bill C-473, An Act to protect insignia of military orders and military decorations and medals that are of cultural significance for future generations.

He said: Honourable senators, we just received this bill from the other place. I will be receiving more information on the bill and I will be prepared to debate it at a future date. However, before I move that the debate be adjourned in my name, I understand that Honourable Senator Banks would like to speak.

Hon. Tommy Banks: Honourable senators, I understand that I am not the first responder nor am I the sponsor of the bill. However, I want to point out that this bill sets out a prohibition for the sale by Canadians of important military insignia and medals, and the like to foreigners, which is a good idea.

If you had in your possession a military medal, a military cross or a Victoria Cross, it ought first to be offered for sale to Canadians. The bill provides that before one can export or attempt to export an insignia of cultural significance, one must have received a refusal of the offer from the Canadian Museum of Civilization, the War Museum, the Department of Canadian Heritage or the Canadian Forces, or not received acceptance of the offer within 120 days. That is good.

Honourable senators, it then says in the amendment to the Cultural Property Export and Import Act:

The Review Board shall, on request of the Minister, determine the amount of a fair cash offer to purchase in respect of an insignia . . .

Honourable senators, the problem is that there is no arbitration. When this bill is discussed, I hope that this amendment will be considered.

If I have a Victoria Cross that I will not export to my wife, or to my father, or to my mother, or to a close relative, which action is exempted in the bill, I can say, for example, that I want to sell this to a museum in Philadelphia and that I want \$100,000 for it. The bill does not say that I cannot do that. The export board will say that a fair price is \$5,000. However, I asked for \$100,000. There is no arbitration. The fact that the museum refuses my offer of sale for the medal for \$100,000 means that I can now export the medal to Venezuela or any other country. If the intent of the bill is to be met, then there must be some kind of arbitration; otherwise, the person who wishes to export a medal or an insignia, which would otherwise not be allowed, can simply name an unrealistic price that would never be met and I think that thereby escapes the intent of the bill. I just wanted to point that out to whoever will be considering it.

(On motion of Senator Lang, debate adjourned.)

STUDY ON COSTS AND BENEFITS OF ONE-CENT COIN

EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton, for the adoption of the eighth report of the Standing Senate Committee on National Finance, entitled: *The Costs and Benefits of Canada's One-Cent Coin to Canadian Tax Payers and the Overall Economy*, tabled in the Senate on December 14, 2010.

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

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

(Motion agreed to and report adopted.)

STUDY ON CANADIAN SAVINGS VEHICLES

FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Canadians Saving for their Future: A Secure Retirement*, tabled in the Senate on October 19, 2010.

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

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

(Motion agreed to and report adopted.)

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

BILL TO AMEND—EIGHTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

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

Hon. Pamela Wallin, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Wednesday, March 23, 2011

The Standing Senate Committee on National Security and Defence has the honour to present its

EIGHTH REPORT

Your committee, to which was referred Bill C-55, An Act to amend the Canadian Forces Members and Veterans Re-establishment and Compensation Act and the Pension Act, has, in obedience to the order of reference of Monday, March 21, 2011, examined the said bill and now reports the same without amendment.

Respectfully submitted,

PAMELA WALLIN
Chair

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

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

STUDY ON GOVERNMENT'S ROLE IN SUPPORTING THE PROMOTION AND PROTECTION OF WOMEN'S RIGHTS IN AFGHANISTAN

SEVENTH REPORT OF HUMAN RIGHTS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Human Rights, entitled: *Training in Afghanistan: Include Women*, tabled in the Senate on December 15, 2010.

Hon. A. Raynell Andreychuk: Honourable senators, this item has been standing in the name of the Honourable Senator Nancy Ruth. It is a report from the Human Rights Committee and I do not wish it to be terminated today. I would ask that the matter be adjourned in my name for further debate. I do not believe that Senator Nancy Ruth or anyone else will object.

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

(On motion of Senator Andreychuk, debate adjourned.)

GOVERNMENT PROMISES

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Tommy Banks: Honourable senators, Senator Cowan has called our attention to a long list of promises broken by the government. One of the cogently related matters having to do with broken promises is the question whether the Harper government — that is now the preferred nomenclature, I am told — is in contempt of Parliament. That is a question fraught with arcane considerations of constitutionality, procedure, convention, practice and the law. The determination of that question by most Canadians, or certainly by me, would therefore be out of order. It would be beyond my ken. That question is one that is being determined just down the hall.

• (2030)

As to the common, everyday, common-sense question of whether the Harper government has contempt for Parliament, the answer to the Canadian on the way home on the five o'clock bus would be resoundingly in the affirmative. Any sentient person with even the most perfunctory knowledge of the events of the last few months knows that. The evidence is incontrovertible. The government's pronouncements, the government's actions, and, more important, the government's attitude all provide it.

That is the common-sense question, not about being in contempt of Parliament but of clearly having contempt for Parliament, and contempt, while they are at it, for the promises they have made to Canadians.

Many of those promises were about openness, transparency, and the magic word, "accountability." Now comes the Federal Accountability Act that will take our nation upward and onward to new green meadows of openness, transparency and accountability — except that it did not. It promised honesty, but it removed the requirement to act honestly from the code that applies to cabinet ministers.

It promised an appointments commissioner, but the government did not like the openness and transparency of the vetting process, so the government took its ball and went home. We keep having million dollar budgets for the office of the appointments commissioner, but no commissioner.

It promised an integrity commissioner. As the lyric from *My Fair Lady* goes, we "were serenely independent and content before" Ouimet.

What we got there was not our money's worth.

The government promised us a Parliamentary Budget Officer. On March 14, 2008 — better late than never, we thought at the time — the Honourable Peter Van Loan, who was the Leader of the Government in the House of Commons and the Minister for Democratic Reform, announced the appointment of Kevin Page as Canada's first Parliamentary Budget Officer. The government news release said:

"The appointment fulfills another commitment made to Canadians during the last election. As promised by the Federal Accountability Act, the Parliamentary Budget Officer will provide independent analysis to Canadians on the state of the nation's finances," said Minister Van Loan. "With his expertise in economics, Mr. Page is a fine choice to fill this position."

The government goes on to say:

The Parliamentary Budget Officer is an independent officer of the Library of Parliament who reports to the Speakers of both chambers.

The Library of Parliament reports to the Speakers of both chambers.

The position was created through amendments to the Parliament of Canada Act contained in the Federal Accountability Act.

Here endeth the quote, except that it turns out he is not quite independent.

The provisions of the Parliament of Canada Act — this is not merely government policy, this is an act of Parliament — say in section 79.2:

The mandate of the Parliamentary Budget Officer is to

- (a) provide independent analysis to the Senate and to the House of Commons about the state of the nation's finances, the estimates of the government and trends in the national economy;
- (b) when requested to do so by any of the following committees, undertake research for that committee into the nation's finances and economy:
 - (i) the Standing Committee on National Finance of the Senate or, in the event that there is not a Standing Committee on National Finance, the appropriate committee of the Senate,
 - (ii) the Standing Committee on Finance of the House of Commons or, in the event that there is not a Standing Committee on Finance, the appropriate committee of the House of Commons, or
 - (iii) the Standing Committee on Public Accounts of the House of Commons or, in the event that there is not a Standing Committee on Public Accounts, the appropriate committee of the House of Commons;
- (c) when requested to do so by a committee of the Senate or of the House of Commons, or a committee of both Houses, that is mandated to consider the estimates of the government, undertake research for that committee into those estimates; and
- (d) when requested to do so by a member of either House or by a committee of the Senate or of the House of Commons, or a committee of both Houses, estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

The Parliamentary Budget Officer is required, when requested by a member of the Senate or the House of Commons, to estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction.

Subsection 79.3(1) says:

... the Parliamentary Budget Officer is entitled, by request made to the deputy head of a department within the meaning of any of paragraphs (a), (a.1) and (d) of the definition "department" in section 2 of the Financial Administration Act, or to any other person designated by that deputy head for the purpose of this section, to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate.

That provision is clear, until we get down to the small print at the end, where the truth is. It is the old small-print trick, sort of like insurance policies. It is called "exceptions:" yes, exceptions.

The act provides, as it turns out, that the Parliamentary Budget Officer can have free and timely access to any information he or she wants, excepting, among other things, data "that are contained in a confidence of the Queen's Privy Council for Canada."

In other words, the government and its departments must disclose in a free and timely manner any information the Parliamentary Budget Officer asks for, unless they decide they do not want to.

What kind of transparency is that? How can the Parliamentary Budget Officer discharge her or his mandate, the responsibility of the office to "estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction," if the government refuses to provide the relevant information?

Does Parliament not have jurisdiction over any proposal? Are there proposals over which Parliament does not have jurisdiction? I ask for instruction on that question.

If this were not so sad, it would be funny. It would be almost Kafkaesque, the circular nature of this legislation.

When the Prime Minister promised a Parliamentary Budget Officer, and when Minister Van Loan announced it a couple of years later, that it was actually happening, there was widespread approval. There was congratulation from all sides, because this officer was a genuinely good idea. It was needed. It was timely, and it was approved all around. Most important, it was approved by Parliament.

However, the small print near the end is what we approved, too, so it may well be that the government has not contravened the Parliament of Canada Act.

What the government has contravened is trust, trust that it says what it means and means what it says: trust in respect of its promises; trust and the hope that its touted openness, accountability and transparency promises meant something. Instead, what we have now is a new and even more impenetrable stonewalling. We have information management that is approaching Machiavellian. We have bills before Parliament with short titles that are advertising billboards. We have the government breaking its own laws, and flouting its own solemn undertakings.

We even have what Mr. Churchill, avoiding the use of unparliamentary language, referred to as “terminological inexactitudes.” We have the diametric opposite of ministerial responsibility. We have a Parliamentary Budget Officer who is underfunded, who is denied access to cogent information, and to whom the government’s attitude is, to put it mildly, antipathetic.

That Canadian going home on the five o’clock bus is wondering where this has all gone wrong, how it is possible that a government that has been in power only for five years could have turned itself inside out on so many of its promises, and how Parliament could possibly — how we could possibly — have allowed this situation to happen.

That long and sad list of broken promises to which Senator Cowan has referred, and which he has enumerated, seems to grow by the day.

The current government — the Harper government, as it likes to be called — carries the name of the great political party that led the founding of this country. The resemblance is growing dimmer and dimmer by the day.

(On motion of Senator Comeau, debate adjourned.)

• (2040)

[Translation]

THE SENATE

MOTION TO CONDEMN ATTACKS ON WORSHIPPERS IN MOSQUES IN PAKISTAN AND TO URGE EQUAL RIGHTS FOR MINORITY COMMUNITIES— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Greene,

That the Senate condemns last Friday’s barbaric attacks on worshippers at two Ahmadiyya Mosques in Lahore, Pakistan;

That it expresses its condolences to the families of those injured and killed; and

That it urges the Pakistani authorities to ensure equal rights for members of minority communities, while ensuring that the perpetrators of these horrendous attacks are brought to justice.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, in the motion moved by Senator Finley, you will note that the English version states:

That the Senate condemns last Friday’s barbaric attacks . . .

The French text states:

Que le Sénat condamne les attaques barbares de vendredi dernier . . .

MOTION IN AMENDMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, in view of the fact that the motion was moved a few weeks ago, I move an amendment that would be slightly different in English and in French and that would state:

That the motion be amended and that the words “last Friday’s” be omitted from the English motion.

The French motion states:

Que le Sénat condamne les attaques barbares de vendredi dernier . . .

The proposed amendment to the French motion would be:

Que le Sénat condamne les attaques barbares sur les fidèles . . .

I believe that the motion would be much clearer given today’s date. I move this amendment to the motion.

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 in amendment?

Hon. Senators: Agreed.

(Motion in amendment agreed to.)

[English]

The Hon. the Speaker: Is there debate on the main motion?

Senator Comeau: Question.

The Hon. the Speaker: Honourable senators, for the clarity of the house, the main motion that has been amended was moved by the Honourable Senator Finley and seconded by the Honourable Senator Greene.

Are honourable senators ready for the question on the main motion?

Hon. Tommy Banks: Honourable senators, I would like to move the adjournment of the debate.

(On motion of Senator Banks, debate adjourned.)

[Translation]

SENATE ONLINE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the online presence and website of the Senate.

Hon. Maria Chaput: Honourable senators, I rise today in support of the Honourable Senator Mitchell's inquiry to highlight the importance of ensuring that the Senate has a strong presence online. Internet, this virtual world, is without a doubt the city of the future, and the Senate must take its full place.

The World Wide Web is the place to quickly access an incredible wealth of information often at no cost. Young Canadians automatically turn to the Web to find information, whether it is to find the showtimes for movies playing at the cinema, find out about the ice conditions on the Rideau Canal here in Ottawa, buy a birthday gift for a friend, learn about the customs of faraway countries, access documents posted by a professor, or find out about the work of the Parliament of Canada.

No matter what type of information they are looking for, young Canadians turn to the Web first. I might add that Canada's two official languages are among the three main languages of the Web — a wonderful advantage for Canada.

[English]

Several months ago in this chamber, Senator Mitchell said:

... we cannot, in any way, shape or form, search the *Debates of the Senate* [online]. ... In the 21st century, in the Senate of the Government of Canada, we cannot find someone's name in *Debates of the Senate*.

I agree that access to the *Debates of the Senate* on the Web, this great information highway, is difficult and limited. Anyone who wants to read the *Debates of the Senate* online to find out about a particular subject faces a massive uphill battle.

Although the *Debates of the Senate* are available online from the second session of the 35th Parliament onward, it is extremely difficult to find what one is looking for. Since there is no internal search engine to make the job easier, one must comb through each day of the Debates, a painstaking task.

The *Debates of the Senate* found in libraries have an index. Why not the Debates online?

[Translation]

The debates, journals and evidence of parliamentary committees in the other place are organized so as to facilitate, indeed encourage, online research. Why not adopt that model?

An internal search engine, on the website of the other place, allows people to search by keyword or browse the index by subject, person, document, constituency or organization.

Young people doing school work can quickly find the information they need by searching the website of the other place, which encourages them to come back again and explore the parliamentary debates even further. Why can the Senate not do the same? This would contribute to promoting the work of the Senate.

To reach out directly to Canadians, particularly young Canadians, the Senate should have a strong presence on the Web and show off the great work accomplished by the honourable senators and committees of this chamber. Online access to the *Debates of the Senate* must be made easier to allow Canadians to be better informed and, as a result, to better understand their Senate.

The Senate's presence on the Web should reflect what it is in reality: a vital and dynamic institution. Would it therefore not be useful to post all the debates on the Senate website, to allow the public to one day access, online, the entire work of the Senate of Canada since 1867?

Of course, this is a great undertaking, but a necessary undertaking to make the Senate more visible and more accessible. I respectfully submit that we must take the initiative to ensure the Senate has a strong presence on the Web, a presence that reflects this great institution and the vital role it plays.

[English]

Hon. Jim Munson: Would the honourable senator accept a question?

Senator Chaput: Yes.

Senator Munson: Thank you. Senator Neufeld and I were in Wales last week. Guess what we saw. Television. Guess what we also saw in the National Assembly. We saw 60 people. During the Question Period, there were 60 computers with rubber keys. We also saw the Internet, saw them using Twitter and doing all kinds of things, connecting with their public. It was a fascinating thing to watch. It was open and transparent. The people of Wales watch the elected and/or appointed people in their assembly.

It was fascinating. There is television there and TV cameras. People see their appointed and/or elected representatives. Imagine that!

Therefore, I want to ask Senator Chaput, now that it is 2011 and we are almost at April, does she think that, with this new thing called the "Web" and all these other new things, perhaps the Senate of Canada, this wonderful institution, should come into the new age and actually allow Canadians to see what we are doing? They witness what we are doing in committees and they appreciate that. It gives us great credibility.

There is this new thing called the “Web” and this other new thing called “television.” Does the honourable senator think these should also be among the new things we should have in this august assembly?

• (2050)

[Translation]

Senator Chaput: Thank you for your question. Unfortunately, you may not get the response that you would like. I have very mixed feelings about televising the Senate debates. I do not know whether it would be a good thing for us. I worry that it would turn into a circus and would greatly damage the Senate’s reputation.

I have mixed feelings on this subject and I am currently unable to say that I would support a televised Senate. I apologize.

[English]

Senator Munson: I appreciate what the honourable senator said. However, senators go across the country into their home towns, they go into their villages or cities, they turn on television and what do they see? They see city halls, town halls and village halls where people are talking, and I do not think they are talking to the cameras. They have a responsibility to represent the people who elected them, and it is so transparent and so open.

I will not ask the honourable senator another question. I know what she has said about this subject. I do not know about playing to the cameras and playing to radio, but if we are to engage this new thing called the “website,” from my perspective Canadians can watch what we do. That is important. Canadians sometimes have doubts about what we do, but if they can watch and listen to what we do perhaps there will not be as many questions as to what we do.

[Translation]

Senator Chaput: There is no doubt that, when one of our committee meetings is broadcast on CPAC, the public becomes aware of the Senate’s work. With regard to televising the Senate sessions, I am always open to debate. I am certainly prepared to listen to the pros and cons but, for now, I cannot say that I would support such a measure.

(On motion of Senator Jaffer, debate adjourned.)

[English]

THE SENATE

MOTION TO CALL UPON CHINESE GOVERNMENT TO RELEASE LIU XIAOBO FROM PRISON— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Stewart Olsen:

That the Senate of Canada call upon the Chinese Government to release from prison, Liu Xiaobo, the 2010 Nobel Peace Prize Winner.

Hon. Tommy Banks: Honourable senators, I will speak briefly on the motion of Senator Di Nino, seconded by Senator Stewart Olsen, which stands in the name of Senator Day. After I speak, I hope it will be adjourned again in Senator Day’s name. I asked for his permission to speak to the matter today.

I have a reservation that I think Senator Day might share about this motion. It applies also to the adjournment I took on a previous motion. It resides in the fact that I am not sure — and perhaps I could be instructed in debate later — whether it is appropriate for the Senate per se, which is what this is, to call upon a foreign government to do something.

I understand it is appropriate for us to ask the Government of Canada to call upon a foreign government to do something. I would advise Senator Di Nino that I would be perfectly comfortable with this motion if it said that the Senate of Canada call upon the Government of Canada to ask that the Chinese government release from prison, et cetera.

As a general rule, I believe matters of that kind between nations are handled by the governments of the nations, not by the legislatures of the nations. The same thing obtained to a part of the previous motion we were talking about, which had to do with Pakistan, urging the government of Pakistan to do something. I am not comfortable with the idea that the Senate or the House of Commons should take it upon itself to urge the government of wherever else to do something without asking us about it. Matters of international relationships, treaties and the like, and those kinds of things are ordinarily handled government to government.

If we were engaged in a trade discussion, for example, with the Government of China, and those negotiations were going well, and all of a sudden along came a note from someone — I do not know how we would get it there — that said the Senate of Canada condemns someone for something, or urges that government to do something, I am not sure that would not have an effect upon the friendly nature that might have obtained to that point in respect of that negotiation.

I have a feeling it is inappropriate for one or the other of our legislatures to call upon, to urge or condemn a foreign government somewhere in any respect. I would prefer we did that through our government, which is a function of Parliament and not the other way around. That is my reservation on this motion and on the previous one about Pakistan.

Hon. Consiglio Di Nino: Will my friend take a question?

Senator Banks: I would be delighted.

Senator Di Nino: First, I do not think I need to tell anyone here that we are a constituted, independent body of Parliament and we have the right to do things of this nature. We have done it before. The question to the honourable senator, which may not sound like a sincere question, is: If he has been able to review the debates that have taken place in the Senate on this issue, I hope he has noticed that I have pointed out that we have had this issue raised before and a Speaker has ruled that we do have the right to do this. Has the honourable senator had a chance to take a look at that ruling?

Senator Banks: I did not look but I recall Senator Di Nino having made that point in debate before when I was here. Notwithstanding that we might have the right to do it — I do not think anyone said we do not have the right; we have the right to do almost anything — I am not questioning the right. I am questioning the appropriateness and the wisdom of doing it, as opposed to asking the government do it for the reasons I said before, and the senator has heard before, which is that relations between governments ought to be relations between governments and not between the legislatures that are only one constituent part of those governments.

Senator Di Nino: Does the same thing apply if we are talking about another jurisdiction; if we are talking about the United Nations, if we are talking about the North Atlantic Treaty Organization, if we are talking about another province, if we are talking about some institution of an international nature? Does Senator Banks believe that should also be a rule in dealing as a legislative body constituted under the laws of our country, that we do not have the right to deal with anything that is not within the confines of Canada; is the honourable senator suggesting that?

Senator Banks: No, nor did I say that. Again, I am not saying we do not have the right to do this. I am questioning the appropriateness of entering an area that I think — and it is only my opinion: I have not discussed this with anyone else — ought properly to be dealt with from government to government as opposed to legislature to government. I have no doubt that we have the right to do it. It is merely an opinion that I think it is not appropriate or wise to do it. It would be more appropriate and wise if this legislature were to ask and urge that the Government of Canada undertake to send this message.

• (2100)

The Hon. the Speaker: The matter stands adjourned in the name of Senator Day. Is it agreed?

Hon. Senators: Agreed.

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

WOMEN IN PRISONS IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to issues related to women in prisons in Canada.

Hon. Elizabeth Hubley: Honourable senators, I have often thought that you can tell a lot about a country by how it treats its prisoners, but when I look at the plight of Canadian female inmates in our prison system, I do not recognize the Canada I thought I knew. We are failing women and families, and that is a terrible crime.

According to the most recent report from the Office of the Correctional Investigator, conditions in women's prisons have deteriorated over the last 20 years. This is especially alarming considering that in 1990, the report entitled *Creating Choices* by the federal Task Force on Federally Sentenced Women, found

that programs and policies designed for women in prison were “inadequate and dehumanizing,” and that deep changes to the system were required.

Honourable senators, female offenders have complex issues and unique needs that can only be addressed through proper treatment and care. Nevertheless, we have yet to commit the resources required to properly implement these essential programs. If we want to break the cycle of abuse, poverty and illness that trap women in lives of crime, then we cannot wait another 20 years. We must act now.

We know that the profile of an average female in prison differs substantially from her male counterpart. She is, first, likely to be Aboriginal. She is also likely to be addicted to drugs, to be in jail for a drug related conviction, to suffer from a mental illness, to have a history of abuse and to be a mother.

Honourable senators, allow me to elaborate. The number of Aboriginal women in federal prisons has shot up by a startling 90 per cent over the past 10 years. This is compared with 17 per cent for men over the same period. We are now at the point where one in three female inmates is Aboriginal. This is a disturbing statistic, and clearly more work must be done to understand and halt this trend. Furthermore, the average female prisoner is more than twice as likely as the male prisoner to suffer from substance abuse problems and to be in jail on a drug related conviction. With mandatory minimum sentencing provisions for drug crimes on the horizon, it follows that these numbers will only continue to rise.

In addition to substance abuse issues, anywhere from 30 per cent to 45 per cent of female prisoners have mental health problems. This is more than twice the rate of male prisoners. These women suffer from everything from major depression to schizophrenia. They are likely to engage in self-harming behaviour, seven times more likely than the Canadian average to commit suicide and, without treatment and proper accommodation, can become violent.

Related to these mental health problems is the overwhelming high incidence of childhood sexual abuse among female prisoners, at a rate that has been estimated to approach 90 per cent. This is significant. Finally, the majority of female offenders are also mothers, and these mothers are mostly single parents with children under five years old.

Honourable senators, these statistics paint a portrait of a woman who needs help. The majority of women in federal prisons are sentenced to between two and three years in jail. These years are a critical time. If managed correctly, they can be an opportunity for women to receive the help they need and to emerge from jail better equipped to take care of their families and live crime free and healthy lives. From what we know about the percentages of female inmates suffering from mental illness and substance abuse, treatment programs in federal prisons are a necessity. We need to deal with these underlying issues in order to help women get their lives back on track.

Moving Forward with Women's Corrections, an expert committee's 10-year status report that was released in 2006 by the Commissioner of Correctional Service Canada, noted:

Women experiencing mental health issues are the most vulnerable of the imprisoned population and demonstrate the highest need upon their return to the community.

Fortunately, some programs to treat mental health and substance abuse issues have been recently introduced into federal prisons. However, the report acknowledges that funding is an ongoing problem and that Correctional Service Canada is left to its own devices to fund these programs when and where it can.

It is not surprising, then, that these programs are not offered uniformly across the country, and that women often have to choose between accessing needed treatment programs and remaining close to home. Further, these programs often have lengthy waiting lists. Since the vast majority of women spend less than three years in federal prison, this means that many will spend their entire sentence waiting for an appropriate program. These women will then be released from prison without ever receiving treatment. This is unacceptable.

Honourable senators, funding for programs to treat women with mental health and substance abuse problems should not be seen as an optional extra to be dealt with by the Correctional Service of Canada on an ad hoc basis, but as a fundamental and essential aspect of the women's prison system.

We must do better to address the mental health and substance abuse challenges facing our female offenders if we hope to eliminate recidivism and end the cycle of crime, abuse and poverty that plague generations of women and their families.

The majority of women in our federal prisons are mothers to children under five years of age. How we choose to treat these women will therefore have an impact on their children and their communities too. Studies show that, in disadvantaged neighbourhoods, women are often the glue that keeps the community functioning. In other words, when a woman goes to prison, the loss to her family and her community is huge.

Programs aimed at maintaining and rehabilitating mother-child relationships are crucial. Nevertheless, the Mother-Child Program was vastly curtailed in 2008, with the introduction of more stringent eligibility requirements. We are now at a point where there are only two women in the program. This is a lost opportunity to help mothers and their children.

Honourable senators, we know that children with mothers in jail are at high risk for suffering from low self-image, high anxiety, underachievement, depressive tendencies and difficulties in building relationships. In other words, they are vulnerable to repeating the same mistakes as their mothers.

The good news is that early intervention can make a difference. Studies show time and again that establishing a strong mother-child bond right from the beginning can have a positive impact on mothers and children.

Mothers in prison often report that their children have a calming and motivating influence on them. These women respond better to treatment and work harder to improve their lives. For children, too, being with their mothers means that they are kept out of the child welfare system, and with someone with whom they have a better chance of establishing a deep and lasting bond.

Honourable senators, I commend Senator Mitchell for initiating this important inquiry and echo his deep concern for our female inmates. If we want to reduce recidivism rates among female offenders and build healthy communities, then we must change the way we treat our Canadian women inmates.

It is outrageous that while the government is planning to spend hundreds of millions of dollars on hiring 3,000 new correctional officers, parole officers and administrators for our prisons, it is planning to hire only 25 nurses and 10 psychologists.

We realized 20 years ago that women in our prisons were a neglected and marginalized group who needed better treatment and access to appropriate programs. Today, these women are still waiting for the help they need to break the cycle of abuse, poverty and illness that trap them in lives of crime.

• (2110)

The evidence is clear: The majority of our female offenders do not need minimum sentencing, stricter parole requirements and harsher prison conditions. They need treatment, training and opportunities so that they and their families can lead crime-free and healthy lives. Throwing away the key is not the answer. We need public policy options that break the cycle, not perpetuate it.

The Hon. the Acting Speaker: If no other honourable senator wishes to speak to this matter, it will be considered debated.

Senator Banks: I move the adjournment of the debate.

(On motion of Senator Banks, debate adjourned.)

THE SENATE

MOTION TO RECOGNIZE DECEMBER 10
OF EACH YEAR AS HUMAN RIGHTS DAY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Mercer:

That the Senate of Canada recognize the 10th of December of each year as Human Rights Day as has been established by the United Nations General Assembly on the 4th of December, 1950.

Hon. A. Raynell Andreychuk: Honourable senators, I note that this matter stands at day 14. I want to ensure it does not fall off the Order Paper. I do intend to speak to it. In light of the hour, I ask for the adjournment for the remainder of my time.

(On motion of Senator Andreychuk, debate adjourned.)

ABORIGINAL AFFAIRS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Brazeau calling the attention of the Senate to the issue of accountability, transparency and responsibility in Canada's Aboriginal Affairs.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know we are at day 14 on this, but unlike Senator Andreychuk, I have no intention whatsoever to speak to this motion. Therefore, I would like to adjourn it in Senator Finley's name.

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

NATIONAL LANGUAGE STRATEGY

INQUIRY—DEBATE ADJOURNED

Hon. Mobina S.B. Jaffer rose pursuant to notice of February 1, 2011:

That she will call the attention of the Senate to the importance of developing a national language strategy.

She said: Honourable senators, I rise before you today to speak to my inquiry and call the attention of the Senate to the importance of developing a national language strategy.

The national language strategy I am proposing would set out the federal government's commitment to embracing linguistic plurality by adopting a vision that confirms that language education is a tool that will not only assist in the development of personal skill, but will also act as an engine for economic growth. In addition, this strategy would recognize that international and heritage language education has the capacity to open up avenues of communication and career enhancement, while at the same time encourage and promote broader cultural understanding among Canadians.

[Translation]

Before I continue, I want to clarify that I am in no way trying to suggest that heritage languages should be taught instead of French. Even though throughout this inquiry we will be focusing on the importance of teaching international and heritage languages, I want to point out that I have always been a strong advocate of teaching both official languages as part of basic education for children across Canada.

However, children must have the opportunity to learn languages other than French and English in addition to their existing basic education.

Although various provinces support teaching heritage and international languages, there has been no uniform effort to develop a consistent policy framework to promote languages other than English and French. It is truly unfortunate that the benefits of promoting a multilingual society, many of which will be discussed during this inquiry, are being abandoned.

[English]

Honourable senators, Canada is indeed a multilingual society. According to the 2006 census, more than five million Canadians have a mother tongue other than French or English. Now, more than ever, there is a need to foster not only linguistic plurality, but also intercultural understanding, as this would reconfirm Canada's commitment to being a peaceful, accepting and multicultural nation. In addition, this would also be consistent with Canada's identity, which is comprised of a mosaic of languages and cultures that perceives difference as a strength rather than a weakness.

Before touching upon some of the many benefits associated with developing a national language strategy, it is important that I acknowledge the fact that the importance of preserving international and heritage languages has already been recognized in this chamber once before.

Bill C-37, introduced in the House of Commons in September 1989 and adopted by Parliament in January 1991, was a piece of legislation that called for the establishment of a heritage language institute with a purpose of developing national standards for teacher training and curriculum content for ethnic minority language classes in Canada.

The February 1992 budget, however, deferred the establishment of this institute until further notice. Since this act did not come into force for 20 years, it has consequently and recently been repealed.

However, much has evolved since the introduction of Bill C-37. Over the past 20 years, the Canadian Languages Association has formed, taking on many of the same principles as the institute Bill C-37 called for. In addition, many other research-oriented bodies have been established, including the Second Language Research Institute of Canada, which is housed at the University of New Brunswick; the Ontario Institute for Studies in Education, based at the University of Toronto; the Institute for Innovation in Second Language Education in Edmonton; and the Language Research Centre at the University of Calgary.

Ultimately, today's context suggests that calling for a strategy that revisits some of the basic principles advanced in Bill C-37 but that are far less imposing and much less costly will indeed benefit all Canadians socially, culturally and economically.

First and foremost, honourable senators, I would like to draw your attention to the economic advantages that adopting a national language strategy would yield. I earnestly believe that these advantages would be abundant and give Canada the edge it is so desperately seeking.

On November 9, 2010, Prime Minister Harper announced the launch of economic consultations to seek Canadians' views on the next phase of *Canada's Economic Action Plan*. He stated:

Turning our fragile economic recovery into enduring and robust performance over the longer term will also mean taking further steps to hone our competitive edge. This means building on our efforts to attract foreign investment, opening up new markets and opportunities for Canadian businesses and laying the foundation for long-term sustainable jobs.

I would like to commend Prime Minister Harper for acknowledging the need for Canada to attract foreign investment and to open up new markets. I, too, recognize this need and agree that the business community must identify markets of growth in countries other than those in North America.

On the international stage upon which Canada must now perform and excel, languages education is essential to relationships with the global community and in the areas of international relations and cooperation, as well as international trade and development.

When I recently was in China with the Foreign Affairs Committee, I was pleasantly surprised at how fluent in Mandarin Ambassador Mulroney and his staff were. I could see that their ability to speak Mandarin so fluently gave Canada a great advantage in Beijing.

I believe the challenge we all have to face now is that we have to be able to provide Canadian businesses the competitive edge they need in order to secure and maintain their position in the international market.

The President of the Canadian Council for the Americas reports that the reason so many companies fail to secure and maintain their position in the international market is due to their failure to recruit people who have sufficient language skills. We need to ask ourselves whether or not we will be able to negotiate and secure future contracts for our forever hungry Canadian business community, which is always seeking new avenues for expansion, with a scarce supply of multilingual university graduates we are presently producing.

• (2120)

Honourable senators, we are a trading nation. We need to prepare our children to speak many languages. It is important that we remain mindful of the fact that these very businesses allow us to maintain not only our high standard of living but also our leadership position in the world. This is precisely why we must invest in language education, because such an investment would not only help us achieve our economic goals but also assist Canada in establishing a lead on the global stage on which it must now compete.

Aside from the countless economic benefits associated with adopting a national languages strategy, there are also a number of social and cultural benefits that would be generated. In fact, one of the most tangible outcomes of language education is social and cultural cohesion, which promotes anti-racism initiatives, peace building, civic participation and cross-cultural understanding.

Unfortunately, for the most part, children of recent immigrants whose maternal languages are neither English nor French have not received, except in relatively small numbers and for short periods, mother tongue language education support through the school system. Moreover, various academic research indicates that the heritage languages model of voluntary additional instruction for short periods of the school day falls far short of what would be required to maintain immigrant languages and cultures beyond the second and third generations.

Having immigrated to this country, I have seen firsthand that this is, indeed, the case. My grandparents, originally of Indian descent, migrated to Uganda over a century ago. Our mother tongue survived for two generations in Africa. Unfortunately, after spending a few decades in Canada, I am forced to watch a language that has been spoken by my ancestors for centuries disappear, as my children are not able to speak Katchi fluently. This is a cause for concern. We need to realize that teaching and fostering language skills reinforces Canada's multicultural identity and strengthens Canada's unique sense of belonging. English, French, Aboriginal languages, and international/heritage languages are key and equal members of Canada's multilingual mosaic inseparable from our concept of multiculturalism. The teaching of languages reinforces our Canadian multicultural identity and strengthens our country's sense of belonging.

Currently, various provinces support the teaching of heritage and international languages, but there has not been a uniform effort to articulate a coherent policy framework for the promotion of languages in addition to English and French. After working closely with the Canadian Language Association, we have developed a vision that perceives a national languages strategy as imperative against a background of profound national and international change. We recognize that a multilingual vision for Canada means respecting the valuable voices that populate this country, the very voices that work together to build this nation and to breathe life into the mosaic of which we are so proud.

Honourable senators, while I not only recognize but also actively support Canada's Official Languages Act, I also acknowledge the importance of formally recognizing and supporting linguistic plurality. As Dyane McAdam, former Commissioner of Official Languages stated,

We're seeing a nation that is embracing official bilingualism and multilingualism. . . We will continue to embrace diversity.

With that in mind, this proposed strategy must address the four language components that make us truly Canadian: English, French, Aboriginal languages and international/heritage languages. The strategy's objective should, first, promote and improve the teaching and learning of languages by encouraging provinces to draw upon the experiences of other educational systems around the world where multilingual education is provided in a core schooling system.

Second, this strategy should increase the number of people studying languages through the development and implementation of a strong and coherent national public education and awareness campaign, creating a partnership between education, business and government.

Third, this strategy should work with the provinces to provide effective and equitable funding for language programming at the school board and community levels. This could include increasing the number and types of languages offered at primary and secondary schools, supporting after-school programs, encouraging school boards to designate key schools as language learning centres and explore bilingual programs, where feasible.

Finally, the proposed national languages strategy should raise an awareness of the importance of multilingualism to all Canadians for individual and collective well-being.

Honourable senators, it is time for Canada to commit to a tangible plan of action to deal with the realities of the global economy of the 21st century. This proposed national languages strategy would set out the federal government's commitment to increasing Canada's languages capability. It would also promote a vision that perceives languages as both a life skill and an engine of economic growth — one that can be used in business and for personal growth to open up avenues of communication and career enhancement and to promote, encourage and instill a broader cultural understanding.

[Translation]

Canada's national language strategy would set out the federal government's commitment to increasing Canada's capacity for languages by adopting a vision that confirms that language can not only be a personal skill, but it can also act as an engine for economic growth, to be used in business and personal development, in order to open up avenues of communication and career enhancement while at the same time promoting, encouraging and eliciting better cultural understanding.

[English]

A commitment to a national languages strategy will pave the way for both the federal and provincial governments to consider ways to harness our intercultural communication experience and multilingual resources for Canada's economic benefit as well as for the good of individuals, families and communities. This will involve collaboration with different levels of government, educational institutions, ethnic communities, families and business.

Honourable senators, we must recognize that the future of our great nation lies in the hands of our children. We must ensure that children have access to the tools they need today so they can flourish tomorrow. A national languages strategy will provide Canada with a blueprint for action and help ensure that our children have a competitive edge when performing and succeeding on a global stage.

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

Senator Jaffer: Yes.

Senator Banks: The honourable senator mentioned Bill C-37, as passed by the government of Mr. Mulroney, and said that it had been repealed. Is that in fact correct or is it in the process of being repealed? I ask the question because that act of Parliament is the one that gave rise to —

Senator Jaffer: May I have five more minutes?

[Senator Jaffer]

The Hon. the Acting Speaker: Is it agreed, five additional minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Yes, five minutes.

The Hon. the Acting Speaker: It is agreed.

Senator Banks: It was that bill that gave rise to what is now an act of Parliament called the Statutes Repeal Act, of which I will modestly say that I am the author.

The first thing that happened under that act, after it came into actual force, is that a few weeks ago, as Senator Comeau pointed out to us, a list was deposited and tabled here by Senator Comeau of acts of Parliament and parts of acts of Parliament which had been accumulated by the Minister of Justice and that are susceptible of being repealed next December 31, absent some other action. Are we talking about the same thing or has it otherwise been repealed before this?

Senator Jaffer: We are talking about the same thing. I remember the honourable senator introducing the bill and going through all the stages. With that in mind, and it having been there for 20 years, I assumed it had been repealed.

Senator Banks: It has not, but it is about to.

Senator Jaffer: It is about to; I see.

Senator Banks: In that respect, it was a good idea at the time. I have a particular interest in it because the Canadian heritage languages institute, which was established by that act, was to be in Edmonton.

• (2130)

I am wondering whether the act is susceptible of being useful, by amendment to bring it up to date, with respect to the initiative about which the honourable senator has spoken.

Senator Jaffer: If the act were not repealed, it would be useful. If resources were given to that institute, we would already be way ahead in the strategy we have. I think that if the act has not been repealed, that is a great step. I will look into it.

Senator Banks: So honourable senators are aware, the act will be repealed perforce unless a proposal is made to both houses of Parliament that it not be repealed.

Hon. Joseph A. Day: Honourable senators, I am wondering if that is entirely right. Until it is repealed, it is a law that has been passed by Parliament, as I understand it. If it is proclaimed in the interim, it would be law. I ask that Senator Jaffer confirm that if there is interest in the government and in Parliament, all that need be done is to have the act proclaimed.

Senator Jaffer: I thank the honourable senator for those suggestions. I will work over our break period on them.

(On motion of Senator Tardif, debate adjourned.)

MULTIPLE SCLEROSIS AND CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY

INQUIRY—DEBATE ADJOURNED

Hon. Jane Cordy rose pursuant to notice of March 10, 2011:

That she will call the attention of the Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the “liberation” procedure.

She said: Honourable senators, nearly 75,000 people in Canada live with multiple sclerosis. Another 1,000 Canadians are diagnosed with the disease each year and, honourable senators, nearly 400 Canadians are dying from this disease every year.

Multiple sclerosis is a devastating disease that attacks the brain. It is the most common neurological disease affecting young adults, and it is two to three times more prevalent in females than in males. The symptoms of MS can be anywhere from mild to debilitating. MS sufferers may experience vision problems, loss of balance, loss of coordination, extreme fatigue, speech or memory failure, and muscle stiffness and paralysis.

The causes of multiple sclerosis are still unknown and there is no cure at this time. It is found that in MS patients, there are high levels of iron deposits in the brain, and evidence shows that a possible link exists between these high levels and the deterioration of the patient.

Recent studies of MS patients by leading researcher Dr. Paolo Zamboni in Italy has shown that a high percentage of MS patients have a condition known as chronic cerebrospinal venous insufficiency, CCSVI. CCSVI is a vascular abnormality that restricts the flow of blood to and from the brain and is potentially the cause of the high levels of iron found in the brain of MS patients.

To treat CCSVI, Dr. Zamboni pioneered the “liberation” procedure, which is an angioplasty procedure correcting the abnormality in veins to the brain. Many doctors around the world have begun administering the “liberation” procedure to treat CCSVI on MS patients.

What Dr. Zamboni has found in these patients who have undergone the “liberation” procedure is that they have often experienced improvements in their MS symptoms. Some of these improvements are drastic, some less so, but it is becoming increasingly evident that the procedure can alleviate some symptoms.

Dr. Sandy MacDonald from Barrie, Ontario, was trained by Dr. Zamboni in the CCSVI diagnosis technique and has been sharing the technique with others. Dr. MacDonald has found that almost 90 per cent of MS patients he has seen have CCSVI.

Over the last several years, the “liberation” procedure has been offered and administered to MS patients in countries such as Italy, Poland, Scotland, Japan, India, Mexico and the United

States. However, Canadian MS patients are prohibited from receiving the treatment here in Canada. In fact, Dr. MacDonald, the only Canadian doctor to diagnose and perform the procedure, has performed six “liberation” procedures in Canada and he is now prohibited from giving the procedure to MS patients.

Honourable senators, angioplasty is a low-risk, universally practiced procedure used for venous obstructions. All Canadians have access to angioplasty procedures for venous obstructions to their organs — all Canadians, that is, except Canadians diagnosed with multiple sclerosis.

I have to ask, why is our health care system discriminating against MS patients? This procedure is performed by radiologists, heart surgeons and vascular surgeons on a daily basis, but the same treatment cannot be given to MS patients to treat CCSVI.

The argument being made in Canada is that there is not enough evidence to suggest a correlation between CCSVI and MS. Because of this lack of evidence, MS patients are refused even the imaging tests to diagnose CCSVI.

This decision has dealt a blow to MS patients across Canada. These patients are Canadians who wait each day, hopeful that doctors will treat them, not with drugs but with a procedure that is showing promise in 50 other countries around the world.

Many MS patients in Canada see that their only option for relief from their symptoms of MS is through the “liberation” procedure and to have this procedure, they are forced to travel outside Canada to have the procedure performed by unfamiliar doctors and unfamiliar medical systems.

Last week, I received emails from Nova Scotians who shared with me their stories about MS. Jeremy, whose sister Kara Lee, a young woman in her 30s who has MS, emailed me. I will read you part of Jeremy's email:

As a brief background our family accepted quite early that Canada was going to be quite slow in offering this treatment for Kara Lee. She did not want to wait 3-5 years. For several months we cautiously monitored the events surrounding CCSVI. We had evaluated the travel options to several countries however in the end we found that Los Cabos, Mexico was the right decision for us mainly because a friend of the family had undergone the treatment in Los Cabos as part of a 10 person clinic study, so at least we knew it wasn't a scam.

The total cost of the trip was approximately \$20,000. \$13,500 was for the testing and surgery.

Accepting the treatment was not available was one thing but by far the most frustrating part of the entire process was the inability to undergo testing in Canada. A significant risk when evaluating whether Kara Lee should travel to Mexico was whether she had the CCSVI condition. If she did not have the condition there would have been no procedure. Ultimately undergoing the Doppler was the critical point and there was a huge sigh of relief when it was found Kara Lee did indeed have a treatable condition.

Another factor to the lack of availability of testing is obtaining follow-up tests. Now that she is home, testing in Nova Scotia is not possible, although we understand private clinics in B.C. and Ontario are now offering the testing at cost.

In Mexico the entire testing and procedure were done in a single (very long) day, blood work, Doppler and the "liberation" procedure. The immediate changes were incredible; within 20 minutes after the procedure her legs no longer had a bluish colour, she had feeling in her leg and her speech and sharpness of mind had improved incredibly. We saw similar experiences with nearly all other patients. Based on my observations individuals who were recently diagnosed seem to have the most drastic recovery. One man from Vancouver came with a cane and had difficulty working a full day. He felt so good he golfed an 18 hole round in Los Cabos in August, I could barely stand to be outside. His brother, also underwent the treatment, he arrived in a wheelchair and amazingly his final night walked from the hotel restaurant to his room unassisted.

• (2140)

Kara Lee has incredible doctors here in Nova Scotia who attempt to support her in many aspects, all the while cautioning that they can in no way condone undergoing this treatment abroad. One doctor attempted to requisition an MRI for her, but it was later rejected when it was noted she had MS. Kara Lee informed her two main MS treating physicians that she was proceeding with the treatment in Mexico, and both provided detailed medical records and summaries of her file to the surgeon in Mexico. One doctor asked if she could baseline her before and retest after the treatment, and noted that the results were unbelievable. However, it was noted this was more for personal interest than for research.

We met approximately 15 Canadians undergoing the treatment the week we were in Mexico, spending close to \$20,000 each, and we were only there for six days. The hospital was booked solid for months. Most individuals shared stories of fundraising, pinching, scraping or getting loans to make their individual trips possible.

The key messages I pass along to people when asked: Testing needs to be available to individuals in Canada. There is no harm to receiving a Doppler or MRI. Swift action should be taken to register and track progress of patients who have travelled abroad for the procedure. I'm glad to see tax credits for individuals receiving treatment outside of Canada however it seems like we are actively promoting the practice of getting this treatment out of country. With so many individuals with multiple sclerosis off work, investing to have the procedure in Canada would likely pay for itself if only a small portion of these people could return to work. Additionally, appreciating that I am biased, I think this one treatment is very unique, and Canada ultimately needs to get on board. The fact that research studies are looking at proving the link between MS and CCSVI seems ridiculous and appears to some that they are simply trying to delay getting to actual clinical trials. I do not need to give the details on the devastating effects of MS but the associated effects on family are also devastating.

That note was from Jeremy.

Edna Lee, from Glace Bay, emailed me as well. Some of you may remember her, as she spoke before the Senate Energy Committee during the DEVCO mine closures. I will read excerpts from her email:

My name is Edna Lee. I have been suffering from multiple sclerosis for 27 years, a disease with no known cure or cause. As I look back at my history of living with this disease, I have memories of many difficult times, times of struggle to overcome an illness that robbed me of my strength, ability to walk, balance, coordination, extreme fatigue, paralysis, loss of feeling and other symptoms not seen but present.

Multiple sclerosis is a devastating illness, difficult to accept and even more difficult to live with. Canada has the highest incidence of MS in world. MS usually strikes between the ages 15 and 40. As a person living with this illness, I have encountered a lack of understanding of the illness, even within my own family and community. Many times people say you look so good. I am happy to hear such a wonderful compliment but I wonder what they would think if they knew how I felt inside my body.

I have encountered the obstacles of living with a disability at home and at work. As Canadians, we strive to be the best in the world, to care deeply for our neighbours and to do all we can to ease suffering. We are generous. This has been shown many times over as we have responded to world disasters. We are disability conscious, striving to ensure our buildings are accessible for handicapped, yet we lag behind to ensure our disabled persons suffering from MS have every chance at a cure or improved quality of life by denying them access to Canadian clinical trials, the liberation treatment and follow up care after the procedure is completed.

We have Canadians travelling outside of our great country at enormous cost to themselves to have liberation treatment in the hope this will be the cure that will allow them to live a normal life. Like every other person suffering with multiple sclerosis, I have waited for a cure, waited in hope all these years, hope that something would come along to stop the progression of my illness.

For the first time, we have a discovery that may make the difference in the lives of those who suffer from multiple sclerosis. CCSVI. It appears. . . CCSVI is taboo in some areas of the medical field in Canada and in some provinces such as Nova Scotia. A simple test, a Doppler ultrasound that takes only four minutes, and it is not covered by health care. I will travel to Barrie, Ontario, to be tested on May 30th for CCSVI. I am anxious to have the test done and will pay the fee of \$250. Why will I do this? The answer is simple, to find out if I have a chance for a cure or improved quality of life. Sounds crazy, but CCSVI is the first ray of hope for someone like me.

I have read so many good news stories about the improvements felt after “liberation” and if I have CCSVI, I hope I will be able to have the “liberation treatment” in my own country because I cannot afford to pay and spend thousands of dollars to go to foreign lands where I have no idea of the quality of health care I may receive. The lack of follow up care for those who have travelled to have liberation in other countries is a major concern. If I had a heart blockage I would be treated in this country. A blockage of major veins is no different and deserves to be treated.

The Canada Health Act provides every Canadian with access to quality universal health care and therefore Canadians who suffer from multiple sclerosis and CCSVI should have free access to testing for CCSVI and “liberation” treatment without charge. I believe the lack of testing, treatment and follow-up care in Canada for CCSVI is against rights of Canadians under the Canada Health Act.

Could I have five more minutes please?

I want to thank Jeremy, Edna and many others who have written to me about the effect of MS on individuals and their families.

Honourable senators, the federal government must play a leadership role. Often in medicine when a treatment shows promise it is fast-tracked. No one can deny that the “liberation” procedure shows promise, yet many MS patients are waiting for a health care system to act while 50 other countries are doing clinical trials. Canadians deserve better.

The lack of follow-up care is a missed opportunity for our health care system to better study and understand CCSVI and the possible relationship with MS. We in Canada are not collecting data. The Canadian MS Society and those with experience in the “liberation” procedure want proper follow-up care for patients who have chosen to undergo the “liberation” procedure outside Canada and they want a registry of Canadians who have undergone venous angioplasty to better track and collate data on the MS patient’s progress.

However, clinical trials in Canada are really needed to better study and understand the possible relationship between CCSVI and MS. There is no better way for Canadian scientists and doctors to study the issue than conducting their own clinical trials instead of relying on second-hand data.

Canadian patients are more comfortable and better cared for by familiar doctors. The results of the cases are better understood if conducted here in Canada. An end to this discrimination against MS patients must be our goal. It is a sad truth that the suicide rate for MS patients is seven times higher than the national average, a shocking statistic and indicative of the hopelessness many MS sufferers feel toward finding relief from their symptoms.

The “liberation” treatment is showing too much promise around the world to be ignored by our government. We owe it to Canadians diagnosed with MS, and to their families, to provide

them with the best possible care. I implore the Minister of Health to provide leadership on this issue and bring together her provincial and territorial counterparts for the purpose of developing a national policy on the treatment and follow-up care for Canadians with MS.

Honourable senators, this is not a partisan issue. I am sure that most senators here today know of courageous Canadians who are living with MS. We should not have a two-tiered health care system where Canadians with MS must beg for angioplasty treatment, which is already an established part of medical practice in Canada and yet is not available to them because they happen to be diagnosed with MS.

As Kirsty Duncan, the MP for Etobicoke-North, who has done incredible work on this file, stated: “There is only one thing worse than having MS, that is having MS and knowing there is diagnosis to treatment out there, but you cannot get it.”

• (2150)

Honourable senators, let us work together to do the right thing.

Some Hon. Senators: Hear, hear.

Hon. Don Meredith: I thank the Honourable Senator Cordy for her passionate discourse on this matter. As someone who has raised funds for MS in the past, I know this treatment will assist Canadians to gain a better quality of life.

My question to her is: What are the objections from Health Canada that have prevented this national strategy to go forth?

Senator Cordy: I thank Senator Meredith for his question and his interest in the field of MS because, as I said earlier, there are 75,000 people in Canada living with this disease and another 1,000 Canadians diagnosed each year.

I am not absolutely sure, but my understanding from what I have read is they feel there is not enough information available at this time on the procedure. The Multiple Sclerosis Society of Canada is suggesting we start collecting the data and maintain a registry. That is one of the biggest things the MS society and those currently working in the field are saying in Canada. They are pleading for a registry and asking us to start collecting the data and start having clinical trials in Canada so that we have the information in order to move forward on performing the procedure in Canada.

(On motion of Senator Andreychuk, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE**COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF ISSUES RELATED
TO FOREIGN AFFAIRS GENERALLY**

Hon. A. Raynell Andreychuk, pursuant to notice of March 21, 2011, moved:

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.

The Hon. the Speaker: Is explication being sought?

An Hon. Senator: Yes.

Senator Andreychuk: This is the usual general reference of Foreign Affairs. The date for the presentation of the final report was set for March 31 and our routine is to extend that date for the purposes of our general objective of foreign policy.

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

(Motion agreed to.)

(The Senate adjourned until Thursday, March 24, 2011, at 1:30 p.m.)

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