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OFFICIAL REPORT
(HANSARD)

Thursday, June 6, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Thursday, June 6, 2013

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

LE CENTRE D'ACCUEIL ET D'ÉTABLISSEMENT DU NORD DE L'ALBERTA

CONGRATULATIONS ON TENTH ANNIVERSARY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, last Friday, May 31, the Centre d'accueil et d'établissement du Nord de l'Alberta in Edmonton invited the community to help it celebrate its 10th anniversary.

This centre is one of the key players in the area of immigration in Edmonton. In 10 years, the centre has built a reputation second to none for welcoming francophone newcomers who choose to settle in Alberta and helping them to get established and integrate into the community.

I would like to congratulate the centre's president, Marie Lafleur, the past presidents and past and present members of the board of directors, and all the members of the founding committee of the Association canadienne française de l'Alberta in Edmonton and the provincial ACFA for the invaluable contribution they make to ensuring that the centre runs smoothly. I would also like to pay tribute to the director, Georges Bahaya, who has been so committed and dedicated to setting up, developing and expanding the centre since it was founded.

Newcomers face a variety of challenges. They have to register their children in school, find a family doctor, look for work, register for language courses and find housing. The list of needs is long, but they must be met if the newcomer is going to successfully integrate into the community. The centre has done a professional job and has been very successful in helping newcomers to build a new life in Alberta.

Fortunately, the centre has developed expertise in this area, which is demonstrated by the various programs and customized services it offers to direct newcomers to the appropriate resources. For example, in 2012, the centre welcomed over 700 francophone immigrants from 42 different countries throughout the world.

Honourable senators, demographic and sociological changes make immigration a key factor in the future and the vitality of official language minority communities. According to data from Statistics Canada's 2011 National Household Survey, between 2006 and 2011, the face of Canada continued to diversify: for the first time in history, more than one in five Canadians was born abroad, which is the highest proportion among the G8 countries.

It is important to welcome French-speaking newcomers in French. This will contribute to their well-being and their integration into our country.

I want to thank the centre and congratulate it on its invaluable contribution to the vitality of our francophone community.

Happy tenth anniversary to all the people at the Centre d'accueil et d'établissement who support newcomers with such dedication and generosity.

MR. CHRISTIAN "KIT" GOGUEN

Hon. Rose-May Poirier: Honourable senators, I recently had the pleasure of visiting a young man from my home region, Christian "Kit" Goguen.

Christian Goguen began his musical career by winning honours at the Gala de la chanson de Caraquet in 2003. After this impressive start, this young singer-songwriter, who has released two albums, joined the group Ode à l'Acadie, which toured the world.

From there, Christian was recruited by Cirque du Soleil, which is celebrating its 30th anniversary next year, and began a new phase in his musical career in Russia and Europe with the show Corteo. Christian shared the role of the main character in this imaginary procession. The show was put on more than 400 times in 2011 alone. He continued his adventure in New York City, at Radio City Music Hall, for a few months and finally ended up in Las Vegas, where he is currently performing night after night.

I finally had the pleasure of seeing Cirque du Soleil's new production, Zarkana, starring Kit, who shares the main role of the ringmaster who must breathe new life into an abandoned circus. Kit is excellent in his role and he directs the acrobats, clowns, jugglers and trapezists. After one and a half hours of frantic activity and world-class performances, the circus comes back to life for an extraordinary finale, all under the direction of Christian Goguen, a young man from St-Charles-de-Kent, in my area.

I had dinner with Kit and his wife one evening, and he shared with me his experience in our school system. Kit has Tourette Syndrome, which, in his case, manifests itself through tics. The tics become less pronounced with age. When he was young, Kit was bullied because of something that he could not change or control. Music was his friend in those painful times. On stage, like a ringmaster, he was able to overcome the bullying.

Although he has moved far away, Kit regularly visits his community and does not hesitate to give presentations to schools about bullying. By sharing his story, he helps bolster the

confidence of young people who are bullied, as he was, and he shows them that he has nevertheless fulfilled his dreams.

Kit is writing a book about his experience in order to help those who are bullied and to give hope to our young people who are speaking out against bullying. He also continues to write music with his wife, who is a violinist.

I would like to take this opportunity to tip my hat to Kit Goguen, who will surely continue to impress us. Bullying is currently a major challenge for our young people. Kit is an inspiration for our young Canadians, showing them that even if they are bullied, they must never give up on their dreams.

Once again, congratulations, Kit, on being an ambassador for our community.

[*English*]

INVASION OF NORMANDY

SIXTY-NINTH ANNIVERSARY

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to tell you a story that is going to take us back into history further than CNN history, which is last week, to 69 years ago, June 6, 1944.

• (1340)

On November 11, we have seen old veterans — octogenarians now — being interviewed by pimply-faced 19-year-old journalists who ram a microphone in the veterans' faces, asking, "What was it really like on the beach that day?" An old gentleman will then start responding, describing what happened to him and his colleagues, and within a minute or so, he will start to fumble in his voice and tears will start welling up in his eyes. The response is often, "Oh, jeez. Memories are coming back."

Honourable senators, it is not the memories coming back. That veteran is back on the beach. That veteran is reliving those moments. Through the injury of PTSD, those moments stay alive and real. He is hearing the sounds of the guns and of the bullets flying. He has the brains of his buddy blown all over him. He has probably even soiled his pants as he is trying to control the fear of being on that beach.

On that day, close to half a million men — mostly — crossed the beaches and fought. There were three armies on that beach: an American army and a British army, but there was a Canadian army. We were a leading power in that campaign. What is disconcerting, however, is that not one Canadian general sat at any of the strategic-level decision bodies of World War II. We were tactical commanders; we had an army in the field — we had a million people in uniform — yet we were still considered tactical commanders. We did not have the prestige to be considered as a strategic general officer corps.

Take us now not only to today but let us go to the future a bit; let us go to 2017, which will be the one hundred and fiftieth anniversary of this, one of the most stable democracies in the world. However, it will also be the one hundredth anniversary of the Battle of Vimy Ridge, where again the youth of this country crossed dangerous terrain. The youth again at Vimy Ridge fought, bled, died and gave us that moral authority in their blood to be considered as a nation state in this world.

What is the plan in 2017? Will we still be tactical? Will we still be someone else's lackey? Will we still be following someone else's foreign policy or even defence policy? Will we bleed on foreign lands as decided by someone else, or will we be the leading middle power that we are?

We are one of the 11 most powerful nations out of 193 in this world. The youth of this country historically bled and died and their families paid the sacrifices for us to earn that position that we sometimes seem to forget and that is our due and that we should take independently and strongly.

WAR OF 1812

TWO HUNDREDTH ANNIVERSARY—BATTLE OF HMS *SHANNON* AND USS *CHESAPEAKE*

Hon. Michael L. MacDonald: Honourable senators, today we commemorate the two hundredth anniversary of a momentous victory during the War of 1812. On June 6, 1813, 200 years ago this very day, the HMS *Shannon*, following a magnificent victory at sea, sailed into Halifax Harbour with her prize in tow, the American frigate USS *Chesapeake*.

Five days earlier, in the late afternoon of June 1, 20 nautical miles off the coast of Boston, the *Shannon* and the *Chesapeake* met in what would become one of the shortest and fiercest naval encounters of the war and, in light of the total number of combatants, one of the bloodiest battles of the entire Age of Sail. The confrontation lasted about 11 minutes, with over 100 killed and nearly twice as many wounded.

The captain of the *Chesapeake*, James Lawrence, had been confident of victory, as the Americans had been quite successful in naval engagements during the early months of the war. Soon after the fighting commenced, the commander of the *Shannon*, Captain Philip Broke, led a boarding party aboard the American frigate. In the ensuing melee, Captain Lawrence, who had been fatally wounded by sniper fire during the battle, uttered his immortal dying command to his American crew: "Don't give up the ship!"

Yet, honourable senators, they did give up the ship. The *Shannon*'s crew quickly overcame the remaining American resistance, capturing the *Chesapeake*. Captain Broke was incapacitated by a severe sabre wound to the skull, and with his second in command killed, it was left to a young Halifax-born naval officer by the name of Provo Wallis, the ship's third in command, to bring the *Shannon* home.

Provo Wallis, the Nova Scotian son of a naval dockyard worker in Halifax, would later rise to the rank of Admiral of the Fleet, a post he held until his death at the age of 100, the only Canadian to

ever hold the highest position in the Royal Navy. The recently retired vessel CCGS *Provo Wallis* was named in his honour.

The HMS *Shannon*'s bell is currently on display at the Maritime Command Museum in Halifax. Nearby, the graves of the crew are marked at the Royal Naval Dockyard cemetery and St. Paul's Church in downtown Halifax. Cannons from both vessels are situated outside of Province House, the oldest legislature in Canada. Captain Lawrence was buried with full military honours in Halifax, with six British naval officers serving as pallbearers.

As for the USS *Chesapeake*, she served the remainder of her days under a new name, the HMS *Chesapeake*.

The *Shannon*'s victory, amidst our many military triumphs of the War of 1812, was an important chapter in the evolution of Canada from colony to sovereign nation. Had the British and Canadian forces not emerged victorious, Canada as we know it would almost certainly not exist today.

Let us always remember those who fought for Canada so that we could have a country to call our own.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

PRIVACY COMMISSIONER

2012 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 25 of the Personal Information Protection and Electronic Documents Act, I have the honour to table, in both official languages, the Annual Report of the Office of the Privacy Commissioner of Canada on the Personal Information Protection and Electronic Documents Act for the period from January 1 to December 31, 2012.

[*Translation*]

PUBLIC SECTOR INTEGRITY COMMISSIONER

CASE REPORT IN THE MATTER OF AN INVESTIGATION INTO DISCLOSURE OF WRONGDOING AT BLUE WATER BRIDGE CANADA TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Office of the Public Sector Integrity Commissioner's case report in the matter of an investigation into a disclosure of wrongdoing at Blue Water Bridge Canada, pursuant to subsection 38(3.3) of the Public Servants Disclosure Protection Act.

[*English*]

2012-13 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, pursuant to section 38 of the Public Servants Disclosure Protection Act, I have the honour to table, in both official languages, the 2012-13 Annual Report of the Public Sector Integrity Commissioner.

[*Translation*]

PRIVY COUNCIL

REGULATIONS AMENDING THE SPECIAL ECONOMIC MEASURES (IRAN) TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Regulations amending the Special Economic Measures (Iran) Regulations.

[*English*]

NATIONAL DEFENCE ACT

BILL TO AMEND—TWENTY-EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 6, 2013

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

TWENTY-EIGHTH REPORT

Your committee, to which was referred Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts, has, in obedience to the order of reference of Tuesday, May 21, 2013, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

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

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

• (1350)

HUMAN RIGHTS

BUDGET—STUDY ON ISSUE OF CYBERBULLYING—ELEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Salma Ataullahjan, Deputy Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 6, 2013

The Standing Senate Committee on Human Rights has the honour to present its

ELEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, November 30, 2011, to examine and report on the issue of cyberbullying in Canada with regard to Canada's international human rights obligations under Article 19 of the *United Nations Convention on the Rights of the Child* and was further authorized on Thursday, May 23, 2013 to retain all powers necessary until March 31, 2014 to publicize its findings in its report entitled: *Cyberbullying Hurts: Respect for Rights in the Digital Age* tabled in the Senate on December 12, 2012, respectfully requests funds for the fiscal year ending March 31, 2014.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

SALMA ATAULLAHJAN
Deputy Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix, p. 2617*.)

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

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

STUDY ON THE EVOLVING LEGAL AND POLITICAL RECOGNITION OF THE COLLECTIVE IDENTITY AND RIGHTS OF THE MÉTIS

TWELFTH REPORT OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Vernon White: Honourable senators, I have the honour to table, in both official languages, the twelfth report, interim, of the Standing Senate Committee on Aboriginal Peoples entitled: *"The People Who Own Themselves": Recognition of Métis Identity in Canada*.

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

[*Translation*]

APPROPRIATION BILL NO. 2, 2013-14

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-63, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2014.

(Bill read first time.)

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

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

[*English*]

APPROPRIATION BILL NO. 3, 2013-14

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-64, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2014.

(Bill read first time.)

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

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

THE SENATE

NOTICE OF MOTION TO TAKE NOTE OF CERTAIN FACTS, URGE THE AUDITOR GENERAL TO CONDUCT A COMPREHENSIVE AUDIT OF THE PRIME MINISTER'S OFFICE, AND TO SEND A MESSAGE TO THE HOUSE OF COMMONS

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate take note of the following facts:

1. Prime Minister Stephen Harper stated on May 22nd, while in Lima, Peru, that when his former Chief of Staff, Nigel Wright, gave Senator Michael Duffy more than $90,000 "**he did this in [his] capacity as Chief of Staff**";

2. It is not known what consideration the Prime Minister or his office received in return from Senator Duffy for this money;

3. It is not known whether similar payments were made to any other individuals by Mr. Wright or by others in the Prime Minister's Office; and

4. It is not known whether the Prime Minister's former Chief of Staff has or will himself be reimbursed by any third party for his payment to Senator Duffy;

and therefore the Senate urge the Auditor General of Canada to conduct a comprehensive audit of the expenses of the Prime Minister's Office, including any payments made by individuals in the Prime Minister's Office to Parliamentarians; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

[*Translation*]

OLD AGE SECURITY

PRESENTATION OF PETITION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have the honour to table a petition from the Coalition des femmes de l'Alberta signed by 51 Albertans who are denouncing the increase in the age of eligibility for old age security. The Coalition des femmes de l'Alberta represents francophone and francophile women in Alberta.

EMPLOYMENT INSURANCE

PRESENTATION OF PETITION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have the honour to table a petition from the Coalition des femmes de l'Alberta signed by 51 Albertans who are denouncing the government's approach to employment insurance and compassionate care leave and the lack of regard it shows for natural caregivers.

[*English*]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

FUNDING FOR RESEARCH STATIONS

Hon. Terry M. Mercer: Honourable senators, although Agriculture Canada's Kentville Agriculture Centre in Nova Scotia will remain open for now, many research stations are closing down, mainly out West. Dozens of notices were received across Nova Scotia by 18 Agriculture Department employees.

The dairy science program at the Agassiz, British Columbia research centre has been discontinued, along with a pair of agricultural research stations based in Alberta. In addition, the former Prairie Farm Rehabilitation Administration offices have been closed in Dauphin, Manitoba; Westlock, Alberta; Peace River, Alberta; Melville, Saskatchewan, and the list goes on.

My question is simple: Why are we cutting so many of these critical research stations across the country?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have answered questions similar to this in the past. We are living in the 21st century. Needs change. Some organizations outlive their usefulness. Because of the changing times, the changing markets and the way that agriculture is conducted now as compared to how it was when some of these agencies were set up, they are no longer relevant.

In the restructuring of government, each department makes decisions based on their needs in order to properly serve their clientele. That is what has happened here. All of these organizations, as well as this institution, must reflect the age that we are living in, which is the 21st century.

Senator Mercer: The leader is absolutely right that this is the 21st century, but the reason we have these research centres is to respond to problems that come along. As life will have it, when

one problem is solved, new problems come along. For example, an insect-borne plant virus has been detected that is causing serious damage in strawberry fields. In Nova Scotia especially, the strawberry industry is suffering. The virus was detected in an area near Truro that is responsible for approximately 40 per cent of the province's $17-million strawberry industry. Currently, the virus is confined to the Great Village area, which is responsible for 40 per cent of the industry in that area. That number should be significant enough to warrant action by the federal government.

• (1400)

Approximately 81 strawberry fields are suffering from this virus and will have to be either cut out of the ground or plowed under. What is worse, Millen Farms has two dozen workers pulling strawberry plants and will lose up to 70 per cent of this year's production. As you can well imagine, this can be costly.

Why is the government cutting back on one of the most critical aspects of agriculture research that helps us to identify and deal with problems such as the crisis in Nova Scotia?

Senator LeBreton: The government has not cut back on research. It has directed its resources to areas of need. Agriculture and Agri-Food Canada continues to perform research in areas where it is needed or areas of higher risk. Obviously, as new and emerging diseases affect our crops, the department will collaborate with its partners in industry and academia to react to emerging issues.

Some organizations and their research from the past are no longer required as new situations arise. In this case, I am quite sure that researchers with Agriculture and Agri-Food Canada are working very hard with producers to resolve the problem.

Senator Mercer: Honourable senators, as the Harper government seems reluctant to take advice from me and some of my sources, maybe it will take advice from senior representatives of the wine industry.

On a recent trip to British Columbia, one of your colleagues asked a question of Vice-Chairman Douglas Goldsby, whose company owns Mission Hill Family Estate Winery in Kelowna. The question was: What is the one thing the federal government could do to help the wine industry in the Okanagan Valley? Mr. Goldsby's response could not have been better: Do not cut the Pacific Agri-food Research Centre at Summerland, British Columbia. PARC is an organization that aims to equip people with the proper knowledge and technology that will produce the best level of crops for local, national and international markets and products.

We were told when we visited PARC that their research has developed species of cherries, for example, that allow us to be world leaders in the production of cherries. This is thanks to the good work by the people at PARC. If I recall the dates correctly, they will start harvesting cherries in early July but will not finish until early October. Most of us know that in the small cherry industries in other provinces that time frame would be compressed into two weeks. The people at PARC developed new technology and a new strain of cherries, which has made us world leaders in the production of cherries at this time of year. In southern climes, it happens at other times of the year.

If you do not want to listen to me, could you listen to Mr. Goldsby, who specifically told us that PARC is needed and more research by Agriculture and Agri-Food Canada is needed to help the wine industry. He also related to us that scientists from PARC do not simply sit in the research station. They go into the fields and work the vineyards with industry to help analyze problems and find solutions that will make Canada's wine industry grow even bigger than it is. Would the government please take the advice of Mr. Goldsby?

Senator LeBreton: Since the honourable senator mentioned the wine industry, I must point out that Canada's wine industry is such a great success today thanks to the free trade agreement brought in by the government of Brian Mulroney, which was fought in this very chamber by people on your side.

Agriculture and Agri-Food Canada commits significant funds to research. Being a native of Ottawa, I am familiar with the importance of agricultural research with the Experimental Farm. My family participated in experiments in collaboration with the Experimental Farm. Agriculture and Agri-Food Canada does a lot of very important research work developing new crops. You mentioned the cherry crop as an example in the Okanagan Valley. Many crops are being developed across the country in areas where heretofore they were not even considered as potential crops.

I will take your specific question about the wine industry in British Columbia as notice and provide a written answer, including all the work that has been done on the research in the wine industry.

Hon. Wilfred P. Moore: Honourable senators, I have a supplementary question to Senator Mercer's question with respect to the strawberry crop in Nova Scotia, which is huge economically in the Annapolis Valley and the central part of Nova Scotia. The research centre at Kentville has been important over the years and has provided great support. The research has been most beneficial to our farmers, whether the crops are apples or strawberries.

Could the leader speak with the minister and ask him to make himself familiar with this situation, which is very important to the area, and to ensure that sufficient funds are available should they be needed for the research centre to identify this virus and put it to rest?

Senator LeBreton: I most certainly will do that, Senator Moore. I am sure that officials with the department are well aware of the serious problem with the strawberry producers in the Annapolis Valley. Absolutely, I will ask the Minister of Agriculture and Agri-Food about his level of awareness of the issue — and I am quite sure it is a high level — and what is being done about it.

PRIVY COUNCIL OFFICE

ROYAL MILITARY COLLEGE— SELECTION OF PRINCIPAL

Hon. Roméo Antonius Dallaire: Honourable senators, I will go back to history again to look into the future with this question. It starts in 1874 when a predecessor of your party, Sir John A. Macdonald, took a very fine decision, even though he was

allowed to be in the chamber with his glass not full of water but of gin, and created the Royal Military College of Canada. I am wearing my college tie today.

The Royal Military College, which is 139 years old, went through a series of changes. It began as a military institution similar to Sandhurst overseas. Over the years, they realized that the education of the officer core needed more than pure military science. By 1959, the RMCC received its full charter as a stand-alone university in Ontario. Students had not only university-level academic requirements but also language requirements, military training and physical conditioning.

• (1410)

We have created a university where the chancellor is the minister, the vice-chancellor is the commandant, and it has a principal. This university is recognized among the universities of this country. In fact, it was on the *Maclean's* list as one of the top small universities of the country. Part of that is because of its academic independence.

The method of choosing the principal, being an ex-commandant of the military college and an ex-vice-chancellor, is an exercise done by the governors, which includes the military, the commandant, academics and, of course, advisers to the institution.

Last month, PCO said that "the committee struck to find candidates to replace the principal was disbanded at the urging" — I like that word, "urging"; in my parlance that means "orders" — "of the Privy Council Office," and that essentially it is the Privy Council Office that will choose the next principal.

How do we maintain academic stature by creating a system of choosing the principal that is totally contrary to every other university in this country?

Some Hon. Senators: Hear, hear.

Hon. Marjory LeBreton (Leader of the Government): Senator Dallaire, you would know as well as anyone else that this position is a Governor-in-Council appointment reflecting the significant status of this valuable nomination. We, on this side and I am sure on both sides, are extremely proud of the work of the Royal Military College. It obviously contributes greatly to ensuring a cadre of officers with sound academic and military education and training. This is very valuable for the continuing growth of our Armed Forces.

The RMC in Canada is unique. We are proud of it, obviously. Unlike the previous government, who shut down the Collège militaire royal de Saint-Jean, we believe these are important institutions. The principal is a key academic leader of the Royal Military College and is accountable for defining academic policy and the frameworks for all academic activities.

As the honourable senator pointed out, because it is an order-in-council appointment, the Privy Council Office is responsible for this appointment, but I wish to assure honourable senators that the chair of the Royal Military College Board of Governors will continue to play a large role and have a say in this appointment and, as part of the selection committee, will play an integral part in the Governor-in-Council process.

Senator Dallaire: Honourable senators, it is true that the previous government cut Saint-Jean, but you have not reopened it. If that is essential, then, instead of making it a CEGEP, which I consider a positive gesture — in fact, the minister at the time, Gordon O'Connor, did — remaking it a university would do a lot to bring back French Canadians into the officer corps.

However, specifically on this, the Royal Military College in Kingston, it is interesting that a procedure that has been there for over 40 years — because it has been a Governor-in-Council appointment for over 40 years; this is not last week — all of a sudden PCO, last month, decided to change the rules in how to select the principal, whereas in other universities they will spend nearly a year going across the country to find the best possible candidate. Now, within a month or so because the current principal is actually finishing his term on July 1, PCO will be able to guarantee the academic credentials and the continuum of those credentials for all of us who graduated from there — such as Senator Joe Day and myself — with university degrees. They will be considered as credible as before because PCO is responding, apparently, to some administrative requirement that, all of a sudden, has been noticed.

Does the leader really think that was essential? That is, that having as chancellor the minister, because the minister is chancellor, would not suffice in meeting the requirement of the PCO appointment?

Senator LeBreton: Again, I am glad you acknowledge that this appointment is not a new direction. This appointment has been for quite some time an order-in-council appointment. Order-in-council appointments are managed and are completely under the control of the Privy Council Office.

As I already pointed out to you, the chair of the Royal Military College Board of Governors will continue to have a say on this appointment and, as part of the selection committee for this position, will play an integral role in the Governor-in-Council process.

Senator Dallaire: Honourable senators, I have a supplementary question. You are quite right, but what you have said is a bit half-truth, because Brigadier General (Retired) Don Macnamara, who is the chair of the Board of Governors, had to lobby strenuously to be able to part of the five-person selection team by PCO. They did not say we would like you to be part of it; he had to nearly beat down the doors to be able to be part of it.

The other members of this new council to choose an academic principal of a university are a member from Privy Council Office; a member from the Prime Minister's Office; the Minister of National Defence's office, where before he would take the recommendation from the board; the commandant — thank God they kept the commandant in there — of the college; and Don Macnamara. Before it was far more extensive in academic oversight inputs and also the military and the requirements of the public service was represented.

You cannot tell me that people sitting in the Privy Council Office and the Prime Minister's Office know more than these people about what should be the standards, the criteria and the values of a person to be the principal of RMC than what we have been using, which was — yes, you are right — a Privy Council appointment for the last 40-odd years by these individuals who are known throughout the academic world and also have that credibility. You cannot tell me that, all of a sudden, we have to change the rules because someone read something from God knows what and that that gang will actually choose that principal who will have among his peers the credibility that we require for the institution to maintain its credibility among the other academic institutions in this country.

Please tell me why you had to change something. Is nothing sacred to you guys?

Senator LeBreton: Now I am one of "you guys."

The fact is, Senator Dallaire, I have no knowledge or proof of people banging down doors, trying to be part of a selection process. I do know, having a little knowledge of how the order-in-council process works that for positions like this, which are for order-in-council, the Privy Council Office does consult widely with the relevant stakeholders. In this case it obviously would have been the military, the Department of National Defence. Obviously, there would be a lot of people consulted.

The process they are following, in my mind, is a relatively similar process that has always been followed. As I pointed out to you, the chair of the Royal Military College Board of Governors will continue to have a say on this appointment and, as part of the selection committee — so there is obviously a selection committee — will play an integral part in the Governor-in-Council process which produces the name of the next head of the Royal Military College.

TRANSPORT

COMMERCIAL VESSEL CLASSIFICATION AND REGULATIONS—BADDECK FERRY SERVICES

Hon. Jane Cordy: Honourable senators, I have spoken to Senator LeBreton privately and I have asked questions in the chamber during Question Period about the Lions Club in Baddeck and the challenges that they were facing from Transport Canada regarding the use of a pontoon boat to take passengers from the wharf in downtown Baddeck to Kidston Island. I truly appreciate the seriousness with which she looked into the issue.

Yesterday I received an email from Dan Chiasson, a lawyer from Baddeck and a member of the Baddeck Lions Club. The Lions Club has received verbal communication from Mr. William Turner, the Manager of Marine Safety, Transport Canada in Sydney, that they have approved an exemption from the required SVOP and MED A3 programs. These requirements have been replaced with a set of 15 proposed conditions which will ensure the safe operation of the pontoon vessel in Baddeck Harbour. This seems to be a sensible approach to it.

• (1420)

I want to thank you very much for the work you have done, and I am pleased that the pontoon boat will be in operation this summer. The problem is that the exemption is for one year only. There was no explanation as to why it is only for the summer of 2013, so I am asking if you would once again speak with the minister to see if this could be a longer-term exemption because of the importance of the service to the people of Baddeck during the summer months.

I am starting my work a little bit earlier this year — in June of 2013, for 2014 — because the time does go by very quickly. Here it is June; they had hoped to hear at least by May in order to make their plans.

The Lions Club of Baddeck is a service club made up of volunteers from the community, and it is very frustrating for them to believe that they cannot make plans beyond this summer.

If you could speak to the minister again and start the process for the summer of 2014, and hopefully for at least a few summers, that would be very helpful.

Hon. Marjory LeBreton (Leader of the Government): Thank you, Senator Cordy. I will absolutely start now. I think there were some regulations on the books at Transport Canada that had been there for some time, I understand, and a decision was made in the bureaucracy to implement some of these without thinking of the effect on organizations such as the Lions Club in Baddeck. Certainly, this impacted a lot of people who run summer camps.

The directive that you refer to, which was sent out by the Minister of Transport, was to address the immediate need. However, I do agree with you, Senator Cordy, that while it resolves the issue for this year, we should not wait until this time next year. I will most definitely follow up and make an inquiry with the Minister of Transport.

I think one of the problems was that regulations that were meant for much larger operations impacted on much smaller operations. I most certainly will follow up, Senator Cordy.

Senator Cordy: I would appreciate that because these are not vessels operating on the high seas in the middle of the winter storms; these are small pontoon boats carrying people for 300 metres. I do believe that it is due to your work that the approval process for the exemption this summer has happened, but if every year the Lions Club has to wait until June to get an exemption, and if they have to go through this process every year, it will become too cumbersome for the volunteers to deal with over and over again.

As I stated previously in the chamber, the ferry service takes people from the wharf in Baddeck to the beach on Kidston Island. This is a distance of 300 metres, in a sheltered harbour, in the summertime, and only in nice weather. To have this pontoon boat follow a commercial vessel classification seems unrealistic. The

Lions Club will be working with Transport Canada this summer, who will be assisting in ensuring full compliance with the safety requirements brought in and they are happy to do this.

Again I thank you and ask if you could continue to monitor the file with the minister and stress the importance of a long-term plan that would be very helpful to the people of the beautiful village of Baddeck.

Senator LeBreton: Thank you, Senator Cordy. You are quite right. When I was looking into this, there had been several incidents over the past 10 years where there were some serious accidents with ferry types of boats. There was one in Georgian Bay. There were three incidents, I think, where many people lost their lives.

A little common sense prevailed and regulations were brought in — at least this is how it was explained to me — to address the concerns of those larger boats. You are quite right. I had a situation brought to my attention, a situation on the Rideau River, with 5- or 10-foot waves crossing an area of a couple hundred metres.

I do agree that a little common sense and realistic implementation of rules is in order here, so I most definitely will follow up, not only because I do not want to have to get up next year, Senator Cordy, and have to say I will look into it again. Hopefully by then we will have regulations in place that actually take into account the much smaller operators, especially those like the Lions Club and the summer camps that were affected by this as well.

PUBLIC SAFETY

ROBO-CALLS—VOTER SUPPRESSION

Hon. Grant Mitchell: Honourable senators, the judge who heard the recent robo-calls voter suppression case made the very strong point in his ruling that the Conservative Party indulged in, and I quote, "trench warfare" in its efforts to impede and ultimately to kill this case. Now, the Conservatives, the Prime Minister, have repeatedly said that they had nothing to do with robo-calling voter suppression. If they had nothing to do with it, why would they have tried so hard to impede and ultimately kill that case?

Hon. Marjory LeBreton (Leader of the Government): I think you completely misstated what Mr. Justice Mosley said. Mr. Justice Mosley said there was absolutely no evidence that the Conservative Party or any Conservative candidate was involved in these robo-calls.

Senator Mitchell: The justice also made the point that clearly the information had to come from the Conservative database system, which is SIMS. If the Conservative Party had absolutely nothing to do with it and their database was used, then clearly that is sort of prima facie evidence of a huge hack into their system, a huge crime.

This is the government that, if it is anything, it has to be hard on crime. You would think that when that crime is actually perpetrated against them, against their own database, they would want to do something about that.

Why is it that you have not called in the RCMP to look into this serious crime, this hack into your database?

Senator LeBreton: First of all, again, as Mr. Justice Mosley said, there was absolutely no evidence. I can assure you, Senator Mitchell, that the Conservative Party — although I speak for the government, I will speak in this case for my friends in the Conservative Party — is as anxious as any other political party to get to the bottom of this. In this age of information being used improperly, no one would be happier than us to get to the bottom of this. Of course, as we know, this whole issue is still the subject of an investigation.

Senator Mitchell: If nobody would be happier than you to get to the bottom of it, could you somehow get the message through to the senior members of your party, maybe to the Prime Minister, to stop impeding the progress of the Elections Canada office still looking into the robo-calls and stop impeding any kind of court case that is undertaken to look into this? Why would you not just help to get to the bottom of it?

Senator LeBreton: That is a flat-out false statement.

Some Hon. Senators: Oh, oh.

Senator LeBreton: The Conservative Party has cooperated fully. We have fully cooperated with Elections Canada, and Elections Canada has never said — We would love to know how this started, but you should look to your own Member of Parliament for Guelph, who paid a fine for improper use of robo-calls.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral questions asked by the Honourable Senator Kenny on March 21, May 1 and June 4, 2013, concerning the RCMP.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE—
REQUEST FOR DOCUMENTS

(*Response to questions raised by Hon. Colin Kenny on March 21, May 1 and June 4, 2013*)

RCMP Total Authorities from 2002-2003 to 2012-2013
($000s)

Fiscal Year	Total Voted and Statutory Authorities	Respendable Revenue Authority	Total Spending Authorities
2002-2003	1,880,248	1,015,025	2,895,273
2003-2004	1,955,334	1,028,104	2,983,438
2004-2005	1,974,408	1,086,987	3,061,395
2005-2006	2,106,233	1,185,603	3,291,836
2006-2007	2,643,509	1,276,829	3,920,338
2007-2008	2,779,402	1,351,792	4,131,194
2008-2009	3,073,890	1,429,192	4,503,082
2009-2010	3,583,379	1,507,014	5,090,393
2010-2011	3,348,158	1,590,836	4,938,994
2011-2012	3,173,407	1,686,653	4,860,060
2012-2013*	3,363,118	1,760,450	5,123,568

Table notes: *Estimated

Total authorities for 2012-2013 are based on Authorities confirmed by Treasury Board Secretariat as of March 4, 2013, and adjusted to include Supplementary Estimates (C).

All other authorities based on Public Accounts total authorities available for use.

Certain one-time events generate significant variances from year to year (e.g. G8/G20 and Olympics, restructuring such as the migration of Firearms, liquidation of earned retirement benefits).

The number of regular members recruited each year from fiscal year 2002-2003 to 2012-2013 is provided below:

Fiscal Year	Successful Applicants enrolled as Cadets at Depot
2002-2003	1,004
2003-2004	1,012
2004-2005	968
2005-2006	1,222
2006-2007	1,508
2007-2008	1,417
2008-2009	1,783
2009-2010	1,021
2010-2011	581
2011-2012	575
2012-2013*	*395**

*forecast

It should be noted that there is always a difference in numbers between "Cadets enrolled into Depot Training" and "Regular Members (RM) hired after Depot Training" due to the approximately 13 per cent attrition that occurs during the Depot Cadet Training Program (CTP) (not every cadet enrolled into the CTP graduates and is sworn in as a RM). The chart provided above refers to the former.

RCMP attrition figures for each year from 2002-2003 to 2012-2013 are provided below:

Fiscal Year	Regular Member	Civilian Member	Public Servant
2002-2003	560	84	209
2003-2004	604	99	211
2004-2005	678	103	224
2005-2006	736	125	327
2006-2007	698	116	403
2007-2008	685	150	481
2008-2009	633	153	553
2009-2010	560	104	476
2010-2011	615	148	509
2011-2012	667	139	430
2012-2013*	639	138	314

Table notes:

Data from Cognos Data Cubes as of April 3, 2013

Includes all departures regardless of reason (termination, retirement, etc.)

Does not include term employees (Civilian Members or Public Service employees)

*Up to February 28, 2013

[*English*]

ORDERS OF THE DAY

WITNESS PROTECTION PROGRAM ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Bob Runciman moved second reading of Bill C-51, An Act to amend the Witness Protection Program Act and to make a consequential amendment to another Act.

He said: Honourable senators, I am pleased to speak today on Bill C-51, the Safer Witnesses Bill. This bill marks the first substantial change to the Witness Protection Program Act since it came into force in 1996.

This government has made public safety a top priority. We have passed legislation to ensure offenders receive appropriate sentences and are held accountable for their actions. We have made sure victims have a meaningful voice.

Of course, none of this matters if the authorities are unable to prosecute a case because witnesses fear for their lives and are unwilling to come forward. That is why we need a way to ensure that in those cases where the safety of a witness is in jeopardy, we have an effective way to protect them.

• (1430)

This is not a new problem. As an opposition member of the Ontario legislature back in the 1980s, I put forward a private member's bill on witness protection when a former constituent of mine became a target. He had provided the evidence that resulted in Peter Demeter — some of you will remember that gentleman — receiving a life sentence for counselling to commit murder.

The threat was real. Demeter had already been convicted of killing his wife, but there was no formal program available to help this witness, whose life was turned into a living hell by the simple fact that he went to police with information that likely saved another man's life.

More recently, Toronto police have noted the difficulties they face in addressing gang violence due to the unwillingness of witnesses to come forward.

Look at the block party shooting in Scarborough last July. Two innocent bystanders murdered, with dozens of witnesses to a brazen crime that shocked the country, but police had great difficulty getting anyone to admit what they had seen because they feared for their lives.

I will not pretend that Bill C-51 will solve all of these problems, but it will help by expediting the process for witnesses who need protection and streamlining federal-provincial cooperation.

Before I get into the substantive improvements the bill will make, I would like to speak briefly about the system as it exists in Canada today.

Although witness protection has been available in the country for several decades, a formal program has existed only since 1996. The Federal Witness Protection Program is administered by the Royal Canadian Mounted Police. It offers such services as permanent relocation and secure identity changes to those witnesses who are admitted into the program.

There are approximately 800 people currently in the program. The RCMP is providing assistance to an additional 150 to 200 witnesses. Those are often short-term emergency measures such as temporary housing that do not involve formal entry into the program.

Witness protection is an invaluable tool for police and law enforcement, particularly when investigating organized crime and terror groups.

Without cooperation from informants, it is next to impossible to gather the information needed to prosecute in many of these cases.

Yet there is virtually no chance that witnesses will come forward unless there is a robust system in place to protect them. That is what we have an opportunity to provide with the passage of this bill, through useful updates to the current federal program and responses to a number of recommendations from various studies.

This includes the 2008 study by the Standing Committee on Public Safety and National Security, the 2010 Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182, and extensive consultations with federal departments and agencies, the provinces and law enforcement.

It is important to recognize that the federal program is not the only one in Canada. The provinces of Alberta, Saskatchewan, Manitoba, Ontario and Quebec also offer witness protection programs, often in conjunction with some of the larger municipal police forces.

The provincial programs by and large provide limited financial assistance and temporary relocation during the course of a criminal proceeding. The provinces outline their own admission criteria for their programs.

The determination as to whether a witness should be protected in the federal or the provincial program is made by the police force dealing with a criminal investigation. It is decided on a case-by-case basis. This could depend on the expected costs or the seriousness of the threat, as well as on how long the protection might be needed.

In some cases, the province may refer witnesses in their program to be considered for inclusion in the federal program, particularly when it involves a federal investigation or a complex or serious crime.

The provinces have told the federal government that there must be better and more efficient ways for them to obtain secure identity changes for their witnesses.

Presently, the RCMP assists only federal protectees in obtaining federal documents that are required for a secure identity change. However, witnesses protected under a provincial program also need federal documents, which, right now, requires transferring them into the federal program, and then and only then can the RCMP assist in the process.

Honourable senators, this is a serious problem. This system can sometimes result in delays of sometimes months or even years. We are talking about a matter of life and death for some witnesses and for their families.

It is essential to improve coordination between the federal and provincial governments on witness protection, and that is precisely what this bill does. The bill lays out a new system so that provincial programs can be officially designated by the federal government, ensuring a more seamless relationship between the levels of government.

A one-time request can be made to the Minister of Public Safety, who will then make a recommendation for designation by the Governor-in-Council.

Once a provincial program is designated, witnesses will no longer need to be admitted to the federal program to get RCMP assistance in obtaining the documents needed for identity changes.

The RCMP will remain the single point of contact in this process. Honourable senators, I know there are some in the provinces who do not want to go through the RCMP. They would prefer to deal with individual federal departments directly. However, the government heard very clearly from federal partners about the need to maintain the RCMP as the federal liaison.

The measures outlined in Bill C-51 minimize the number of people involved and, as a result, offer the greatest degree of security.

The threats Canadians face have changed dramatically since the Witness Protection Program Act was implemented. Currently, only law enforcement agencies and international criminal tribunals can refer witnesses to the program.

Bill C-51 would allow federal organizations that have a mandate related to national security, defence or public safety to refer witnesses to the federal program. These organizations may include CSIS and the Department of National Defence. This was a recommendation that came out of the Air India inquiry, and I think it is an important one considering the growth of terror networks in the last two decades.

Another key area of concern is found in the sections of the bill that deal with the prohibitions on disclosure. Currently, the safeguards surrounding information protection in the Witness Protection Program Act are limited to information about the location and identity changes of protectees in the federal program. Bill C-51 expands the prohibitions to include information about witnesses, the means and methods of programs and about those who protect witnesses. These prohibitions on disclosure will apply to both the federal and the designated provincial programs.

We should not forget that we need to maintain a system that will allow authorities at both the federal and the provincial levels to carry out their duties to protect citizens and combat crime. Federal organizations will maintain their ability to share information about protected persons if they are offenders about to be released. Further, at both levels, there are exceptions to allow police to divulge information about protected persons if doing so is necessary to provide protection, to ensure the administration of justice or to prevent a crime.

In summary, these are just a few of the important changes this bill makes to witness protection in Canada. These are changes that the policing community wants and needs.

[Senator Runciman]

In fact, Tom Stamatakis, the president of the Canadian Police Association, had this to say about the bill:

> ... Bill C-51 is an example of legislation that will help better coordinate efforts across various levels of law enforcement, provide better protection to the men and women who serve as police personnel in this country, help our members crack down on organized crime and gang activity, and promote at least some efficiencies in a system that is badly in need of reform.

• (1440)

Honourable senators, the changes embodied in this bill are reasonable, measured and cost-effective. The RCMP has indicated clearly that these changes can be implemented within its existing resource base. This is a pragmatic piece of legislation that modernizes the witness protection program to ensure that it is more flexible and responsive.

This bill comes to us with the support of 268 members of the other place, with none voting against.

I urge all honourable senators to give police an important tool in the fight against organized crime and to give witnesses the protection they need to come forward. I ask for honourable senators' support for Bill C-51.

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

INCOME TAX ACT
EXCISE TAX ACT
FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT
FIRST NATIONS GOODS AND SERVICES TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Bellemare, for the second reading of Bill C-48, An Act to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation.

Hon. Wilfred P. Moore: Honourable senators, it is my pleasure to rise today to speak to Bill C-48, An Act to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation. This act does have a short title, the "Technical Tax Amendments Act, 2012." I shall simply refer to it as Bill C-48.

Bill C-48 has been before us in various forms in the past, as Bill C-33 in 2005 and in 2006 as Bill C-10. We have blocked Bill C-10 from our collective memories, of course, due to a certain clause

which sparked much consideration, including 17 readings before the Standing Senate Committee on Banking, Trade and Commerce. Suffice it to say, I am reliably informed that this bill does not contain such a clause, and we are proceeding with those assurances.

This bill contains 955 pages, is divided into eight sections and makes 428 amendments. As Senator Black noted, they are quite technical in nature. This is our tax code, technical in nature. Our briefing from officials of the Department of Finance and Canada Revenue Agency was quite illuminating. Taxes are important. Honourable senators heard it here first. They pay for the programs that governments provide to Canadians, like health care, national defence, the House of Commons and the Senate to name a few.

Very briefly, Bill C-48 contains measures that will update various aspects of the tax system. I will just mention a few. For example, foreign affiliate rules are updated to deal with technical matters such as the status of these entities and the treatment of these affiliates regarding capital gains and exemptions; non-resident trusts have had exemptions added; and labour sponsored venture funds are being phased out effective 2010 in Ontario, and Bill C-48 removes the penalty that exists for disposal of these funds before an eight-year period. It also provides that same exemption should any other province decide to phase out these funds.

CRA is affected directly in two instances in Bill C-48. First, there is a provision for the relief of GST/HST on the administrative service on the levy for the Canadian Copyright Collective. Second, Bill C-38 allows for the collection of GST for First Nations where there is an agreement between the First Nations community and the federal government.

Much of this bill, as is noted by Senator Black, deals with closing loopholes which allow some Canadians to avoid paying their fair share of taxes. We created a situation that facilitates this tax avoidance and leads to what is now termed abusive tax planning, which we used to call cheating.

The Canadian tax system is based on self-assessment. It is important that those who want to comply with the tax system be afforded every opportunity to do so. That requires up-to-date information to individuals and businesses on which to base their self-assessments.

While we realize that, once published, the Government of Canada proceeds as if the changes to taxes are law, we need, as legislators, to study these changes and make them law. As the Auditor General of Canada stated in her 2009 report:

> Another type of uncertainty arises if a proposed amendment is not enacted for more than a year, but is to be passed with retrospective effect.... Retrospective amendments can change the tax result and require a change in the tax assessment issued by the Canada Revenue Agency.

We are discussing proposed amendments to the tax system that have been introduced as far back as 2001. This is not acceptable. We all know that, as parliamentarians, many issues can arise which waylay governments and cause the postponement of legislation.

Furthermore, a major component of our tax system is certainty. There is no certainty when the Parliament of Canada does not pass the amendments to the tax system into law. The Auditor General noted in 2009 that this lack of certainty increases costs for the taxpayer and the administrators as well.

She said that taxpayers face higher costs in obtaining professional advice for tax compliance; corporations are unable to use proposed changes in their financial reporting; greater cynicism develops and a greater willingness to use aggressive tax plans arises. Administrators face higher costs for providing additional guidance to taxpayers and auditors; higher administrative costs for reprocessing tax returns after an outstanding legislative amendment is enacted or for obtaining waivers to extend the limitation period.

Furthermore, the Canada Revenue Agency is also falling behind. The Government of Canada attempts to provide taxpayers with advance tax rulings within 60 days. In 2004-05, the Canada Revenue Agency averaged about 62 days. According to CRA's 2011-12 annual report, advance income tax rulings are now taking an average of 106 days — nearly double the time.

We know that tax uncertainty is something to be avoided. That is what Bill C-48 attempts to do, but we need to give CRA the proper funding to enable the agency to carry out what this bill is trying to accomplish. Thus, the problem with Bill C-48 is not its content; it has all-party support in both houses. It is the delay in passing these amendments that causes the breakdown in our tax system. We need to take this process more seriously. Ten years is simply too long.

The staff at the Department of Finance have worked hard to create a bill that has taken into account many of the concerns that have come to light since 2001. Changes have been made that have led to the creation of a consensus among legislators and stakeholders. I believe we should move this to our Standing Senate Committee on Banking, Trade and Commerce for immediate study.

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

An Hon. Senator: Question.

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

Hon. Senators: Agreed.

(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 Carignan, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

THE SENATE

MOTION TO INVITE THE AUDITOR GENERAL TO CONDUCT COMPREHENSIVE AUDIT OF SENATE EXPENSES INCLUDING SENATORS' EXPENSES ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Carignan:
>
> That the Senate invite the Auditor General of Canada to conduct a comprehensive audit of Senate expenses, including senators' expenses.

Hon. Anne C. Cools: Honourable senators, I rise to speak to Senator LeBreton's motion, which invites the Auditor General, Mr. Michael Ferguson, to audit the Senate and senators' expenses. It seems that this motion was suddenly conceived by the government leader and is being rushed through the Senate with improper haste.

• (1450)

This Auditor General is relatively new to the office. When Mr. Ferguson appeared before us in the Senate Committee of the Whole on November 1, 2011, I did not then join the debate. At the time, I thought that the Liberal opposition had been a little hard on him in respect of his unilingualism and his declared intention to study French. I intently observed him and his responses in this difficult situation, which would have been very tough for him. His responses to the questions were calm, composed and measured. In that difficult moment, he earned my great respect. I found him impressive, and I concluded there and then, that he was a serious and dedicated human being, intent on doing a good job and intent on doing the best that he could. I thank him, and I take this opportunity to congratulate him on his appointment as Auditor General of Canada and to wish him well in the office, a commission under the Great Seal of Canada for a term of ten years.

Honourable senators, prior to 1878, the position of Auditor General was held by the then Deputy Minister of Finance. On March 19, 1878, Richard Cartwright, Minister of Finance under Prime Minister Alexander Mackenzie, introduced An Act to Provide for the Better Auditing of the Public Accounts. "Public accounts" are the critical words. This act created the Office of the Auditor General. The result was to separate the office of the Auditor of the Public Accounts from the Deputy Minister of Finance. This was novel and great in those days. The Minister of Finance is still essential in the Auditor General Act even today, as he is the appropriate minister under the Financial Administration Act for the estimates of the Auditor General.

At that time, Mr. Cartwright stated:

> The main alteration would consist in separating definitely the office of the Deputy Minister of Finance from the office of the Auditor-General.

The auditor and the finance ministry were separated.

Honourable senators, yesterday, in an exchange with Senator LeBreton, I noted that, by the Auditor General act, Auditors General report to the House of Commons and not to the Senate. In fact, the act only mentions the Senate in respect of appointment and removal of the Auditor General. This question of reporting must be addressed, because the Auditor General Act contains no power for him to report to the Senate. As a matter of fact, I have not been convinced that the act contains a power for him to audit the Senate, or to audit the House of Commons, for that matter.

I also note that Senator LeBreton's motion employs the words "comprehensive audit." I am concerned that many here do not know what that is, except perhaps those who are accountants.

The Standing Senate Committee on National Finance's, eighteenth report of March 15, 1988, was on comprehensive auditing. This report, on its second page stated:

> Mr. Kenneth Dye, the Auditor General of Canada in his opening remarks, recounted to the Committee that since 1878, auditors general in Canada have been reporting to the House of Commons —

Senator LeBreton was not clear about whom the Auditor General reported to.

> — reporting to the House of Commons on the legality of the expenditures and the arithmetic of the public accounts.

Honourable senators, further, on March 2, 1988, in his testimony before the same committee, Mr. Dye defined "comprehensive audit." At page 22:8 of the committee proceedings, he said, and this is important:

> Comprehensive auditing was the term that my predecessor, the late J. J. Macdonnell, gave to the methodology he developed to implement the mandate and integrate value for money considerations with compliance with authority and financial statement auditing. Comprehensive audit reports on the soundness of key management and information systems, and on the appropriateness of accountability mechanisms, have become an important vehicle for informing Parliament about matters which it would otherwise not have known about. In March of 1979, the Public Accounts Committee formally endorsed the comprehensive audit approach, and recognized that it coincided with the mandate given by Parliament. Over the past decade my office has devoted approximately half its efforts to the value-for-money

> component of comprehensive auditing.... In this way we intend that our work assists our client — Parliament — to see the forest as well as the trees.

The objective of the Auditor General Act is to audit government departments, the financial administration, and to provide that information primarily to the House of Commons, and also senators can use it as well.

Honourable senators, yesterday I listened to the Senate government leader most carefully. I wish she had not been so frugal in her explanation and not so sparse in her comments on her motion, suddenly arrived at with no discussion with her Conservative caucus or with other senators and presented first in the media. This motion is without precedent. It is lacking as a term of reference for the Auditor General. It is very skimpy in detail. It also lacks definition, clarity and form, in this matter that is extremely large, complex, difficult, and most troubling. From her sparing comments, one must be concerned that she seems to see the Senate as a department of the government and a part of her government's public administration and perhaps sees herself as a minister for that department. I have heard many people describe Senator LeBreton as the Minister for the Senate. This is a cause for concern.

Honourable senators, Senator LeBreton does not seem to accept that the House of Commons has had a long and statutorily and constitutionally defined relationship with the Office of the Auditor General, while the Senate does not. This relationship is also expressed in the house's Public Accounts Committee, a committee borne of the house's claim for exclusivity in the control of the public purse. This relationship does not pertain between the Senate and the Auditor General, as is evidenced by the fact that the Senate has no Public Accounts Committee.

Lower Houses in Canada, long before Confederation, have upheld this exclusive claim to the control of the public purse. In fact, a Public Accounts Committee was created in Upper Canada long before it was done in Britain. In 1862, actually, the great Liberal leader William Gladstone, my hero, in the House of Commons moved the motion to constitute Britain's first Public Accounts Committee. Here in Upper Canada, Ontario, the legislative assembly, on February 7, 1812, appointed a select committee to inspect the public accounts and report the same to the house. That was 50 years before the U.K. House of Commons created their world-renowned Public Accounts Committee.

The Public Accounts Committee is a counterpart, the arm, so to speak, through whom the Auditor General quite often works with the house. Alpheus Todd, in Volume 1 of *On Parliamentary Government in England*, writes on this committee at page 588:

> And this brings us to the mention of the crowning act, whereby the House of Commons has been enabled to exercise a constitutional control over the public expenditure, without infringing upon the functions of responsible ministers; that is to say, through the instrumentality of a Standing Committee of its own members.

I note that this motion of Senator LeBreton's mentions no instrumentality of any Senate committee in this audit, which is worrisome.

Honourable senators, I shall mention quickly some of the relevant sections of the Auditor General Act. Powers and duties are described in sections 5 to 12. Section 5 states:

> The Auditor General is the auditor of the accounts of Canada,... and as such shall make such examinations and inquiries as he considers necessary to enable him to report as required by this Act.

Honourable senators, there are no clauses whatsoever in the Auditor General Act that empower him to audit the Senate or the House of Commons. The House of Commons and the Senate are not departments of government, of the public administration, they are houses of Parliament.

Under the heading "Annual and Additional Reports to the House of Commons," the act states at section 7:

> 7. (1) The Auditor General shall report annually to the House of Commons and may make, in addition to any special report made under subsection 8(1) or 19(2) and the Commissioner's report under subsection 23(2), not more than three additional reports in any year to the House of Commons
>
> (a) on the work of his office; and
>
> (b) on whether, in carrying on the work of his office, he received all the information and explanations he required.

• (1500)

This is very important, honourable senators, because yesterday I put the question as to how the Auditor General will report on his audit to the Senate. How is this audit going to be carried out since no Senate committee seems to be involved? I find the lack of answers huge and somewhat chilling.

Honourable senators, these are different sections, but, the role of the Auditor General is connected to the role of the houses holding the government accountable for what we call public expenditures — public revenue and public spending. The Auditor General Act does not contemplate auditing the houses of Parliament, just as it does not contemplate auditing Her Majesty or the governors general.

Under "Special Report to the House of Commons," the Auditor General Act, section 8, states that:

> The Auditor General may make a special report to the House of Commons on any matter of pressing importance or urgency that, in the opinion of the Auditor General, should not be deferred until the presentation of the next report under subsection 7(1).

Honourable senators, I note that through these sections on the powers and duties of the Auditor General, the House of Commons is referred to repeatedly as the entity to which the Auditor General is to report. Indeed, the only time the Senate is

identified is in section 3, the appointment and removal section. Honourable senators, as I read to the Senate yesterday, section 11 states very clearly — and I inquired of the leader yesterday:

> The Auditor General may, if in his opinion such an assignment does not interfere with his primary responsibilities —

— these are not Senate and House of Commons audits —

> — whenever the Governor in Council so requests, inquire into and report on any matter relating to the financial affairs of Canada or to public property or inquire into and report on... any person or organization that has received financial aid from the Government of Canada or in respect of which financial aid from the Government of Canada is sought.

Honourable senators must remember, I did much work years ago on the Finance Committee regarding the Financial Administration Act, and these very large acts. There is something very unusual and unprecedented about the fact that the Auditor General is being deployed not by the houses to audit the government and the administration but by —

The Hon. the Speaker *pro tempore***:** Honourable Senator Cools, I regret to inform you that your 15 minutes has expired. Another five minutes?

Hon. Senators: Agreed.

Senator Cools: There is something very unusual about this. The Auditor General is being deployed not by the houses to audit the government, which is the intention of the act, but by the government to audit a house of Parliament, the Senate. The system seems to have been turned on its head, and this bothers me a little. As I said before, I have great respect for the Auditor General and many of the past incumbents.

I have been concerned about the government's management of this present situation in the Senate, and I have been concerned that the lack of adequate management has served only to inflame and to poison public opinion and to precipitate what seems to be the continuation of this most horrible crisis.

Honourable senators, in brief, I find this situation very worrisome. I do not understand it because I cannot find the law on which this motion is based, neither the constitutional law nor the statutory law. I do understand that the Senate has had some problems, and I never condone any sort of wrongdoing. However, I do wish that we could have been provided with some sturdy and meaty explanation as to why the system has been turned on its head. The rule is that governments answer to the houses, not that the houses answer to the government. That is in no way to say that any wrongdoing should ever be accepted or condoned, but I have heard a lot stated. I have heard a lot.

Honourable senators, I remember that a couple of years ago at a Christmas party I was absolutely flabbergasted when, outside, there was a press conference held by Mr. Harper and Senator LeBreton. In that press conference, on December 14, 2006, right outside the Senate door, David Akin from CTV made an inquiry to the Prime Minister, who responded, about the Senate: "I am always disappointed with that. You know, as a Western Canadian, I wake up every day and the Senate bothers me. I curse the Senate."

Then we had another one. Senator Terry Stratton responded one time, in the *Ottawa Citizen*, on May 18, 2007, that the dysfunctional upper chamber should be blown up because "the...Liberal majority, acting too often as judge and jury, has brought the Senate to an all-time low as a political body." He said, "This is an incestuous place which should be blown up.

I also observe that, in a speech on May 21, 2013, reported in the *Ottawa Citizen*, Mr. Harper stated to his caucus, "As Canadians know, I did not get into politics to defend the Senate."

Honourable senators, my understanding is that the first duty of the government is to uphold the Constitution and to defend the institutions. That has been my understanding and how I was taught.

Once again, I will say that I find these matters quite troubling, and I find them continuing to be poorly handled and managed. Maybe my little voice means nothing to many, but I have to tell you that there are some rights and there are some wrongs. When I look at this motion, which should be clearly articulating the terms of reference for the Auditor General, it gives none. It does not even set a time frame. It would appear that it is open ended; it could on for years and years. The motion does not even inform us as to who shall be attending to the Auditor General, who, presumably, will need an office and many other requirements. I do not understand how such a motion can go forth with so little explanation and with so little substance and detail.

Honourable senators, if I thought I would get a hearing, I would plead longer and harder, but there is something very wrong, honourable senators, with all of this. I do not believe for a moment that all this is caused because a few senators have perhaps — and we are not clear yet — done something wrong. People do wrong all the time, but, because of that, one does not have to willfully set out to weaken and discredit the institutions.

I am mindful, honourable senators, that all this is not going on in a vacuum, that the reference on these constitutional questions with respect to the Senate is before the court and that all of this will be ongoing concurrently. I am very mindful and, I would add, a little bit suspicious about this coincidence.

In any event, the Auditor General's role as an auditor is to look at government and its expenditures, not at Parliament. The government accounts to Parliament and to the houses, not vice versa. I understand that personal accountability and ethical behaviour is desired at all times, and to my knowledge most senators here provide such proper behaviour.

Honourable senators, I thought I had a duty to point out the history of the Auditor General Act and the purpose of the Auditor General Act, which does not include auditing either of the two houses of Parliament at the behest of the government. Some years ago, it is true, the Senate, on a question of politeness and niceness, invited the Auditor General in. This is a completely different matter. This situation is a very ugly one.

Hon. Percy E. Downe: I wonder if Senator Cools would take a question.

• (1510)

The Hon. the Speaker *pro tempore*: I regret to inform honourable senators that the extended time has expired.

Senator Downe: In that case, I will join the debate.

What I would have asked Senator Cools if she had time was —

Hon. George J. Furey: Honourable senators, even though we are past the time, can the chamber not agree to an additional few minutes to extend the time?

An Hon. Senator: Yes.

The Hon. the Speaker *pro tempore*: Honourable senators, a request has been made to extend the time once again for the Honourable Senator Cools. Is leave granted, honourable senators, for an additional five minutes?

Some Hon. Senators: Agreed.

Senator Downe: Honourable senators, I found the remarks of Senator Cools very interesting, as they always are. Given what she has said, is it her view that the Senate has the authority to instruct the Auditor General, or are we putting a request in to the Auditor General and the Auditor General will determine what to do?

I ask that because I checked the cutbacks that this government has put in on the Auditor General, and I noticed their budget has been reduced by $6.5 million, and there will be an additional 10 per cent reduction in their staff by the end of fiscal year 2014-15.

The Auditor General has priorities and responsibilities under legislation. Will this be a cost-recovery audit? Will the Auditor General simply say that he would love to do it, but does not have the resources because of the cuts the government has made to his department?

I notice, for example, that the Senate itself has conducted a number of outside audits. Between 2007-08 and until 2011-12, the Senate has spent $712,000 on outside auditors. That is not counting the auditors who are looking at the four senators who are currently under review, and the final bill is not in on the final $240,000 for the four senators. Therefore, we are already looking at $952,000 that we have spent on audits in the Senate.

We are trying to be conscious of taxpayers' money. I am not sure if Nigel Wright will reimburse us for some of that or not, but there is a cost to this.

Do we also have to include in the resolution some additional funding for the Auditor General to do what we are asking?

Senator Cools: Honourable senators, I myself am not clear on most of these questions. I was hoping that we would get some clarification from the government leader.

However, I have spoken to a couple of former ministers and former leaders of the government, and they have confirmed that my interpretation of section 11 is absolutely accurate; that the Auditor General is not free to go here, there and everywhere doing audits; and if an assignment arises, he has to get an order-in-council from the Governor-in-Council at the request of the Governor-in-Council.

If honourable senators look at section 11, it now says "Governor-in-Council." However, in the early days of the Auditor General, it would have said the Minister of Finance. Obviously, the man is a commissioner; he is not a freewheeling agent who responds and audits here, there and everywhere. The Governor-in-Council is ever present in the Auditor General.

The Honourable Senator Downe has come to an important point: the cost to the public purse of the Senate audit. I have no idea if, when the Governor-in-Council grants an order-in-council, they reach out and ensure that they get the cost back. I have no idea. The whole audit is shrouded in mystery. I do not understand, because what is happening is very public. I have no idea of any of this.

What I do not understand at all is that the motion before us is so open that one could drive 25 tractor trailers through it. There is no limit, no identified personnel; most Senate orders have a time limit. All the practices seem to have been abandoned, but there are more questions being asked than answers being given.

Honourable senators, I come back to my original view. I cannot be convinced without a far stronger and more serious argument that the Auditor General Act anticipates auditing Parliament, the Senate or the House of Commons. The Auditor General Act developed out of history. The 1977 act is when they brought in that value for money criteria, but prior to that it was crystal clear that the Auditor General's role was purely an audit function. After that, policy judgments and conclusions started to creep in.

However, I do not have the answer that the honourable senator is craving. I do not know why the minister will not share these answers with us. This is not rocket science. Any concerned citizen would care, and any senator who has had the privilege and duty of serving in this place is concerned with the institution.

I am concerned that this audit will envelope a whole new stage just as the time approaches for the hearing in the Supreme Court on the reference questions. I am not as naive as some may think. It is a very serious matter, and I am counting on the court to resist all and any distractions.

The Hon. the Speaker *pro tempore*: Further debate, honourable senators?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator LeBreton, seconded by the Honourable Senator Carignan, that the Senate invite the Auditor General of Canada to conduct a comprehensive audit of Senate expenses, including senators' expenses.

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

Some Hon. Senators: Agreed.

Senator Cools: On division.

(Motion agreed to, on division.)

MOTION TO DISSOLVE SPECIAL COMMITTEE ON ANTI-TERRORISM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall:

That the Special Senate Committee on Anti-Terrorism be dissolved from the time of the adoption of this motion.

Hon. Roméo Antonius Dallaire: Honourable senators, I rise to speak on Motion No. 67, introduced by the Deputy Leader of the Government not so long ago. Interestingly, it was introduced just a couple of days after I introduced a motion that was calling for the need of this committee — the other side decided to cancel the committee.

I am in a bit of a rush to give honourable senators a response to this motion, because I think we should put it to bed in order to be able to proceed with my motion in which I am asking that we do not reduce the parliamentary oversight — particularly us of the Parliament versus the executive — on security matters, but that, in fact, we increase it. The threat is increasing and, if the threat is increasing, how can we argue that we need less of a capability to counter that threat?

I will make my way through my presentation, and I will do my best not to have to scrounge the extra five minutes, but I will probably end up doing so. In doing so, I hope to end with a bit of a commentary that I picked up in the *New York Review of Books*, which has an extraordinary article entitled "The Bombers' World." This is a very respected journal in regard to reviewing books worldwide, and it is very interesting that they use the title "The Bombers' World." It goes through the exercise of how the Boston marathon bombers came to be, and how such a threat is not ebbing, but is probably even embryonic in regard to its ability to affect our societies and the future.

I must confess that I am completely baffled that the government has introduced this motion, which would quietly dismantle a committee that could and should be playing a prominent role in Parliament's oversight of Canada's national security and policies.

• (1520)

It is difficult for me to comprehend, with the increasing number of potential targets and, more specifically, civilian targets, that we would take away an instrument that would hold accountable all the possible security agencies in this nation that protect civilians.

This is a different exercise from defence. Defence has a specific role in relation to threats against the nation from both within Canada and from uses of other forces or instruments.

We are not necessarily trying to see a force-on-force or a defence-based sort of security threat. We are looking at instruments that are being used by elements that function totally outside of humanitarian law and totally outside of the law of armed conflict, that aim at disrupting the nature of nations by targeting their civilians and systems of government. As such, they rarely attack military forces or even police forces. The better targets are certainly the civilian population, which provide them with a far more cost-effective product with regard to their influence.

Other nations have increased their security apparatus to oversee their organizations that are committed to security. As an example, in the U.K. during the Northern Ireland threat, the threat was extensive in mainland England. In fact, they deployed nearly 200,000 cameras in the city of London alone for the protection of the population. The parliamentary committee that already had the mandate for oversight of the security forces was given more powers. Since 9/11 it has again been given more powers to ensure the oversight of Parliament, not just the executive.

[*Translation*]

The Special Senate Committee on Anti-Terrorism is now at a crossroads. As you know, I also moved a motion in this chamber to authorize the committee to conduct two new studies, including one on the creation of a potential national security committee of parliamentarians and the definition of the role and mandate of such a group.

My motion and the associated orders of reference would enhance the committee's work. This is important at this time, even essential now that Canadians are beginning to see the flaws in the current system of oversight of security organizations' activities.

[*English*]

Just days ago the Canadian press learned some disturbing information about the case of Jeffrey Delisle. Mr. Delisle, a former sub-lieutenant of the Royal Canadian Navy, was convicted in February 2013 of passing top secret information to the Russian military intelligence service. The media made a discovery, and I am not sure whether the minister knew about this before the media discovered it.

Although we like to pooh-pooh the media, a free media is a fundamental pillar of democracy. You need a free media in a democracy to perform its role of monitoring and informing the population in order that we can take free and knowledgeable decisions on how we want to be governed and by whom and how we will guarantee our democracy.

The media discovered that CSIS had investigated Delisle for months without telling the RCMP about their findings. In the end, it was the American Federal Bureau of Investigation that had to inform the RCMP about Delisle's espionage, finally launching the investigation that led to his arrest.

This case is alarming for three reasons. I say "alarming," but it is perilous and absolutely preposterous in a nation such as ours that considers itself a secure and advanced nation with regard to the use of technology and capabilities to sustain the security of its people.

The first reason this is so alarming, and probably the most obvious, is that it is unthinkable that CSIS found evidence of a Canadian Armed Forces member selling secrets to another country and chose to do nothing about it, not even to inform the national law enforcement agency that should take the appropriate action, the RCMP.

Second, it is deeply troubling that the American intelligence officials had to go around CSIS. They had to go around their equivalent here in Canada to ensure that Delisle was caught. In fact, officials in Washington had started thinking of ways that they could lure Delisle into the United States to orchestrate his arrest. They had become very concerned about his actions.

We are allies of the Americans and we hear all the time how we must be interoperable with the Americans, how we must remain secure, and how our border must be secure. They saw inaction and poor coordination in Canada. This certainly ought to be a source of serious embarrassment for the government. I am not sure they even acknowledged that this arrest came about thanks to an American organization discovering what we already knew and manoeuvering around our organization, with which they should be working. They had to take an indirect approach with the RCMP to get CSIS to give the information to the RCMP.

[*Translation*]

The most disturbing aspect of the Delisle case is that there will be absolutely no public accountability. This is where I want to focus. The civilian oversight body that reviews CSIS activities has no authority over the RCMP, and the external review bodies at the RCMP, including those linked to the recently passed Bill C-41, will not be permitted to review the conduct of CSIS officers. We then end up with different public security and anti-terrorism agencies and a general lack of coordination, to say the least. These organizations do not communicate effectively with each other and may well be placing Canadian lives increasingly at risk.

What then is the solution? What mechanism should we use to oversee the activities of all these security organizations and provide the government with sound and informed advice on security policy and programs?

[*English*]

The answer could not be simpler: If you want oversight of the federal government agencies that depend on the authority of the executive of this country, the other option is to turn to Parliament.

• (1530)

This is precisely what we are here to do. One of our mandates is to draw on our experiences and backgrounds to provide constructive criticism and forward thinking advice for the Prime Minister and for cabinet. There is no other agency, committee or institution in the country that can provide this kind of broad oversight of all the activities, policies and their implementation, particularly in the case of Canada's intelligence and security community. Honourable senators, this is why I am so surprised and disappointed by the motion introduced by the government.

The dissolution of the Special Senate Committee on Anti-terrorism would remove the best possible chance we have for meeting parliamentary oversight of the public security sector, even with the limited assets it has, even with its extraordinarily limited ability to obtain classified material. Certainly, it would not provide any form of replacement for there is no other option in that regard for the specificity of this threat in the post-Cold War era.

[*Translation*]

Senator Carignan and other members of the government said that the committee was created to study specific laws. They may be right when it comes to this session, but the Anti-Terrorism Committee has been around in one form or another for almost 10 years. It has been around for 10 years.

In 2005, the committee undertook a comprehensive review of the Anti-Terrorism Act. At the request of the government, it has since studied different statutes. With a bit of political will, the committee could continue to examine a certain number of security and anti-terrorism policies and fill a critical need to add another dimension to the security apparatus, as a totally independent body with direct access to the country's executive.

Take, for example, the motion I moved on the Anti-Terrorism Committee. If this motion is adopted, the committee would study the possibility of creating a national security committee of parliamentarians. The committee would have access to the necessary confidential information to proceed with a comprehensive review of security intelligence issues. With its knowledge of the subject matter, it could make sound recommendations to the government in a timely manner and not blindly as is the current practice. It would be the only group in Canada with the authority to review not only the activities of the security intelligence community, but also the relationships between those entities.

The current parliamentary oversight structure dates back to the Cold War, which is ancient history. At the time, we knew the threat. We knew where it was coming from and what form it would likely take. Our structure was established accordingly. Through the usual work of the committees, parliamentarians could get all or almost all the information they needed to deal with the threat that existed at the time. They did not really need security clearance to meet the requirements that have been considered essential since the end of the Cold War and especially since September 11, 2001. Ever since then we have been on high alert as a result of being directly targeted.

Since the end of the Cold War, and more specifically since the September 11 attacks, the threat has been right at our borders and has even been coming from within them.

Honourable senators, may I have five more minutes?

[*English*]

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted for an additional five minutes?

Hon. Senators: Agreed.

[*Translation*]

Senator Dallaire: These days, security threats can take many forms and can vary in seriousness. A threat can be a cyberattack in order to access Canadians' personal information or it could be a bomb plot against a passenger train. We know that these threats are real.

[*English*]

With this level of uncertainty facing our security agencies, we need well-coordinated parliamentary oversight to assist those agencies in establishing, being held accountable for, and coordinating their efforts. There are many moving pieces and someone has to be watching all of them at the same time and have access to all of them.

Last week during Question Period, I raised this issue with the Leader of the Government in the Senate. She responded that Canada has a division of powers that must be respected. She said that in any other country with a division of powers, the structure would be just the same as it is here.

Well, with due respect to the leader, both arguments are deeply flawed. The idea that the executive of the government can provide sufficient oversight of public security matters, in my opinion, has proven to be false, particularly in the nature of the threat of our time, given the emerging details in the cases of not only Jeffrey Delisle but also Arthur Porter, former head of the Canadian Security Intelligence Review Committee. In both cases, the government completely failed to recognize any problems before they occurred. I am not mentioning the $3.1 billion of the $13 billion for security since 9/11 that has not been accounted for yet. What organization used that money and to what avail? No one has taken that one on yet.

[*Translation*]

The worst thing is that no one will acknowledge the problems, even once they become public. The government claims that the fraud charges against Mr. Porter have nothing to do with his government duties, even though the crimes were committed when he was head of CSIS.

As for Mr. Delisle, we know nothing about the government's proposed changes to improve communication between the RCMP and CSIS. The government still does not provide oversight of these matters and others, which would allow the government to be accountable to the Canadian public through its system and its members, the parliamentarians.

[*English*]

As for the idea that no country with a separation of powers would ever create a parliamentary oversight committee for public security and intelligence, that is categorically untrue. The Parliament in the United Kingdom, which is the original model for our Parliament, has exactly this kind of committee. The U.K.'s Intelligence and Security Committee is a perfect example of how parliamentarians can be engaged to provide oversight of national security matters and how they can be employed to access the resources, materials and budgets needed to achieve that ambition. The U.K. does it; Australia does it; New Zealand does it; the Netherlands does it; and the United States does it.

Our five eyes, the ones we continuously turn to, have those capabilities. I would think that the four others would ask why Canada does not have that? How are you proving you are on top of the situation if you do not have this tool, which is so essential for the continued guarantee of security?

[*Translation*]

With the motion we are debating today, the government is trying to dissolve the Committee on Anti-Terrorism before the committee even has a chance to examine this very important issue. The government is quietly stifling debate on an issue that should have been discussed years ago. Parliamentarians must have access to the tools they need to oversee Canada's intelligence activities. Without debate there is no accountability. All of the accountability falls on the executive, which has proven not to be up to the task for some time now.

For all these reasons, honourable senators, I implore you — I am not asking, I am not hoping, I am actively imploring — to reject the motion proposed by the government. The lack of accountability for Canada's security intelligence agencies is a threat to our country and a source of embarrassment on the world stage.

• (1540)

[*English*]

I would like to read a short portion of an article in *The New York Review of Books*, "The Bombers' World" — and this is the recent one, dated just last week — if I may. Tamerlan was one of the bombers. It goes like this:

> ... Tamerlan had made contact with two young would-be holy warriors who aspired to join the Islamist insurgency in the mountains of Dagestan. One of the men was a Canadian of Russian immigrant background, a convert to Islam, named William Plotnikov.

Now, these guerrilla organizations do vet and do have formal processes in the selection of their personnel. The ending is:

> Each day, indeed, brings fresh questions about the peculiar constellation of forces that seem to have driven the Tsarnaev brothers to commit their crime. We may never get entirely to the bottom of it all.

However, we must increase our vigilance.

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

Hon. Hugh Segal: Honourable senators, I rise today to speak on the motion that would dissolve the Special Senate Committee on Anti-terrorism. I will not object to this motion because when the committee was constituted, it was for the specific purpose of dealing with government legislation relating to anti-terrorism-related matters, efforts by the Government of Canada. There is no

such legislation in this chamber or the other chamber as we speak, and as I continue to accept — and will for the foreseeable future — the whip of this government and party, I accept its right to ordain the agenda in both chambers, as is the tradition of the Westminster parliamentary process.

However, as has been pointed out by the distinguished deputy chair of the committee, Senator Joyal, the business of protecting Canadians at home and abroad is a never-ending struggle. I respectfully take issue with his claim last week that a committee of the Senate can ever come close to actually protecting Canadians. That is not our job. My faith is in our Armed Forces, Special Forces, policing services and intelligence gathering sources to take on that task on behalf of us all, consistent with our laws and protections.

It is, however, our responsibility to make sure there is proper oversight for what takes place, and, as my colleague General Dallaire just referenced, that is a system that exists in all G8 countries, in our NATO partners, but not in any meaningful way in this country.

Senator Joyal tabled last week the correspondence sent to us by the Auditor General of Canada relating to the monitoring and spending of Canadian tax dollars on our security efforts. I responded to Mr. Ferguson's letter on May 8, and with the consent of my colleagues, I would like to table those responses now.

Do I have consent?

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

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** Please proceed.

Senator Segal: I agreed, of course, to meet with Mr. Ferguson, and my office is arranging for such meeting, which, schedule permitting, will include my colleague Senator Joyal.

The Special Senate Committee on Anti-terrorism was constituted before I arrived in this place and did extensive and important work before I arrived in this place, but the work it has done, whether it relates to specific government legislation such as Bill S-7, which responded to court decisions relative to investigative hearings and preventive arrest and the need to protect against Canadians who go abroad for the purpose of aiding or training as terrorists. or Bill S-9, which prohibited certain acts in relation to nuclear or radioactive materials or devices or facilities, classified the commission of such offences a terrorist activity and empowered Canadian courts to try those who commit such offences outside of Canada. Also, our hearings were held with respect to homegrown terrorism, which provided vital and insightful testimony from all corners of society.

The work has proven, in my judgment, useful and compelling. However, the business of anti-terrorism is never-ending and, as I have argued in the past, I believe it is time for Canada to join all other Western democracies in constituting a committee of oversight relating to all security and anti-terrorism matters. The existence of a special committee without the status of a standing committee may in fact stand in the way of constituting an appropriate oversight legislative process in this country.

Dealing with government legislation as it is introduced and passed in the other place is necessary, but so, too, is the day-to-day oversight and review of all relevant players and strategies.

Our committee has stated before, and I will do so again, that Canada could easily model a committee similar to that of the one in the United Kingdom. The Intelligence and Security Committee in the U.K. is a committee of parliamentarians, not a parliamentary committee. There is, honourable senators, a difference. There is a difference in the terms of how it is appointed. The Intelligence and Security Committee was established by the Intelligence Services Act of 1994 to examine the policy, administration and expenditure of the security service, secret intelligence service and the government communications headquarters. The committee has developed its oversight remit with the government's agreement to include examination of intelligence-related elements of the cabinet office, including the Joint Intelligence Committee, the assessments staff, the intelligence, security and resilience group. The committee also takes evidence from the defence intelligence staff, part of the ministry of defence, which assists the committee in respect of work within the committee's remit.

The Prime Minister appoints the ISC members after considering nominations from Parliament and consulting with the Leader of the Opposition. The committee reports directly to the Prime Minister, and through him to Parliament, by the publication of the committee's reports on an annual basis.

The members are subject to section 1(1)(b) of the Official Secrets Act 1989 and have access to highly classified material in carrying out their duties. The committee takes evidence from cabinet ministers and senior officials, all of which is used to formulate its reports. I would like to add, honourable senators, that since its inception in 1994, there has not been one leak, one piece of information given to a journalist, or one member of the committee who has accidentally released classified information, not once, since 1994.

The board of Internal Economy should take some advice from the ISC in London as to how to do that.

The most recent report of this committee was released by Prime Minister Cameron on February 5 of this year relating to access to communications data by the Intelligence and Security Committee.

Upon receipt, it is solely up to the Prime Minister, in consultation with the committee and his national security advisers, to determine what, if anything, is to be redacted for the purposes of protecting national security. The Prime Minister himself tabled the report in the House of Commons. As a result, his media statement this year included:

> Following consultation with the Committee over matters that could not be published without prejudicing the work of the intelligence and security agencies, I have today laid the report before the House.

This is a balance of access, legislative authority, genuine oversight and discretion in the national interest.

Members of the Special Senate Committee on Anti-terrorism met with the U.K. Intelligence and Security Committee in 2001, their committee being at the time under the chairmanship of Sir Malcolm Rifkind. We had an open and frank discussion regarding their work and its benefits to the United Kingdom.

Honourable senators, while the Special Senate Committee on Anti-terrorism has done excellent work, and I would be pleased should the leadership on both sides feel the need to reconstitute the committee at some point in the future to deal with specific legislation, I frankly think it is time for a fulsome oversight committee, perhaps a joint committee of the house and Senate, that works in preventive anticipation of "bad things happening," with the ability to make recommendations in advance, after hearing all relevant testimony from the sources who have all the relevant information, no matter how classified.

I view this motion before us as a step in that direction. That may be a bit of my own naïveté, a combination of naïveté and loyalty, or the intense optimism of someone who was born into a Liberal family yet became a Conservative from the young age of 13. Therefore, I am delighted, honourable senators, to support the motion before you and I commend it to your most positive consideration.

Hon. Mobina S. B. Jaffer: Will you take a question from me?

Senator Segal: Absolutely.

Senator Jaffer: Thank you for your articulate presentation. I have a question for you, and that is that you talked about oversight and you talked about prevention. Do you not think a very important part of all this is to get the community involved and to have the community have a say in what happens so there is a way for the community to feel that it is part of the process to protect our society?

• (1550)

Senator Segal: Let me agree with the honourable senator as profoundly as I can and underline the extent to which our own security services, in recent circumstances that have transpired, have paid tribute to leadership in some of the communities that expressed concern about things that were going on, in a fashion that helped our forces do what had to be done with respect to the protection of public safety.

I would hope that if the government, in its wisdom, decided to establish an oversight process that was real and legitimate, part of what they would have oversight for would be the relationship, constructive and cooperative, between our security services and the various communities that have worked hard to provide advice and cultural intelligence about the realities on the ground.

For example, where we share concern, the honourable senator and I, about some of the problems going on in parts of Montreal with respect to certain communities, and particularly young women, there could be a more cooperative process. This oversight committee could ask, on a regular, annual basis, is: What is the consultation that is going on? How is that going? Does it have sufficient resources? Is there a kind of back-and-forth exchange? Are the people who are being invited to be part of the process reflective of the real community on the ground as opposed to some of the self-appointed spokespersons we have all run into on occasion?

That kind of structure would aid the agenda of working closely and cooperatively with the many Canadian communities that have a cultural sensitivity, which would be of immense value to keeping this country safe for all Canadians, regardless of their ethnic, religious or cultural background.

Senator Jaffer: I thank the honourable senator very much. I would like to ask him one more question.

Under his leadership, and certainly under Senator Smith's leadership, they both made it possible for the communities across the country to come and express their views of what was happening in those communities. What were your impressions when the communities were able to come and express their concerns about working with authorities, and how did you view that process?

Senator Segal: I thank the honourable senator for her question. I found aspects of what the communities reported to be profoundly encouraging. I found some of what the communities said to be troubling, where they felt that the consultation was haphazard, not focused, not consistent, not broad enough and not a regular part of the interaction with the various police and security forces.

I was also impressed with respect to the issue of radicalization and alienation within various communities, how various groups came forward to say that this is what they have been doing within their communities, within their mosques and within their youth organizations to ensure that we have a perspective on young people, in particular, which is not only about whether they are about to break the law but about whether there is a pattern developing that may lead to the kind of marginalization or radicalization that then produces a problem for all of us.

It was a mixed bag in the sense that I think all the representations had great integrity and coherence, but the news they brought us was mixed.

Senator Dallaire: I think the honourable senator argues most eloquently. Hopefully one day, in my second language, I might even come close to how he presents his arguments, rather succinctly compared to me, if I may say.

However, while the honourable senator has argued well, I am not sure he has convinced me. Inasmuch as he has arranged well for a requirement, because of a deficiency that exists today in terms of this oversight, for an instrument to determine this, to even ponder this problem, which I have argued should be in the realm, at least to start with, of the Anti-terrorism Committee — which is in the milieu; it is already attuned to that sort of scenario — which could, in fact, have time to do it, since the Defence Committee and other committees are up to their ears in other matters. With the specificity and complexity of this, it would be a useful tool to at least maybe transition. If the Anti-terrorism Committee goes through this and makes recommendations, and

maybe the other place could consider what committee might be able to do the same, and have that brought to the government; right now, if we are not bringing it to the government, no one, I believe, internally is doing it. Certainly the functionaries and so on might be; however, who else but we, as parliamentarians, as Parliament, can bring this forward to the government, apart from maybe some privileged opportunities if you are actually a member of the government?

Why not keep it and use it? Then, if you want to dissolve it after because you have created something better, that seems to be more logical.

Senator Segal: For a special committee to be able to do its work, it needs to have a reference from this place. For that to transpire, the government has to believe that a reference is a constructive use of the committee's time in the legislative program.

I think, for better or for worse, the government has taken the position — and it is a position I respect — that the committee was constituted, to begin with, to deal with legislation. Certainly its most recent version even had that in its original title. Honourable senators may recall that we changed that title unanimously at the committee, in a recommendation to this house, but it was originally constituted as a committee for the purpose of "considering certain legislative matters relative to," et cetera. The word "terrorism" did not actually exist in the title, a matter we changed and then submitted as a report for this chamber's adoption.

I think that as long as the government does take the view — which I think is a rational view — that if there is no legislation, there is no need for the committee to be sitting, then the question becomes: Should we not be looking for another vehicle that might have a standing relationship, which had an ongoing agenda? It struck me as completely rational that one of the ways to clear the path to that would be to do away with this special committee, with terms of reference that get changed from time to time, depending on the legislation that is coming forward.

The honourable senator suggests that I have not convinced him. I would like to make the case — as we, as a committee, unanimously recommended a different approach to oversight — that there is some significant evidence that I have failed to convince my own side. I would be less than frank if I suggested any un-humble office in that respect, but there we have it.

The Hon. the Speaker *pro tempore***:** I regret to inform that Senator Segal's time has expired. Is there further debate?

Is the honourable senator prepared to ask for five more minutes?

Senator Segal: If there are other questions, I am glad to.

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

Hon. Senators: Agreed.

Hon. Serge Joyal: Would the honourable senator entertain another question?

Senator Segal: With some trepidation, I would be glad to.

Senator Joyal: I listened to the honourable senator carefully. What is surprising is that on the Order Paper, we still have Motion No. 162, at page 9, which was introduced by Senator Dallaire. That motion essentially aims to give to the committee terms of reference that would advance the objective that we all share in this room, which is to have a better understanding and a better grasp of how to address the anti-terrorism reality that is pervasive not only in Canada but, of course, with our neighbour and elsewhere in the world.

It seems to me that if we want to illustrate the usefulness of the committee, would should, in fact, maintain the committee and adopt the motion that was introduced by Senator Dallaire, because that motion essentially provides the committee the same terms of reference that previous committees dealing with anti-terrorism addressed in the past. On that ground, we would certainly pave the way for something better down the road.

The honourable senator will remember that a bill was introduced in a former Parliament, Bill C-81, that aimed at exactly what the honourable senator is hoping will happen, which is a stand-alone committee. Bill C-81 proposed to establish a committee of a special nature, which would not be a standing committee of the house, the way we have it in our standing rules, but would help to attain the objective that the honourable senator has described in his speech.

• (1600)

Would the honourable senator not concur with me that the best initiative would be to reintroduce Bill C-81 with the appropriate amendments or changes, essentially aiming at establishing in legislation a committee that would have the responsibility of oversight that the honourable senator so ably described that exists in Britain, the United States, Australia and France — in fact, in all the partners of Canada but not in Canada?

It seems to me that would be the course to follow, rather than scrapping everything and hoping that, someday, somebody somewhere will see the light or that a proposal will fall from the sky?

Senator Segal: Thank you for the question. I share with the honourable senator the belief that getting to Bill C-81 and its content as quickly as possible is where we want to be as a chamber and where we can be of the greatest service to our fellow Canadians.

I also note — and others who were part of the process back then will correct me historically — that a certain individual who is now the Prime Minister of Canada was very supportive of Bill C-81 in his circumstance at that time.

As is often the case in the months between when this place recesses and when it reconvenes, fresh ideas and some new thinking takes place in various quarters for future directions. I would think that doing away with the special committee and then working to try to achieve a consensus on both sides of the chamber, and in both chambers, with respect to Bill C-81 might be the most coherent way forward to achieve something of that nature.

I agree with the content and substance of Senator Dallaire's proposal about what needs to be considered on a constructive basis. This particular instrument mentioned in this motion is not necessarily the best place to do it. As Senator Dallaire has pointed out on many occasions, we will run into people appearing before us who, because of their secrecy oath and our lack of any secrecy clearance, are unable to tell us the whole truth. They are not lying. They are just doing their job of maintaining their responsibility under their oath with respect to confidential and secret matters. We would be sitting, as Senator Dallaire has often said, in a context that he finds troubling. Having been a high general officer, he has had access to information that we are not given access to as parliamentarians who are not now part of the Privy Council.

My view is if we look for a Bill C-81 option, then we clear away the present standing committee, whose members have no access to information that requires serious and high discretion, even in camera, and try to work on a new proposal that is constructive. There is new leadership in the one of political parties, and there is a fresh approach in other places. Let us see if we cannot build a consensus in that context. It would be a far better way to go forward on the mission that the honourable senator, I and others on both sides share of protecting Canada and ensuring that our security and intelligence services are well-financed, well-structured and have a place to go to share their concerns, which they can do honourably and honestly.

Before our committee recommended the British structure as a potential option, I consulted informally with folks who might have been considered to be, at the time, heads of the various security services in this country. Not one single individual said he or she would be troubled by that approach. They had heard from their British counterparts about how trustworthy and constructive that approach had been in the United Kingdom. In the same week that Sir Malcolm Rifkind's committee came and met with us, that committee met with some of the very same security chiefs in our system so they could understand what they did and vice versa.

That would be my respectful response to my honourable colleague's question.

(On motion of Senator Jaffer, debate adjourned.)

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

Hon. Nancy Ruth: Honourable senators, I rise to oppose Bill C-304. This bill is entitled, "An Act to amend the Canadian Human Rights Act (protecting freedom)." I suggest the bill should have a different title. It should be called "an act to amend the Human Rights Act (privileging hate speech)."

Protecting freedom — that is a grand title. Conquering. Victorious. Oh, yes, and ironic. Whose freedom is Bill C-304 protecting?

Is it protecting the freedom of those exposed to hatred and contempt precisely because they are members of a group that has been subject to historic disadvantage? No, it protects those purveying hatred or contempt. It does so in the name of the Canadian Charter of Rights and Freedoms and the freedom of expression guaranteed therein.

No Charter guarantee is absolute. It is made perfectly clear in section 1 of the Charter, which asks if something is a reasonable limit on a freedom in a free and democratic society. How ironic is this case? Protecting freedom means privileging those who have the freedom.

There is no middle ground in Bill C-304, no balancing of interests, as in the Charter or the Canadian Human Rights Act. There is no need here for the fairness of the scales of justice in the case of hate speech purveyed through the telephone or Internet. In Bill C-304, justice has picked a side. Some law.

Honourable senators, we must read the Criminal Code, especially sections 318 and 319, together with section 13 of the Canadian Human Rights Act. Section 13 covers types of hate speech not covered in the Criminal Code. Section 13 includes groups who are excluded from the Criminal Code, particularly women. Between this bill and the gender identity bill, if both are passed, we will be wiping out all protection for women against hate, except for transsexuals.

When the Canadian Human Rights Act was created in 1977, section 13 was added because there were concerns that section 319 of the Criminal Code alone, which refers to "any public place" and "wilful" promotion of hatred, would leave a large gap in the law.

Section 319 is concerned about breaches of the peace. Therefore, section 13 of the Canadian Human Rights Act was limited to communication by telephone or telecommunications facility, and it was included, and the Internet was added in 2001. Section 13 is about hate arising from systemic or non-intentional but equally real discrimination. One of these laws is criminal and one is civil, and this is important.

Who bears the burden of proof? What constitutes proof? The remedies and the penalties differ, too. An individual cannot use the Criminal Code without permission of the Attorney General, whereas anyone can use the Canadian Human Rights Act. These provisions were intended to work hand in glove to cover the range of circumstances in which hate speech can arise.

Honourable senators know from my remarks on the gender identity bill last week that the Criminal Code provisions on hate speech do not include groups identifiable by sex, age or disability, and I have asked for an amendment to include sex.

In my view, it is a strength of section 13 that it addresses hate speech on all the prohibited grounds of the Canadian Human Rights Act, including sex, age and disability. However, Bill C-304 does not make any changes to the Criminal Code provisions. It is in no way accurate or responsible to suggest that if section 13 of the act is removed that everything can be left to section 319 of the Criminal Code as it currently stands. They were intended to work together, not to stand alone.

• (1610)

Honourable senators, are we going to ignore the relationship between the provisions of the Criminal Code and the Canadian Human Rights Act?

Senator Segal: No.

Senator Nancy Ruth: What is the justification, in public policy or law reform, for privileging some spaces and some grounds over others? How do we justify who wins and who loses under Bill C-304? If we wish to reconsider the law on hate speech in Canada, how can we justify it doing it this way?

The Canadian Human Rights Commission made a special report to Parliament in 2009 on hate speech and provisions of the act. It noted that fewer than 2 per cent of all the cases it gets deal with those related to section 13.

From 2001 to July 2009, the commission accepted 72 complaints under section 13 and disposed of them as follows: They did not proceed with nearly half; they settled 11; they upheld by tribunal 16; and they dismissed by tribunal one. There are eight cases open.

Honourable senators, I suggest that Bill C-304 is out of proportion to whatever challenges we face in addressing hate speech in Canada. We live in a modern and complex society with endless intersections between citizens, backgrounds, circumstances, values, ideas and concerns. In this one snapshot, over eight years, the commission accepted 72 complaints, half of which did not proceed to the tribunal stage. This is a trickle, not a torrent.

In closing, I suggest again that Bill C-304 should have a different title. It should be called an act to amend the Canadian Human Rights Act, privileging hate speech. To the extent that there are problems with Canada's current hate speech laws, this is not the way to address them. Let us defeat this bill.

Some Hon. Senators: Hear, hear.

Hon. Hugh Segal: I will defer if Senator Andreychuk wishes to speak.

The Hon. the Speaker *pro tempore*: Are there any questions for Honourable Senator Nancy Ruth?

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, the debate is already adjourned in the name of Senator Cowan.

[*English*]

The Hon. the Speaker *pro tempore*: Are there any questions for Senator Nancy Ruth? If not, this matter was standing in the name of the Honourable Senator Cowan. Is it your wish that this matter be adjourned now in the name of Senator Cowan?

Hon. Senators: Agreed.

(On motion of Senator Cowan, debate adjourned.)

CRIMINAL CODE
NATIONAL DEFENCE ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Donald Neil Plett moved second reading of Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment).

He said: Honourable senators, I am proud to introduce Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment). The focal point of Bill C-394 is to protect Canadians, especially our youth, by making the act of criminal organization recruitment, or in other words, gang recruitment, an offence under Canadian law. Some honourable senators may not realize that the recruitment of children into gangs is major problem in Canada. Coming from Winnipeg, I am very familiar with this issue.

Honourable senators, I am sure we can all remember what it was like to be young children and teenagers with strong social pressures to fit in. Many children have a hard time making friends and fitting in, which takes a toll on their self-esteem, leaving them vulnerable to those who might exploit them. That vulnerability is only increased when the child is a newcomer to Canada not only facing the regular social pressures to fit in but also having to adapt to the cultural changes. This vulnerability is what gangs target.

A recent study by the RCMP found that street gangs across Canada are becoming increasingly aggressive with recruitment tactics. Police have seen trends of criminal organizations targeting youth under the age of 12 and as young as eight.

There are a number of reasons gangs are targeting our youth. First, they know they cannot be formally charged with a criminal offence. Second, they know they can take advantage of youth and can easily influence them to participate in criminal activities. Perhaps most concerning is the fact that they know they can advance the objectives of the gang through the control, fear and intimidation of the youth they recruit. Children in Canada who have been recruited into gangs are being forced to deal drugs, commit robbery and theft and engage in prostitution.

Honourable senators, Bill C-394 will do two things. First, it will protect our youth and our communities by criminalizing the act of gang recruitment. Second, Bill C-394 is designed to provide law enforcement officers with additional tools to address gang recruitment.

Under this new provision, anyone who for the purpose of enhancing a criminal organization, solicits, encourages or invites a person to join a criminal organization is guilty of an indictable offence that carries a punishment of imprisonment up to five years. Furthermore, anyone who recruits, solicits or invites an individual under the age of 18 to join a criminal organization will face a mandatory minimum sentence of six months in prison.

A study by Project Gang Proof in Manitoba noted that gangs often lure children and youth into a gang by offering them free drugs. Once they are addicted, the gang will stop supplying the drugs for free. The children and youth are then forced to join the gang to obtain payment for more drugs. It becomes a vicious cycle.

My very good friend, Member of Parliament for Brampton—Springdale, Parm Gill, who first introduced this legislation in the other place, said:

> Gang members will use drug addition to leverage further activity by those they are recruiting. Once they have a potential candidate hooked by these means, they utilize their age and vulnerability to advance the gang's power and position in the community. This means that children, young kids who should have been playing soccer on the school yard, are carrying weapons, drugs and money. This is because, in the eyes of the gang, they are dispensable, easily manipulated and if caught, would face few repercussions.

In 2006, CSIS estimated that the number of street gang members under the age of 30 was approximately 11,000. The report cautioned that this number would grow rapidly over the coming years. In consultations with Mr. Gill, he discussed the Peel Region and the growing rate of gangs. He said that in 2003 there were 39 street gangs in his neighbourhood. Today, are there are well over 110.

Knowing of the growing gang problem in Winnipeg, I discussed this legislation with local stakeholders to discuss what kind of effect this legislation would have if it were implemented. Specifically, I spoke with members of the Winnipeg Police Association and Mr. Ron Brown, the chief executive officer and president of Boys and Girls Clubs of Winnipeg, all of whom were very familiar with and supportive of the legislation.

Particularly interesting was my conversation with the vice-president of the Winnipeg Police Association, George VanMackelbergh. Mr. VanMackelbergh spent six and half years heading Winnipeg's organized crime unit as an investigator at the multi-jurisdictional level. He said that Winnipeg is one of most challenging jurisdictions in the country when it comes to gang activity. For approximately 30 years, Winnipeg has experienced a multigenerational gang membership problem, and for three decades it has had what is considered the current model of street gangs.

• (1620)

Mr. VanMackelbergh told me that gangs are recruiting children younger and younger. He said that in Winnipeg we have 10-year-old children being actively recruited into gangs, and we have 14- and 15-year-old children currently on charge for murder who were pushed to do this by older gang members.

Honourable senators, as Mr. Gill mentioned, these children who should be playing soccer and baseball and hanging out with friends are instead robbing drug dealers, attacking rival gang members and engaging in prostitution. Mr. Gill spoke with youth who have been involved in gangs who expressed that they were seeking to exit these gangs but are constantly looking over their shoulders, fearing for their lives. They told him that no matter what you do, you are never really out of the gang.

Mike Sutherland, president of the Winnipeg Police Association, told me not to underestimate the level of sophistication of these gang members with regard to their knowledge of the law and legal loopholes. He said the definitive tactic of the recruiters is to take full advantage of the Youth Criminal Justice Act by having children commit murders associated with gang retribution to ensure that the lightest possible sentence is received.

Honourable senators, this means that gang members are using children as weapons. They are having children commit heinous offences like murder so that there will be minimal consequences. This takes away any sense of justice for the victims and their families. In my opinion, if you, as an experienced gang member, are using a child as a weapon to commit murder, it is your hand on the trigger. You are the perpetrator, and you need to face the consequences. Justice needs to be served. This legislation will target the individual who is recruiting the child before the child is used as a weapon, before a life is taken and before a child's life is destroyed.

As Mr. VanMackelbergh told me, when a child as young as 12 or 13 gets involved in a gang, even at a minimal level, he has no idea what he has gotten himself into. He certainly does not realize that when the times comes to get out, it can be at dire costs. It can be a death sentence and has been a death sentence.

Mr. VanMackelbergh appeared as a witness at the Standing Committee on Justice and Human Rights while they studied this bill, and he stated:

> Again, tackling recruitment and making it illegal is very important, because often when these people are recruited at a young age, they don't understand the life they're getting into. They see it as having rock-star status in the media. Popular culture makes it look like it's something to do. It's not until they're in it and they've been in it for two, three, or four years at age 15 that they realize the road they're going down. There aren't riches, there isn't fame and fortune, and they cannot leave the gang.
>
> They suffer severe beatings at the hands of the older, more experienced gang members, who do this to maintain loyalty.

The Winnipeg Police Association reminded me of a tragic story that shook the city of Winnipeg about 10 years ago. A teenager by the name of T.J. Wiebe came from a suburban neighbourhood and became friends with some other kids who wanted to be gangsters. He started dabbling in the underground drug world but very quickly got in way over his head. Mr. VanMackelbergh told me, "The more money you have, the more money you have to make. Like any business, you try to expand. In this world, when you try to expand, that's when it costs you your life."

After suspicion from other gang members that T.J. was using their product to set up his own business on the side, they decided to set him up and murder him, at only 20 years of age. T.J. was stabbed in the throat, injected with a syringe, strangled and left to die in a remote, snow-covered field. This was a kid who came from a loving and supportive family and who had everything going for him. He made a bad decision at a very young age and was unable to turn back.

However, not every child comes from a loving and supportive background. The Winnipeg police told me that there is a very common trend of generational recruitment. While most of us would find this unthinkable, the reality is that often it is fathers and uncles who are recruiting children into this lifestyle. Gang recruitment happens in many forms. This legislation tackles the problem at the recruitment stage, which will give law enforcement the opportunity to prevent children from entering into this dangerous lifestyle before it is too late.

The Winnipeg Police Association told me that gangs have become so prevalent in Manitoba that in certain neighbourhoods, including in Winnipeg, if you are not a member of a gang, it is understood that by just living in one of the neighbourhoods, you will support the gang if they knock on your door.

The Minister of Justice for Manitoba, the Honourable Andrew Swan, also appeared and presented to the committee. In support of the bill, the minister stated:

> This bill would provide guaranteed consequences, which we say are needed in order to take on those who would recruit young people into gangs. It also increases the range of penalties that could be imposed by a court if somebody were found guilty of this provision.

When I spoke with Mr. Brown of the Boys and Girls Club of Winnipeg, he told me about a situation that has occurred and continues to occur that exemplifies the need for this legislation. He said that, in Winnipeg, they run 11 after-school programs, including some in suburban areas. He mentioned one after-school program in an area with a lot of newcomer or immigrant families, a vulnerable population often targeted by recruiters. Gang members will linger around behind the building, waiting for the children to leave so that they can engage with the children in the hopes of recruiting them into their gang.

He said this legislative tool is needed. He reiterated the concerns of the Winnipeg police in discussing the disturbing trend of gangs recruiting children younger and younger, from the age of 12 down to 11, and now he has seen gang members as young as 10 years old. He said the punishment options have been less than adequate. While he commended the Winnipeg Police Service for their proactive approach in dealing with recruitment, he noted that they were limited in tackling the problem without this legislative tool.

Honourable senators, as you may know, the NDP and the Conservative Party unanimously supported this legislation in the other place. However, the Liberal Party was critical of the mandatory minimum sentence aspect. As honourable senators know, mandatory minimum sentences have had a long-standing tradition in Canada. They have been used in cases where the crime is perceived as particularly heinous and offensive. The idea of recruiting our children into a life of crime that is nearly impossible to get out of should be regarded as heinous, and our legislation should reflect that.

As Mr. Gill mentioned in committee, the only concern he had heard from Canadians in regard to the mandatory minimum sentence is that it was too light. Honourable senators, let me remind you that the mandatory minimum is only six months in prison. This will allow our justice system to appropriately hold accountable for their actions those who recruit children into criminal organizations.

The other criticism that was raised is that this is only part of the equation and that there needs to be a greater focus on prevention and restorative justice. I do not think that anybody would argue that this should continue to be the focus of the government.

In committee, the Boys and Girls Clubs of Canada appeared and offered their support for the bill. They acknowledged how pleased they were that young offenders would be dealt with under the Youth Criminal Justice Act. They noted that a greater focus needs to be put on prevention and restorative justice, and I would certainly agree. However, they firmly support this provision as a key component in protecting our youth.

Honourable senators, this legislation will not and cannot address every socio-economic reason that may put youth at a higher risk of getting involved in criminal activity. This is only one piece of the puzzle — a very key and crucial piece of the puzzle that law enforcement needs to protect our children and communities.

• (1630)

Critics in the other place mentioned that this bill does nothing to focus on root causes, but they need to keep in mind that the root problem of gangs is recruitment. Without recruitment, there would be no gangs. The fact that this bill cannot prevent every child from entering into a life of crime does not take away from the validity and necessity of this legislation.

Honourable senators, the recruitment of youth into gangs is a serious problem in Canada. We need to provide our law enforcement and justice officials with the tools to respond through legal action. We need to empower our youth and teenagers to report those trying to recruit them into gangs. We need to assure our community members that something is being done about gang recruiters in their neighbourhoods.

Honourable senators, as I have said, this is a very key and important piece of the puzzle in addressing the issue of gangs in Canada. Let us pass this legislation to give police the tools they need to protect our most vulnerable youth from heading down a road where turning back is next to impossible. We have the opportunity now to offer further protection to our youth and our communities.

I urge all honourable senators to vote in favour of Bill C-394.

Hon. Roméo Antonius Dallaire: Will the honourable senator accept a question?

Senator Plett: Certainly.

Senator Dallaire: I hope the honourable senator does not see this negatively, but I will be the critic, so I look forward to our opportunity once again to go at each other in committee, depending on where the bill will be sent. We may be sitting on three or four committees, the way things are going.

In the atmosphere Senator Plett has been describing, particularly in northern Edmonton where there has been a lot of gang work, the bulk of it has been Aboriginal youth, I am afraid, who end up there. What about the ones who join — I use the term loosely — "voluntarily" for protection; how do we handle that?

Senator Plett: The honourable senator started his comments by saying he would be the critic. I certainly appreciate working with Senator Dallaire on all of our committees. I have never considered him to be a critic. We know there has never been a monument erected to a critic, so I would certainly not consider the honourable senator to be one.

In Winnipeg, much of that is the case as well. I would say that it is maybe not the largest group anymore, but other ethnic groups are moving in and having the same issue. Although the recruitment is for different reasons, certainly with the Aboriginal community many of them are joining simply as a way out. They find this as a way of putting something into their stomachs, and that obviously is a sad situation.

This legislation is not targeting the children; it is targeting the recruiters. I do not think there is a recruiter out there who is recruiting a 12-year-old because the 12-year-old is hungry. They are recruiting the 12-year-old because they want to use him or her as a weapon. That is who we are targeting here, honourable senators, and not the children getting into these gangs voluntarily. That is a sad reflection on some of the poverty we have in our country, certainly in my city, and we need to deal with that. However, that is a completely separate issue from this.

Senator Dallaire: What if we look at this on a bigger scale of it being a threat to security? I met with the lost boys of Somalia in one of the cities of this country, where they come over here and end up with very little support for integration or entrance into the school system, let alone all the different processes, and they find themselves in gangs. For certain survival reasons, they operated alone, and then they found out that the gang was running it and they were threatened and recruited into the gang.

If we got these diaspora youth who are now building gangs in that way, how does the honourable senator see the bill going beyond the actual gang person involved in recruiting to the environment that permits the creation of that gang out of self-defence and continuing to operate? How do we get to the higher-level authorities that are nearly condoning the creation of these gangs?

Senator Plett: Honourable senators, I need to make sure I understood the question. Are the individuals coming from Somalia adults or children?

Senator Dallaire: Youth.

Senator Plett: Again, as I said, we are not targeting youth. We are targeting the adults who are recruiting. I feel for those youth who are over here and looking to find a way to eat and so on, but that is not whom the legislation targets. This targets the adults recruiting youth.

I know the tremendous work Senator Dallaire is doing. We need to ensure we provide youth with alternatives to getting into these gangs, but that is not whom we are trying to target. That is not whom we want to give the six-month minimum and five-year maximum penalties to. We want to give those terms to individuals who are going out there and exploiting those young people, whether they be from Somalia, God's River, Manitoba, or anywhere else. They are exploiting and manipulating these children and using them to their advantage, not the children's advantage.

I think Senator Dallaire and I are on exactly the same page in helping the young people he is talking about. They are not whom we want to target with this legislation.

Senator Dallaire: Will the honourable senator accept another question?

Senator Plett: That is the disadvantage of not speaking for 45 minutes.

Senator Dallaire: There is a mandatory six-month penalty for the recruiter who is under 18 as well. I am not sure whether that group is actually the one to ultimately be held accountable for recruiting or if it is the body behind it that is actually setting them up for this recruiting.

Is the bill going far enough to go at the more structural entity that is creating these gangs where youth are being recruited by other youth to flesh out the gang? Does the bill go far enough to get at that higher-level body that is encouraging the creation of these gangs but may not respond to the actual term of recruiting?

Senator Plett: Honourable senators, the senator and I have a pretty good working relationship and he knows me well enough to know that I would say no, it is not going far enough. I would always like to see it go further, but then I did not sponsor the bill in the other place, Parm Gill did.

I am sponsoring it here as one step in the right direction. If we want to target the Mafia, if you will, which may be where the whole pyramid starts, I do not think we can do that with simple legislation.

In Winnipeg, and many other regions like the Peel Region that Parm Gill was talking about where we now have 110 gangs, these are often gangs of local people who are not necessarily the Mafia type, not necessarily part of the Hells Angels. In Winnipeg we have a gang called the Indian Posse. I think this type of legislation targets even the upper part of that Indian Posse and other gangs like that. If they do not have the recruiters, if no one is going out and getting the kids to do the gang activity, it will eventually shut them down. It has to because, with no recruitment, there is no gang.

• (1640)

Senator Dallaire: Honourable senators, in Edmonton I met with an Aboriginal gang who were all under the age of 18. It was wintertime and they were going out with hygiene kits to protect the Aboriginal girls who had been recruited by other people to prostitute on the street. They are a gang; they meet all the criteria. They even have a sort of uniform. The four whom I met could have been the front line of the Winnipeg Blue Bombers, but their ambition was self-protection and assisting others.

Will we be able to see the nuances there with regard to the terminology "gang" and that sort of ambition when we look at these groups, or is this terminology going to put them at risk of finding themselves in front of the law for some reason?

Senator Plett: I do not think either one of us would support vigilante groups either, and I suppose maybe that is a little bit what the honourable senator is referring to, I am not sure.

Let me suggest that the definition of "gang," as far as this legislation is concerned, is a criminal organization. A criminal organization is clearly defined as any group of at least three people whose main purpose is to help or commit one or more serious crimes with the goal of making money.

I do not think the people that the honourable senator is referring to would fit into that definition of "gang."

Senator Dallaire: May I take the adjournment of this debate?

(On motion of Senator Dallaire, debate adjourned.)

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, may I draw your attention to the presence in the gallery of a distinguished public servant from the province of New Brunswick in the person of Marion Beyea, who is the provincial archivist of the great province of New Brunswick.

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

Hon. Senators: Hear, hear.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith, P.C. (Cobourg), seconded by the Honourable Senator Comeau, for the adoption of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendments to the *Rules of the Senate*), presented in the Senate on March 19, 2013.

Hon. David P. Smith: Honourable senators, as a matter of house business, I am rising because I feel very strongly about this. It will take me three or four minutes, and Senator Carignan can respond.

What is before us here is the seventh report of the Rules Committee. It was moved by me in my capacity as Chair of the Rules Committee, seconded by Senator Comeau. It was presented in the Senate on March 19. That is over 11 weeks ago.

The report was adopted unanimously by members of the committee after spending countless hours. Let me repeat: It was adopted unanimously by the members of our committee. At the end of the report, it states "Respectfully Submitted, Senator David Braley, Deputy Chair."

This report has been held in Senator Carignan's name for many weeks. I spoke on this matter on April 17, six weeks ago, to try to find out when we would get him to deal with this, and all he said was "soon." On several occasions, when it would be read out and I would ask when, he would say "soon."

I spoke with Senator Carignan privately about a month ago, just before the May break week.

Senator Carignan: Privately.

Senator Smith: Well, it was in here. It was in this chamber. I asked if he would commit to dealing with this matter before the end of May because, quite frankly, our concern is that the intention here is to just stall and delay until the summer recess, and then there could be a prorogation. The countless hours that members of our committee have spent on this will just go right down the drain.

I could not really get much of an answer from him as he was a bit evasive, but he finally said he would deal with it this week. That is what he said, and I will swear to that on a stack of Bibles.

Today is the last day of this week. Maybe he is agreeable that we vote on it today. I heard him say "rapporté" once again, but he has had six weeks and, as far as I know, he has not said or done anything on it, other than just say "rapporté."

Given what is going on, Canadians believe that the rules of this chamber — I am not trying to be partisan here at all; I care about this place — should be updated and made clear and more understandable, and that is exactly what we have been doing for a couple of years.

I do not know if the honourable senator knows off the top of his head what the three recommendations are that are in there, but, to be fair to senators, there are three recommendations in this report. One is a definition of "critic" of a bill, and that would go in the terminology. It is three sentences. Another one is a definition of a "sponsor" of a bill, because neither of these definitions is in there. It is three sentences. The last one is a new clause on debate of a tabled motion.

Now, I do not know what his concerns are, but he just keeps stalling and stalling, and I am hoping we can vote on this.

I know that yesterday, with Senator LeBreton's motion on the Auditor General, when Senator Cools got up and wanted the adjournment in her name, Senator Carignan literally bolted over there like a sprinter to make sure that she understood — because it was a government motion — that it would only be for 24 hours. We have been waiting for months. Our concern and our feeling is that there is an intention here to just wait for the summer recess and down the drain it will go.

I am speaking for all the members of our committee, the majority of whom are members of the honourable senator's caucus.

Will Senator Carignan tell us when we will deal with this? He did tell me he would deal with it this week. What is he planning to do?

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I told Senator Smith that I would deal with it this week. My week ends on Friday. I will therefore look at it tomorrow and make a decision.

Unfortunately, I have been very busy these past few days moving along bills such as Bill C-316, Bill C-304 and Bill C-299. I prefer to focus my energy on moving bills forward right now.

[*English*]

Senator D. Smith: Does the fact that all the members of his caucus, who sit on this committee and are a majority, supported it not mean anything?

The Hon. the Speaker: Order, honourable senators. Often our practice is to allow the rubric of a point of order to be utilized in order to allow members to understand the progress of the business of the house, and a fair degree of latitude is allowed by the chair for this discussion.

I think that the latitude has been provided under this rubric of a point of order, but Senator Smith has exercised his right to speak to the report, and a question has been asked in terms of house business. I heard an answer from Senator Carignan, so procedurally the way we must deal with this is that Senator Carignan moves the adjournment of the debate in his name, usually by saying "stand." If that is not agreeable to the house, the house will not accept it. If it is agreeable to the house, the house will accept it, and that is how we have to proceed.

Table, please call the next item.

(Order stands.)

• (1650)

SIXTH REPORT OF COMMITTEE—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith, P.C. (Cobourg), seconded by the Honourable Senator Comeau, for the adoption of the sixth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendments to the *Rules of the Senate*), presented in the Senate on March 6, 2013.

Hon. David P. Smith: Honourable senators, this is another report, a different report, and this report was presented to the Senate on March 6. That is three months ago. Senator Carignan says he will study them. He has not even looked at them yet. I would point out that this report was adopted unanimously by all members of the committee, including all the members of his caucus. The facts are similar to the previous report. He said, "Soon," but I could never get an answer. He did say he would deal with it this week. He has not.

What are the contents of this report? Does he know? It is a report on how we deal with tributes because there are strong views on this. We are trying to clean up the rules, and we had been doing this long before the recent crisis erupted. We have a culture on our committee that I strongly believe in. Some of you know, I am sure, that I helped to make democracy work and have run lots of campaigns. Those days are over, but we do not bring forward reports unless they are supported by both sides. This one was.

I am hoping that maybe Senator Carignan can tell us when we will be able to deal with this one.

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the same answer to the same question.

[*English*]

FIFTH REPORT OF COMMITTEE—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith, P.C. (Cobourg), seconded by the Honourable Senator Fraser, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendment to the *Rules of the Senate*), presented in the Senate on March 5, 2013.

Hon. David P. Smith: Honourable senators, yes, this is another one. There are actually four before. One has been held by Senator Cools, but she is not here today. That one has been held since December. There are four reports being held. There is no point in our even doing any more if this is what is going to happen to them all. This one was presented in the Senate on March 5, and it was moved by me. This one was seconded by Senator Fraser, but, again, it was supported unanimously. It was part of that conversation where I was told it would be dealt with this week.

I just can hardly believe it. This one limits adjournment of the debate. There are a couple of one-sentence cross-references in here. It is not a huge, complicated one, but it was one that we needed to deal with. We got a consensus on it, and all of these reports have been stalled, stalled, stalled. We believe the plan is to stall them until we rise and down the drain they go. Collectively,

we have spent hundreds and hundreds of hours. This is disrespectful. It is not fair. I am asking Senator Carignan when he will let us deal with this one, which is being held in his name?

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, before the end of the year.

(Order stands.)

ANTI-TERRORISM

MOTION TO AUTHORIZE SPECIAL COMMITTEE TO STUDY THE CREATION OF A POTENTIAL NATIONAL SECURITY COMMITTEE OF PARLIAMENTARIANS AND TO STUDY THE ROLE OF WOMEN IN THE PROCESS OF DERADICALIZATION IN CANADA AND ABROAD— ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Robichaud, P.C.:
>
> That the Special Senate Committee on Anti-Terrorism be authorized to examine and report on the creation, role and mandate of a potential National Security Committee of Parliamentarians;
>
> That the Special Senate Committee on Anti-Terrorism be authorized to examine and report on the role of women in the process of deradicalization in Canada and abroad; and
>
> That the Committee submit its final report to the Senate no later than December 31, 2013, and that the Committee retain all powers necessary to publicize its findings until March 31, 2014.

Hon. Roméo Antonius Dallaire: Honourable senators, I have already begun my work on this, but I am not able to speak to it today because of the debate on Motion No. 67.

(Order stands.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY THE TEMPORARY FOREIGN WORKER PROGRAM— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Lovelace Nicholas,
>
> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to:
>
> Review the temporary foreign workers program and the possible abuse of the system through the hiring of foreign workers to replace qualified and available Canadian workers;
>
> Review the criteria and procedure to application assessment and approval;
>
> Review the criteria and procedure for compiling a labour market opinion;
>
> Review the criteria and procedure for assessing qualifications of foreign workers;
>
> Review interdepartmental procedures and responsibilities regarding foreign workers in Canada;
>
> Provide recommendations to ensure that the program cannot be abused in any way that negatively affects Canadian workers; and
>
> That the Committee submit its final report no later than April 30, 2014, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, this is a motion moved by Senator Ringuette concerning foreign workers. I would like to finish my notes, and I move the adjournment of the debate for the remainder of my time.

(On motion of Senator Carignan, debate adjourned.)

[*English*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CURRENT STATE OF SAFETY ELEMENTS OF BULK TRANSPORT OF HYDROCARBON PRODUCTS

Hon. Grant Mitchell, for Senator Neufeld, pursuant to notice of June 4, 2013, moved:

> That, notwithstanding the order of the Senate adopted on Wednesday, November 28, 2012, the date for the final report of the Standing Senate Committee on Energy, the Environment and Natural Resources in relation to its study on the current state of the safety elements of the bulk transport of hydrocarbon products in Canada be extended from June 30, 2013 to December 31, 2013.

He said: Honourable senators, if I could just simply say that this motion is to extend the terms of our reference for our hydrocarbon transportation study in the Energy Committee, to

extend the date of the final report because we have run into a shortage of time because we have had to deal with unexpected legislation.

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

Hon. Senators: Agreed.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Hon. Bob Runciman, pursuant to notice of June 5, 2013, moved:

> That, for the purposes of its consideration of a government bill, the Standing Senate Committee on Legal and Constitutional Affairs be authorized to meet from 3:00 p.m. to 8:30 p.m. on Wednesday, June 12, 2013, and until 3:00 p.m. on Thursday, June 13, 2013, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL STRATEGY ON RADICALIZATION

INQUIRY—DEBATE ADJOURNED

Hon. Mobina S. B. Jaffer rose pursuant to notice of April 25, 2013:

> That she will call the attention of the Senate to radicalization in Canada, and the need for a national strategy that more proactively addresses terrorism by emphasizing a community-based approach to preventing radicalization and to facilitating deradicalization.

She said: Honourable senators, today I rise to discuss the ways we can prevent the radicalization of Canadian youth.

Governments around the world have accomplished much in this area already. Most of the efforts in Canada, however, are focused on police work and intelligence. We should work towards preventing radicalization before it becomes a problem of national security.

We are reminded of this problem by the involvement of four Canadians in the recent terrorist attacks in Algeria, by the recent arrests related to planned terrorist attacks on VIA passenger trains and by terrorist attacks in Boston and London.

Evidence concerning radicalization leads me to believe that a long-term and community-based strategy is needed. In addition, Canada must develop a national de-radicalization strategy.

To reach these conclusions, I will address three issues: First, I will discuss radicalization generally. What is radicalization? Who becomes radicalized, and where does it occur? Second, I will highlight current policies and programs of the government and where these efforts fall short. Third, I will put forth evidence-based policy recommendations based on social science and past experience in the area of radicalization.

To begin, what is radicalization? The RCMP defines it as "The process by which individuals — usually young people — [move] from moderate, mainstream belief towards extreme views.

However, it is often assumed that all radicals are violent. This is not true. Many people with radical ideas might never act upon them. Others might be working for positive change within their communities. Some of history's most respected figures, such as Martin Luther King, Jr., and Rosa Parks, were considered radicals in their time. In fact, many non-violent "radicals" can be powerful allies in combating terrorism.

Who becomes radicalized into violence? The challenge is to pinpoint radicals who are at risk of using violence.

• (1700)

Since the attacks of September 11, 2001, the focus has been on the threat of Islamist terrorism. Numerous studies outline common risk factors. Male, middle-class and educated Muslims between 18 and 35; second- or third-generation immigrants; and recent converts to Islam are more vulnerable to being radicalized.

Stereotypes that radicalization is a result of Muslim immigrants failing to integrate into Canadian society are false. The truth is that most homegrown Canadian Islamist terrorists were born Canadian and raised and educated in Canada. One of the young men involved in the recent Algerian terrorist attacks was Xristos Katsiroubas, a 22-year-old Canadian male who grew up in a middle-class Greek and Canadian household in London, Ontario, and converted to Islam in his teens.

This has confirmed what evidence has long shown: There is no predictable pattern of radicalization; as such, racial profiling is not effective. The majority of people included within the common risk factors would be moderate and peaceful. Risk factors must be seen as permissive rather than casual. In other words, they establish a context where radicalization is more likely to occur, but not inevitable.

I must also reinforce the fact that radicalization is not a phenomenon of Muslims and Muslim converts; it occurs across religious divides. Individuals often share the common motivation of adventure and counter-culturalism. For example, Anders Breivik was a Norwegian radical convinced that Islam was destroying Western civilization. In 2011, he carried out attacks in Norway that killed 77 people.

We should not be naive enough to believe we can ignore right-wing radicals. Blood & Honour, an internationally recognized White supremacist hate group, has been linked to recent attacks in Canada.

In 2012, a Filipino man was drenched in kerosene and set on fire in Vancouver because of his ethnicity.

So-called groups like multi-issue groups such as Initiative de résistance internationaliste also pose a serious risk.

Left-wing militants have been responsible for nine bombings in Canada since 2004. They are motivated by a wide array of issues, such the environment, economic inequality, the prison industrial complex and the military.

Where does radicalization occur? Radicalization can occur in many places: in the family, peer groups, on the Internet or in prison. Evidence shows that group-level processes are the most important factor. More specifically, sociologists emphasize bonds of kinship and broader social networks as channels of radical ideas.

The most vulnerable individuals are searching for belonging within group identities. Ultimately, it is about whom you know. People have been radicalized by friends, parents, husbands, wives, and siblings.

One major venue for radicalization is within virtual commitments on the Internet. Author Marc Sageman observes that the most dangerous terrorists no longer answer to al Qaeda; they are self-recruited wannabes who find purpose in terror by connecting with their comrades on the Web. Radical entrepreneurs take advantage of this through online propaganda and instructions for building rudimentary explosives.

Another place where terrorism can occur is in prison. Prisoners often experience a psychological crisis involving feelings of rejection, isolation and insecurity. As a result, they are likely to adopt a new belief system as a coping mechanism. These new beliefs may involve extreme ideologies or religious interpretations that open the door to radicalization.

As a result, terrorist groups have used prisons as a recruitment tool. The problem has manifested in Canadian with Ali Mohamed Dirie, who helped orchestrate the attempted Toronto-18 plot from prison. Crown Prosecutors stated that Dirie took an active role in recruiting other inmates to adopt extreme jihadi beliefs and join his terrorist group.

What are the policies and programs Canada has taken to address radicalization? Canada's approach is found within the official Counter-Terrorism Strategy released in 2011. The core principle of the strategy is to build resilience against extreme ideologies and terrorism. The main elements include prevention, detection, denial and response.

Only prevention addresses radicalization. The other three elements of the Counter-Terrorism Strategy are reactionary. These strategies seek to identify and stop individuals from committing terrorism, and respond quickly to attacks if they are carried out.

Nobody would dispute the importance of ensuring the immediate safety of Canadians and prosecuting individuals for terrorist activities. The importance of this was demonstrated by the Toronto 18. Effective investigations by our police and intelligence services prevented a major attack in Canada.

However, these strategies must work alongside prevention. A proactive strategy that focuses on root causes of terrorism will help prevent future attacks. Prevention addresses radicalization by focusing on the motivations of those who may engage in terrorism.

To accomplish this task, the government has aimed to engage with individuals and communities, while offering alternatives to extremist ideologies.

There are two main initiatives in this area. First, the Cross-Cultural Roundtable on Security brings together community members and public officials to work on long-term national security issues. The roundtable has concluded that the government must engage and communicate with communities at risk of radicalization. The roundtable used to submit reports to the government, which may consider the conclusions when developing policy. However, at the moment, there is no indication that the government has ever implemented the advice provided in these reports.

Honourable senators, the roundtable should be a basis for real action. Some time ago, I asked the Leader of the Government in the Senate what the status of the roundtable was. I cannot report back today, because we have not heard back from her as of yet. The roundtable can be very instrumental in bringing security into our communities. It should not be an act of empty symbolism and token engagement to validate the government's lack of action.

Second, the RCMP's National Security Community Outreach program uses initiatives to address radicalization at the community level. A major part of this focuses on young adults between the ages of 14 and 30. Initiatives include classroom presentations, workshops, focus groups and outreach with local community groups.

However, the RCMP itself has admitted that any counter-radicalization program "must be delivered, not by the police, the security services, or any other 'official' agency, but rather by affected communities themselves." That is what the RCMP says. It has to be delivered by the affected communities themselves.

This does not mean that the government should not have a role. On the contrary, it must engage with communities and provide them with the means to address radicalization independently.

Demos, an independent think-tank, reported that Canada's counter-radicalization strategy is not focused enough. We have failed to distinguish between violent and non-violent individuals. Confusing nonviolent with violent radicalization risks stigmatizing Muslim communities. Direct prevention work, particularly when carried out by police agencies, should only occur when individuals are clearly being radicalized into violence. Indirect prevention work focuses on the underlying factors: education, religious training and other social factors.

Since these initiatives inevitably include individuals not at risk of radicalization into violence, they should be separated from a national security agenda. This will help ensure communities are not stigmatized.

I wish to present some policy recommendations to confront radicalization. There should be two central objectives: the prevention of radicalization into violence, and the disengagement of radicalized individuals.

As I have highlighted, radicalization is a highly complex issue that defies simplistic categorization. As a result, prevention will be an immense challenge. Rather than depend solely on police work and intelligence, the primary work should be done by the communities. Multiple departments of the government must work to help communities address radicalization independently.

In 2010, the Sanford School of Public Policy carried out a study called the *Anti-Terror Lessons of Muslim-Americans*. The authors note that only a very small minority of Muslims are at risk of radicalization into violence.

We might ask the question: Why do so few Muslims radicalize into violence? The answer is that Muslim communities are already resistant to violent radicalization, primarily because of public and private denunciations of terrorism and violence; self-policing; community building; political engagement; and identity politics.

Many of these activities have gone unnoticed, but they should be the foundation for how we move forward. In other words, as parliamentarians we have many lessons to learn from communities to prevent radicalization. The government should reinforce their progress.

• (1710)

The Sandford School of Public Policy report recommends the following actions: encouraging political mobilization of Muslims by engaging them with public officials; publicly promoting and referencing community denunciations of violence; reinforcing self-policing by improving the relationship between law enforcement and Muslim communities; assisting community-building efforts through youth and childcare facilities, health clinics, and language training; promoting outreach and collaboration of social service agencies with communities, such as health care and education; supporting enhanced religious literacy, which reinforces the observation that strict religious training reduces the likelihood of radicalization into violence; and increasing civil rights enforcement to address the suspicions many Muslims have towards the government.

These steps should form the basis for the prevention of radicalization into violence. It would require the involvement of multiple agencies and departments. The focus will be on enhancing the independent capacity of communities to challenge radicalization.

That brings me to the next issue. Canada has no national de-radicalization strategy. How do we expect to help individuals disengage from violent ideologies? We must develop a rehabilitation policy specifically geared for radicalized individuals. This policy would work to help them change their attitudes towards violence and divert them from terrorism.

Lessons from gang intervention programs are valuable in this regard. These programs focus on "push" and "pull" factors. Push factors are negative incentives that would make it unattractive to continue involvement in terrorism. These may include prosecution or social disapproval. However, research has shown that negative incentives, by themselves, have limited success. A common reason individuals join terrorist organizations is because of brotherhood and belonging.

Therefore, push factors must be combined with pull factors, which are positive incentives to pursue an alternate lifestyle. These may include having new role models, promising employment or education prospects, or an attractive non-violent ideology. Evidence shows that these factors are more durable in achieving de-radicalization.

International practice has demonstrated that de-radicalization programs focusing on push and pull factors can be successful. Specific programs often include individual counselling, social services, and religious dialogue focusing on the idea that offenders were tricked into believing a false interpretation of Islam. An alternative interpretation is provided.

In some countries, families of offenders are provided with schooling, health care and financial assistance. After release from prison, those who are successful in the de-radicalization program are provided with job training and government subsidies to pay for cars and apartments.

Local de-radicalization programs in Canada also provide observations that we should consider.

In Toronto, the Masjid-El-Noor mosque has developed its own de-radicalization program. The program offers a 12-step process that provides radicalized individuals with treatment and counselling to counter jihadist ideology.

Local and international practice provides a model to develop a national de-radicalization program for convicted offenders. Tailored rehabilitation programs through our correctional services are particularly important. This would reduce the risk of terrorist groups using prison as a recruitment tool.

Honourable senators, we must do more to address the complex and frightening prospect of radicalization. I stand in front of you as a practising Shia Imami Ismaili Muslim. I am a follower of His Highness the Aga Khan. In my faith we are taught that Islam is a religion of peace. Unfortunately, people use my faith to maim and kill. I, as a Canadian, stand in front of you and say, honourable senators, as parliamentarians we have a duty to prevent radicalization of our citizens.

For a number of years I have worked with moderate Muslim women in the Middle East and Pakistan. I have visited Pakistan and have seen what the U.K. government and the German government have done to prevent radicalization in that country so that it does not get brought into their countries, that is, Germany and the United Kingdom. I have worked with American organizations that are trying to prevent radicalization around the world.

I want to share with you one experience. I was in Peshawar working with a woman by the name of Mossaret Qadeem, with whom I still work. Mossaret is the most courageous woman I have ever met in this world. She goes into prisons where people

have been convicted of terrorist acts and debriefs these terrorists. She comes to the U.S. and trains the U.S. marines and armed forces on how to debrief terrorists.

When I go with Mossaret in Peshawar, she works with the mothers. Her theory is that if you work with the women in the community, you can stop terrorism.

Senator Segal has been very supportive of my work. I have encouraged him that we, as the Senate, need to look at what we can do with the women. Mossaret has taught me that when a mother notices that a child has too many guns, that a child has too much money in his hand, there is something wrong, as only a mother can tell.

However, where can a mother turn? We need to set up a place that a mother can phone and say, "I think something has gone wrong." If the mother had the trust that her son would not be killed, she would turn in her son. That is what my friend Mossaret Qadeem does in Peshawar.

Honourable senators, I stand in front of you and say that we can no longer ignore the radicalization of our youth. We do that at our peril. Therefore, I respectfully ask honourable senators to turn the attention of the Senate to radicalization in Canada and the need for a national strategy that will more proactively address this terrorism by emphasizing a community-based approach to preventing radicalization and facilitating de-radicalization.

Thank you very much.

(On motion of Senator Segal, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

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

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

> That when the Senate adjourns today, it do stand adjourned until Tuesday, June 11, 2013, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, June 11, 2013, at 2 p.m.)

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