SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 71

OFFICIAL REPORT
(HANSARD)

Wednesday, April 25, 2012

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

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

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

THE SENATE

Wednesday, April 25, 2012

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

Prayers.

SENATORS' STATEMENTS

FIRST NATIONS ELECTIONS BILL

Hon. Patrick Brazeau: Honourable senators, I rise today in this chamber to try once again to clarify and put on the record in a proper forum what I intended to do yesterday.

Yesterday we voted to pass Bill S-6, an act to essentially increase the terms of office of band chiefs and councillors who conduct their elections under the Indian Act. First, I would like to congratulate the government for trying to tackle an issue that oftentimes has plagued Aboriginal peoples across this country. Having said that, had there been a standing vote yesterday, I would have abstained from voting for the following reasons: For far too long, I have worked to protect the rights and interests of grassroots Aboriginal peoples across this country, and the fact remains that this piece of legislation dealt only with those who conduct their elections under the Indian Act.

There are very seldom issues with respect to elections for First Nations who conduct their elections under the Indian Act. The problem comes where First Nations leaders and communities conduct their elections under customary rules, which oftentimes are not written. Chiefs and other leaders take advantage of their citizens, and for that reason I do not think Bill S-6 actually served the purpose or will change anything in the lives of grassroots Aboriginal peoples.

Based on that principle, I just wanted to put on the record that not only have I worked to protect the rights and interests of grassroots Aboriginal peoples in this country, but also I will continue to do so, and Bill S-6 is not the way to do that.

[*Translation*]

NATIONAL VICTIMS OF CRIME AWARENESS WEEK

Hon. Pierre-Hugues Boisvenu: Honourable senators, during this National Victims of Crime Awareness Week, I have the honour to acknowledge that on Friday in Sherbrooke, the government announced the creation of an income support benefit for families with children who disappear or are murdered. This benefit is for mothers and fathers who are unable to return to work after such an incident, because they have to take care of themselves and their families.

Allow me to go back to August 2005, when the Leader of the Official Opposition in the other place, the Honourable Stephen Harper, was on an official visit to Sherbrooke. I had the privilege of talking to him in private. I told him about the association that I had just founded with three other fathers whose daughters disappeared or were murdered. I explained the painful time that families of individuals who disappear or are murdered have to go through without support. The Leader of the Opposition was an exceptionally good listener. The sensitivity he showed me was that of a good family man who has a great desire to take action. This one-on-one conversation gave me the opportunity to share a dozen or so of the association's expectations of the federal government. In that moment I knew that he would one day lead the first government to stand up for victims of crime.

Six years later, he is now the Prime Minister of Canada — whose government I have been part of for two years now — and he has granted the vast majority of the requests made by the victims of crime group. What is more, his has become the first government dedicated to defending victims' rights and making victims' rights more important than the rights of criminals.

Following last Friday's announcement by the Prime Minister and the Minister of Human Resources in Sherbrooke, I would like to say, "Mission accomplished." The government's announcement on April 20 truly recognizes the hard work and dedication of victims' families.

I would like to thank the Minister of Human Resources, Diane Finley, for her work and her sensitivity throughout our joint effort to prepare this initiative.

We fought not for our own families, but for families that will, sadly, have to cope with the devastating loss of a child. Our mission to support these families gains traction when a government like ours supports victims' groups by introducing meaningful measures.

This is National Victims of Crime Awareness Week. I would like to salute the many volunteers who work every day to help families coping with the most terrible ordeal imaginable: losing a child. These volunteers have undertaken the extremely important mission of helping mothers and fathers rebuild their lives after tragedy has made them feel as though their lives are over. Someone has to speak on behalf of those who can no longer speak for themselves. Those who do not speak out are forever condemned to victimhood.

I would also like to thank the Minister of Justice, Rob Nicholson, for his commitment to victims of crime. This week, I had two opportunities to join him to announce programs. He is exceptionally sensitive toward victims and very willing to listen to them.

The theme of this year's National Victims of Crime Awareness Week, "Moving Forward," is all about speaking up.

[*English*]

THE LATE RANDY STARKMAN

Hon. Nancy Greene Raine: Honourable senators, it is with sadness that I rise today to pay tribute to award-winning journalist Randy Starkman, who died in Toronto last Monday. He had been suffering from a sore throat, and by the time he went to the hospital, strep throat, pneumonia and then a superbug overcame him. He was only 51 years old and looking forward to covering his thirteenth Olympic games this summer.

• (1340)

No one understood or covered amateur sport in English Canada the way Randy did, with objectivity, fairness and a true appreciation of the complexities of the many sports he covered. His writing showed us the character and personalities of the athletes and coaches in a way that made us appreciate what they were up against and what drives them to compete at the top international level. You only need to read what athletes say to understand his dedication and how much he was loved. Honourable senators, here is what a few of our Olympic athletes have said recently in the news and online:

Speed skater and cyclist Clara Hughes said:

> Randy was more than a reporter. To me and so many others, he was a friend. A person who truly cared for us, for sport, for right and for wrong. More than anything, Randy cared about sharing. Sharing the stories and the insights into the often ignored sporting fields we practiced and played in.

Speed skater Kristina Groves said:

> The thing about Randy is that he didn't just file the facts. He didn't rely on web searches for information and he never asked basic, superficial questions. He took the time to get to know every single athlete and developed a relationship with them far beyond the call of duty. What made him tick was finding out what made us tick. He told my story and the story of so many athletes in Canada. He wasn't just there to get a one-line quote and meet a deadline. He was there to give us a voice and highlight the real and human story behind the faces and the names. I've never met another journalist who cared like he did.

Kayaker Adam van Koeverden said:

> Randy wrote about sport in earnest, with dedication and integrity. But Randy didn't just write about amateur sport, he genuinely loved it. He was a steadfast devotee. He loved us, and we loved him right back. He was our fan, our colleague and our friend.

Swimmer Julia Wilkinson said:

> This is a loss to not just the Canadian swimming community, but to all sports, and to our entire country. In a media world where journalists sometimes like to blur the facts and turn their backs on athletes when we fail, Randy stood alone. I always trusted that Randy would present me as me: not as the athlete he decided I was. He never misquoted me, never made me look bad, and never, ever got his facts wrong. Most importantly, he genuinely cared about the athletes. That's why he was so good at his job.

Fencer Sherraine Schalm said:

> He knew we trained like professionals and he treated us that way, making regular inquiries into our progress, how we felt and what our goals were . . . More than once in 4 years.

To his wife, Mary, and his daughter, Ella, our thoughts and prayers are with you during this difficult time. May you be comforted by knowing how much Randy was loved and respected by everyone in the amateur sports world. Randy Starkman was a great man. He will be sorely missed.

MULTICULTURALISM AND RELIGION

Hon. Nicole Eaton: Honourable senators, last week I had the honour to participate in a Ditchley Foundation conference. The conference brought together 40 experts from different professions representing 14 countries. Ditchley Foundation conferences stress open, informal discussions that reflect personal thinking and take place under strict rules of confidentiality.

The overall aim of this conference was to look at ways in which domestic issues around multiculturalism and religion inform and influence the development of foreign policy in different countries around the world. We examined what multiculturalism means today, how religion is used in motivating or justifying certain policies, and what role both of them play in foreign policy. We studied examples from across different regions and different political traditions.

Honourable senators, the experiences of countries represented around the table were enlightening. It became clear to me very quickly that Canada has thus far avoided the kind of huge ethnic conclaves or parallel communities that exist in some European countries. In Canada, multiculturalism versus melting pot is not a new argument. It has been going on for more than a century. Let us not forget what Sir Wilfrid Laurier said in 1907:

> Any man who says he is a Canadian, but something else also, isn't a Canadian at all.
>
> We have room for but one flag, the Canadian flag . . .
>
> And we have room for but one sole loyalty and that is a loyalty to the Canadian people.

The federal government, under Prime Minister Pierre Trudeau, declared in 1971 that Canada would adopt a multicultural policy. The debate has rarely let up since. In Quebec, for example, "reasonable accommodation" has been the topic of heated discussion and study since 2007. When the Harper government took power, the then Immigration Minister Monte Solberg believed that Canada should not be in the business of cultural

preservation. Jason Kenney became Minister of Immigration and Citizenship in 2008. He too was for less multiculturalism and more melting pot.

Mr. Kenney set out to tighten the definition of what it means to be a Canadian. He felt that immigrants should do more to conform to Canadian standards. Mr. Kenney moved quickly to introduce a more comprehensive study guide for Canadian citizenship and implemented a new citizenship test. These changes were undertaken to ensure that new citizens could demonstrate a thorough knowledge of Canada's history, symbols, institutions and values, and a thorough understanding of the fundamental concepts of meaningful citizenship.

I am proud of the changes that Canada has made to prevent some of the serious societal issues that we heard about at the conference. Our policies have thus far discouraged isolation of new immigrants and maintenance of ancient animosities. To paraphrase the words of Premier Jean Charest, immigration to Canada is a privilege, and welcoming immigrants is a responsibility of all Canadians. Between the two, you have to know where to draw the line.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw attention to the presence in the gallery of honourees, recipients, sponsors and board members of the 2012 Black Business and Professional Association's Harry Jerome Awards.

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

HARRY JEROME AWARDS

Hon. Don Meredith: Honourable senators, I rise to bring attention to a momentous occasion within the African-Canadian community. This year, the Black Business and Professional Association, a charitable organization that serves to address equity and opportunity for the Black community in business, employment, education and economic development, is celebrating the thirtieth anniversary of the BBPA Harry Jerome Awards. While this annual gala has become one of the most important events for Black people in Canada, this milestone would not be possible without the hard work of countless community leaders, professionals and volunteers over the past 30 years.

The Harry Jerome Awards were conceived in late 1982 when the BBPA chose to honour Black Canadian athletes who excelled in the Commonwealth Games that year. Harry Jerome, Canada's finest track and field athlete of the 1960s, was suggested as the keynote speaker. Regrettably, he died suddenly before he could be invited. The BBPA then decided to turn the celebration into a tribute to Harry Jerome and an awards ceremony to honour the six athletes.

It is very fitting that the annual gala would be named in his honour. Born in Prince Albert, Saskatchewan, and raised in North Vancouver, Henry Winston Jerome embodied excellence as an athlete and Olympian. He represented Canada in the 1960, 1964 and 1968 summer Olympics, winning bronze in the 100 metres in 1964 — the year that I was born. He also won gold at the 1966 Commonwealth Games and at the 1967 Pan Am Games, setting seven world records throughout his career. All of these achievements came after doctors thought he would never walk again following a severe injury. In celebration of his athletic and scholarly achievements and his work as a social advocate, Harry Jerome was granted Canada's second highest honour for merit, Officer of the Order of Canada, in 1970.

The Harry Jerome Awards is now a national event that recognizes and honours excellence in African-Canadian achievement in a variety of fields including academics, arts, media, entertainment, athletics, business, community service, health sciences, leadership, professional excellence, entrepreneurship and technology and innovation. The theme of this year's ceremony is "Legacy drives impact," as we remember the legacy of Harry Jerome, who overcame racism, injury and media scrutiny, leading him to embrace his personal motto, "Never give up." This year's gala is especially important to me as the BBPA has awarded me the inaugural Harry Jerome Youth Advocacy Award. I am very humbled by this honour as I never sought public recognition for the work I have done with youth. My primary objective has always been to make a difference in the lives of our youth, allowing them to be the best they can be.

• (1350)

Honourable senators, I want to thank the BBPA for bestowing this newly created award on me, giving me the motivation to continue serving young people, and developing a sponsorship program that will bring 500 youth to the gala event this Saturday. I look forward to meeting these budding leaders and helping to ensure that they leave the event engaged, encouraged and empowered through the legacy of Harry Jerome.

I want to publicly honour my fellow award recipients and the 2012 BBPA Distinguished Men of Honour for the contributions they have made to our country, as well as the award sponsors who have helped to make the Harry Jerome Awards possible.

Finally, I would like to congratulate the Black Business and Professional Association on the thirtieth anniversary of the Harry Jerome Awards. In celebration of this important milestone, I have invited the 2012 BBPA Harry Jerome Award recipients, the 2012 BBPA Distinguished Men of Honour and members of the BBPA executive to Parliament Hill today to be recognized in this place.

Honourable senators, please join me in applauding the 2012 award recipients, the 2012 BBPA Distinguished Men of Honour and the Black Business and Professional Association, under the leadership of Ms. Pauline Christian, on their thirtieth anniversary.

[*Translation*]

ROUTINE PROCEEDINGS

PROHIBITING CLUSTER MUNITIONS BILL

FIRST READING

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government) presented Bill S-10, an Act to implement the Convention on Cluster Munitions.

(Bill read first time.)

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

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

[*English*]

CANADIAN NATO PARLIAMENTARY ASSOCIATION

SPRING SESSION, MAY 27-30, 2011—REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Spring Session, held in Varna, Bulgaria, from May 27 to 30, 2011.

CANADA-CHINA LEGISLATIVE ASSOCIATION CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL MEETING OF THE ASIA-PACIFIC PARLIAMENTARY FORUM, JANUARY 8-12, 2012—REVISED REPORT TABLED

Hon. Donald Neil Plett: Honourable senators, I have the honour to table, in both official languages, a revised report of the Canadian parliamentary delegation of the Canada-China Legislative Association respecting its participation at the Twentieth Annual Meeting of the Asia-Pacific Parliamentary Forum, held in Tokyo, Japan, from January 8 to 12, 2012.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

VISIT OF THE MEDITERRANEAN SPECIAL GROUP, THE JOINT MEETING OF THE UKRAINE-NATO INTERPARLIAMENTARY COUNCIL, THE SUB-COMMITTEE ON NATO PARTNERSHIPS AND THE SUB-COMMITTEE ON DEMOCRATIC GOVERNANCE AND THE VISIT OF THE SUB-COMMITTEE ON TRANSATLANTIC DEFENCE AND SECURITY CO-OPERATION, JULY 4-7, 2011—REPORT TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association to the Visit of the Mediterranean Special Group, the Joint meeting of the Ukraine-NATO Interparliamentary Council, the Sub-Committee on NATO Partnerships and the Sub-committee on Democratic Governance and the Visit of the Sub-Committee on Transatlantic Defence and Security Co-operation, held in La Maddalena, Italy, from July 4 to 5, 2011; Kyiv, Ukraine, from July 5 to 7, 2011; and Rome, Italy, from July 6 to 7, 2011.

[*Translation*]

QUESTION PERIOD

CITIZENSHIP AND IMMIGRATION

PROVINCIAL NOMINATION PROGRAM

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the federal government's decision to assume full responsibility for managing the Provincial Nomination Program, known as the PNP, in the area of immigration.

Under an agreement with the federal government, Manitoba manages its own program. The Government of Manitoba has always done and continues to do a good job of managing the program, even earning praise from Jason Kenney, the Minister of Immigration. When this unilateral decision was announced, Mr. Kenney said that Manitoba should explain why it is special and different from the other provinces.

I would like to suggest an answer: seven per cent of the 70,000 skilled immigrants who have settled in Manitoba since 1999 are francophones. The Government of Manitoba has worked very closely with Manitoba's francophone community to recruit, welcome and integrate francophone immigrants, in order to ensure that the francophone community also reaps the benefits of immigration.

This initiative to foster francophone immigration to Manitoba comes directly from our provincial government. Last week, several community stakeholders in Manitoba told me that they do not understand why the federal government cannot simply accept and respect the excellent work that is being done on immigration to Manitoba, especially in the area of recruiting and welcoming francophone immigrants.

My questions for the Leader of the Government are as follows: the agreement between the federal government and Manitoba was signed after both sides agreed that the province would have a better understanding of its real needs and the needs of immigrants. What has changed since that time? Why was this decision made? How can the government reassure Franco-Manitobans that a program managed entirely by the federal government will maintain the provincial initiative to foster francophone immigration?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Minister Kenney and the government are committed to building a fast and flexible economic immigration system that focuses on the people with the skills and experiences required. I realize that different provinces have different needs. There is a bill before this Parliament and all parliamentarians will have an opportunity to fully understand the background and the reasoning behind it.

With respect to the francophone component of immigrants going to Manitoba, I will take that particular question as notice. I am quite sure that somewhere Minister Kenney has particularly addressed this issue. I know he has dealt with all of the provinces and territories. Therefore, I will take that specific part of Senator Chaput's question as notice.

[*Translation*]

Senator Chaput: The Commissioner of Official Languages lauds Manitoba as an example when it comes to recruiting and integrating francophone immigrants. Manitoba — and not one of the seven provinces under federal management — is lauded as an example because Manitoba is doing something right that the other provinces are not.

The government is saying that all immigrants should have services of equal quality, regardless of the province in which they decide to settle. Is this a commitment on the part of the federal government to not only maintain the level of service in Manitoba, but also extend it to the other provinces? What services will be maintained by the federal government? Will the initiatives targeting francophone immigration be maintained? Could the leader obtain those answers?

[*English*]

Senator LeBreton: I believe all honourable senators will acknowledge that the immigration system was severely broken. It was necessary to change the act. There is a bill before Parliament.

With specific reference to Manitoba's linguistic requirements, as I indicated a moment ago, I will take that question as notice and I thank the Honourable Senator Chaput.

• (1400)

HEALTH

FOOD LABELLING

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I asked the leader why this government is putting the safety of Canadians at risk by ending food labelling regulations. She answered that they have taken "rigorous steps" and have "vastly improved the safety of Canadians." I have an article from Postmedia News, April 20, 2012, that directly contradicts her claim.

This article cites internal government tests done by the Canadian Food Inspection Agency that show that some of the country's biggest food brands in some cases drastically understated the levels of harmful nutrients while grossly overstating the levels of healthy nutrients. Of over 600 products tested, more than half did not live up to the nutritional information on the packaging. Some were even off by as much as 90 per cent. In one case, a product stated that it contained 30 per cent of one's daily iron serving, when in reality it was found to contain only 2.7 per cent. In another case, a product claimed to contain 5 calories per portion but actually contained 106 calories per portion.

Consumers already wonder whether they can rely on the nutritional information on food labels for their safety, and it is a service her government wants to cut further. I ask again, will the Leader of the Government finally acknowledge that cutting funding for food labelling regulations is a danger to Canadian families and a shameful way to save a few bucks?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the senator got the first part of his question right when he quoted me accurately as saying that we have vastly improved the system and increased food safety. As honourable senators know, I do not generally respond to articles in the newspaper when I am not sure about the sources of the articles. It is a Postmedia article, but who contributed to the story? As is often the case with many of these newspaper articles, the stories are crafted with a particular interest in mind.

All I can say is that we, working with industry, have vastly improved the labelling and content of food sold in Canada. We have increased the number of meat inspectors in our meat processing industry.

I must confess, honourable senators, that one must pay a little attention to the labels and watch closely. The other day, I ate a little container of yogurt, happily thinking I had consumed 60 calories. I suddenly realized that that was for a third of a cup. I had actually consumed 180 calories. One has to watch the labelling, but it is actually honest.

PUBLIC SAFETY

CLOSURE OF PRISONS

Hon. Joan Fraser: Honourable senators, yesterday I was asking the leader about the government's announced intention to close the Regional Treatment Centre in Kingston Penitentiary. Regional treatment centres, as I am sure the leader knows because she participated in the Social Affairs Committee's study on mental health, are Correctional Service facilities for the treatment of serious mental illness. This is not low-level stuff. Seriously ill people go there. There are only five of these centres in the whole country, and the government says it will close one of them, the only one in all of Ontario that contains, as far as I can do the math, 20 per cent of all the patients being treated in those regional treatment centres.

I ask again, where will the government put these people?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I think I indicated yesterday that the closure of Kingston Penitentiary, the centre that my honourable friend refers to in the Kingston Penitentiary, and the Leclerc facility is a two-year plan. The Correctional Service of Canada does have a plan and will relocate the prisoners according to their level of incarceration, maximum to maximum and medium to medium.

With regard to the patients in the mental health institution at Kingston Penitentiary, the Correctional Service will likewise, as they roll out the plan in due course, advise us as to how they will transfer these individuals and where they will be transferring them.

As I pointed out yesterday, honourable senators, we, as a government, will continue to take concrete steps on the issue of mental health in prisons. It was our government that provided additional resources, such as requiring a mental health assessment for all inmates within the first 90 days of their sentence. Prior to that, many of these prisoners would languish in prison for many months before an assessment was even done. Access to treatment for inmates and the training of staff to treat these patients have been vastly improved under our government.

Senator Fraser: Vast improvement, like beauty, may lie in the eye of the beholder. For example, thanks to the Correctional Investigator, among other things, we know that they have been firing psychologists within the Correctional Service. They have significantly downgraded the qualifications of staff who provide ordinary programming, some of which is for quite important stuff like substance abuse. They have eliminated low-intensity sex offender programming all across the Correctional Service. That is before even talking about the treatment centres for the important people. I do not know how one can call that vast improvement.

As far as the situation of serious psychiatric patients is concerned, the alarm has been sounded repeatedly for years now. Between 1997 and 2010, there was an 85 per cent increase in the number of offenders classified as having a mental health disorder at intake. In 2010, which is already two years ago, the House of Commons Standing Committee on Public Safety and National Security reported that the aim of the regional treatment centres, or RTCs, is to stabilize individuals with serious mental health problems so that they can return to the general inmate population. However, the report states::

> . . . that some offenders are released too soon from RTCs and very quickly find themselves in crisis once again in the regular correctional institutions. The situation is attributable in part to insufficient space to accommodate all federal inmates with serious mental health problems. This reportedly contributes to a revolving-door syndrome, and a tendency towards crisis management rather than prevention.

I find it odd that the government alleges that it is going to limit or, with any luck, end the revolving-door syndrome in our prisons.

I ask again, how can the government announce that it will close this facility without having a plan in place to treat these seriously ill people? What is the government going to do?

Senator LeBreton: First, honourable senators, as is often the case, testimony is recited and the source of the testimony is not revealed. Again, thanks to the program we brought in, when prisoners are incarcerated, they are assessed within 90 days of their incarceration, unlike in the past.

I can speak directly about the Province of Ontario. Another problem is that it has closed many of these institutions and turned people out on to the streets, which has compounded the problem.

Honourable senators, I think it is unfair to suggest that the Government of Canada would make this decision, which will take place over two years, without having a plan. There is a plan. This will be announced in due course. We did say it was over two years.

• (1410)

With regard to the treatment of prisoners who have mental health issues, of course there is another important component and that is the provinces and territories. The federal government and our provincial counterparts are working on this. It is a serious issue, there is no denying it.

I think, honourable senators, it would be a little irresponsible to suggest that we would make a major decision, such as closing these two penitentiaries, and not have a plan as to how we will implement the transfer of these patients and prisoners over the next two years.

Senator Fraser: Honourable senators, if the leader does not want to the take the word of a House of Commons committee, maybe she will take the word of the Correctional Investigator. He has been sounding the alarm in this area for at least eight years now to no effect.

The government, incidentally, has not responded to the House of Commons committee report any more than it has to the suggestions that have come from our own Senate committee.

For years and years, we have heard that the government is engaged in discussions and conversations with its provincial partners. For years and years, knowledgeable people who have studied the matter have been suggesting that the federal correctional service should indeed engage in partnerships with provincial institutions in order to provide more effective — medically, but also perhaps more effective financially — treatment for mentally ill patients.

We have been hearing that, honourable senators, for years and nothing has happened. First the leader said, "We will have a plan when the correctional service gives us a plan." Now she says, "Of course we have a plan, but we are not going to tell you about it yet."

When will we get the plan and what will it be? This is a very serious issue. This is not just about common or garden-variety bad guys; these are people who are seriously ill and deserve better.

Senator LeBreton: Honourable senators, first, there was the announcement of the closure of these two institutions. The Minister of Public Safety and the officials at the Correctional Service of Canada would not have given the go-ahead on announcing the closure of these two institutions without having given it very clear thought. This will be presented in due course.

Obviously, there is a very serious issue with mental illness in our prison population. The government has taken many steps, including providing more resources and training more people to deal with the situation, as well as doing a proper assessment within 90 days of incarceration.

The whole issue of mental illness of people who participate in crimes is a serious one. The government must and does work with the provinces and territories.

Insofar as the government's response, I did acknowledge yesterday, I believe, that the government is looking seriously at the testimony and comments before the Senate committee on Bill C-10. In all fairness, honourable senators should give the government at least a little bit of time to respond to some of these issues, and that is what the government intends to do.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, on that point, I would urge the leader to talk to her colleagues who were on the committee dealing with Bill C-10 and to read the testimony. I suggest she will find that they have inadequate resources to deal with the prisoners who are assessed as having mental difficulties. They also have great difficulty in recruiting professional personnel to provide the treatment which is required.

I am not suggesting this is a political problem, but that there is a real issue here of the capacity of the Correctional Service to secure the resources. I am not talking about the financial resources, although that is part of it, but the professional human resources needed to provide the treatment. Those of us who were on the committee were troubled by the testimony that we heard.

I would urge the leader to consult with her colleagues on the committee, read the testimony and urge upon her colleagues in cabinet the need to revisit the issue about whether continuing on with the same approach is really a satisfactory answer to what is going to be, by all accounts, an ever-increasing problem facing our correctional and health care systems.

Senator LeBreton: Honourable senators, I agree totally with Senator Cowan, and I do not have to talk to my colleagues. My colleagues have taken it upon themselves to make their views and the views of the members of the committee very well known, not only to me but also to other members of the government. I can assure honourable senators that we do realize the magnitude of the problem. We take these comments, suggestions and recommendations very seriously.

I believe, in very short order, the government will respond. Again, I want to assure honourable senators that my colleagues on this side of the chamber who are on the committee have been very vocal and vociferous in advancing some of these concerns. Of course, as honourable senators know, even though I cannot read all the transcripts of all the committees, I have people who take it upon themselves to inform me of the activities of the committees. In this case, of course, my colleagues, Senator Wallace and others, have been very vigorous in their efforts to shine a light on this very serious situation.

Hon. Terry M. Mercer: Honourable senators, this is a very serious matter, and I know the leader understands that, knowing her background and involvement on the Standing Senate Committee on Social Affairs, Science and Technology. People out there are nervous when they hear that facilities like this are closing.

Just last week in Halifax, very tragically, an individual on a one-hour pass from such a facility was alleged to have brutally murdered a leading member of Halifax's gay community. This is fairly raw and people are nervous. I am sure the people of Kingston and the area are nervous when they find that there are plans to do that at the same time as the government is talking about cuts.

As Senator Fraser said, show the Canadian people, not us, that there is a plan and show that there is a human resources plan to find the personnel who will properly manage this file. It is extremely important. People are nervous. It is the government's job, and our job as parliamentarians to reassure them that they are as safe as possible and that these people are also being treated as professionally and fairly as possible and given the proper care they need.

Senator LeBreton: I thank the senator for the question. I am aware of the tragic case he spoke of. He is quite right, and this is why the government brought in the measures in Bill C-10.

People are very concerned about crime in this country. They are very concerned about people being released into the public who can cause grave danger to our population. Our government is committed to the safety of Canadians.

It is interesting. I am glad that people are now seized of this issue and realize we must keep these people incarcerated to keep the public safe. A few months ago we were being criticized for building prisons to keep more people incarcerated. One cannot have it both ways.

However, I can tell honourable senators that every dollar we spend will be wisely spent and the primary objective of the government is the safety of Canadians.

Hon. Jane Cordy: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. This particular incident that Senator Mercer was speaking about involved a prisoner who had a serious mental illness. The issue is not being tough on crime or soft on crime; it is being smart on crime. Let us talk about being smart for those who have serious mental illness and who are incarcerated. That is the direction. I do not want to put words in Senator Mercer's mouth for sure, but this is the issue.

• (1420)

What are we going to do? There is a shortage of personnel dealing with prisoners who have a mental illness. There is a serious shortage across the country. There is in Nova Scotia as well as every province of Canada.

Senator Cowan spoke about the recruitment issue. There is also a retention issue. It is like the Catch-22. People are hired, they get into the system and they realize they have no support around them, so they leave to get into a situation where they feel they can better help individuals. This is a very, very serious situation — recruitment, retention, a lack of professionals in the prison system who are able to deal with prisoners with serious mental illnesses.

The leader spoke and said, "Obviously the government has a plan." As someone who served on the Social Affairs Committee with Senator LeBreton when we studied mental health and mental illness, I would feel much better if the government would share the plan that the leader says the government obviously has. What will the government do with the patients who have mental illnesses and who are incarcerated in the prisons that will be closed?

Senator LeBreton: Thank you for the question. I am aware of the situation. In this case the senator talked about the mental condition of a particular individual, and obviously no individual who has a potential of causing serious harm to the Canadian public should be released into the general population.

The government has put more resources into this area. Obviously there is a lot more to be done. When a decision is made to close these two institutions, it would be very nice if we could lay out the plan, but there is a lot of work to be done. There is work to be done with the families and with the individuals themselves; there is work to be done with the facilities they will be moved to.

Let us not jump to conclusions. Let us let Corrections Canada, who are ultimately the ones responsible for the implementation of these moves, do their work. The fact of the matter is we do realize the seriousness of issues in our prisons, especially with regard to mental health. I already indicated yesterday and again today that my colleagues on the committee who dealt with the issues around Bill C-10 have brought to the attention of the government personally and in caucus and on many occasions some of the concerns that were raised by the witnesses. They have made some excellent suggestions as to how we might move forward to address how we might deal with these issues, and I am confident that we will do so.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable senators, I must admit that it is difficult to follow the government's policy on crime.

On one hand, the government is increasing the number of sentences and sending more people to prison. On the other hand, the government is closing prisons. We are always being told that the government supports rehabilitation, but recently, we learned that the government unilaterally and without warning abolished a very effective program called LifeLine, which allowed prisoners to help rehabilitate criminals who committed extremely serious crimes.

A large number of people have spoken out against this unilateral cut that risks sending the public the message that the government has no interest whatsoever in the rehabilitation of prisoners and criminals.

[*English*]

Senator LeBreton: I refute that claim all together, honourable senators. First of all, we are talking about dangerous criminals, and in many cases the government had difficulty with dangerous criminals being released, so there has not been this predicted vast number of new criminals. Usually we are talking about the same person that has been in and out of prison three or four times, but with regard to rehabilitation, significant efforts have been put into rehabilitation. There is this idea that somehow or other this government incarcerates people and does nothing to try and deal with their serious mental health issues, but obviously the resources the government has put into it have proven otherwise.

I have outlined in this place many times the significant resources put into rehabilitation, and I would be very happy, honourable senators, to once again provide information about this. A lot of great success stories have come out of the rehabilitation efforts of our officials working in our various prisons.

ORDERS OF THE DAY

SAFE DRINKING WATER FOR FIRST NATIONS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Mockler, for the second reading of Bill S-8, An Act respecting the safety of drinking water on First Nation lands.

Hon. Lillian Eva Dyck: Honourable senators, I rise today to speak to Bill S-8, the Safe Drinking Water for First Nations Bill. As the honourable sponsor of the bill stated in his speech, this bill enables the federal government to develop regulations governing drinking water, water quality and waste water disposal on First Nation reserves.

Honourable senators already know of the dire situation on many reserves with respect to drinking water. The images are heartbreaking, and they urge us all to act to rectify this terrible situation. This is not the first bill this government has tabled in Parliament that tries to address the problem of safe drinking water on reserves. In the last Parliament, the government introduced Bill S-11 under the same short title, the Safe Drinking Water for First Nations Bill.

I would like to remind the chamber of key aspects of the Standing Senate Committee on Aboriginal Peoples' study of the precursor bill, Bill S-11. Bill S-11 was introduced on May 26, 2010, and was referred to the Standing Senate Committee on Aboriginal Peoples for study on December 14, 2010. The committee heard from over 15 witnesses in 9 meetings. What became readily apparent during witness testimony was widespread concern over the bill in three key areas: one, the lack of funding and resources to address the infrastructure and capacity gap; two, several clauses that infringed upon constitutionally protected Aboriginal rights; and three, the lack of consultation. I will address these main areas of concern in detail later in my speech.

Many First Nation witnesses urged the committee to halt or withdraw Bill S-11 until the government had sufficiently consulted with First Nations. Due to the overwhelming

opposition to Bill S-11, the legislation did not proceed to committee vote or to third reading but was halted in order to allow for further discussions with Aboriginal Affairs and Northern Development Canada officials and First Nations. Bill S-11 then died on the Order Paper when Parliament was dissolved on March 26, 2011.

Since then, the National Assessment of First Nations Water and Wastewater Systems has also been completed and reported back to Parliament. This assessment is the first full-scale overview of water and waste water systems on First Nation reserves. Clearly the results of this inventory ought to be presented to the committee as soon as possible.

I want to highlight what occurred in the last session of Parliament so that we can truly determine whether the government has significantly improved upon Bill S-11 in a real and meaningful way and not merely just by adding half measures.

The first area of concern is the continued lack of funding and resources in Bill S-8 to address on-reserve water systems. There is no funding attached to Bill S-8. As the national assessment has clearly indicated, the funding requirement to upgrade on-reserve water and waste water systems is $4.7 billion over 10 years, plus a projected operating and maintenance budget of $419 million annually. In Budget 2012, the government renewed the First Nations Water and Wastewater Action Plan, with approximately $330 million over two years.

• (1430)

While I commend the government for renewing this funding, it is nowhere near the amount projected by the national assessment.

Honourable senators, if we want to eliminate those heartbreaking images of First Nations children carrying slop buckets and having to walk miles for water, the Government of Canada has to be realistic in estimating the funding requirements and commit to multi-year funding agreements that match, dollar for dollar, the real needs of First Nations.

Honourable senators, this chamber, the Senate of Canada, knows the importance of solving the problem of safe drinking water on reserves. Our Aboriginal Peoples Committee released a report on this very issue in 2007. Our recommendations were clear: first, complete a full assessment of water and waste water systems on reserves, and second, provide the full funding requirements to address the identified resource needs. Sadly, the government has accomplished only one of the two recommendations.

The second area of concern with the bill is the infringement on constitutionally protected Aboriginal and treaty rights. In Bill S-11, there were several clauses that infringed upon Aboriginal rights. The most abhorrent of the clauses was a derogation clause that contemplated that regulations be allowed to derogate from section 35 rights. This clause has now been replaced with a limited non-derogation clause in clause 3 of Bill S-8. I say "limited" because the clause actually sets qualifiers to the limits of section 35 rights. It states:

> For greater certainty, nothing in this Act or the regulations is to be construed so as to abrogate or derogate from any existing Aboriginal or treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*, except to the extent necessary to ensure the safety of drinking water of First Nation lands.

As you can see, the Aboriginal rights are not to abrogate or derogate, except to the extent necessary to ensure the safety of drinking water on First Nation lands.

I contrast this approach to non-derogation clauses to the work done by the Standing Senate Committee on Legal and Constitutional Affairs in their report entitled *Taking Section 35 Rights Seriously: Non-derogation Clauses relating to Aboriginal and treaty rights*. In that report, the recommendation was to introduce legislation to add a non-derogation provision to the federal Interpretation Act that read:

> Every enactment shall be construed as to uphold existing Aboriginal treaty rights recognized and affirmed under section 35 of the *Constitution Act, 1982*, and not to abrogate or derogate from them.

The government, however, did not follow up on that recommendation. I congratulate my honourable colleague Senator Watt, who introduced his bill to achieve the recommendation of the Standing Senate Committee on Legal and Constitutional Affairs. However, as of now, no such amendment to the Interpretation Act exists, and I encourage honourable senators to consider amending clause 3 to a non-derogation clause that was widely agreed upon in the Legal and Constitutional Affairs report by legal experts and First Nation representatives, as well as at the Bill S-11 committee hearings.

In addition, during witness testimony on Bill S-11, First Nation and other witnesses urged the committee to amend the bill to stipulate that regulations would only be developed with the consent of the affected First Nations. The regulation provisions in Bill S-11 allowed for the act to override First Nation laws and bylaws, allowed the incorporation by reference of provincial laws and allowed the act to override any treaty agreements that may be in conflict with the act.

With these infringements on Aboriginal rights of self-governance, consent should be required. However, these provisions have carried over to Bill S-8, without incorporating a formal way of getting the consent of First Nations. Instead, the government has only added a perambulatory clause that states they have "committed to working with First Nations to develop proposals for regulations."

Honourable senators, while a commitment to working with First Nations is encouraging, a concrete operative clause that allows the First Nation to consent to regulations would better exemplify a truly government-to-government relationship in the development of water and waste water regulations.

The third area of concern I will address is the duty of the Crown to consult and accommodate First Nations.

During the committee's study of Bill S-11, almost every First Nation witness made it clear that the federal government did not adequately consult and accommodate First Nations in the

drafting of Bill S-11. While the Department of Aboriginal Affairs and Northern Development did hold engagement sessions and impact assessments, we were told these were not nearly sufficient enough to fulfill the government's obligations to consult and accommodate First Nations.

The summary report of the Institute On Governance, the organization contracted to conduct the engagement sessions, lays out the problem with this approach to consultation. It noted that the Crown failed to engage in any meaningful consultation, breached its duty to consult and accommodate First Nations by making a unilateral decision to proceed with the engagement sessions and impact assessments solely on incorporation by reference, did not genuinely listen to concerns, failed to provide adequate time and resources to enable meaningful consultations, and was unwilling to engage in discussion of any inherent treaty and Aboriginal rights-related issues to proposed changes.

After Bill S-11 was withdrawn from the committee last spring, in about March 2011, members of the committee were told that the department was actively, collaboratively discussing amendments to the bill with First Nation organizations. Committee members may recall that at a committee meeting for the first time ever we passed a motion. We took a vote, and we asked the leader of the National Assembly of First Nations to reappear at the committee, after the minister and the department had already appeared as witnesses. That occurred on March 9, 2011.

National Chief Atleo came back. We thought there would be collaborative reworking of the bill. Shortly thereafter, there was prorogation of Parliament. However, at the same time, the Bruce Carson affair surfaced and there were indications that he was associated with a company called Water Pros, which has some links with Indian and Northern Affairs, and that again has resurfaced within the last month. There are some strange goings-on within the department with respect to water filtration. That is the context within which we received the bill.

The department has stated that since May 2010 it has been meeting with the Assembly of First Nations and regional representatives and that most of the changes in Bill S-8, compared to Bill S-11, were a result of negotiations from October 2010 to October 2011 with First Nation organizations from Alberta, the Atlantic and various AFN groups.

I am encouraged that these discussions continued after the dissolution of the last Parliament. However, we still do need to examine the type of discussions that occurred before Bill S-8 was tabled in the Senate.

Honourable senators, during the committee study of Bill S-8, we need to hear from a wide range of First Nation witnesses to garner their perspective on the government's consultations on Bill S-8. Was it a meaningful consultation, or did it fall into the problems highlighted in the Bill S-11 engagement sessions? Were First Nations equal partners in drafting Bill S-8? How can we improve the consultation and engagement process during the development of regulations so that true and honest consultations and accommodations are met? We need to carefully consider all of these questions.

• (1440)

As this bill moves to committee stage, I urge all honourable senators to remember to look at the issues from the past study of Bill S-11 and examine whether Bill S-8 has lived up to a collaborative approach to dealing with water and waste-water systems on-reserve.

I would like to end my remarks by highlighting the spiritual importance of water in First Nations culture, as AFN National Chief Shawn Atleo eloquently stated at the recent AFN Water Rights Conference:

> We collectively and intrinsically know that water is directly linked to all survival.
>
> Water, the first living spirit on this earth, gave life to all Creation.

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

Hon. Senators: Question.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Patterson, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON LOBSTER FISHERY IN ATLANTIC CANADA AND QUEBEC—SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Fisheries and Oceans, (budget—study on Canada's the lobster fishery in Atlantic Canada and Quebec—power to hire staff and to travel), presented in the Senate on April 4, 2012.

Hon. Elizabeth Hubley moved the adoption of the report.

She said: Honourable senators, I move the adoption of the report standing in the name of Senator Manning. Before the Speaker puts the question to the chamber, I would like to provide some brief information regarding the motion that is before honourable senators.

The committee agreed to undertake a study of the lobster fishery in Atlantic Canada and Quebec. An order of reference was received from the Senate on March 8 to study the matter. The study could include the lobster fishery industry, revenue, markets,

employment and its stakeholders, financial sustainability, price, intermediaries, rationalization programs and ecological sustainability, and barriers to entry.

The committee is requesting funds to hold public hearings and conduct fact-finding missions to formally gather evidence and to visit lobster fishery facilities, to view lobster fishery infrastructure and to meet informally with fishers and stakeholders in New Brunswick, Nova Scotia and Prince Edward Island.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— SPEAKER'S RULING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Smith P.C. (*Cobourg*), seconded by the Honourable Senator Cordy, for the adoption of the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Revised* Rules of the Senate), presented in the Senate on November 16, 2011.

The Hon. the Speaker: Honourable senators, on March 27, 2012, the Senate resumed debate on the motion for the adoption of the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented to the Senate on November 16, 2011. That report recommended that the *Rules of the Senate* be replaced with revised rules. The Honourable Senator Cools raised a point of order and Senators Carignan and Fraser provided further comments for the consideration of the chair.

The Honourable Senator Cools reminds us that the recommended rule changes "are the single largest, in quantum and volume, amount of rule changes ever put before this house." Given this fact, I am grateful that the honourable senator has taken the time to study the procedural admissibility of the report. If it is procedurally defective, we should know now; if the objections fail, we will know that the report is procedurally solid.

[*Translation*]

In the judgment of Senator Cools, "These proposed rule changes are simply too numerous, too comprehensive and too complex for consideration in one proceeding, in one shot." This is a normative comment on the senator's part; the question for the chair is whether the point of order raised has identified a procedural objection to prevent consideration of the report. Three objections were offered.

The first objection is that the committee has exceeded its mandate as provided for in the Rules. The second objection is that the committee's report imposes closure on Senate debate by ordering a date for the coming into force of the rules. The third and last objection is that the recommended rule changes are not in the report itself but in an appendix, which the senator characterizes as a separate document alien to the report.

[*English*]

I will deal with these three objections in their reverse order.

Senator Cools characterizes the third objection as "the most important, profound and far-reaching breach." In the words of the senator:

> Simply put, we cannot debate the proposed rule changes because they are not part of or included in the report that the motion asks us to adopt. [Debates, p. 1495]

> This report, by its form of proceeding, has placed the substantive matter, the actual proposed rule changes, beyond the procedural ability of senators to consider, debate, amend and vote on the actual words, paragraph by paragraph, of the rule changes. It is therefore out of order. [Debates, p. 1495]

> The appendix, by its nature, is not part of the report. [Debates, p. 1501]

[*Translation*]

It is the chair's opinion that if there is an objection to using appendices to reports in order to amend our internal governance documents, the committee could be forgiven for not being aware.

[*English*]

On March 31, 2004, the Standing Committee on Internal Economy, Budgets and Administration tabled its Sixth Report on the *Senate Administrative Rules*. Appendix "A" to the document set out a draft amendment to the *Rules of the Senate*, the adoption of which would be consequential to the adoption of the *Senate Administrative Rules*. The report was adopted on May 6, 2004 and the amendment to the *Rules of the Senate* was implemented.

Just recently, on March 29, 2012, the Standing Committee of Conflict of Interest for Senators presented its Third Report recommending amendments to the Conflict of Interest Code for Senators. That report attached a revised copy of the Code as an appendix to the report and recommended that the revised Code come into force on October 1, 2012.

Of course, the recent use of appendices is not conclusive as to whether the practice is procedurally acceptable. To put this in familiar terms, just because it has happened doesn't mean it is right.

• (1450)

[*Translation*]

It seems to the chair that the relationship of an appendix to a main text is not fixed, but is a question of substance and of intention. Context and purpose inform the reader as to whether appendices are integral to a report or alien to it.

As Senator Cools pointed out to us, when members' observations are appended to a committee report below the chair's signature, the text is not considered to form part of the report in a procedural sense. On the other hand, presenting rule changes in the context in which they will serve, that is to say, inserted into the full body of rules, can assist the reader in appreciating their import. This is particularly so when the revised rules are presented with a table of concordance as is the case here. In the end, how best to present rule changes depends upon their nature and the circumstances and is a matter of judgment best exercised by the reporting body.

[*English*]

Finally, does the presence of the proposed rule changes in the appendix prevent debate on them or prevent motions to amend them? In debate on this point of order, an issue arose as to whether the appendix to the committee's report was even properly placed before the Senate for its consideration. The *Journals of the Senate* are the official record of the House. At page 407 of the Journals for November 16, 2011, it is recorded that the report of the committee presented to the Senate is printed as an appendix to the Journals at pages 412-615. Those pages include both the text of the report over the signature of the chair and the appendix containing the revised rules. The chair is therefore satisfied that the proposed revised rules are on the table, known to senators and available for debate and amendment.

[*Translation*]

The senator's second objection is that the committee, by recommending September 1, 2012, as the coming into force date for the new *Rules of the Senate*, has as a practical matter imposed closure on debate in the chamber. The logic of the argument is that if the new Rules are to come into force by September 1, they surely must be adopted before then. The chair does not agree. As a matter of procedure, debate on the motion to adopt the committee's report can proceed until it is adopted, until the motion falls off the Order Paper for lack of debate or until the end of the session. If debate continues past September 1, the Senate will then consider the impact on the motion of that change in circumstance, and what needs to be done about it. An amendment to the report could certainly be moved.

[*English*]

The chair will now address the senator's first, and what would appear to be the most important, objection, which is that the Rules, Procedures and the Rights of Parliament Committee has exceeded its mandate. The relevant portion of that mandate is set out in rule 86(1)(d)(i) of the Senate Rules, in their latest version as posted on our web site. It provides that the committee is empowered, on its own initiative, to propose from time to time amendments to the Rules for consideration by the Senate. As the senator notes, rule 86 is delegated authority and the committee, in carrying out its functions, must not exceed the authority delegated to it.

The senator seems to allow that a single report may recommend more than one rule change, but argues that a total repeal is not an amendment and that no amendment can negate the whole of that which it amends.

There is no question that this report touches on the core of the Senate's privileges. The right to organize its own internal affairs is a fundamental privilege. The *Rules of the Senate* have a history of precedents based on practice and rulings that enrich them with a considered understanding. Moreover, many of these rules are an historical legacy passed on to the Senate in various forms from the pre-Confederation Legislative Councils of Lower Canada and the Province of Canada. They are part of our parliamentary history and legislative patrimony handed down to us through generations of past members of our chamber.

[*Translation*]

The question to be resolved is whether or not the delegated authority under Rule 86 is sufficient to cover the enormity of what is proposed. Other reports from the Rules Committee have altered multiple rules or added new ones. However, never before has the Senate been asked to contemplate a report that recommends the entire repeal of our existing Rules in order to substitute new rules as a package. Indeed, in the words of the First Report, the Rules Committee recommends, in part that "[T]he existing *Rules of the Senate* be replaced . . ."

[*English*]

It may be useful to review what the intentions of the committee were in presenting its First Report. The committee states "The major objective of the revision was to clarify the Rules, while avoiding significant changes in content. In a few cases changes were required in the interest of clarity or to reflect current practice."

The committee also notes that "A new feature of the revised Rules is the use of constitutional and statutory references as well as lists of exceptions to any particular rule. For example, the deliberative vote of the Speaker is sanctioned by section 36 of the *Constitution Act, 1867* and this is referenced immediately after the rule. The general rule with respect to speaking times, proposed rule 6-3(1), is followed by a list of rules that stipulate any exceptions."

[*Translation*]

The report before us then is quite sweeping in both content and in form. The committee maintains there is no significant change to the substance of the rules but that may only be determined through the course of time. There are as well new practices being codified, such as the time limit for the various bells which summon senators to recorded votes. There is a complete reordering and renumbering of the rules. Many explanatory notes have been added. There is also a new appendix regarding parliamentary terminology, including terms and definitions not previously sanctioned by the Senate. Many senators may be

surprised by the extent of these proposed changes and what impact there may be on the procedural case law which has been established over many years from our existing rules. They may wonder if the report is much more than a house-keeping re-write of the Rules and whether it is too far-reaching and has exceeded the committee's authority.

[*English*]

Honourable senators, one is mindful of the rights of senators to organize the business of the Senate, as well as the importance of not limiting the authority delegated to our committees under the Rules. By delegating to the Rules Committee a degree of autonomy to propose amendments to the Rules, we are, in effect, entrusting to them a custodial management function to ensure specific issues are clarified for the benefit of their colleagues. The chair is also mindful of the rights of senators to have a say in more comprehensive changes to how Senate business is conducted. While there is no question that senators are being asked to approve these proposed rules before they can come into force, it may well be that, for some, this is a step too late in the process.

[*Translation*]

In the case before us, a motion requesting a mandate to repeal the *Rules of the Senate* and replace them would have avoided placing senators in an awkward situation. They are faced with a profound change to the way in which they are to codify how they govern the business of the Senate. On the other hand, there is the consideration of their Senate colleagues and the Senate staff, whose hard work and personal commitment to undertaking this review must also be recognized. Such a motion would also have been consistent with the interpretation of the authority delegated to the committee as being a custodial responsibility.

• (1500)

In this instance, where the *Rules of the Senate* are not being amended but repealed and replaced with new language and new elements, such as 30 minute bells for non-debatable motions, the chair is concerned that the Rules Committee may have exceeded the mandate provided under Rule 86.

[*English*]

The finding is that there could be a procedural issue involved here. The chair is reluctant, however, to set aside the excellent work of the Rules Committee based on an arguable procedural point. The suggestion is that the matter could be resolved by having the First Report of the Rules Committee referred to a Committee of the Whole. The consideration of matters in Committee of the Whole is more flexible and appropriate to fully explore and debate these proposals that are before us than the restrictive nature of the formal debate in the Senate itself. This suggestion would serve the dual purpose of providing all honourable senators with an opportunity to clarify the purposes and principles behind the work of the report and express themselves on it before being asked to decide on the work itself. At the same time, it would prevent us from losing the significant body of work performed by our colleagues on the Rules Committee.

[The Hon. the Speaker]

So, to be clear, the chair is making a strong recommendation that the matter be referred to a Committee of the Whole. If this recommendation is not acted upon, the matter remains on the Order Paper.

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, allow me first to thank the Speaker for the very judicious and strong suggestions in his ruling. There is no question that when dealing with the *Rules of the Senate* we must go the extra mile. Let no one doubt that Senator Cools always has been and continues to be a vigilant guardian of the rules of this chamber, and we should congratulate her for the vigilance that she always puts to our rules and the training that she provides to a great number of us as to where these rules came from. I, for one, appreciate the very great advice she has given me over time on such matters.

We have to accept that we get this right. For us and for future senators who will be serving in this chamber let us ensure that we do get it right. I agree with the Speaker that there has been a huge amount of work done on this subject and we should not in any way lose the work that has been done.

For that reason and many others, I wish to recommend to this chamber that we follow the Speaker's strong recommendation and suggestion. In the spirit of that suggestion, I propose that I meet with my counterpart on the other side and that we discuss the issue of proposing a motion to refer the matter to Committee of the Whole and that we would get back to this chamber with the wording of that motion, the timing and the means by which we could accomplish the strong recommendations of the Speaker.

With that in mind, therefore, I will be meeting with my counterpart and we will get back to this chamber in short order.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, we were certainly eagerly awaiting Your Honour's ruling on this matter. I know that the committee has put in an enormous amount of time and is anxious to move on to the next step. We accept Your Honour's ruling, and, certainly, I will look forward to working with my colleague in seeing how Your Honour's recommendation may be implemented.

Senator Comeau: Therefore, I recommend that the matter stand for the time being.

(Order stands.)

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Acting Deputy Leader of the Government): Honourable senators, while I am on my feet there have been discussions with the other side. I apologize to Senator Cools, who does not sit with the other group, but I will ask her if she would agree that we call Item No. 39 from the Notice Paper, on support for the visually impaired, so that we might hear from the Honourable Senator Seth, who has her maiden speech, I understand, to give on this subject. I seek unanimous consent.

Hon. Senators: Agreed.

ISSUE OF SUPPORT FOR THE VISUALLY IMPAIRED

INQUIRY—DEBATE ADJOURNED

Leave having been given to proceed to Inquiries, Order No. 39:

Hon. Asha Seth rose pursuant to notice of April 4, 2012:

> That she will call the attention of the Senate to the issue of support for the visually impaired.

She said: Honourable senators, thank you very much for such a grand welcome. Standing before you today in this chamber, I address you for the first time. I am deeply honoured. This great honour is unique not simply because I am in the company of some of the most distinguished luminaries of our great nation, but because only a few are privileged to experience this honour.

This chamber is sacred. This chamber is home to the conception of new ideas. This chamber is an august venue for thought and leadership, not only for the welfare of the nation but also for the world. This chamber nurtures great instincts for seeing national plans mature successfully. Here we identify areas of resource mobilization and embrace the challenge to convert hope into reality. Here we set aside partisan politics, prove that democracy is a process, not a prescription, and come together as a people.

Our great nation of Canada that we leave behind for our children will be largely shaped by the progressive visions and dynamic personalities of a few, and with leaders like you at the helm, this environment is ideal for vigorous growth and rapid development in every sphere possible.

I have often wondered: What constitutes greatness? No doubt it is service. When it comes to extending service to my beloved nation, what better podium could I have ever thought of and wished for?

As a little girl in India who never hesitated to dream, who became a doctor who practised for more than three decades, and to now serve in the Senate of our great nation, indeed, my journey has been long and eventful.

Years ago, when I took the Hippocratic oath, I thought it would be the most important promise I would honour for the rest of my life. Little did I know then that this day would come. Little did I know that I would be standing with you, upholding an oath to serve the citizens of a great country.

Honourable senators, Canadians are regarded all over the world as fair, as peacekeepers, as kind, as welcoming, as strong and as leaders. Therefore, to serve in the Senate of such a formidable force in the world is not a job; it is a higher calling.

First and foremost, I thank our Prime Minister, the Right Honourable Stephen Harper, for placing me in this venerable chamber to serve the Canadian people. Prime Minister, the Right Honourable Stephen Harper is the leader of one of the most powerful countries in the world, but we often forget to celebrate his passion for charitable ventures. Our Prime Minister is the kind of leader who not only takes us forward in the world, but also embraces the afflicted with open arms.

I thank our farsighted Minister of Citizenship, Immigration and Multiculturalism, the Honourable Jason Kenney, whose belief in my dedication to the nation is a great source of support.

I take this opportunity to thank my great supporters in the Senate: the Honourable Consiglio Di Nino; the Leader of the Government in the Senate, the Honourable Marjory LeBreton; the Speaker of the Senate, the Honourable Noël A. Kinsella; the Conservative whip in the Senate, the Honourable Elizabeth Marshall; the chair of caucus, the Honourable Rose-May Poirier; the Honourable Vim Kochhar; and all the super efficient staff in the Senate.

I thank all honourable senators for your very kind welcome.

• (1510)

My journey could be so enriching only because I had the privilege of meeting many wonderful human beings along the way. First and most important is my husband, Dr. Arun Seth. A dedicated physician, he is my pillar of strength who is always urging me to go out and help others. My daughters are Dr. Anila Seth Sharma, an endocrinologist, and Angie (Seth) Stanjevich, an award-winning journalist. They are all very busy professionals, but are always supporting my charitable endeavours with all their resources.

From the time I was five years old I began to nurse a whim. I wanted to be a doctor. It was considered wishful thinking, but when I was chosen from 15,000 applicants to attend a prestigious medical college in India, I realized anything was possible. Medical school was like a place of worship. I persevered and success came. I was fortunate enough to win the first prize for a paper on latent tuberculosis in Indian women. At that time, the Sino-Indian border conflict was raging. The despair of the wounded upset me beyond words, and I organized a blood donation clinic for the Indian Army. It was a great success.

After medical school in India, I moved to the United Kingdom. I was accepted at Belfast University Hospital, the University of London Hospital and the Queen Charlotte Hospital, one of the most prestigious hospitals for obstetrics and gynecology in the world. Since 1976, I have been a member of the staff at St. Joseph's Health Centre in Toronto. I also began to operate my private practice in obstetrics and gynecology. It seems just like yesterday, but time has flown, and for over three decades now I have delivered thousands of babies and served countless families. The little dreamer was also conferred the Council Award by the College of Physicians and Surgeons of Ontario. It is a great recognition of a skill and scholarship through which my peers call me an ideal physician.

Some years ago, I lost my beloved sister to cancer. It devastated me. I felt completely lost as a doctor because I could do nothing to help her. My sister inspired me all her life, and one day, as I was sitting beside her, she held my hand and asked me to promise not to cry when she was gone. She told me to be kind whenever possible. It is always possible.

It has been several years now, but the pain of losing her makes me move ahead, embrace new challenges and strive to do my best to make lives around me better, and I know that with every little gesture I am carrying her wish forward.

Charitable deeds always were and will be close to my heart, and the Canadian National Institute for the Blind, or CNIB as it is popularly known, features foremost among them. In the next two decades the number of Canadians with serious loss of vision is expected to double, taking the count to more than 1.5 million people.

Bearing the crisis in mind, I hope to raise awareness for the requirement of a national vision health plan for Canada. Canadians with disabilities often cannot participate fully in our society due to lack of access to information or services. It is imperative that our nation take advantage of the skills and ingenuity of all of our citizens.

CNIB is nearly a 100-year-old institution. The hours, the minutes put in by CNIB professionals and volunteers are not just numbers; they help so many men and women and children to become independent and participate in all spheres of life. We have the glaring example, Amanda Potvin, right here, right now with us today. Honourable senators, I would like to introduce Amanda Potvin.

Hon. Senators: Hear, hear!

Senator Seth: It was the year 2002. This beautiful child was born and right away was diagnosed with a genetic eye disease. Doctors told her parents, Sherri and James Potvin, that their little angel would never see our magnificent world, the world where her parents lived and laughed, the world where she, too, was meant to live and laugh. Every parent wishes for a better future for their children than their own, and to find that their precious newborn would not be able to avail herself of a full range of opportunities was devastating for Sherri and James.

Can you stand, Mrs. Sherri Potvin and Mr. James Potvin?

Hon. Senators: Hear, hear.

Senator Seth: It was the desperation of a lifetime, but for Sherri and James Potvin, it was a call to action. When Amanda was only four months old, Sherri and James contacted CNIB, and a condition that could ultimately claim all the privileges of little Amanda's life failed to draw her into an abyss. Amanda began to receive CNIB's Early Intervention Program services. CNIB staff came to her home to work with her. They lent her support not just to learn and grow but also to excel.

Later she received orientation and mobility training at CNIB and learned how to walk safely with a white cane. She also received a low vision assessment where CNIB experts offered tips for maximizing sight and instruction in the use of helpful devices that may enhance sight.

Today she has 20/200 vision with some remaining sight in her left eye, and she is a member of the CNIB Library. When Amanda grows up, she wants to be a doctor or teacher. It shows how far we have travelled. The absence of an organization like CNIB in Amanda's life could have sealed her fate, but CNIB's drive — along with the tenacity of the Potvin family to see Amanda succeed — would be directly responsible for her success as an individual.

Thanks to CNIB, Amanda will navigate her way through her world when she is an adult and her parents are not around to guide her every step of the way.

My deep appreciation goes to the courageous Potvin family, who found the strength to share their story with us today. Thank you.

Hon. Senators: Hear, hear.

Senator Seth: Clearly, no single institution can effectively combat the huge issue of blindness alone. A unified and national effort is urgently needed to address blindness. What we need is a firm resolve and a clear commitment to tackle this problem, and so I will continue to champion CNIB. Our eyes can become theirs, and together we can do it.

• (1520)

Now, as a senator, I have been handed a new sceptre, and I rejoice at this great opportunity to work with you and to serve my great nation and its people. In the end, one is not judged by how one lives one's life but the people one changes along the way.

Honourable senators, I thank you for your attention.

Hon. Senators: Hear, hear!

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

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague, the Honourable Vim Kochhar.

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

Hon. Senators: Hear, hear!

[*Translation*]

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is an honour for me to speak to Senator Cowan's inquiry to mark the 30th anniversary of the Canadian Charter of Rights and Freedoms, and at the same time,

recognize the important role that the Charter has played in Canadian society over the past 30 years. I would like to thank our honourable colleague for this excellent initiative.

I would like to speak briefly about the essence of this document and its place in the hearts of Canadians, as well as address in greater detail the impact that section 23 has on official language minority communities.

As others have so eloquently pointed out, since 1982, the Charter has played an important role in defining the fundamental values of our country. The Charter reflects the challenges of a modern, multicultural society and our country's linguistic duality. The Charter draws its strength from a universal understanding of human rights while emphasizing rights that are particularly relevant to Canadian history, including language rights.

[*English*]

The Canadian Charter of Rights and Freedoms has been nothing short of monumental for disadvantaged and marginalized groups. These groups may not necessarily have the ear of cabinet ministers or others at the centre of political power who must often seek to please the majority, but the Charter helps ensure that their rights are recognized and protected.

Over the last 30 years, the Charter has played an essential role in defining the character of our nation — a prosperous, just and enlightened society, one that welcomes newcomers and new ideas with enthusiasm. With the Charter in hand, Canadian judges have laid down decisions on issues ranging from abortion to Aboriginal land claims, same-sex marriage to safe injection sites.

For example, section 2 of the Charter addresses freedom of expression, and there has been some truly lasting jurisprudence in this area, including the limits to free speech. A key example can be found in the 1990 Supreme Court ruling that found an Alberta teacher who taught anti-Semitic propaganda to his students could not claim to be exercising his right to freedom of expression. This section also has allowed members of the media some important successes in advocating responsible journalism.

A particularly high-profile area of the Canadian Charter of Rights and Freedoms is section 15, the equality guarantee. One of the most important cases to make use of section 15 originates in my province, once again, of Alberta. In 1998, the Supreme Court of Canada invoked the equality rights set out in section 15 in order to strike down provincial legislation that would have allowed discrimination based on sexual orientation. In 1999, the high-profile case *M. v. H.* saw Canada take its first explicit steps towards legal recognition of same-sex marriage because section 15 of the Charter confirms that a law cannot define a "spouse" as a person of the opposite sex.

[*Translation*]

I would also like to point out some of the constitutional guarantees set out in the Charter with regard to language, which reflect ongoing and renewed efforts to recognize the principle of the equality of the two official languages. Section 16 of the Charter is the first in a series of sections that guarantee two official languages in Canada and ensure that language rights are protected in many public institutions. Section 16 expands on the language rights already set out in the Constitution Act, 1867, notably by allowing bilingualism in the federal public service. This was not completely new since Canada's Official Languages Act introduced this principle at the federal level in 1969. However, those laws were merely statutes, whereas section 16 of the Charter transformed a number of their key aspects into constitutional principles.

[*English*]

Any reflection on the impact of the Canadian Charter of Rights and Freedoms would certainly be incomplete without acknowledging section 25, which addresses Aboriginal rights. Canada's often marginalized Aboriginal peoples have been well served by the Charter. One of the defining Charter cases for Aboriginal rights, *R. v. Sparrow*, set in motion a critical element of jurisprudence for future relations between Aboriginal peoples and the Crown. The case developed a test for determining whether Aboriginal peoples' rights have been infringed under any of the provisions of the Charter of Rights and Freedoms. The so-called Sparrow test has been used since its inception by many experts as a way of measuring the extent to which Canadian legislation can limit Aboriginal rights.

[*Translation*]

Honourable senators, few of you will be surprised to learn that I was personally involved in fighting for the linguistic rights of francophone minority communities and for the right of the Franco-Albertan minority to education in its own language and control of its own educational institutions. That is why I think that any discussion on the impact of the Charter would be incomplete without underscoring the role section 23 has played. That section gives official language minority communities the constitutional right to be educated in their mother tongue and to manage their own schools when the number of students so warrants.

The section has been generously interpreted by the Supreme Court of Canada. The 1990 ruling in *Mahé* specifies the remedial nature of section 23, which seeks to curb the problem of assimilation and promote a dual vision of Canada. The court adopted the sliding scale approach to assess section 23 claims, stating that the numbers standard "will have to be worked out by examining the particular facts of each situation which comes before the courts." The court decided that in assessing the number, consideration had to be given not only to the number of eligible parents under section 23 who want to have access to a program or a school, but also to the number of students who might eventually use those services.

Thirty years ago, this recognition opened a dialogue on official language minority education systems in Canada, a dialogue between members of civil society and various levels of government, which quickly moved into the courts.

• (1530)

This dialogue would probably never have happened in Alberta and elsewhere in Canada without the Charter. Section 23 was a critical tool for francophones in minority communities because it recognized their existence and legitimized their demands in the area of education.

The Charter has been a major force behind the evolution of language rights and remains an essential tool for progress toward equality between Canada's two official languages. More specifically, section 23 is the reason that most of the French-language schools in official language minority communities across Canada exist.

It is no accident that education has been and remains a key issue for Canada's Francophonie. School is critical to the survival of language and culture. Schools are gathering places and serve to transmit knowledge that is indispensable to linguistic continuity, and they are even more important when a language is in the minority. Given the importance of education, section 23 is a positive right with a remedial nature that was clearly not enacted in the abstract. It must be interpreted in Canada's historical context, specifically in the context of the struggle of francophones in minority communities to create education systems that meet their needs.

Section 23 is therefore not the kind of provision typically found in the charters and declarations of other states or international organizations.

In his March 15, 1990, ruling, Chief Justice Dickson of the Supreme Court of Canada stated:

> The purpose of section 23 of the Charter is to maintain French-language culture and reduce assimilation. Section 23 is also designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the "equal partnership" of the two official language groups in the context of education.

The legal victories under section 23 made it possible to remedy certain shortcomings in the political process and allowed francophone minority communities, which have less electoral weight, to move forward with their demands. This is particularly true for my community, the francophone community in Alberta.

Before the Charter, there were no publicly funded French-language schools. As I pointed out recently in this chamber, despite the province's deep francophone roots and the strong presence of the Franco-Albertan community, in the past, the Province of Alberta first prohibited and then strictly limited French-language instruction in the province's schools. These decisions led to high rates of assimilation among Franco-Albertans but also sparked numerous efforts by this community to fight for access to and control over French-language educational institutions.

However, it was only after 1982 that it was possible to think about creating publicly funded French-language schools in Alberta. The entrenchment of the Charter in the Constitution gave legitimacy and legal weight to Franco-Albertan parents' demands, which eventually made it possible to change political decisions that were considered to be unfair.

As Serge Roussel, a law professor at the Université de Moncton, said recently:

> The inclusion of a person's right to education in his or her own language in the country's Constitution did not come about automatically. . . . Over the past 30 years, the courts have often had to remind our elected officials of their constitutional obligations. . . .
>
> Several examples of this come to mind, and they show that legal action is the only recourse available in the face of government inaction and the stubbornness sometimes demonstrated by certain elected officials.

Honourable senators, as I am sure many of you know, it was the legal action taken by three citizens of Edmonton in 1983 that ultimately forced the hand of the Alberta government. These people argued that the provincial government was depriving them of their legitimate right to manage and run a French language school under section 23 of the Charter. This case marked the beginning of a long process that ended in the Supreme Court in 1990. As I mentioned earlier, in March 1990, the Supreme Court of Canada ruled in the *Mahé* case that the purpose of section 23 was to preserve and promote the language and culture of official language minorities. More specifically, it confirmed the right of the minority to manage its own schools independently and with public funds.

Following the *Mahé* decision, school management was finally obtained in 1994 with the creation of French-language school boards, 12 years after the Charter's enactment. Important policies on student transport and access to increased funding, for instance, have been implemented since that time in order to promote the development of the Franco-Albertan community.

In other provinces, some governments have since provoked new legal action and new decisions, such as the *Arsenault-Cameron* case in 2000 in Prince Edward Island, which had to do with the formula used to determine the number of people required for a community to be able to exercise its rights under section 23. That Supreme Court ruling used important nuances and clarifications to strengthen and expand on the *Mahé* decision.

Honourable senators, thanks to section 23, francophone minorities have been able to defend their right to French-language education before the courts. The Supreme Court has paved the way for a broader and more generous interpretation of our language rights in order to redress past and present injustices with a view to achieving substantive equality between the official language communities and promoting their development.

[*English*]

There can be no doubt, honourable senators, that Canada has benefited from the rights entrenched in our Constitution by the Charter. We have flourished as a society that treats individuals with respect — one that practices responsible stewardship of individual rights. The Charter of Rights and Freedoms has added a whole new dimension to Canadian politics, not so much the creation of new rights but, rather, a new way of making decisions about rights.

Honourable senators, by and large, the Canadian people deeply value the entrenchment of their rights and freedoms in our Constitution. In 2010, the Association for Canadian Studies found that the 1982 Constitution and the creation of the Charter of Rights and Freedoms ranked third in a nationwide survey of

the country's most significant moments. In the eyes of Canadians, Confederation in 1867 and the creation of a public health system in the 1960s were the only events ranking higher in historical importance.

A 2010 Nanos Research study found that nearly 6 in 10 Canadians believe that the Charter is moving our society in the right direction. The majority also feel that it has had a positive effect on Canada.

• (1540)

[*Translation*]

In conclusion, I would like to quote from a speech given by the Chief Justice of the Supreme Court of Canada, the Right Honourable Beverly McLachlin, on the 20th anniversary of the Charter, which provides a good summary of the essence of the document. She said:

> . . . the uniquely Canadian character of the *Charter* is reflected in its emphasis on three kinds of rights: individual rights, tied to a conception of tolerance and respect; collective interests, bound up with an appreciation of the relationship of support and obligation between individual and community; and group rights, tied to a recognition that pluralism is one of Canada's animating values. The *Charter* reconciles these three types of rights, not as contending forces balanced precariously against each other in basic opposition, but as complementary rights, drawing strength and support from each other. . . . And, to the extent this is so, it resonates with Canadians' conception of themselves.

Honourable senators, in light of the progress that has been made since the enactment of the Canadian Charter of Rights and Freedoms with regard to our country's linguistic duality, among other things, I would like to say that I believe it is essential to mark the 30th anniversary of this milestone.

[*English*]

The Hon. the Speaker: Is it agreed, honourable senators, that the item remains standing in the name of the Honourable Senator Andreychuk?

Hon. Senators: Agreed.

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

RECREATIONAL ATLANTIC SALMON FISHING

ECONOMIC BENEFITS—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada.

Hon. Elizabeth Hubley: Honourable senators, let me begin by expressing my thanks to our former colleague Senator Meighen for calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada. In one of his final contributions as a member of this house, Senator Meighen presented a wonderful summary of the state of this industry as was detailed in a recent report from the Atlantic Salmon Federation. I thank Senator Meighen for initiating this inquiry and wish him well in his retirement.

This report by the Atlantic Salmon Federation clearly demonstrates the linkages between a healthy salmon population and the economic benefits Canadians, and particularly Canadians on the East Coast, can achieve from this resource. The report pegs the economic value of the wild Atlantic salmon at $255 million, including $150 million in direct gross domestic product, or GDP, contributions. About 4,000 full-time-equivalent jobs depend on this resource. In fact, the actual number of jobs is probably much higher because of the seasonality of this industry. Of the $150 million in contribution to GDP, most of that, or about $128 million, is directly attributable to the recreational fishery.

Recently released census results give us an official confirmation of what we all know. The weight of population and economic activity in this country is shifting to the Western provinces. Although this provides incredible growth potential in the Western provinces, economic opportunity is much more limited in regions like Atlantic Canada, particularly in the rural areas. This is precisely the region of the country that is most impacted by and receives the most benefit from the Atlantic salmon. The $150 million of direct GDP contribution from this industry is focused not in our cities but on the rural areas of these provinces, areas where people have limited choices to earn a living, other than uprooting their family and moving across the country.

Honourable senators, that is precisely why we need to protect this industry. It is estimated that the wild Atlantic salmon population is currently at less than 20 per cent of its historic numbers. This is a species that needs our protection and regulation if it is to survive and if our industry surrounding this species is to thrive.

The low point of the wild Atlantic salmon was only 10 years ago, when there were an estimated 418,000 salmon in the wild. While this seems like a relatively large number, the number was about 1.8 million in 1973, just a few years earlier. That number had risen to 600,000 by 2010.

What have we seen as the numbers fluctuate? Over the past few years, as the salmon starts to recover a little bit, the number of anglers chasing those fish has increased, and so the economic value also increases. From 2005 to 2010, as the number of fish started to climb, the number of anglers in the recreational fishery increased from 41,000 to 58,000 participants. Remember, these anglers provide direct economic benefit precisely to those areas of our East Coast where opportunities are limited and where the recreational fishery is the biggest component contributing to the value of this industry.

However, the wild Atlantic salmon stocks, while increasing, are not thriving. They still sit at a fraction of their historic numbers. It is the responsibility of the federal government, principally

through the Department of Fisheries and Oceans, to ensure that this resource is protected and conserved, both to uphold our moral responsibility to the environment and to maintain the economic livelihood of those areas that depend on this fishery.

Particularly on the East Coast, we vividly remember examples of fisheries mismanagement and the resulting costs to our communities. We have to ensure that this does not happen again. As noted in the report by the Atlantic Salmon Federation, the Committee on the Status of Endangered Wildlife in Canada has recommended that the wild Atlantic salmon be declared an endangered or threatened species in numerous areas of the Atlantic coast.

Honourable senators, if the wild Atlantic salmon stocks collapse, we lose this multi-million-dollar industry supporting rural areas of the Atlantic shore. The wild salmon recreational fishery needs proper scientific-based management to ensure that it is available in the future. The Department of Fisheries and Oceans has a stated policy goal concerning the conservation of wild Atlantic salmon, which is to maintain and restore healthy and diverse salmon populations and their habitat for the benefit and the enjoyment of the people of Canada in perpetuity.

However, despite the importance of this industry to some of our most economically vulnerable regions, the Department of Fisheries and Oceans' budget related to Atlantic salmon has been reduced by 75 per cent since 1985. On top of that, the department's budget was cut again in Budget 2011, and according to media reports, more cuts are looming in the next federal budget.

The report by the Atlantic Salmon Federation supports increasing the federal budget dedicated to wild Atlantic salmon by $15 million per year. This would go into conservation, restoration and education programs. With this investment, the federal government could truly assist with expanding this industry. The report points out that the return on this investment, solely based on the increased angler spending as the industry expands, would be in the range of 18 per cent, with the break-even point in six years. This does not even take into account the reduced need for other types of government support since the industry mostly affects rural areas with fewer opportunities.

It is the federal government principally, through the Department of Fisheries and Oceans, that has the mandate, the expertise and the authority to protect wild Atlantic salmon. We are at a critical point. Wild Atlantic salmon numbers have started to recover, but they are still endangered or threatened in many areas. Where the numbers are increasing, the related economic activity and benefit is also increasing.

• (1550)

This is not the time to further reduce the contribution of the federal government, but instead it is an opportunity for further investment. This is an industry with growth potential, but only if the federal government plays its role. Further investment is needed to allow this industry to grow, to support our rural communities and to protect the wild Atlantic salmon.

I urge the federal government to support this important fishery and to protect it for future generations.

(On motion of Senator Moore, debate adjourned.)

DOHA DEVELOPMENT ROUND

INQUIRY—DEBATE CONCLUDED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Harb, calling the attention of the Senate to the importance of Canada playing a proactive role in bringing about the successful conclusion to the Doha Development Round.

Hon. Mac Harb: Honourable senators may recall that I rose last month to call on the Canadian government to play a proactive role to ensure that the Doha Development Round proceeds. Despite their commitment, developed countries have been dragging their feet and the world's poorest people are paying the price.

Looking around the world, we see nations dependent on migrants' remittance — paycheques earned abroad and sent home — for up to 30 per cent of national gross domestic product. Remittances to developing countries were estimated at $351 billion in 2011. These payments support the countries, but leave them vulnerable to the economic health of the richer countries.

As well, migration does not solve the problem in regions such as North Africa, where more than 60 per cent of the young people are not participating in the labour force. These young people do not have Canada's social safety net to help them get by. They are forced to choose between a life of hopelessness, frustrations and unrest at home, or a life of risk and hardship trying to migrate to other countries.

All too often, we read reports of the overloaded boats and the bodies washed up on foreign shores. For those who make it, high unemployment in developed countries limits jobs and hardens attitudes against migration. The tensions grow.

In May 2011, the World Trade Organization, the OECD and the UN Conference on Trade and Development reported a rise in protectionism due to economic conditions, even though history has shown that protectionist measures actually stall growth and kill jobs. In these conditions, nationalism, in its most aggressive form, finds fertile ground for its message of intolerance and unrest. We have seen this before — most recently as a prelude to two world wars. Without a comprehensive multilateral trade agreement and a strong WTO, everyone loses.

However, due to the present WTO system of consensus, the chances of having an agreement in the near future are slim. With elections and leadership changes expected this year in the United States, France, Germany and China, politicians will avoid policies that appear to weaken domestic economies. With the global

economy uncertain and government debts at all-time highs, the EU, the U.S. and Japan will not be leaning toward making trade concessions.

However, we must look beyond these parochial concerns, and I believe Canada is best equipped to take the lead. We are a small but stable player in the world economy. I believe we can, as they say, punch above our weight.

[*Translation*]

Canada has to strengthen its commitment with regard to the multilateral trade system. It must renew its commitment to refrain from increasing protectionist measures and ensure that our country takes the important symbolic and concrete measure of opening our market to the least developed countries, without tariffs or quotas. Canada must support the WTO, but in reality it has not been very active. I say it is high time for Canada to take action.

[*English*]

The WTO needs to break the link between market size and political weight so that small and poor countries have a voice in the trade negotiations. We must limit the ability of individual countries to impede progress on priority negotiations.

We have to accept that not everything will be achieved right away. Experts from every organization that counts, including the World Bank, tell us that what is needed is a critical mass of the larger players to improve their offers on market access. Canada has the diplomatic strength and credibility to play a key role in achieving that critical mass tipping point —

The Hon. the Speaker: I regret to inform the honourable senator that his 15 minutes have now expired.

Senator Harb is asking for another five minutes; is that agreed, honourable senators?

Hon. Senators: Agreed.

Senator Harb: I only need two minutes, Your Honour.

There are many countries around the world that cannot make ends meet under the current global trading system. We see the effects — famine and fanaticism — effects that can spill beyond their borders.

Honourable senators, Canada must take the steps necessary now so that poor countries have a voice in trade negotiations and so that, ultimately, they have the capacity to support their people. They have waited way too long. They have waited long enough.

The Hon. the Speaker: Is there further debate?

If there is no further debate, honourable senators, this inquiry is considered debated.

(Debate concluded.)

(The Senate adjourned until Thursday, April 26, 2012, at 1:30 p.m.)

CONTENTS

Wednesday, April 25, 2012

Available from PWGSC – Publishing and Depository Services
Ottawa, Ontario K1A 0S5