



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 174

OFFICIAL REPORT
(HANSARD)

Thursday, June 13, 2013

The Honourable NOËL A. KINSELLA
Speaker

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

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Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Thursday, June 13, 2013

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

Prayers.

SENATORS' STATEMENTS

ISLAMIC REPUBLIC OF IRAN

PRESIDENTIAL ELECTION

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to voice my support for the Iranian people on the eve of tomorrow's presidential elections in Iran. Tomorrow's election will determine who is to be the next head of government for the Islamic Republic of Iran. It is a chance for Iran to chart a new course, one that honours the rights and aspirations of Iranian citizens and one that returns Iran to the table as a respected member of the international community. The Iranian people deserve and desire no less.

The Economist Intelligence Unit's Democracy Index places Iran 158 out of 167 states. The World Economic Forum's Global Gender Gap Index ranks the country 127 out of 135 countries. The World Press Freedom Index rates Iran 174 out of 179 countries.

Already, we have been told by Dr. Ahmed Shaheed, Special Rapporteur for the UN on the situation of human rights in the Islamic Republic of Iran that "the conditions for free and fair elections are sadly not present in Iran."

Tomorrow's elections will be the first time that Iranians have voted as a nation since the disputed 2009 elections, when the popular Green Revolution rose up in protest against irregularities. That movement was violently put down by the authorities, but it demonstrated the Iranian people's desire to vote freely and fairly, without fear, and their willingness to sacrifice personal freedom and security to assert their civil rights.

I ask you, honourable senators, to join with me and other Canadians in supporting the Iranian people as they exercise their democratic rights and in calling for a non-violent transfer of power in Iran.

QUEBEC SOCCER FEDERATION

BANNING OF TURBAN

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to deplore the decision by the Quebec Soccer Federation to prohibit Sikh players from wearing turbans. I strongly agree with Liberal Leader Justin Trudeau who said:

Barring kids from playing soccer because they wear a turban is wrong. The CSA is right to suspend the QSF.

Honourable senators, the turban is an integral part of the Sikh faith. It is considered an article of faith. The head is covered by both men and women. It is not an optional part of Sikh dress. The Code of Sikh Conduct and Conventions makes wearing a turban mandatory for Sikh men. The turban represents spirituality.

In many societies, it is considered important for women to demonstrate modesty and respect by covering their hair. In the Sikh faith, it is equally important for both men and women to demonstrate modesty and respect before God in the same way — by covering their hair. The turban reflects, in many ways, the equality between women and men in the Sikh faith.

Honourable senators, freedom of religion is a fundamental freedom under the Canadian Charter of Rights and Freedoms. Section 27 constitutionally enshrines the preservation and enhancement of the multicultural heritage of Canadians.

Honourable senators, I want to celebrate soccer coach Ihab Leheta and his team from Brossard, Quebec. The coach told the *Montreal Gazette*:

"I asked [my team] what was more important than this game... One said school, another said family, and then someone said injustice."

The *Montreal Gazette* reports:

Although there are no Sikh boys among the 18 team members, age 14 and under, Leheta asked them what they would do had one of them been excluded because of a turban....

With the enthusiastic support of his players and their parents, the coach headed off to the Sikh temple in LaSalle the next morning before the big match and borrowed 20 orange scarfs that the boys then donned as turbans at their game in Brossard....

"I was so proud of them," Leheta said. (They understood that today it's Sikhs (being banned) and tomorrow it'll be someone else.")

Honourable senators, meanwhile, Aneel Samra, an 18-year-old Sikh soccer player, is not able to play soccer because of the Quebec Soccer League's decision.

Forty years ago, when I was beginning my career as a lawyer, I fought alongside many others to secure the rights of religious minority groups in Canada. That fight continues today, honourable senators. Wearing a turban is not a choice. It is a mandatory article of faith, an expression of identity. For Aneel Samra and other Sikh men and boys, it is who they are.

I hope that honourable senators will join me in calling for the Quebec Soccer Federation to rescind its ban and to allow all Quebecers to participate in this truly global game.

CHILE

CANADIAN BEEF EXPORTS

Hon. JoAnne L. Buth: Honourable senators, I rise today to draw your attention to the recent news that Chile has fully opened its doors to Canadian beef.

On May 30, during the state visit by Sebastián Piñera, President of Chile, the Prime Minister announced that effective immediately Canadian exporters will have unrestricted access to Chile's beef market. In 2012, Chile imported \$827.7 million worth of beef products, representing a large potential export market for Canada.

The Canadian industry estimates that this renewed access is worth up to \$5 million annually with potential of up to \$10 million in three years. Chile is an important trading partner for Canada. Since the 1997 signing of the Canada-Chile Free Trade Agreement, two-way trade for all products has more than tripled, reaching almost \$2.5 billion in 2012.

In 2003, a number of markets, including Chile, ceased to import Canadian beef due to bovine spongiform encephalopathy, or BSE disease. Since then, Canada has strengthened existing BSE measures and introduced new ones to protect human and animal health, to maintain consumer confidence in Canadian beef products and to improve market access for cattle, beef and related products to countries around the world.

- (1340)

In Chile, efforts included high-level discussions between both countries, as well as visits to Canada by Chilean authorities to review and approve the Canadian beef inspection system. This led to the negotiation of export certificates, resulting in renewed access to Chile for all Canadian beef products.

This is excellent news for the many cattle producers in Canada, especially the 8,000-plus beef producers in Manitoba. Producers will benefit from this agreement, as well as agreements with other countries. There has been recent success in this area since the government has secured and restored market access for beef in a number of countries over the past year.

Canada exports \$40 billion per year in agriculture alone. Our government's focus on diversifying export markets, especially in agriculture and agri-food products, helps our economic growth as a nation.

[*Translation*]

Honourable senators, the government is continuing its efforts to guarantee access to the global market for a variety of products. Canadian producers in all industries, not just in agriculture, will benefit immensely from these efforts.

[*English*]

Honourable senators, please join me in recognizing the important achievement of full beef market access to Chile.

MR. ARTHUR IRVING, O.C., O.N.B.

Hon. Percy Mockler: Honourable senators, people do not care who we are until they know what we care for. I also believe that the true test of character and strong values is to consider someone's behaviour when no one is watching and to judge behaviour when it is not required.

Honourable senators, for those reasons, I am honoured and proud to recognize the great, steadfast leadership of Mr. Arthur Irving, from Irving Oil, in the energy sector.

I would like to pay homage today to a great New Brunswicker and Canadian, Mr. Arthur Irving, who will receive the 2013 Humanitarian Award for New Brunswick from the Canadian Red Cross.

[*Translation*]

I would like to pay tribute to an icon in our province's business world, one of the renowned Bouctouche Irvings, as La Sagouine would say. Arthur Irving, second son of Kenneth Collins Irving, took over Irving Oil after the death of his father in 1992. He turned it into a modern company that is at the forefront of progress, especially in environmental protection. Several years before sulphur emission standards were introduced in North America, Irving Oil was the first refinery on our continent to produce and sell low-sulphur diesel.

[*English*]

Honourable senators, this year also marks the tenth anniversary of the rerouting of shipping lanes in the great Bay of Fundy, widely credited to have saved the North Atlantic right whale population from decimation. This was accomplished through a partnership between Irving Oil, the New England Aquarium and many governmental agencies.

Arthur Irving has also been actively involved with Ducks Unlimited for over 40 years, serving either as president or director of the organization. One can also note his personal dedication to enrich Acadians, to enrich New Brunswickers, to enrich Canadians and to enrich the world in sharing the story of Beaubassin, our origin.

His contributions to Acadia University, Saint John area schools, the Fuel the Care program and many other worthy causes in Atlantic Canada and New England are truly outstanding. The Canadian Red Cross Humanitarian Award is well deserved, as were the Order of Canada and the Order of New Brunswick, bestowed to him in 2002 and 2012.

For his company's dedicated and sustained effort on the environmental front, Mr. Irving has received numerous accolades and awards, such as the prestigious U.S. Environmental Protection Agency Clean Air Excellence Award, making Irving the first oil company to ever receive this award.

In conclusion, honourable senators, it is indisputable and fitting to say that Mr. Arthur Irving has the ability to envision the future in the energy sector, much as Wayne Gretzky could envision where the puck would go.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of grade eight students from Pointe-des-Chênes school in Sainte-Anne-des-Chênes, Manitoba.

They are the guests of Senator Chaput.

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

[English]

ROUTINE PROCEEDINGS

SENATE ETHICS OFFICER

2012-13 ANNUAL REPORT TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Senate Ethics Officer, pursuant to section 20.7 of the Parliament of Canada Act, R.S.C. 1985, c.P-1, as am. by S.C. 2004, c.7; S.C. 2006, c.9.

YALE FIRST NATION FINAL AGREEMENT BILL

THIRTEENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Vernon White, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, June 13, 2013

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-62, An Act to give effect to the Yale First Nation Final Agreement and to make consequential amendments to other Acts, has, in obedience to the order of reference of Tuesday, June 11, 2013, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

VERNON WHITE
Chair

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

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

[Translation]

CANADA TRANSPORTATION ACT

BILL TO AMEND ELEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications presented the following report:

Thursday, June 13, 2013

The Standing Senate Committee on Transport and Communications has the honour to table its

ELEVENTH REPORT

Your committee, to which was referred Bill C-52, An Act to amend the Canada Transportation Act (administration, air and railway transportation and arbitration), has, in obedience to the order of reference of June 5, 2013, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DENNIS DAWSON
Chair

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

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

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON CURRENT STATE OF SAFETY ELEMENTS OF BULK TRANSPORT OF HYDROCARBON PRODUCTS— ELEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Richard Neufeld, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, June 13, 2013

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

ELEVENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, November 28, 2012 to examine and report on the current state of the safety elements of the bulk transport of hydrocarbon products in Canada, respectfully requests supplementary funds for the fiscal year ending March 31, 2014, and requests, for the purpose of such study, that it be empowered to travel outside Canada.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the *Journals of the Senate* on April 18, 2013.

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

Respectfully submitted,

RICHARD NEUFELD
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 2659.)

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

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

• (1350)

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

BILL TO AMEND—TWELFTH REPORT OF BANKING,
TRADE AND COMMERCE COMMITTEE PRESENTED

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 13, 2013

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWELFTH REPORT

Your committee, to which was referred Bill C-48, An Act to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation, has, in obedience to the order of reference of June 6, 2013, examined the said Bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

(For text of observations, see today's Journals of the Senate, p. 2648.)

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

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

INCOME TAX ACT

BILL TO AMEND—THIRTEENTH REPORT OF
BANKING, TRADE AND COMMERCE COMMITTEE
PRESENTED

Hon. Irving Gerstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, June 13, 2013

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

THIRTEENTH REPORT

Your committee, to which was referred Bill C-377, An Act to amend the Income Tax (requirements for labour organizations), has, in obedience to the order of reference of May 7, 2013, examined the said Bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

IRVING R. GERSTEIN
Chair

(For text of observations, see today's Journals of the Senate, p. 2649.)

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

[*Translation*]

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

BUSINESS OF THE SENATE

Hon. Céline Hervieux-Payette: Your honour, in the presentation of the report, the honourable senator forgot to mention that there were observations, too. I did not hear it.

The Hon. the Speaker *pro tempore*: It was mentioned.

Senator Hervieux-Payette: Okay. Can we read them?

The Hon. the Speaker *pro tempore*: It is too late now; we have passed on to another matter.

BROADCASTING ACT

BILL TO AMEND—FIRST READING

Hon. Pierre De Bané presented Bill S-220, An Act to amend the Broadcasting Act (directives to the Canadian Broadcasting Corporation).

(Bill read first time.)

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

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

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Mobina S. B. Jaffer introduced Bill S-221, An Act to amend the Criminal Code (exception to mandatory minimum sentences for manslaughter and criminal negligence causing death).

(Bill read first time.)

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

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

CONFLICT OF INTEREST ACT

BILL TO AMEND—FIRST READING

Hon. Joseph A. Day presented Bill S-222, An Act to amend the Conflict of Interest Act (gifts).

(Bill read first time.)

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

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

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

WINTER MEETING OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY, FEBRUARY 21-22, 2013— REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation to the Organization for Security and Co-operation in Europe Parliamentary Assembly respecting its participation to the 12th winter meeting, held February 21-22, 2013, in Vienna, Austria.

[*English*]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORTS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. David Tkachuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Committee on Internal Economy, Budgets and Administration be permitted, notwithstanding usual practices, to deposit reports with the Clerk of the Senate between July 1, 2013, and September 30, 2013, if the Senate is not then sitting, and the reports be deemed to have been presented or tabled in the chamber, as the case may be; and

That, notwithstanding any usual practice or provision of the Rules, any presented report deposited with the Clerk under the terms of this order be placed on the Orders of the Day for consideration at the next day thereafter during the session that the Senate sits and published in the Journals of that day.

• (1400)

[*Translation*]

QUESTION PERIOD

CANADIAN HERITAGE

NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

A few months ago I asked a number of questions about the budget cuts to Library and Archives Canada, which would affect Canadians' access to their archival records.

The leader told me that Library and Archives Canada was going to expand its services through the development of new technologies. Apparently, Library and Archives Canada signed an agreement with Canadiana, a private organization, on a project to digitize archival content and set up a paywall.

Under the agreement, millions of images from hundreds of publicly owned collections will be digitized and Canadiana will be granted exclusive rights for the next 10 years. Canadiana intends to finance the project by charging Canadians for access to the digitized material.

Will the leader of the government confirm that Library and Archives Canada intends to expand its services by charging Canadians for access to publicly owned historical content that taxpayers have already paid for?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Library and Archives Canada is a large, independently run organization that receives roughly \$100 million of taxpayers' money annually. We do not think that Canadians should have to pay again for access to our historical content, and it is incumbent upon the Archives to proactively and transparently communicate any new projects to Canadians.

Senator Tardif: Honourable senators, when the government shut down the National Archival Development Program last year, we were told not to worry because Library and Archives Canada would be providing more services to Canadians online.

What the leader did not tell us was that, to compensate for the cuts, Library and Archives would have to outsource its work and hand over exclusive rights to publicly owned material, and that Canadians would have to pay to view the content. Much of this content was bought by Library and Archives over the years with taxpayers' money.

Does the government think it is appropriate for Library and Archives to keep it out of the free public domain?

Senator LeBreton: I thank the senator for the question. I already made that clear in my first response. The minister, as Senator Tardif would know because he has been asked about this

himself, will ask the new president to take another look at the National Archival Development Program to see if it can be restored in a way that makes sense within the current budget.

Senator Tardif: Honourable senators, if Library and Archives Canada is the guardian of an important good, why was the deal it was going to make with this private company not discussed? Why was it kept secret? Why was it not discussed publicly or at least with the librarian and archivist community groups who were not consulted and who are saying that the secret nature of the deal makes it impossible to know whether it is good for Canadians?

In the words of Vancouver archivist Myron Groover, if decisions are going to be taken, they need to be held in a spirit of openness, transparency and consultation so that Canadians and professionals can be assured it represents the best choice. Why was that not done?

Senator LeBreton: Again, honourable senators, I will state that we, as a government, do not believe that Canadians should have to pay again for access to our own historical documents, and it is incumbent upon Library and Archives Canada to proactively and transparently communicate any new projects to Canadians.

As I pointed out, Library and Archives Canada is a large, independently run organization. They are the ones who would have to answer as to why this information was not public.

Senator Tardif: Honourable senators, will the leader assure Canadians that they will not have to pay extra to have access to these archival materials that have been digitized? Is the leader making that commitment?

Senator LeBreton: I said that we do not think Canadians should have to pay again for access to our own historical data and that it is incumbent upon Library and Archives Canada to proactively and transparently communicate any new projects to Canadians.

I think with respect to Library and Archives Canada, which receives considerable taxpayers' dollars, as I just mentioned, it is pretty clear what the government's position on this is.

PUBLIC SAFETY

CROSS-CULTURAL ROUNDTABLE ON SECURITY

Hon. Mobina S. B. Jaffer: Honourable senators, my question is also directed to the Leader of the Government in the Senate.

I first want to thank her for responding to my questions from April and earlier this month on the Cross-Cultural Roundtable on Security. I appreciate the response. I have reviewed the written response to my question that Senator Carignan tabled yesterday, and I have several specific follow-up questions, if I may.

The response stated:

A number of departments and agencies with national security mandates are regular participants to the meetings and bring issues to its table. Three meetings were held in 2012-2013. The Department assumes all meeting costs.

Honourable senators, on what dates were the three meetings held? I do not expect the leader to have an answer to that now, but could she please find out? How much did the government spend on the Cross-Cultural Roundtable on Security in 2012-13? How many meetings are planned for 2013-14? When will they be held? How much does the government plan to spend on the Cross-Cultural Roundtable on Security in 2012-13?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, of course Senator Jaffer would know that I would not have that kind of information at my fingertips, so I will definitely take the question as notice.

Senator Jaffer: I appreciate that. Will she please also find out which specific government departments and agencies with national security mandates participated in the meetings? What dates did each meet with the roundtable? Who are the 15 volunteer members appointed to the roundtable? Which cultural communities do they represent? Who chairs the meetings of the roundtable?

Senator LeBreton: Honourable senators, I will also take those as notice and respond by delayed answer.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

ABORIGINAL CHILDREN IN CARE

Hon. Elizabeth Hubley: Honourable senators, my question is directed to the Leader of the Government in the Senate.

For many years, I have been concerned about the growing numbers of Aboriginal children in care. In 2000, the estimate was that 30 per cent of all Canadian children in care were Aboriginal. Unfortunately, this number is growing and today we are seeing record-high numbers of Aboriginal children in child welfare care.

Data released from the 2011 National Household Survey shows that nearly half of Canada's 30,000 foster children under the age of 14 were Aboriginal. This is a shocking statistic and should be a wake-up call to us all.

Aboriginal families are struggling with poverty, inadequate housing, substance abuse and mental health issues, and this is taking a toll on their children. Further to this, programs to support parenting skills, addiction counseling and special needs education are vastly underfunded.

When will the government act and bring in supports that will help reduce the number of Aboriginal children in care?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, again, through the Department of Aboriginal Affairs, the government is actively engaged with Aboriginal leadership in many communities, obviously with the objective in mind of improving the quality of life of our Aboriginal citizens.

Just yesterday, the Minister of Aboriginal Affairs made an historic announcement in the province of Saskatchewan with regard to education, and this is the approach that he and the

government takes in working in all of these areas. Obviously, there are some very real issues and, of course, the growth in the population of Aboriginal youth is something that the government does spend a lot of resources on, not only financial, but human resources.

With regard to specific programs in this area, honourable senators, I will refer Senator Hubley's question to the Department of Aboriginal Affairs for further information.

• (1410)

FOREIGN AFFAIRS

FOREIGN SERVICE OFFICERS—LABOUR DISPUTE

Hon. Pierre De Bané: Honourable senators, as you know, the Professional Association of Foreign Service Officers, the bargaining agent for Canada's diplomats, is now in its third month of active protests. Their strike actions have included a series of rotating walkouts that affected visits abroad by the Governor General, the Prime Minister and ministers. The union has stated it will gradually escalate its pressure tactics. Their main complaint is a growing pay gap between foreign service officers and more highly paid public servants, who, they say are doing the same job, often working side by side.

The work of foreign service officers is crucial to the public it serves, and I would think that the government's priorities abroad would be difficult to achieve without their efforts.

Honourable senators, could the leader share with us what the government is doing to resolve this conflict? Does the government have a contingency plan in place in the event of a more general work stoppage?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. The Department of Foreign Affairs, of course, has been dealing with this particular issue. The government and the department have put on the table a very fair offer, fair to the employees and also fair to the taxpayers, and that is all I can say at the moment. I do believe that that is the stage of the negotiations. The offer has been made and we await a response.

NATIONAL DEFENCE

BUDGETARY EXPENDITURES

Hon. Roméo Antoinius Dallaire: Honourable senators, I have been going over last year's budget and have noticed that over the last two years National Defence has returned, on an average, about \$2.2 billion unspent. It is one thing to tell the country that you are giving money or putting money into the coffers of National Defence to continue its operational capabilities and even to enhance its capabilities to meet the future, but it is another thing not to let it spend the money.

Can the leader tell us why a number of the major Crown projects, which are the big spenders of funds, keep moving to the right and not delivering? We are spending a whole whack of

money in development but nothing in cutting steel and producing and providing new equipment in this substantive list that the government says it wants to implement for National Defence.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I think it is good news when any department of government does not spend all of its money. That means they are handling taxpayers' dollars frugally.

I wish to correct the record. We have not, as Senator Dallaire claimed, told them they could not spend it. It was within their budget. As I have reported before, honourable senators, in the wake of our unprecedented investments in DND and the Armed Forces since 2006, coupled with the end of the combat mission in Afghanistan in 2014, the responsibility of our government is, as you would expect and, I am sure, as the Canadian taxpayer expects, to balance the administration of these investments with taxpayers' interests. We are ensuring that the military capabilities are in place to defend Canada and protect Canadian interests, but as I said before, we are focused on reducing administrative costs while maintaining operational teeth in the Canadian Armed Forces. This is the direction that the Department of National Defence and the Canadian Armed Forces are going, and I think that is good news.

Senator Dallaire: Any government department that returns nearly 10 per cent of its proposed budget is not doing a good job for the Canadian people. It is hoarding money and then not spending it and thus preventing that money from being used more effectively within the budget year. The government would not have given that budget if they did not have a plan to spend it, and, yes, you can have economies. In fact, in the public service of the government, it is known that you can carry over from one year to another 2 per cent of your budget, and then if you fall within 1 per cent plus of that, you are considered to have done a very effective job. In fact, the EXs, the ADMs and DMs of those departments are rewarded in their salary if they come within those targets.

Please, there has to be another reason that DND cannot spend that money. Is it inside DND and its method of management? Is it the matrix where every other Tom, Dick and Harry in this town can put an objection to something from all sorts of sources and, in so doing, delay projects — they cannot get to cabinet — and, ultimately, you slip a year and that money is unspent?

Senator LeBreton: First, honourable senators, all departments of government submit their budget. At the end of the year, whether they found savings or have not spent all the money in their budget, that is good news, as opposed to years past when at the end of the fiscal year various departments ran around like on March madness trying to spend their budgets on items they perhaps did not need.

When it is the case of an individual, for example, if I prepare a budget for my own personal household for a year, and at the end of the year I have not spent 10 per cent of that budget, I am a happy camper.

The fact is all departments prepare their budgets, and the Department of National Defence is no different. I do understand that this whole issue is a matter that could be discussed at National Finance. Maybe there are areas in the budgeting

processes where they could be a little more precise when preparing the budget so that we do not have March madness, or we do not have unspent budgets at the end of the year. Perhaps they should be budgeting a little more closely to the reality of what they need.

Senator Dallaire: Honourable senators, again, I cannot believe what I am hearing. The government recently put in a report for spending on national security since 9/11 and cannot find \$3.1 billion, so do not tell me that DND does not know how to manage its money. There may be a more systemic problem.

Again, I cannot believe the leader is telling me that, when we are on a scale of billions, with staff of close to a thousand purely doing oversight of financial materials in a department that has as much of a headquarters staff as we see at National Defence and they are coming in up to 10 per cent off scale in their budget.

Now, if it was throughout the department, for example, in personnel and in capital, including infrastructure, one would say, well, there is a systemic problem in the overall management. However, the bulk of the money is coming from national procurement, which is vote 5 stuff that we used to send to vote 1, but this year we finally let a bit of money go to vote 1, and from that capital program. It is the capital program that is not delivering, and, in so doing, that equipment is not getting to the field within the timing that the leader's government promised.

Will we continue to see, because of procedural methodologies, maybe not only in National Defence but also in town here to get things approved, that the capital program is deliberately trying to be slipped to the right and those savings are thrown into the pot to reduce the deficit?

• (1420)

Senator LeBreton: Again, honourable senators, all departments of government prepare budgets. That you would be so distressed that they did not spend their whole budget is not surprising.

However, on the issue of procurement, since we took office, we have made key strides in renewing the equipment of the Canadian Armed Forces. For the air force, new cargo aircraft such as the Globemasters and new Hercules; for the army, tanks, trucks, light-armoured vehicles and Chinook transport helicopters; and for the navy, modernizing frigates and a National Shipbuilding Procurement Strategy that will help the navy to fulfill its missions at home and abroad.

I would say that any department that budgets an amount of money and fulfills its mandate, which the department of National Defence has most certainly done, and still has money left over at the end of the fiscal year is good news. We as a government have a stellar record not only in equipping our forces, but in equipping them with proper and up-to-date equipment.

Senator Dallaire: We will hear about those four C-17s for a long time and those fifteen Chinooks for an even longer time. Remembering that the original seven Chinooks were sold by a previous Conservative government and that the replacement of those Chinooks was cancelled by a previous Conservative government, you are catching up on errors of the past.

Madam Leader, the Chinooks have still not arrived, the new multi-role armoured vehicles are barely in production and your shipbuilding program has not cut one piece of steel. It is punching out a lot of paper but no steel has been cut.

I have here a list of 27 other major Crown projects that are not delivering and not coming in. A major Crown project is anything over \$100 million. There are delays like that significant ship we want to put up North where we started with eight and then went to six and God knows how many will be left. That one keeps slipping to the right, yet the Prime Minister has indicated that the Arctic is a primary priority for your government.

Will the troops get the tools in this decade or will we continue to push stuff to the right and promise that they will have equipment, but in the meantime they will have enough money to buy all the duct tape they need to keep their stuff going?

Senator LeBreton: First of all, if I were a Liberal, I would never raise the question of helicopters. Remember “zero helicopters”?

With regard to the Arctic offshore patrol ships, we have and we will continue to do what it takes to get the best ships, to build them in Canada, to ensure best value for the taxpayers and to provide for Arctic sovereignty. All of the information is transparently available on the shipbuilding secretariat website. This is a process we have gone through with regard to our National Shipbuilding Procurement Strategy, and we have put in place rigorous independent oversight and shipbuilding expertise from the very beginning. This has been well applauded by everyone involved with the process. This is a long-term industrial strategy that will mean jobs and economic growth. Most of all, it will mean stability for the industry and at the end of the day provide that very vital equipment for our men and women in the Royal Canadian Navy and the Coast Guard.

Hon. Terry M. Mercer: Honourable senators, I think the essence of the argument is that National Defence is returning a lot of money to the treasury, and all the government is giving is a lot of promises and hot air to National Defence. We have four Cyclone helicopters sitting in a hangar at CFB Shearwater that our men and women are not allowed to touch. They are not allowed to put their fingers on these aircraft that have been sitting there for months, if not years. Four helicopters are sitting there and they are not allowed to touch them.

It is strange for this government to talk about fiscal management because \$3.1 billion is missing out of the national security operation. Three things could have happened to that \$3.1 billion. One, you could have spent it on what it was budgeted for, but we are told that did not happen. Two, you could have spent it on something you had no authorization from Parliament to spend it on. The third option is that somebody stole the money. Which one of those options is it? Did they steal it or did you spend it on something you had no authorization to spend it on?

Senator LeBreton: That particular helicopter program, as you know full well, was started under the previous government and there actually are no helicopters —

Senator Mercer: I have seen them!

Senator LeBreton: They do not belong to us, because there have been no helicopters delivered to us.

If I were you, Senator Mercer, I would never broach a question in this place about millions of dollars that have been stolen.

Hon. Hugh Segal: Honourable senators, on a supplementary question to the Leader of the Government in the Senate, I very much appreciate the point she made about the ambitious program of supplying materiel for our troops in Afghanistan. I think the Churchill notion of “Action This Day” was followed by our government, to its credit, in a way that was supportive of our mission in that country: Globemasters, helicopters, armoured personnel vehicles and others.

As you will know, the minister of the Treasury Board announced a performance management system for senior civil servants and the civil service generally. I wonder whether the leader might undertake to use her good offices with her colleague to ask that the civilian side of the Department of National Defence be assessed on a basis of performance and output as opposed to input and delay. I think the uniformed side is paying a price for civilian bias that is — and I am not blaming the government for this — slowing things down, creating a longer period of time before procurement can take place, all of which has the inadvertent impact of lessening of the effectiveness of our troops, something which I know our government would not in any way support. Any representation she might make with respect to a performance management system tied to management by objective and results in Defence on the civilian side I know would be deeply appreciated.

Senator LeBreton: I thank the senator for the question. As you know, the new performance management regime is being put in place to ensure that we are employing the public service to its fullest potential. The goals of this program are, first, to recognize and reward excellent performance; second, to work with all employees to maximize performance; and, third, to deal decisively with unsatisfactory performance.

Senator Segal has discussed an issue about a department that is particularly unique because it has a very large civilian component and then a very large military. I would most certainly, as part of the performance management regime, make sure that the civilian side is very mindful of the responsibilities that we put on the military side to perform their duties, because they are the front-line employees of that department on behalf of all Canadians.

• (1430)

REMOVAL OF EQUIPMENT FROM AFGHANISTAN

Hon. Percy E. Downe: Honourable senators, I have a supplementary question regarding the equipment that was used in Afghanistan. I wonder if the government could provide an inventory of what was actually left behind in Afghanistan, and the value of what was left behind when we departed.

Hon. Marjory LeBreton (Leader of the Government): I believe that I have seen the comment of the Minister of National Defence, Senator Downe. There are still personnel there, to this day — we are still working to train — and of course we still have our forces there until 2014.

There is a program under way to remove all of our equipment as much as possible out of Afghanistan. I would not have that information readily at hand, Senator Downe, but I will take your question as notice for a delayed answer.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Dyck on February 14, 2013, concerning Aboriginal women.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

MISSING AND MURDERED ABORIGINAL WOMEN— ROYAL CANADIAN MOUNTED POLICE

(*Response to question raised by Hon. Lillian Eva Dyck on February 14, 2013*)

Public Safety response:

As announced in 2010 and confirmed in Budget 2012, Public Safety Canada (PS) is receiving \$5.7 million over five years (2010-2015) to work with Aboriginal communities to develop community safety plans. Since the announcement, PS has trained over 190 people to be facilitators and/or community champions and has supported through facilitation the delivery of community development workshops in 25 Aboriginal communities that build upon strengths of the community, addresses gaps and identifies need for the development of community safety plans. PS is also investing in the development of a First Nations domestic violence tool and has continued to work around issues of reserve to urban migration.

The Royal Canadian Mounted Police (RCMP) established the National Centre for Missing Persons and Unidentified Remains (NCMPUR) in 2011. Funding for the NCMPUR began in 2010 with \$10M provided over five years at \$2M per year ending March 31, 2015. The NCMPUR has the mandate of supporting law enforcement agencies, medical examiners and chief coroners with missing persons and unidentified cases on a national level.

In January 2013, the NCMPUR launched Canada's Missing, a national public website containing profiles of missing children, missing persons and unidentified remains. The website allows the public to submit tips on cases and is supported by a database which also provides the public with the ability to search published profiles according to biometric data and geographical information.

The Missing Children/Persons and Unidentified Remains Database, the first national police database specifically for these cases, is under development. Expected to be

operational in 2013, it will allow for enhanced comparative analysis across jurisdictions or agencies by the NCMPUR and designated regional centres.

Online as well as in-class training for investigators is being developed. In 2012, the NCMPUR, in partnership with the Canadian Police College, piloted an advanced investigators course. The first two online courses were available January 2013, via the Canadian Police Knowledge Network. An additional three are under development.

Best Practices in the investigation of missing persons and unidentified remains cases were published in 2013. Gathered by the NCMPUR in consultation with subject matter experts from across Canada, these have been made available to Canadian police services as well as to coroners and medical examiners.

Additional NCMPUR initiatives include a Multi-disciplinary Multi-agency Missing Persons Investigations Initiative to advance investigations, partnering with MSN Canada on a series of articles and hosting a Non-Governmental Organizations/National Aboriginal Organizations Website Consultation Forum.

The RCMP is a long-term, active participant in the Saskatchewan Provincial Partnership Committee for Missing Persons (PPCMP). In January 2006 a number of organizations with interest and expertise in dealing with missing person cases created a committee consisting of over 17 members, including First Nations representatives.

The PPCMP held meetings with police investigators and the families of missing persons in 2007 and 2009. A report outlining recommendations resulting from these meetings is available on the Saskatchewan Justice Website: www.justice.gov.sk.ca/MissingPersons. The website also provides many resource tools available to the families of Missing and Murdered Aboriginal Women, including a media toolkit, information on Missing Person and Presumption of Death Act, a list of aboriginal, community, governmental and non-governmental organizations, missing person checklist for families and their Strategic Business Plan. As part of the PPCMP initiatives, Saskatchewan declared the first week of May 2013 as "Missing Person Week", with a theme of "Dispelling the Myths of Missing Persons". Many events were planned around that week, including the release of a video by the RCMP Saskatchewan Association of Cold Case Investigators, featuring five missing person cases.

The Saskatchewan Missing Person website, launched on April 6, 2006 by the Saskatchewan Association of Chiefs of Police, is located at www.sacp.ca and provides information to families, the public, media and police.

Missing Person Liaisons in victim services units in the three largest municipal police services assist families, including Aboriginal families, in dealing with loss, liaising with police, and providing guidance when dealing with the justice system.

Victims Services also funds two program areas to respond specifically to the needs of Aboriginal victims: Aboriginal Resource Officer (ARO) Program which assists Aboriginal victims of crime and their families by providing information, support, advocacy and referral services; and Aboriginal family violence program that help Aboriginal families living in five urban centers deal with various forms of abuse/violence in five communities.

The PPCMP met with families of missing persons in Saskatchewan in 2007 and 2009. These meetings between families, police and the PPCMP resulted in valuable collaboration and communication. Further, Saskatchewan RCMP has been in touch with family contacts for their missing Aboriginal women/girl investigations, as well as their unsolved murdered Aboriginal women investigations. Members of Historical Case Units made contact with families between 2010 and March 2013, sent letters in an effort to update family contacts, and to obtain DNA from family members to assist in identifications in found human remains cases.

Justice response:

The Government of Canada has been concerned about the issue of missing and murdered Aboriginal women and girls for many years.

Indeed, the Government funded the work of the Native Women's Association of Canada (NWAC) to determine the scope of this issue, providing \$5 million over five years (2005-2010) through Status of Women Canada to their Sisters in Spirit initiative.

When NWAC's research showed a disturbingly high number of missing and murdered Aboriginal women across Canada, the Government responded by taking action in 2010 with an additional investment of \$25 million over five years for a seven-point strategy to improve law enforcement and justice system responses, so they can better meet the needs of Aboriginal women and their families.

That strategy included investments to:

- establish a new National Centre for Missing Persons and Unidentified Remains, working with a Committee of the Canadian Association of Chiefs of Police;
- work with Aboriginal communities to develop community safety plans;
- support the development and adaptation of culturally-appropriate victim services for Aboriginal people, and specific services to support the families of missing and murdered women;
- support the development of school and community pilot projects aimed at reducing vulnerability to violence among young Aboriginal women;

- support the development of public awareness materials to help break intergenerational cycles of violence affecting Aboriginal people; and,
- develop a compendium of promising practices to help Aboriginal communities, law enforcement, and justice partners in future work.

That seven-point strategy was in addition to significant investments that the Government has focused on making over recent years in a number of core areas, including family violence prevention; child and family services; on-reserve housing; economic security and prosperity; education; health; policing; and urban living, working closely with Aboriginal organizations and communities, and with provincial and territorial partners. Much of this action is in response to myriad studies identifying the root causes of disproportionate risks of violence and victimization in Aboriginal communities, and in response to a large number of recommendations from those studies and from other commissions and inquiries.

Projects funded are producing results, and more successes can be expected as additional projects come to fruition.

In addition, on February 14, 2013, the House of Commons voted unanimously to establish a special Committee to review the question of missing and murdered Aboriginal women and to suggest additional solutions. The Special Committee on Violence Against Indigenous Women held its first meeting on March 26, 2013.

We know from the work of the Native Women's Association of Canada, the earlier work of the Manitoba Aboriginal Justice Inquiry and the Royal Commission on Aboriginal Peoples, and from the work of many others, that the higher vulnerability of Aboriginal women and girls to violence is a complex issue requiring coordinated attention from Aboriginal organizations and communities as well as from all levels of government. Coordinated action from federal, provincial, and territorial departments responsible for justice, public safety and policing, gender issues, and Aboriginal affairs, working with Aboriginal people and other stakeholders to develop more effective and appropriate solutions in each community, is necessary to bring lasting change. There have been results from this collaborative action as well, such as the work of the FPT Missing Women's Working Group, who produced a report with 52 recommendations. The FPT Working Group on Aboriginal Justice, which is currently working on a national justice framework to coordinate federal, provincial and territorial actions across the law enforcement and justice spectrum to address violence against Aboriginal women and girls at the request of Ministers. Putting all of this work and earlier recommendations together with the continuing work of the Native Women's Association of Canada, there is already a clear picture of what needs to change, and even of what steps need to be taken by whom to achieve that change. Together, we are working toward that future.

Because of the complex and interrelated causes of this vulnerability to violence, creating lasting change will take time, and concerted effort. Lasting change will be gained

community by community. The problems are just too complex and too tightly interwoven to resolve in any other way. This is why the Government has focussed on community safety planning, as communities are in the best position to identify for themselves what change is needed, and to establish priorities. Another key goal is finding better ways to support Aboriginal victims of crime, as well as meet the specific needs of families of missing and murdered Aboriginal women.

With regard to the Saskatchewan missing persons liaison officers, with funding provided by the Government of Canada Victims Fund, the Saskatchewan Ministry of Justice, Victim Services Division, has created three specialized Missing Persons Liaison positions in the Regina, Saskatoon and Prince Albert municipal Police-Based Victim Services units to provide direct support to families of missing Aboriginal women and other missing persons. The project is not associated with the RCMP and so it would be inappropriate for the RCMP Chief Superintendent to make any announcements on this project, although the Missing Persons Liaison officers will offer training to RCMP detachments, and may consult with the RCMP on how best to assist families of missing persons in relevant cases.

This project was announced by the federal and Saskatchewan Ministers of Justice in February, 2012 — http://www.justice.gc.ca/eng/news-nouv/nr-cp/2012/doc_32707.html. In addition, in March 2012 and June 2012, the program was discussed in detail during province-wide conferences. In the June 2012 conference, victim services from all municipal and RCMP detachments in the Province of Saskatchewan were present.

Finally, with regard to progress on the \$25 million that was allocated in 2010 over five years for a seven-point strategy aimed at improving the response of law enforcement and the justice system to cases of missing and murdered Aboriginal women and girls and increasing community safety, some of the work accomplished to date is highlighted below.

Enhancing Victim Services

In Canada, the provincial and territorial governments provide victim services. Victim services are available to Aboriginal people in each jurisdiction. In many jurisdictions, victim services are taking a proactive, responsive approach to adapt existing services and/or develop new services to respond to the unique needs of Aboriginal victims of crime.

The federal government works closely with the provincial and territorial governments to increase their capacity to support Aboriginal victims of crime as well as the families of missing or murdered Aboriginal women. In 2010, the Government of Canada took concrete action by dedicating an additional \$1 million annually to the Victims Fund to help the provinces and territories adapt or develop culturally appropriate victim services for Aboriginal victims of crime and enhance services for families of missing or murdered Aboriginal women. Justice Canada is currently working with the British Columbia, Alberta, Saskatchewan, Manitoba and Ontario Governments on specific projects,

as well as with Aboriginal organizations in British Columbia, Saskatchewan and Manitoba. Further projects are under development.

Reducing Vulnerability to Violence

The Department of Justice Canada has provided a substantial amount of funding directly to community organizations as part of its overall efforts to reduce violence and improve safety for Aboriginal women and girls. Approximately \$2 million has gone directly to about 30 organizations for activities aimed at reducing violence against Aboriginal women. Aboriginal and community groups who work in the area of violence prevention and victim services are eligible to receiving funding to support the development of school-based and community programs that aim to reduce the vulnerability to violence of high-risk young Aboriginal women and girls by promoting resilience and alternatives.

Awareness Activities to Break Intergenerational Cycles of Violence and Abuse

Aboriginal organizations can also apply for funding to support the development or distribution of awareness materials and activities that contribute to breaking intergenerational cycles of violence and abuse in Aboriginal communities that result in Aboriginal women and children facing higher risks of violence.

Compendium of Promising Practices to Reduce Violence

As another response to the disturbing number of missing and murdered Aboriginal women, the Department of Justice Canada has worked with a number of Aboriginal contractors to prepare a *Compendium of Promising Practices to Reduce Violence & Increase Safety of Aboriginal Women in Canada*, which is available online at <http://www.justice.gc.ca/eng/pi/fv-vf/rep-rap/cpp-rpp/index.html>. The Compendium presents key information on promising practices that respond to issues communities face with respect to reducing violence and improving safety for women and girls. It provides a resource for community groups seeking to build on the experience of other Aboriginal communities as they address similar challenges in their own communities.

These specific initiatives are in addition to the significant investments, made for many years, to address the underlying factors that contribute to the vulnerability of Aboriginal women to violence. Much of the ongoing action to address these factors is through partnerships with Aboriginal organizations and communities on economic development, education, labour market participation, housing, health, family violence programming, policing, and other relevant areas.

In concert with preventing violence, we must, and we will, resolve outstanding cases of missing and murdered Aboriginal women. This work is basic to our criminal justice system. All Canadians expect the perpetrators of such crimes to be identified and dealt with as a matter of basic respect for individual lives. Like all families and communities, Aboriginal families and communities need to heal.

Many more projects and initiatives are underway, and more work is needed. The Government of Canada recognizes the need to work closely with Aboriginal organizations and communities to develop more effective, appropriate, and collaborative responses to help ensure the safety of women in Canada. We know we must work to prevent any further disappearances or deaths of Aboriginal women and girls.

[English]

... the Honourable Stéphane Dion eloquently presented three reasons that justify bilingualism...

[Translation]

How did we go from “some reasons” to “three reasons”? Erroneously stating the number of reasons certainly causes confusion, since I actually listed more than three in my speech.

I am not bringing this up to criticize the work being done by our interpreters and translators. However, I think it is important to raise this issue, and I hope that corrections will be made to my speech. I also urge you to be very vigilant and remember that if you are relying on a translation, there may be errors. You should always check.

[English]

The Hon. the Speaker: I thank the honourable senator for raising the point of order. The chair accepts the corrections identified by the honourable senator and orders that the record now reflect the correction of the errors that were made.

ORDERS OF THE DAY

POINT OF ORDER

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today on a point of order, because I would like to draw the attention of the Senate to two translation errors that I believe are very important to point out.

When I gave my speech on Bill C-419 on June 11, 2013, I delivered it in French. I always check both the French and English versions of the *Debates of the Senate*.

I was very surprised to see that there were two serious errors that changed the meaning of my speech.

The first error is very serious, since, as I mentioned, it changes the meaning of the sentence and also the point of my entire speech.

What I said in French was:

Permettez-moi d'insister sur le bien-fondé de ce projet de loi en vous soumettant quelques commentaires relatifs aux amendements qui ont été proposés au comité par rapport au projet de loi initial.

The English translation says:

[English]

...I would like to emphasize the merits of this bill while sharing some comments with you regarding some of the amendments proposed in committee to improve the original bill.

[Translation]

How did we get from “par rapport” to “to improve”? The two have nothing to do with each other. Moreover, in part of my speech I said that the amendments diminished the scope of the bill and certainly did not improve it, as indicated in the English version.

The second error has to do with an incorrect number of reasons. I will explain. What I originally said in French was:

L'honorable Stéphane Dion, lors de son discours à l'étape de la troisième lecture de projet de loi C-419, le 29 mai dernier, a présenté des raisons [...]

The English translation is as follows:

[Senator Carignan]

NATIONAL DEFENCE ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Doyle, for the third reading of Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts;

And on the motion in amendment of the Honourable Senator Dallaire, seconded by the Honourable Senator Moore, that Bill C-15 be not now read a third time, but that it be amended,

(a) in clause 4, on page 4,

(i) by replacing lines 11 to 13 with the following:

“(3) The Vice Chief of the Defence Staff may, in exceptional circumstances, issue instructions or guidelines in writing in respect of a particular investigation if the Vice Chief of the Defence Staff considers that operational exigencies so require, and shall include reasons in writing for issuing the instructions or guidelines.”, and

(ii) by replacing lines 16 to 23 with the following:

“section (3), together with the reasons for having issued them, are made available to the public without delay.

(5) If the Provost Marshal considers that it would be in the best interests of the administration of justice not to make an instruction or guideline, or a part of one, and the reasons for having issued the instruction or guideline available to the public at an earlier date,

the Provost Marshal may delay making the instruction or guideline, or that part of it, and the reasons available to the public until,

- (a) if no charge is laid or preferred as a result of the particular investigation, the end of one year after the investigation is completed; or
- (b) if a charge is laid or preferred as a result of the particular investigation,
 - (i) the end of one year after all proceedings related to the charge are completed and all levels of review or appeal related to the charge are exhausted, or
 - (ii) if the charge is withdrawn, the end of one year after the charge is withdrawn unless during that year a charge is laid or preferred as a result of the particular investigation.
- (6) Nothing in this section precludes
 - (a) a member of the military police from making a complaint under section 250.19; or
 - (b) a finding, in respect of a complaint made under section 250.19, that improper interference with an investigation has occurred.”;
- (b) in clause 8, on page 5, by replacing lines 27 to 32 with the following:

“of a grievance if the Chief of the Defence Staff does not act on a finding or recommendation of the Grievances Committee.”; and
- (c) in clause 75, on page 49,
 - (i) by replacing line 7 with the following:

“89, 90, 91, 96, 97, 99, 101, 101.1,” and
 - (ii) by replacing lines 11 to 15 with the following:

“(i) detention for a period not exceeding 30 days,

(ii) a severe reprimand,

(iii) a reprimand,

(iv) a fine not exceeding basic pay for one month, or

(v) a minor punishment; or”.

Hon. Joan Fraser: Honourable senators, I rise to speak in support of Senator Dallaire’s amendment. As Senator Dallaire said in the chamber yesterday, there are many good things in this bill, and I know that it has been a long time in the drafting and that careful consideration has gone into its creation. I support much of it.

However, it is definitely not perfect, and Senator Dallaire’s single amendment with several parts would help to bring it closer to perfection.

I want to speak in particular about one portion of his amendment, and that is the one contained in subparagraph (a). This has to do with the fact that a proposed section of the National Defence Act, proposed in the bill now before us, would allow the Vice Chief of the Defence Staff to issue instructions or guidelines in respect of a particular investigation being carried out by the military police.

Honourable senators, while I think I understand the reasoning that led to it, that is an extremely dangerous proposition as it now stands in this bill.

As the Military Police Complaints Commission told the Standing Senate Committee on Legal and Constitutional Affairs, it goes to the heart of a very important part of the accountability framework that was drawn up in 1998 in the wake of the tragic Somalia affair, which we all recall all too well. One section of the accountability framework affirms the authority of the Vice Chief of the Defence Staff to give general direction to the Canadian Forces Provost Marshal, the person in charge of the military police — “general direction.” It goes on to say that the Vice Chief of the Defence Staff shall not direct the Provost Marshal with respect to specific military police operational decisions of an investigative nature. It also says that the vice chief will have no direct involvement in individual ongoing investigations.

The accountability framework set up that provision for very good reasons. It is a well-accepted principle in this country, and in others, that the police should operate independently of interference by their political or administrative masters when it comes to individual investigations. This is a well-known principle. The reason for that — if I may draw a parallel with the civilian police system — is precisely to avoid improper interference with police investigations: We do not want the minister or the mayor of a city with regard to a municipal police force telling the police what to do, whom to investigate, how to investigate them, or when to stop an investigation if it is touching on a friend of the regime. That should be absolutely clear. We do not do that.

• (1440)

I would draw to the attention of honourable senators the 1999 decision of the Supreme Court of Canada in *R. v. Campbell*, which was about the RCMP and not about the military police, but the principle is applicable it seems to me.

The Supreme Court said:

... an RCMP officer in the course of a criminal investigation [is]... independent of the control of the executive government.

The Supreme Court referred to a famous decision by the great British jurist, Lord Denning, in 1968, who said:

I have no hesitation, however, in holding that, like every constable in the land, he —

— “he” being the Commissioner of the London Police —

— should be, and is, independent of the executive.

... he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must,

or must not, prosecute this man or that one.... The responsibility for law enforcement lies on him.

The parallel with the military police system is, of course, that the Vice Chief of the Defence Staff would stand in comparable position of authority over the military police, and it is the Provost Marshal who would stand in the place of a civilian chief of police.

Professor Kent Roach, of the University of Toronto Faculty of Law, has concluded that the proposed new authority as it stands violates core concepts of police independence, and does so to such an extent that it could well run afoul of the Constitution.

Why are we doing it? Well, it was explained to us that there can be occasions when, because of the particular nature of the military, an investigation by the military police could run afoul of operational requirements. To pick a possibly extreme but possibly not extreme example, one would not want the police running around in an area where the bombs were about to fall, and someone ought to be able to tell them to get out of there. It seems reasonable. It is reasonable, in my view.

The problem with the bill as drafted is that there are no limits on the ability of the Vice Chief of the Defence Staff to interfere in specific individual investigations by the military police.

The only safeguard is that the Provost Marshal shall ensure that the instructions to the interference shall be made public, unless the Provost Marshal considers that it would not be in the best interests of the administration of justice to make it public. There is no timeline; there is no requirement; and there is no definition of the circumstances in which specific instructions could be given to the military police, nothing.

Senator Dallaire's amendment, which was very carefully thought through, would set such limits. It would say that the vice chief may interfere in writing in exceptional circumstances if the vice chief considers that operational exigencies so require. This cannot be just a question of, "I like Joe; stop investigating Joe." There has to be a military operational need and it has to be an exceptional circumstance. I think that is reasonable.

Then Senator Dallaire's amendment would ensure that the instructions, together with the reasons for having issued them, were made available to the public without delay.

We all know that one of the best ways to bury something embarrassing is just to make it public way down the line, after everyone has forgotten the original circumstance. This amendment would say, "Do it without delay, unless the Provost Marshal thinks that it would be appropriate to delay," but even then the Provost Marshal could not delay forever. The Provost Marshal could delay until one year after the investigation is completed if no charge is laid as a result of the investigation or, if a charge is laid, one year after all proceedings relating to that charge were completed or, if the charge is withdrawn, one year after that.

These seem to me reasonable requirements that reflect the fact that the military sometimes operate under extreme conditions and circumstances that most of us, thank the Lord, never experience. That does not mean that they can be exempt from the

fundamental principles of our constitutional system. The idea must be to achieve an appropriate balance between their requirements and circumstances, which are unique, I agree, and the fact that every citizen of Canada is entitled to constitutional protection. I submit to honourable senators that that is what Senator Dallaire's amendment would achieve. I strongly recommend that we vote in favour of it.

I do not believe that there were nefarious intentions behind the drafting of this particular clause of the bill. I do not believe that at all. However, if we adopt this bill as it is now proposed by the government, we will be going straight back to the situation we were in that allowed the Somalia affair to occur. We do not want that. Please, I urge all honourable senators to support the amendment.

The Hon. the Speaker: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I thought the nays had it, so two people had to rise. Did I hear right?

The Hon. the Speaker: I declared that the yeas had it.

[*English*]

I saw two senators rising, so I ask the whips if they have advice as to the time of the vote.

Senator Marshall: Thirty minutes.

Senator Munson: Thirty minutes.

The Hon. the Speaker: Am I to understand that the Chief Government Whip and the Chief Opposition Whip have agreed on a 30-minute bell?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Therefore, the vote will take place in 30 minutes, which is at 3:17 p.m.

• (1520)

Motion in amendment negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Baker	Jaffer
Campbell	Joyal
Chaput	Kenny
Cordy	Lovelace Nicholas
Cowan	Massicotte
Dallaire	Mercer
Day	Mitchell
Downe	Moore
Dyck	Munson
Eggleton	Ringuette
Fraser	Rivest
Furey	Robichaud
Harb	Smith (Cobourg)
Hervieux—Payette	Tardif
Hubley	Watt—30

NAYS
THE HONOURABLE SENATORS

Andreychuk	Marshall
Ataullahjan	Martin
Batters	McInnis
Bellemare	McIntyre
Beyak	Meredith
Black	Mockler
Boisvenu	Nancy Ruth
Braley	Neufeld
Buth	Ngo
Carignan	Nolin
Champagne	Oh
Comeau	Oliver
Dagenais	Patterson
Demers	Plett
Doyle	Poirier
Duffy	Rivard
Eaton	Runciman
Enverga	Segal

Frum
Gerstein
Greene
Housakos
Lang
LeBreton
MacDonald
Maltais
Manning

Seidman
Seth
Smith (Saurel)
Stewart Olsen
Tannas
Unger
Wallace
Wells
White—54

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, the question now before the house is on the motion of the Honourable Senator White, seconded by the Honourable Senator Doyle, that Bill C-15 be read the third time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

ECONOMIC ACTION PLAN 2013 BILL, NO. 1

SECOND READING

Hon. JoAnne L. Buth moved second reading of Bill C-60, An Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures.

She said: Honourable senators, it is a privilege for me to speak on Bill C-60, the proposed Economic Action Plan 2013 act, No. 1. This proposed legislation is a key piece of our Government's response to the ongoing global economic turbulence and an important part of ensuring Canada's economy remains on the right track and secures its position of strength.

This position of strength has been confirmed by: the seven straight quarters of positive economic growth we have seen in Canada; the OECD and the IMF, who both are predicting our economy will be among the leaders of the industrialized world over the next two years; the World Economic Forum, who says our banks are the soundest in the world; and all three of the major credit rating agencies — Moody's, Fitch and Standard & Poor's — who have reaffirmed Canada's top credit rating.

To further support that we are on the right track is the fact our net debt-to-GDP ratio remains the lowest in the G7 by far and that Canada has, since July 2009, seen employment grow by approximately 1 million jobs — the best job growth record in the entire G7.

The respected economist Don Drummond recently noted about Canada in a television interview:

We look like the poster child for the fiscal messes around the world. We are in pretty good fiscal shape, certainly relative to everybody else.

However, we cannot be complacent. The global recovery is far from complete and many uncertainties still confront the economy, especially from Europe.

As recently reported, the unemployment rate across the eurozone is now at a record high of 12.2 per cent, with the number of unemployed on track to reach 20 million by year's end. This chronic unemployment is on top of the massive debt crisis that is confronting many European countries. Clearly, the global economy remains fragile and any potential setbacks would have an impact on Canada.

Not only is the global economy uncertain, it is also increasingly competitive. Canada faces increasing competition, as well as opportunities, from emerging economies like China and India. This is today's global economic reality and that is why our Government remains squarely focused on its number one priority: supporting and growing the economy.

[*Translation*]

We are accomplishing that through our Economic Action Plan 2013 and today's bill, which will implement that plan. Bill C-60 is part of our commitment to keeping Canada in a strong economic position compared with so many other countries in the world.

[*English*]

Honourable senators, I have to say that over the years I have listened to numerous economists and analysts explain the intricacies of the debt-to-GDP ratio, currency fluctuations, credit risk, foreign investment, et cetera. These are very important factors in the economic discussion, but when I distill all of this down to what we really need, to me the economy is all about employment — it is all about jobs.

For all Canadians the ability to have meaningful work, to put food on our tables, to support our families, and to improve our lives and the lives of others is truly what drives us all. Jobs give us the income to drive the economy and pay taxes.

• (1530)

For the remainder of my time, I want to focus on the parts of this bill that build on delivering more jobs for Canadians, jobs that will come from the private sector when there are opportunities and funds to innovate and invest.

Here are just a few of the important things we are doing in Bill C-60: extending tax relief for new investments in machinery and equipment by Canadian manufacturers; indexing the Gas Tax Fund payments to better support job-creating infrastructure in municipalities across Canada; extending the Mineral Exploration

[Senator Buth]

Tax Credit; providing \$18 million to the Canadian Youth Business Foundation to help young entrepreneurs grow their firms; providing \$5 million to Inspire for post-secondary scholarships and bursaries for First Nations and Inuit students; and much more.

I want to highlight two specific areas: innovation and investment.

First is our government's commitment to research, science and innovation. In order to keep up with the ever-advancing world, Canada must continue to innovate, develop new systems and implement new ideas in all sectors to stay ahead of the curve and be competitive in the global marketplace. Budget 2013 continues supporting Canadian businesses to derive the highest benefit possible from support for innovation in order to become more competitive and create high-paying jobs in Canada.

An example of this is the provision of \$165 million in multi-year support for genomics research through Genome Canada. Genome Canada is a not-for-profit corporation whose goal it is to accelerate Canadian research capacity in genomics. Genome Canada is currently working on projects such as forest health, environmental bioremediation, gene mapping and many health issues such as autism and lung cancer, to name just a few. The new funding will enable Genome Canada to launch several large-scale research competitions over the next several years.

Second, I want to highlight the support that we are providing to encourage the investment in capital in Canadian businesses. Our government has been a firm believer in a low tax plan as a key tool in helping guide the Canadian economy along the path of sustainable economic growth.

Canadian Manufacturers & Exporters has noted:

If federal tax rates had not been reduced, Canada's unemployment rate would have exceeded nine per cent in 2009 during the recession. Today, our unemployment rate would be higher than that of the United States, with about 200,000 fewer Canadians working.

It's time we get the facts on the table. Business investment has been a key driver of economic and job growth over the past five years, and lower taxes have contributed significantly to that growth.

Indeed, real business investment in Canada is now 8.1 per cent higher than its pre-recession peak, while no other G7 country has even recovered the investment that it lost.

We know that our positive tax relief for manufacturers buying new machinery and equipment has been a huge benefit for Canadian employers looking to grow their businesses and hire more employees, especially Canada's manufacturers.

Canada's manufacturers employ some 1.8 million Canadians in a vast array of industries across the country, everything from aerospace, automotive, forestry, interactive communications technologies, food processing and so many more.

[*Translation*]

We all know that a vibrant manufacturing sector has a much greater positive impact on the overall economy by stimulating job creation at the supplier level and by contributing to innovation in Canada.

[*English*]

In Bill C-60, we are pleased to extend the accelerated capital cost allowance, or ACCA, for machinery and equipment used in the manufacturing sector. This very positive measure allows businesses to write off eligible investments faster, providing them with the ability to retool and remain competitive. Since 2007, more than 25,000 businesses in the manufacturing sector in all regions of the country have taken advantage of this measure.

I would like to share with honourable senators a couple of quotes from Canadian companies that have used this measure to help their operations grow.

Canfor Corporation of Vancouver British Columbia said:

Over the last three years, Canfor has invested more than half a billion dollars in our facilities, investments made possible in part by the progressive tax incentives afforded by accelerated write-off provisions.... These types of progressive tax programs are a powerful and efficient means of improving Canada's international competitiveness in manufacturing by continuing to incent investments in domestic manufacturing, increasing productivity and safeguarding high-paying, skilled jobs for Canadians.

Bell Helicopter Textron Canada Limited, of Mirabel, Quebec, stated:

Our company has made significant investments in new production equipment over the past five years. The ACCA has been a critical factor in our decision to make these investments, providing cash flow when we needed it most, as the investments are made. Investment in new technology is critical for our business. At a time of considerable economic, financial, and market risk, the ACCA has been a welcomed tax incentive that has allowed us to strengthen our competitive position as a Canadian manufacturer.

These are real Canadian companies in our communities that employ Canadians and provide them with a salary and benefits, helping them to support their families.

The extended ACCA will mean \$1.4 billion in tax relief over two years for these and other manufacturing companies to boost new investment in machinery and equipment. Since we announced our intention to extend the ACCA in the March budget, the reaction has been overwhelmingly positive from so many sectors of the economy.

Here is what the Food & Consumer Products of Canada said:

Food & Consumer Products of Canada (FCPC) is pleased to see the government extend the Accelerated Capital Cost Allowance beyond its current 2013 expiry

date. This move will help ensure our industry continues to innovate and is better positioned to respond to a competitive global market.

Today's federal budget is a vote of confidence for the manufacturing sector. Food & Consumer Products of Canada applauds the Harper government for its strong commitment to advancing our industry in Canada. Investing in the dynamic consumer packaged goods manufacturing sector is an essential step in our country's continued economic recovery. The incentives will help companies invest in growth and innovation and help our industry be amongst the best in the world.

As Canadian companies rise to meet the challenges of increasingly competitive global markets, this important tax relief will encourage manufacturers and processors to continue to make additional investment in machinery and equipment, making their operations more productive and globally competitive, helping support millions of jobs throughout Canada.

[*Translation*]

With those jobs, Canadians can meet their needs and those of their families. Strong, stable families are essential to Canada's long-term prosperity. Bill C-60 also includes support for families. I want to highlight just some of the initiatives that will impact many families.

[*English*]

Families provide children with permanency, connections and support; yet an estimated 30,000 children are currently in the care of child welfare agencies across Canada, many waiting to be adopted. This is why the government has included the Adoption Expense Tax Credit in Bill C-60. The credit recognizes costs unique to adopting a child and allows for additional adoption-related expenses to be eligible for a tax credit. This will support more parents to adopt a child who needs their love and compassion.

Another measure designed to support parents and children is the new tariff relief for Canadian consumers. Budget 2013 will implement \$79 million of tariff relief on baby clothing and sports and athletic equipment, to benefit Canadian families and retailers.

Recently, the Standing Senate Committee on National Finance thoroughly examined the issue of price discrepancies between Canadian and U.S. consumer goods, and identified a number of possible factors, including Canada's tariffs. Budget 2013 will eliminate tariffs on baby clothing and select sports equipment, which will ultimately lower consumer prices and help promote physical fitness and healthy living.

• (1540)

To better meet the health care needs of Canadians, the GST/HST exemption for government-supported homemaker services will be expanded to exempt publicly subsidized or funded personal care services, such as bathing, feeding, and assistance with dressing and taking medication, provided for an individual who, due to old age or illness, requires assistance in his or her home.

The government has also increased support for veterans and their families by making amendments to the Pension Act and the War Veterans Allowance Act. The government will no longer deduct the disability pension when determining eligibility and calculating benefits provided under the War Veterans Allowance Act.

Measures in the budget will also improve access to the services and financial supports available to Canadian veterans and their families. The government is proud to honour the dedication and sacrifice of those Canadians who served this country during the First World War, the Second World War and the Korean War. These changes will ensure that veterans have access to the full range of supports available to them.

Moreover, the government is committed to ensuring that Canadians receive the compassionate care they need. We announced funding of \$3 million over three years to the Pallium Foundation of Canada, which provides training in palliative care to front-line health care providers. This funding will help more front-line health care providers with the skills and knowledge they need to care for people with life-threatening conditions in any setting of care across Canada.

This investment builds on funding provided in Budget 2011 that is being used to support the initiative The Way Forward: Moving Toward Community-Integrated Palliative Care in Canada.

I want to briefly mention some of the other important things we are doing for families and communities. We are introducing a first-time donor's super credit to encourage Canadians to donate to charity; we are providing \$30 million to support the construction of housing in Nunavut; we are investing \$20 million in the Nature Conservancy of Canada to continue to conserve ecologically sensitive land; and we are committing \$3 million to the Canadian National Institute for the Blind to expand library services for the blind and partially sighted.

Honourable senators, in conclusion, I want to stress that I strongly believe that all of the initiatives I have highlighted today, and the rest that are in the bill, will greatly benefit the people of Canada by providing jobs, creating a higher standard of living for Canadians today and a more prosperous Canadian economy that will continue to be a world leader now and in the future.

As such, I would ask all honourable senators to support Bill C-60.

Hon. Joseph A. Day: Honourable senators, I do not have a question for Senator Buth, but I will make a few remarks at this time.

I would first like to congratulate Senator Buth for rapidly becoming the expert on omnibus bills here in the chamber, having sponsored last year's as well as this year's. The fact that this year's omnibus bill is about half the size of last year's is an indication that something she is doing is working, but we have to keep working to bring this down even further.

My honourable colleague read out the title to honourable senators, and I will read it again because I think it is important to be reminded of it: "An Act to implement certain provisions of the

budget tabled in Parliament on March 21, 2013 and other measures."

It is always the "other measures" that make this an omnibus bill and tie it into a finance bill. Why do they tie it into a finance bill? So they can get those other measures passed quickly without proper scrutiny. That is the problem. It is not necessary.

There is nothing wrong with an omnibus bill picking up little bits of things that have to be changed in various departments that would not warrant a full bill each by itself. There is nothing wrong with that. There should be an annual omnibus bill to pick up the house cleaning. However, tying it in with a money bill and then saying that it is a matter of confidence, that it has to be done immediately without proper scrutiny, is where we disagree on the approach that is being taken.

Honourable senators, I hope we will see a continuation in the reduction in the number of "other measures." I would love to see that terminology in budget implementation bills removed, the "other measures," and just deal with matters from the budget.

This bill is 116 pages long and has 233 clauses, and your Finance Committee reviewed each one of those clauses. We do not want to have happen what has happened in the past, where certain clauses might have gotten overlooked because they were very small, looked innocuous and looked like they would not cause any problems but turned out to be very serious: the removal of parliamentary scrutiny, for example, of borrowing. One tiny little clause did that, and it was found by this chamber and by the Finance Committee, but very late in the process. It had already passed through the House of Commons.

Honourable senators, this is second reading of this bill. We did a pre-study of the matter because we wanted to be ready. We knew it would be coming at the end, that it would be tied to finance and that the government would have to have it. We have seen it all before by more than one government, and I admit to that. I was not happy then either, and I stood up when I was over on the government and said the same thing then, that I hoped that this would change. The only way it will change is for all of us to say that.

However, we did a pre-study, which is not something that normally happens, but it often happens with respect to these omnibus finance bills because we get them late and we know that the government will need them.

The pre-study, honourable senators, had a report, which we finished last week, after two or three weeks of five meetings per week. I want to thank all honourable senators who served on the Finance Committee to help move this along and do the job that is expected of us. I am looking at many honourable senators opposite who served on the committee to help us do that job.

We have a report, honourable senators, and that report is one of the next items that we will be dealing with, and that outlines the steps that we have taken. It does not provide an analysis of what we have heard, and I would recommend that if honourable senators would like to review the many witnesses we heard from, it is all online. Honourable senators have the opportunity to look at that.

I will not, at this stage, talk about the report. In fact, I will not get into detail on many of the matters that appear in this bill, because we are at second reading and we are just looking at principle issues at this stage. We will get into the detail in third reading, and the matter will be referred. Unlike the supply bills that we have had in the last two days, this bill will be referred, I expect, to the Finance Committee. We have knowledge of the clauses, we know what is in there and we are in a position to do clause by clause, dealing with the bill once it is referred to our committee. It will then be referred back here for third reading next week, I anticipate.

Sometimes, when one hears honourable senators speaking on this, one will think we are voting on the budget. We are not voting on the budget. This chamber has a history of not voting on the budget. We do not accept the budget, and it is not because we do not vote on it. It is not deemed to be accepted by us, the same way that there is a lot of deeming that goes on in the process and procedures in the other place. We vote on budget implementation bills, and there will be two of them — I expect another one in the fall — and we will vote on those and deal with them just like other bills that come here, other than what I have just explained about a pre-study sometimes in order to get on with some of the issues. We would never be ready to deal with this otherwise. It took us three weeks to be ready, and we would never be ready to deal with this at second reading now if we had not done the pre-study.

• (1550)

We have heard from the Honourable Senator Buth about some of the issues that are in the budget, so let me just mention a couple that honourable senators should be aware of, and these are with respect to tax increases.

This initiative of Budget 2013, if we take everything together and net out the decreases that we have heard about — and it is always nice to hear about some of the decreases for sports equipment and some children's clothing, but there is preferential treatment for certain nations in relation to tariffs. The status of "preferred nation" is being removed for many nations. This is all happening at the same time. The net effect is that what we talked about in the report that we prepared showing discrepancies between Canada and the United States will be compounded by the action of the government here. It will not be introduced for a couple of years, but the effect with the General Preferential Tariff is tariff increases next year of \$83 million, and for each year thereafter \$333 million more in tariffs for goods that are coming in here. These are goods that we might do some value-added to, goods that our industries may want, and final consumer goods, so the cost could be even more than that sometimes.

The gap that we talked about between U.S. and Canadian prices will increase, regretfully. We asked the minister about it, when he was in. He said he will do a study on the few that he has reduced. We want to play a crucial role in relation to the study that will be going on because I think it is critical that we bring down tariffs. If we need taxes to pay for government operations, they should be up-front taxes and not something hidden away as a tariff that becomes an increase and a multiplier. That is why we had the Goods and Services Tax, which was a good move because it took away manufacturers' taxes. It was a consumption tax.

Now we are increasing the tariffs. That, honourable senators, is unfortunate. If we look at all the budget items, it looks from the calculation like \$3.3 billion more in taxes over the next five years is provided. I repeat: \$3.3 billion more in taxes as a result of all of the initiatives that appear in this budget.

Honourable senators, that is what we are dealing with here and that is what we have discovered from doing our study of this bill. Of course, the spin is always a positive one, but there are some negatives — quite a few of them — when one looks at it.

I want to refer to one area today, and that is Part 3, Division 9. I will not go to the changes that appear there. If you want to look at Part 3, Division 9 of the bill that you have before you, you will see that it relates to immigration and citizenship. Now, honourable senators, we had before us representatives of the government from Citizen and Immigration Canada, and a number of issues came out of their testimony that I think are important for me to share with you because they highlight some issues that we have seen before.

The chair was asking Ms. Paré certain questions, and she said, "We are seeking an exemption" of a particular act, and we were asking why they were seeking an exemption to that act. The act relates to fees that are added to a product to cover the government's cost. We were asking her why they were seeking an exemption. She said:

We are seeking an exemption because we want more flexibility and want to be able to shift the burden of the costs from the taxpayers to the users of the services.

Fine. She continued:

As previously mentioned by my colleague, we are already following a legislative framework that is set under the Financial Administration Act. The government is not allowed to charge more than the cost of processing.

The chair continued:

Was the procedure for increasing or decreasing user fees in the Financial Administration Act in place when Parliament saw fit to pass the User Fees Act?

She is complaining they want an exemption of the User Fees Act because they can go back to the Financial Administration Act. The question was whether the Financial Administration Act and these procedures were in place when Parliament saw fit to add this new piece of legislation called User Fees Act.

This was a question. She said yes, the act was in place, and then the question was:

The Chair: Yet, you are saying that although Parliament passed the User Fees Act, you are finding it a little inconvenient and would like to stay with what was in existence before....

The only thing you can tell us is that you are following what was already in existence under the Financial Administration Act and you are finding it a little inconvenient to deal with this new legislation. Is that what you are telling us?

Then we go on with further discussion by Ms. Paré on that matter:

The Chair: I am wondering about this answer. I have expressed a concern about seeing all these exemptions in here.

They are asking for exemption in this legislation, in Bill C-60, saying the User Fees Act will not apply to all of the activities of the Immigration and Refugee Protection Act.

There is also a request for user fee exemption under the Citizenship Act. If you do a search, you will find a number of other exemptions. It is starting to sound like what we have seen before with exemptions in relation to statutory instruments. Honourable senators will recall I pointed that out on a number of occasions. When you exempt it from saying it is not a statutory instrument, it means that it is not reviewable by the Standing Joint Committee for the Scrutiny of Regulations between the house and here because it does not fit within the definition of regulation.

Now they are saying, well, we were happy with the law before Parliament passed the User Fees Act and now we would like just to be exempt from the procedures that are in there. The User Fees Act was passed by Parliament in 2004, and they are asking that it not apply.

Honourable senators, I wanted to bring that to your attention because it highlights an underlying approach. This may not be the government; this may just be people in the departments that are asking for all this. I would guess that 90 per cent of those in government who agree to put this legislation forward have only half an idea of what is in here to start with. We know that the House of Commons does not know what is in there. We have seen that in the past, and we know that is the case here. It is important for us to do our job, to know what is here and to highlight these issues, and that is what we are trying to do.

Honourable senators, I read to you from the witness for Citizenship and Immigration Canada, and I would like you to hear from one of our other witnesses, a Mr. Martin Lavoie, who was also before us. Mr. Martin Lavoie said:

While we are working with the government to make appropriate improvements to the program, we are concerned about the manner in which user fees will be managed for labour market opinions under Bill C-60.

• (1600)

He is talking about the labour market and bringing in foreign workers, under Bill C-60.

Division 9 of Part 3 of the bill states that the fees to be charged for LMOs will be exempt from the User Fees Act

[Senator Day]

This is Mr. Lavoie, Director of Policy, Manufacturing Competitiveness and Innovation, Canadian Manufacturers & Exporters, an extremely important group of independent business people within the area.

While I have not received confirmation from officials, I presume that this means the government will not consult stakeholders on the level of the fees...

It will not be the way it was in the past because they want to be exempt. They did that consultation in the past because they were required to do it under a law that we passed. Now, they are asking us to exempt them from that.

There will be no impact assessment, no tabling or publication of proposed new fee structures, et cetera. CME and industry as a whole has generally agreed that it is reasonable to pay user fees, but not under these conditions.

The User Fees Act was established specifically because of the abuse of user fees by government departments and agencies as a way to increase revenues to cover costs rather than finding more efficient ways to deliver services or working with industry to establish effective user fees.

This clause sets a bad precedent, in our view, and we strongly recommend that the fees charged for labour market opinions not be exempt from the User Fees Act.

They are asking for exemptions. One independent witness came and said that it is wrong to do this, that it should not be done and that everything was working fine the way it was. He also highlighted the reason why the User Fees Act was in fact passed, because there were abuses of this indirect tax called user fees. There was abuse of that in the past.

I would like to read from a transcript of Dr. Lori Turnbull, Assistant Professor, Dalhousie University, who appeared before us on another bill. She said:

The justification for bypassing parliamentary approval and parliamentary scrutiny of raising and spending of money is often efficiency. It will be quicker. It makes more sense to do it this way. If we do not have to go through the extra step, it means that the government can be more responsive and efficient. It can handle things better and respond to crises better.

That was her comment and the argument that the government makes for doing away with the checks that we have put on various processes.

That is what Mr. Martin Lavoie said. That is the argument that is being made by the government in this particular instance. In fact, that is what the government representative said; it is just inconvenient for us.

I think that Dr. Turnbull is absolutely right, and she objects to this. She talked about the balance between having the scrutiny that comes with democracy and efficiency, and not wanting to be

bothered with all this nonsense of democracy and checks and balances. I would recommend it highly to honourable senators as an excellent exposé of what is happening. She spent quite a bit of time on that particular matter.

Honourable senators, I will conclude with two articles that appeared in the paper recently that I think would be of interest to you. They relate to Bill C-60.

The first one was in *The Globe and Mail* on Wednesday, June 12, and is entitled "Warrantless Workplace Searches Raise Concerns from Businesses." Warrantless search and seizure is coming through Bill C-60.

We have seen this in the past, honourable senators. What happens is that we pass something saying that, instead of putting the rules in the legislation, we will put it into something else. Then, you do not find out what the intended use is for this.

The new rules bring businesses relying on temporary foreign workers, which is what is in Bill C-60, under similar inspection regimes to ones used or required under other legislation that we have seen in the past. In particular, honourable senators will recall product safety. For product safety, we fought hard at that the time, saying, "That is not needed." The article states:

The Charter of Rights and Freedoms protects people and businesses from unreasonable search and seizure.... But courts often allow warrantless inspections of regulated businesses, lawyers say.

In talking about passing these new regulations that allow for warrantless search and seizure, the article refers to the President of Canadian Manufacturers & Exporters and states:

He said he hopes this doesn't represent an effort by Ottawa to further discourage use of the temporary foreign worker program.

The article concludes by asking how many people will get involved in bringing in foreign workers when they expose themselves to this type of warrantless search and seizure at any time from now until six years hence. Over the next six years, because of these rules that are being generated — and they have been published now — this warrantless search and seizure will be available. How did they come about? How did some of these other regulations come about? They come about because we think they are regulations, but they are not. These are "directives" of the minister. It is a new term that they are using. Then they say that it is not a scrutiny of regulation. It is not subject to that because it is a directive of the minister.

These are the games that are going on that exclude the role of Parliament to do what we are supposed to be doing. We are seeing it again in this particular bill, Bill C-60, under immigration and the people whom we bring in as temporary workers.

There was another article in *The Globe and Mail* yesterday on this. The public is starting to see what is going on, and it is our role to help them understand the process. The headline here is:

"The State Intrudes on the Workplace." There is another example, honourable senators, of the same issue that I am trying —

Senator Mitchell: Was that in the *National Post*?

Senator Day: No, it was in *The Globe and Mail*.

Honourable senators, I am trying to bring to your attention that there are a lot of hidden dangers and unintended consequences in the 233 clauses that appear in this bill and that we have to try to be aware of and try to predict. It will be so much easier if we could just have an act.

For example, in this legislation, there is a separate act with respect to Foreign Affairs and dealing with bringing in the Canadian International Development Agency, the structure and the three ministers and how that is all going to be done. Admittedly, it is mentioned in the budget, but it did not have to be part of this bill. We did not have to have an act within an act. We could have had an act that stood alone, just reflecting and enabling what had taken place, just the government policy. Instead, it gets all pushed in here and we just do not have time to do a proper analysis of all of these items that come up.

Still, I want to thank the honourable senators who served on the committee for the work that we did do. It was better than the work that might otherwise have been done because we did the pre-study. In that regard, I will look forward to the bill being referred to committee, and then I will look forward to engaging honourable senators further on some other issues at third reading.

• (1610)

Hon. Grant Mitchell: Honourable senators, I have a few comments I would like to make.

I admire the seamless manner with which Senator Buth has filled the shoes of her predecessor as the happy economic warrior in the Conservative caucus, that of Senator Gerstein. He always got up and gave a rosy picture of the economic circumstances of the government. I must say that it may not be a coincidence that, although the lenses of Senator Buth's glasses are not rose-coloured, the frames actually are. That is a perfect analogy for the nature of her presentation today.

I would like to provide the other side of the story, to face the reality of the economic circumstances in Canada and the real failure of this government to do anything like what it continuously says it will do. I will provide some statistics.

When the senator and the government continue to say this is the top economy in the G7, it just does not relate to the facts and figures as we know them. The U.S. economy — which, last time I checked, is in the G7 — certainly is growing faster than ours and has lower unemployment than ours.

Let us consider the OECD, honourable senators. Canada's deficit has been established at record levels by this government. Of course, the government can never predict this because it is not very good at predicting numbers.

Our deficit, as a percentage of GDP, is sixteenth out of 35 nations. It is not even in the top third of the OECD. Our debt is sixteenth out of 35 nations, so it is not even in the top third of the OECD, and it happens to have increased by 34 per cent since this government started. Our growth is eleventh out of 35 OECD nations, so it is barely in the top third. As for leading economic indicators, we are twenty-ninth out of 35 OECD nations. When it comes to unemployment, we are fully fourteenth out of 35 OECD nations.

I want to talk about unemployment and the million jobs the senator said the government has created since 2009. The fact of the matter is that they have created — according to the last figures we saw, if we can rely on them — 910,000 jobs since the bottom of the recession. Let us remember that about 50 per cent of those jobs replaced the jobs that were lost, so net new jobs over almost eight years totalled 450,000. What is that? That is about 55,000 jobs a year. That is fewer than 5,000 jobs a month.

This government is standing up and taking credit for creating jobs. God help the nation if they had not actually set their objective of creating jobs. Maybe, if they were not trying to create jobs — they are so incompetent at these things — we would have been better off. All we got was 5,000 jobs a month over the last eight years from a government that says it can run an economy. It is appalling.

Let us remember that there are 1.4 million Canadians unemployed, which brings me to an important point. A whole bunch of those Canadians, 400,000 of them, are young Canadians, between the ages of 20 and 30.

Let us go back to those recessionary figures. Do honourable senators know that during the recession 254,000 jobs were lost for young Canadians? Since that time, when they are bragging about creating 450,000 net new jobs, 3,000 more jobs have been lost for young Canadians. None of this rebound, as minimal as it has been, has really helped Canadians.

At the same time, every time the government employs quasi-political advertising to try to promote its political ambitions to get re-elected on Canada's Economic Action Plan — at \$95,000 a slot during a hockey game — that represents 30,000 summer jobs. Each and every single one of those advertisements represents about 30,000 summer jobs for young Canadians who have lost 254,000 jobs since the bottom of the recession. Think about that, honourable senators.

Then we look at the 450,000 net new jobs. It is interesting that they do not go back to 2006 and how many jobs they have actually created since 2006. They created 5,000 a month, barely. Let us go back to that and ask: What was the quality of those jobs? Is anyone talking about that?

Do honourable senators know that retail, more or less, over the period of time of this government, has gone from 70 per cent full-time workers to 70 per cent part-time workers? Wow, that is an accomplishment. That is creating much better jobs, much better quality of life and a much stronger economy. Who is benefiting from that?

How many of those jobs are temporary foreign worker jobs? Of the 450,000 net new jobs, how many were temporary foreign worker jobs? How many actually employed Canadians? No answer. We never get an answer to that one.

How many unpaid internships were in those figures? How many thousands of those 450,000 jobs were unpaid internships? It is hard to say, because we certainly never hear about those kinds of details. So much for jobs.

The honourable senator also talked about science and innovation, actually taking credit for science and innovation. It is almost breathtaking when I hear that.

I just met with a scientist, a very accomplished cancer researcher at the University of Alberta, who made two powerful points: First, the government has shut down funding source after funding source for science and research; and, second, they have "refocused" — I use the term loosely — from science driven by scientists and peer review to applied research. Certainly there is a place for applied research, but so much of what we get by way of technological innovation comes because we do not try to direct all research to applied research.

This government would say it would never want to see government picking winners and losers in business — although they seem to do that when they need to — but it is a matter of policy that they will pick winners and losers in research. If ever one needed freedom to explore, to drive creativity and to allow creativity, in turn, to drive technology and innovation, and to find discoveries that might otherwise never be found, one cannot start directing science and research. This is a government that, quite the contrary, has cut science and research funding grievously.

The second thing this scientist told me is that the University of Alberta is progressively having to close laboratories, which are the heart, the blood-life, the very essence of science and research, and that is because the funds are drying up. There is a role for government to play in providing funds for research. If we want to have an economy of the future, we are just mortgaging that future right now by this kind of policy. To make it worse, we have a government that is actually bragging about it.

Finally, back to trade. In addition to saying it is creating jobs, the government has placed its economic agenda firmly and squarely on the idea of creating trade deals. It has created nine of them, but, as my colleague Senator Moore pointed out to me, the nine of them add up to 126 hours of trade with the United States of America. The big ones, we cannot get, and now we see the Prime Minister pleading to the British Parliament to give him that deal. If ever one wants to get a good, strong deal, one does not want to be in the position of having to plead for it. Now we are in a position where this government is so desperate for a deal that who knows what it will sacrifice and give up to get that deal.

It is interesting that the Prime Minister is quite happy to go to Britain and speak in that Parliament, but he will not go to Washington and fight for Keystone. That is the next thing. The next thing, of course, is no pipeline. We are reading now that the

U.S. is saying that, if Canadians do not want the Northern Gateway pipeline — and the British Columbians have said that — then why would the Americans want to take Keystone?

The fact is that we need a pipeline that is done properly. We need new markets and we need a government that can provide leadership and not run off to Britain, in the middle of something they should be standing up for here, pleading for a deal. One cannot negotiate from a position of weakness, and that is what the Prime Minister is doing.

Finally, do honourable senators know why he is having so much trouble getting a deal like that? It is because he has so offended many people in the world. Our reputation is nowhere near what it used to be. Every business person will tell you that you need to sustain relationships to do good business. You need to have a reputation. You need to have respect with your market. Our market for trade deals is the world. Believe me, our reputation is vastly diminished in the world. We can see it in the tremendous reduction in our balance of trade, from \$18 billion-plus to \$67 billion-minus since this government started. We can see it in this government's failure to get the support for a real free trade deal, a big free trade deal like the one the Prime Minister is trying to get with Europe.

• (1620)

I want to put that in perspective. There is another side to this story. Believe me, if you are one of the 400,000 youth who is unemployed or one of the many hundreds of thousands who are marginally employed and cannot get a real career or job or one of the 1.4 million Canadians who does not have a job or one of these scientists who cannot get a lab to do the kind of work that is the future of our economy, this budget is a disaster.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

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

REFERRED TO COMMITTEE

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

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

TWENTY-SECOND REPORT OF NATIONAL FINANCE
COMMITTEE ON SUBJECT MATTER ADOPTED

The Senate proceeded to consideration of the twenty-second report of the Standing Senate Committee on National Finance (Subject matter of Bill C-60, An Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures), tabled in the Senate on June 11, 2013.

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

He said: Honourable senators, this is the report on the pre-study that we did with respect to Bill C-60. It outlines the fact that we conducted, as directed by the chamber, a pre-study. We did so, and we have now dealt with Bill C-60 at second reading, so the matter is back in the normal process. The information that we have gathered by virtue of the pre-study will help us to deal with the bill hereafter.

On May 2, the Senate authorized the committee to conduct the pre-study. As I indicated, we proceeded to do so. We held a total of 11 meetings for the study, which extended from May 7 to June 6.

During the course of these meetings, which covered 233 provisions of the bill, the committee heard from 67 witnesses, 15 federal departments and 5 federal agencies, as well as 16 organizations from outside the federal government. We did that by meeting out of our normal time, and we thank you for allowing us to do so, to meet five hours per day for two and a half weeks or so.

In addition, the committee received six written submissions from external organizations that were unable to coordinate a time when they could come, but they had points they wanted to make, so we accepted their written submissions, and they form part of our evidence. The committee considered all testimony and read submissions received but for brevity's sake decided not to summarize in this report all that we have heard. However, the information is available, as I indicated earlier, on our website.

There are three fundamental parts to this bill, honourable senators. Part 1 deals with income tax, Part 2 deals with excise tax and Part 3 deals with various matters. Under various matters, honourable senators, there are 18 different items that we dealt with.

I would commend the work we have done on this matter and thank all honourable senators who served on this committee to perform this work.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

BUDGET 2013

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan, calling the attention of the Senate to the budget entitled: *Economic Action Plan 2013: Jobs Growth and Long-term prosperity*, tabled in the House of Commons on March 21, 2013 by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 25, 2013.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, given the adoption of the various reports related to financial matters and the budget, as well as the passage at second reading of Bill C-60, I no longer see the point of keeping this motion on the Order Paper. I am therefore asking that it be withdrawn.

(Debate concluded.)

[English]

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Grant Mitchell moved third reading of Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity).

He said: Honourable senators, having endeared myself to the other side on the budget debate, I will now talk about something that in many respects is of deeper consequence, more profound consequence than an economy, and that is the question of human rights protections for the vulnerable.

Bill C-279 would provide protection, underlining rights for a very important minority community in our society, and that is transgendered people.

I will begin by saying that I greatly appreciate the debate in the house. Second, I greatly appreciate the work of the Senate committee, chaired by Senator Jaffer, working under somewhat intense pressure and a short period of time, trying to get this through to a point where we could have third reading debate and a vote on the measure before the end of the session, before prorogation, which would set this back unfortunately and unnecessarily.

I thank the members of the committee for their strong work. I observed a good deal of it. I have read a good deal more of it through transcripts and really appreciate the committee allowing

the bill to come through to third reading, to pass the committee stage, and here we are, debating something that we all know is extremely important, from whatever side you view it.

My sense of the testimony, my sense of the issue is that there is a clear need for protection in the human rights legislation and in the Criminal Code of transgendered people. Honourable senators have heard the statistics and the stories. We heard from transgendered people at committee. There are powerful and compelling stories that are underlined by a broad base of statistics, which in many respects are quite startling.

• (1630)

Often in politics, we know that we have very powerful and moving experiences, and, for me, this has been one of those. As I have talked to transgender people and heard their stories, understood as much as someone who has never lived the kind of lives they have had to live — the discrimination, pain and alienation — it has been powerfully moving.

Statistics, of course, say something and I will mention a number of things. They underline the economic discrimination, the discrimination in health care and housing, and simple psychological discrimination — abuse, bullying and often intense violence.

Transgender people spend a great deal of their lives living in fear that they will be singled out, picked on, lose jobs, lose housing or not be able to get jobs often because of, in some respects, the ignorance in our society.

Seventy per cent of transgender people earn less than \$30,000 per year. That is considerably below any kind of average income for Canadians. Seventy-three per cent of transgender people have post-secondary education; 38 per cent have completed a post-secondary degree program; 7 per cent have a master's degree or better. They are highly educated as a group, and they are significantly underpaid as a group.

Transgender people are one of the most targeted groups for violent crimes. They suffer inordinate rates of depression; they suffer inordinate rates of suicide attempts; and, as would, unfortunately, logically be derived from that statistic, inordinate rates of suicide. Particularly disturbing and emotional for many of us is the fact that this affects young transgender people, in particular, and their rates of suicide attempt and suicide are astronomically higher than their counterparts who are not transgender.

There is a huge portion of young transgender people and adult transgender people who experience daily psychological attacks, bullying, verbal abuse and a huge percentage that suffer physical, sometimes brutal attacks.

This is something that will not be stopped with a panacea solution such as this bill, but this bill is something we can do that will make an immediate difference and, certainly, in the longer run.

There is a risk in talking about personal interest stories, but at some level these stats do not quite grab or capture what is at stake. These are human beings; they are friends; they are family

members; they are colleagues; they are people you may work with; or people who you are sitting beside in a cafeteria. At that moment, you do not realize they are transgender, but when discovered, they suffer, and they often suffer, as I have pointed out, in terrible ways.

One of the transgender people whom I met during this process, very intelligent and very helpful, told me that she was born with an assigned gender — male — but as early as she can remember, she would go to bed at night in a religious family and pray she would wake up a girl. This is not something that she made up. She was four, five or six years old. You could not contrive to want to do that. It is not a lifestyle choice. It is who she is, and throughout her life she struggled with that. Finally, she came out, as it were, and made the transition. Since that time, her father, who is a very intelligent person, a professor, insisted that it is a disease, a health problem, and insisted for a period of time that she take certain tests and counselling. Never, of course, was it going to work. Her sister has not spoken to her since she came out. She has never met her nieces and nephews. Her mother will have her in the house but not on the Sabbath and not with anyone else. Imagine what that does. In part, yes, it is a family matter, you might argue, but it is also true that that kind of concern has never been validated in the way it would be validated by this piece of legislation.

Another example is the testimony of a woman who was born with an assigned gender of male, became a renowned pianist, studied at Juilliard, appeared in New York, received a written commendation, congratulations, recognition from President Reagan, won a huge international music competition, the Mozart Competition in Russia, was appearing 50 or 60 times a year, was teaching successfully and then went into transition. After that, her requests for appearances dropped to two per year, she lost her job, and these are the kinds of experience that they have. We can do better than that, and we can do better than that by taking this step that can make a difference in their lives.

There are arguments against this legislation and those arguments have been made by people in this house and elsewhere, people who are genuine, serious people and who believe in the arguments they are making. That is the power of debate in this place and I would like to respond to some of those arguments.

One argument that we all heard and we certainly received a great deal of correspondence on was the idea that the definition of gender is subjective and deeply personal, because your gender is deeply held and personal. It is not really a belief, but in some senses, that is the word that comes to mind.

Why would that be a problem in this legislation? The fact is that religion is a deeply held personal belief. There is no defining characteristic unless there is a certain dress that might define it, but most of us in this place have religions that we understand and hold. There is no outward sign of that at all, yet religion is defended in the Human Rights Act. In fact, much of, if not most of what the courts do is to determine often what people are thinking. They are determining and assessing subjective evaluations of all kinds of things. One of the great ironies in this case is that it is not the subjective evaluation or subjective belief of the person who is being discriminated against that is operative here; it is the subjective belief of the discriminator against that person that is operative.

In every case of discrimination before a tribunal or a court, the courts have had to assess the discriminator's subjective beliefs because, by definition, discrimination has to be based on subjective belief. It cannot be based on fact; it cannot be based on empirical evidence. Courts never assess empirical evidence with respect to discrimination cases because the discriminator's beliefs are wrong, not fact-based — cannot be by definition — and must, therefore, be subjective.

There is a whole body of human rights law based on human rights legislation across the country that, by definition, is based upon the assessment of a subjective evaluation.

We can go further than that. First, with respect to this definition right now, these cases to some extent are being heard in tribunals across the country, but the definition of "sex" or "sexual orientation" has to be worked to fix it. This will actually give it greater clarification, not less clarification. It begins the process of greater clarification in an important piece of legislation.

Not only that, but there is ample evidence of definition in these tribunals — legal definitions and psychological definitions. Much work has been done. This is an understood phenomenon in our society, at least at legal and psychological technical levels, though not broadly or widely enough understood.

My point is that subjective definition should not be a reason to exclude or vote against this, because, by definition, human rights law is based upon the evaluation of subjective definition, as is criminal law. I am not a lawyer, but much of criminal law is based upon intention and state of mind. Did someone mistakenly have a car accident or was there intent? Was there premeditation in a murder or was there not?

• (1640)

Those things are assessed all the time by the courts. That is what the courts do, in fact. They are well experienced, able and critically established to do that. It is very interesting that I have heard the argument about definitions, which is a very legal argument, from many people, but I have never heard it from a lawyer. I have never heard a lawyer make that case because of course that case is not a relevant legal case, I would argue.

Then there is what I think is a more insidious kind of argument and very demeaning. It is the bathroom argument, the default-to-disaster argument. We heard that with respect to many of the gay rights debates and certainly with gay marriage. Somehow that was going to ruin the family, ruin heterosexual marriage, ruin children. I was at a lunch today with my staff and we were talking about that. Some studies that have been done go back to people who were opposed to gay marriage and they have been asked, "So did it make a difference, did it hurt your life?" "No, not at all," they say. "I do not think about it anymore." It has been so integrated into society. Even the United States, where there was such resistance, is beginning to accept gay marriage.

Far from harming anyone who is not gay, it has probably enriched us all because we are a more accepting, tolerant, understanding society because we have this now. It has also made a number of people, many thousands of Canadians, much happier than they otherwise could have been because they can realize who they are. There can probably be no worse situation in day-to-day

life in a society like ours than having to live a lie, being afraid to establish, to come out and be who you are because someone will brutalize you for having done that.

Let us go back to the bathroom argument, which says that somehow transgendered people, who do not do it now, will go into a bathroom that is not for people with their assigned gender, will do something inappropriate and will be able to use this law as a way to get out of having done it. In the empirical proof we have, in the case studies of the experiences of U.S. jurisdictions where this exists now, there has not been a single recorded case where an effort has been made to use this to defend untoward, inappropriate behaviour in a bathroom or locker room by someone whose assigned gender does not apply there. Not a single case. In fact, I am not aware of any cases in Canada — because there is some provincial jurisdiction legislation where this kind of protection exists — where that has ever been used.

The empirical proof is that transgendered people are not inclined to do that, and why would we assume that they are going to do something perverse because they are transgender? They are no more or less likely to do that than anyone else in our society. Perhaps it is an analogy — it is hard to find one — but just because White men go into corner stores and rob them does not mean we prohibit all White men from going into corner stores. The fact of the matter is that that is really, in a sense, what we are doing. In the very limited chance that a transgender person would ever exploit this bill — and there is no evidence they would because they never have — to do that, we are holding hostage all transgender people from protections that would make their lives enriched, safer, more secure and more fulfilling. It seems to make no sense to do that.

Another powerful argument for this is a subset of the rights argument: It educates people. It elevates this important issue to a level of credibility in our society that it has not gotten. Without this, in some senses transgender people are very invisible, and they do not deserve to be. They make themselves that way to some extent because they are terrified that they will be exposed and brutalized because of it. One of the powerful elements of this bill is that it is educational and it does not cost any money to get this education.

I know there are some who say this will cost money, but it will not. There may be a few more court cases because of it, but there will be far fewer court cases in criminal court because these people are being beaten up in violent, criminal ways. I would say that the education will be important — the protections in and of themselves are — but it also validates for those young people and for adult transgender people who have never had this level of validation. It educates many people who are remiss in the way they treat transgender people not because they are malicious, but because they do not understand this issue. They do not understand the implications. They do not understand what they are doing because this issue has been hidden and has not been given the prominence this kind of bill will give it.

We were talking again, as I mentioned earlier, but somehow Canadians end up doing these rights things right. They get there eventually, and we will do this. If we do not do it today in a vote or next week in a vote, Canada will do it because it is the right thing to do. I am saying simply, why do we not fast-forward it? Why do not we get past all the toing and froing and

just do it? Make lives better, make Canada better and enhance the richness of our society through the enhancement of our understanding and acceptance — I do not want to use the word tolerance — of other people.

We do all kinds of things and discuss all kinds of issues in politics. However, I believe in my heart of hearts that at no time are we more elevated, important and significant in what we do than when we deal with people's rights, protect the vulnerable, bring minorities into society and reduce alienation. That is when politics is great. That is when it is at its best. To emphasize that point in this context in the Senate, we were established for basically two fundamental reasons, perhaps among several others. One was for protection of minority rights, and the other was protection of regional rights. If ever there was a minority that is distinguished by its size, its characteristics and by the way it is being treated by some elements of our society — brutally and poorly and in a way that we should all be embarrassed and ashamed about — this is a minority. If ever there was a time when the Senate should be acting to fulfill its role to defend minority rights, this is it.

I believe that we can simply embrace that role, do this properly and do it today or within the next several days.

I will finish by saying we are reluctant in this house to turn down particularly government legislation that is supported by a majority of elected government members of Parliament. We are less reticent to turn down legislation that is supported by a majority of MPs who may not be from the government side. Yet, that difference underlines that to some extent we think a government MP is somehow more important than an opposition MP. They are all elected by the people of Canada.

To draw that analysis a bit further, consider that when a government bill is passed with the government voting for it and the opposition voting against it in this configuration now, the current situation, 40 per cent of the popular vote of Canada is represented in that support. However, when this bill was passed, considering the opposition and 18 members of the Conservative government supported it, there is upwards of 65 per cent of the popular support in the last election reflected in that support.

I think we know that there is a good deal of support on that side, on the government side of the Senate. If one puts the support on both sides, it may well be that this bill will pass. This is a moment in time when we could do something really special, very important and fulfill our responsibility for minority rights. It may well be.

Considering that 65 per cent of the popular vote was represented in elected representatives on both sides of the house in the other place who supported this, it is in some sense a betrayal of democracy that we would not even bring it to a vote because arcane Senate rules could allow us to leave that on the leadership, to leave that on the table and never be voted upon.

I simply ask honourable senators to consider and reflect. Why do we not allow it to come to a vote and see what happens? In the end, that will be an initiative that is an extension of the democratic process over there, and it may just be a moment in

time when we can do something very special to help enrich the lives of a very important community in our society — a community of Canadians who are our colleagues, family members and often our friends. We can fulfill our obligation to defend minority rights, and we can go home at the end of this month and say we did something very important and special for the people of this country.

• (1650)

The Hon. the Speaker *pro tempore*: Three honourable senators wish to pose questions.

Hon. Mobina S. B. Jaffer: Will the honourable senator take a question?

Senator Mitchell: Yes.

Senator Jaffer: I have seen Senator Mitchell in the last few months working very hard on this issue. I want to thank him for raising the issue here and for bringing a face to the pain that people suffer, especially at committee meetings.

I would like the honourable senator to tell us something. Over the last few weeks especially, he has spent a lot of time with trans people. Can you share with us how they view this? What difference will this bill make in their lives?

Senator Mitchell: That is a very good and powerful question. I wish I had the words to capture the emotional impact that this whole debate has had on the many transgender people and their families, whom I have met and grown to know.

This is a group of people who have felt not just alienated and not just outside, but afraid. Many of them feel afraid most days of their lives. At the same time, it is remarkable that they are very comfortable within their skin when they make the transition. It is quite remarkable when they are in a safe place how they come out and are just very, very much who they are. It is not a question of choice; it is not a question of being able to decide that you did not want to be a transgender person. It is who they are.

Yes, it is a deeply held feeling; it is a deeply held emotion. This bill is profoundly symbolic for them, for what they have been through, for what they fought for for years and years and for what it means to their place in our society — for their elevation to a place, not of equality, but it will be a step along the way.

I wish I could capture the emotional feeling that they have and they convey, but that is the best I can do. It is extremely important at that level.

Senator Jaffer: One thing that came up that has really convinced me that this is the right thing for Canadians to do is what we heard about what happens to children. What really shook me is when we heard testimony that six-year-old children suffer and they are fighting to use the facilities.

Can the honourable senator tell us what his impressions were regarding the suffering of young trans people?

Senator Mitchell: There was the case I mentioned. There was a young girl, in her spirit, in her soul and in her mind. When she came out to her parents, her father said that she was this way

because she tripped when she was eight years old and banged her head. You can imagine how that would sound. She knows who she is, and someone is saying it is because she banged her head. It is almost incomprehensible that parents — although none of us are perfect as parents — could do that to a child.

It is true, studies show us, that 60 per cent of transgender children know they are transgender by the time they are 12 years old. Ninety per cent know by the time they are 19 years old, and they suffer grievously.

A huge percentage of transgender children actually receive transphobia attacks from teachers in schools. It is so misunderstood; this condition in life is so misunderstood that even people who care deeply about children can make the mistake of saying things that are very harmful and hurtful. Honourable senators can only imagine a young person realizing that their parents think they are the way they are because they banged their head. It is a terrifying thought.

Just to emphasize what I said earlier, a huge percentage of young people take their lives. It is at least double — and some studies would indicate even more than double — the rate of their non-trans counterparts. Studies also indicate that when families accept and they feel accepted, this condition, this depression and the tendency or the likelihood of committing suicide are vastly reduced.

We can truly help this. This is one place where we can truly help a very important segment of our society.

Hon. Pierre Claude Nolin: Honourable senators, I think the chamber needs to at least understand how the committee dealt with the bill. First is the definition that we have in the bill, first for the law and then for the Criminal Code. I want to hear from Senator Mitchell, as the sponsor of the bill, because it is the first occasion that we have: Did the honourable senator address that question? Did he look into the clarity of that definition? What is the advice he can give the chamber on that clarity, because that is one of the arguments against the bill?

Senator Mitchell: I did read it before, and I will read it again just to give honourable senators an idea as a partial answer to the question. As I say, the bill hinges on the concept of gender identity, which it clearly defines.

[*Translation*]

In this clause, “gender identity” means, in respect of an individual, the individual’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex that the individual was assigned at birth.

[*English*]

There has been a great deal of strength behind this definition legally because there has been experience with it in other jurisdictions in the world and also in provincial jurisdictions in human rights tribunal processes. It is not in any way a questionable definition, and it has been backed up strongly; in fact, these words largely reflect the Canadian Psychological Association’s specification of this definition.

As I have said — and I am not a lawyer — I believe that putting this definition in the act as it would be would actually enhance and clarify questions of definition. It would not be vague or vaguer by any means; it would be more specific.

Senator Nolin: I need to ask the question. I understand not being a lawyer, but the honourable senator can consider the importance of the jurisprudence from the Supreme Court. Has the honourable senator heard in the committee lawyers explaining? It was important for the committee to convince themselves that it is not only a question of being a distinction, but that distinction becoming a discrimination, so becoming illegal. The honourable senator needs to convince on the various tests that the Supreme Court decided over the years to apply. Has the honourable senator looked into that, and what are the answers?

Senator Mitchell: I have certainly read the testimony, but being that I am not a lawyer, I am not sure how much I can offer in that, except to say that the court has been very careful in the way it has tested these definitions. This definition does not come from a vacuum; it has been very clearly thought out by many legal minds and by others, as I say — medical and other minds, like psychologists. I wish I had the legal expertise to be more definitive.

Senator Nolin: It is not really on the definition. Now that we understand the definition is clear for the experts, because it is in the minds of those people, so that is why it is quite difficult. However, if the honourable senator has heard witnesses convincing the committee that it was clear, that is fine with me.

Now we need to look at the test of why such an attitude becomes a ground for discrimination. The court decided to apply a test to that. That is why. It is not really the definition. Now that set of facts, to become a ground for discrimination, needs to be looked at with a legal mind, otherwise it is bad or unfair, but it is not discrimination.

Does the honourable senator understand? That is why I was asking that question, asking if he has any advice to give the chamber to convince us that, yes, it should be a ground for discrimination and that we should legislate to make that attitude illegal.

Senator Mitchell: Clearly the progression of this process mimics and reflects what has been the progression for many questions of discrimination. Fifty years ago we did not view discrimination in the way we do now. Legal thought, social thought and society's thoughts have developed that. How do you define an element or a characteristic as having the potential for inclusion in this bill when other elements are not necessarily included? Is that the gist of your question?

• (1700)

All I can say is there are parallels between sexual orientation and this in a number of ways. In many respects they have had the same kind of social stigma, unfortunate as it is, which is part of a definition. It would seem to me that a further step in defining something as worthy of definition for discrimination is that it is an element about who you are that you cannot legitimately be expected to change. In many cases, you should not be legitimately expected to change.

[Senator Mitchell]

In this case it is clear, like sexual orientation: You do not choose that, and you do not choose to be transgender. You just are; it is just who you are. In our society, the fundamental basis of human rights, anti-discrimination legislation and policy, and all the things we believe in in that regard, is that we need to respect the rights of a human being. If ever there was a right that is clearly defined by discrimination in our society, as I said in my earlier comments, this would be one. The parallels are very apparent with sexual orientation, and they are quite apparent with sex. They are not as apparent in some senses with religion except to the extent that the subjectivity of definition argument applies in both cases.

Senator Nolin: I think you covered the first test quite properly. It definitely creates a prejudice to those people, those who fit into that definition or are disadvantaged.

The more problematic test is what the Supreme Court called the essential, and I have it here in French.

[Translation]

To be discriminatory, a distinction or differential treatment must affect an important component of what constitutes essential human dignity and freedom.

[English]

That is quite difficult to meet. That is why I was asking. I was coming to that. You heard those witnesses, but you need to tell us that you have covered that and you are convinced that it is affecting the human dignity as an essential understanding. Some people can live a life suffering disadvantage but they can live with it, but we have to be convinced that we can no longer accept that. That is why it needs to become illegal, because it is affecting an essential component of their life. It is a breach of the fundamental equality principle of the Charter. That is why it is important that the test be met.

Senator Mitchell: I see. Thank you. If you have not already been one, you would be a great law professor. Thank you for giving me the chance to emphasize that.

Honourable senators, it is very, very clear that the nature of the discrimination and the nature of the attacks, verbal and physical, absolutely confront people's dignity. You can see it, you know it, and you feel it when you talk to them, but you can imagine it as well. There is a myriad of cases where people are not hired and they know it is because they are transgendered. That is an affront to their dignity. There is a myriad of cases where they receive very aggressive negative comments in the street, in schools, in the playground and in their families. These are very specific attacks that of course would offend someone's dignity. It is the definition of this discrimination, its core essence, that makes it so pernicious because it attacks dignity.

Hon. Donald Neil Plett: Honourable senators, I certainly agree with Senator Mitchell that it is offensive for bullying to happen. I was quite clear on that when I spoke in the chamber on this some days ago. However, I still have some problems. I wish to ask a question of the honourable senator.

The proposed definition of gender identity is not specific to transgendered people. It encompasses a range of gender identities such as gender-fluid or agender, and I listed a number of others

the other day. Does the honourable senator feel it could be problematic to ensure that a person does not feel discriminated against based on gender identity, when that identity is defined as not having a gender at all?

Senator Mitchell: Honourable senators, it is an interesting phenomenon. I thank Senator Plett very much, and I know he is arguing this from a place of genuine concern. I listened to his speech carefully, and I understand the honourable senator is sincere about this.

I have been told but I have not confirmed that in Iran, of all places, on your driver's licence there is "male," "female" and "other." If someone feels they do not have a gender, who are we to make a judgment on that? Why does it matter what I think of that? Why would it matter? Why would I care? It is theirs, it is deeply personal and it does not make any difference to my life if they want to believe they do not have a gender, and they do believe it and the courts can establish that. Personally, I have never met anyone like that and I am not sure it is particularly widespread. We can default to all kinds of disaster arguments and fear arguments but, really and truly, there are people who clearly fall into this category.

The honourable senator is really talking about gender expression, which is further, which we all have. The people in this room express their gender in certain ways. There is no doubt about that. The fact is that gender expression was taken out — although I would say it would add greater clarification — by some people who would support gender identity. One of them was MP Glover, who has worked in the police environment with this a great deal. It was taken out because gender identity was seen to be more specific.

Yes, I have been referring to transgender because it was probably the largest group and it is a group that in this context, without getting into detail and getting so far in the weeds that we do not have enough time to debate it, captures other people with gender identity issues that would fall under this bill as well.

Senator Plett: With regard to gender-fluid, I received an email a couple of days ago, and I believe Senator Mitchell's name was on the list of people who received that email. The email identifies an individual who says that he or she, depending on what day of the week it is, identifies as a male five days a week and as a female two days a week. I am not sure whether that is on a regular basis, however.

We have a situation here with someone who is a male five days a week, a female two days a week. You used the illustration of the six-year-old. Let me go further with that. I think it is horrendous that a father would do something like that to his six-year-old.

As I said in my speech, we had a case of a six-year-old who was exposed to an adult male who said he was transgendered; he was exposing himself, and the honourable senator said there was no indication of people assaulting individuals. I was very clear in my speech; I did not call it the bathroom bill, and I do not believe it is a bathroom bill. I was very clear on the fact that I did not accuse anyone of assaulting someone. However, when a six-year old girl is exposed to an adult male lying nude in a sauna, does the

honourable senator not believe that that can have devastating effects on the mind of a six-year-old when she sees something like that? In this particular case, when they asked the individual to leave, they had to apologize later on because he was discriminated against.

Senator Mitchell: We have no proof at all that that is in fact what occurred. An email outlining that certainly does not indicate those were the facts of the case or that the case was ruled in that way. We also do not know if that person was transgendered. That person might well have been perverted and not transgendered at all.

The fact is that many heterosexuals have engaged in inappropriate sexual behaviour with young children. We do not expect that all other heterosexuals should be allowed to be discriminated against because of that. I am saying that if that behaviour occurs, and has occurred, and that case has occurred, it occurred before this bill, it occurred in spite of this bill, so that is not an argument against this bill. In fact there is no evidence in that case that this bill was used to defend the behaviour. If it was it was wrong, and the courts would have found that out.

• (1710)

I simply believe that one cannot hold hostage as many as 170,000 or 200,000 people in Canada, many of whom suffer every day from a young age because of the anecdotal behaviour of one or two cases that they are not responsible for. We will not affect or change the behaviour of that person, or one like him in the future, but we will protect 200,000 other people whose lives have been greatly diminished because they do not have that kind of protection.

Senator Plett: Of course, in his answer, the honourable senator argued against himself. He said that this may not have been a transgendered person; it may have just been a pervert, and I agree with him. However, this bill will allow perverts to take advantage of the law, which is a problem I have.

Nevertheless, I will not ask any more questions. I believe that Senator Nancy Ruth wants to say a few words, and then I would like to adjourn the debate.

Hon. Nancy Ruth: Honourable senators, Senator Mitchell started his comments by saying that this bill was for the protection of the vulnerable and for the protection of a minority. My concern is also for the protection of the vulnerable, that is, women in Canada and they are a majority.

This bill will add the category of gender identity to section 318 of the Criminal Code, but one of the categories missing in that enumerated ground is the category of "sex." We had a chance 10 years ago when we put "sexual orientation" in that section of the Criminal Code. This is the time to add now the category "sex" for the women of Canada.

MOTION IN AMENDMENT

Hon. Nancy Ruth: Therefore, honourable senators, I move:

That Bill C-279 be not now read a third time but that it be amended, in clause 3, on page 2, by replacing lines 26 and 27 with the following:

“ethnic origin, sex, gender identity or sexual orientation.”.

(On motion of Senator Plett, debate adjourned.)

[Translation]

**CONTROLLED DRUGS AND SUBSTANCES ACT
CRIMINAL CODE**

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Hubley, for the second reading of Bill S-216, An Act to amend the Controlled Drugs and Substances Act and the Criminal Code (mental health treatment).

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I would like to finish my notes. That is why I am moving adjournment of the debate for the remainder of my time.

(On motion of Senator Carignan, debate adjourned.)

[English]

ANTI-TERRORISM

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

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Robichaud, P.C.:

That the Special Senate Committee on Anti-Terrorism be authorized to examine and report on the creation, role and

mandate of a potential National Security Committee of Parliamentarians;

That the Special Senate Committee on Anti-Terrorism be authorized to examine and report on the role of women in the process of deradicalization in Canada and abroad; and

That the Committee submit its final report to the Senate no later than December 31, 2013, and that the Committee retain all powers necessary to publicize its findings until March 31, 2014.

Hon. Roméo Antonius Dallaire: Honourable senators, I wish only to speak for a few moments and then adjourn for the rest of my time.

I would like to bring to honourable senators' attention a document that I will refer to when I speak next week to this motion. It is entitled *2013 Public Report on the Terrorist Threat to Canada; Building a Safe and Resilient Canada* and was published by the Honourable Vic Toews, Minister of Public Safety. I will quote one line from the document:

The Government of Canada will take all appropriate action to counter the terrorist threat to Canada, its citizens and its interests around the world.

The document makes a strong case for retaining an anti-terrorist capability within the Senate, and all the more so for a far more sophisticated anti-terrorist parliamentary body in terms of national security and the availability of classified material. I commend the document to honourable senators; it is quite worth the read.

I adjourn the debate for the rest of my time.

(On motion of Senator Dallaire, debate adjourned.)

[Translation]

FOOD BANKS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the importance of food banks to families and the working poor.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I definitely want to speak about this inquiry but I, once again, did not have the opportunity to finish my notes. I therefore move adjournment of the debate for the remainder of my time.

• (1720)

OFFICIAL LANGUAGES

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE ADOPTED

Leave having been given to revert to Notices of Motions:

Hon. Maria Chaput: Honourable senators, with leave of the Senate and notwithstanding Rule 5-5(a), I move:

That the Standing Senate Committee on Official Languages have the power to sit on Monday, June 17, 2013, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

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

(Motion agreed to.)

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF SOCIAL INCLUSION AND COHESION WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Art Eggleton, pursuant to notice of June 12, 2013, moved:

That the Standing Senate Committee on Social Affairs, Science, and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate the final report relating to its study on social inclusion and cohesion in Canada, before June 30, 2013, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Senate.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BLINDNESS AND VISION LOSS

INQUIRY—DEBATE ADJOURNED

Hon. Asha Seth rose pursuant to notice of May 28, 2013:

That she will call the attention of the Senate to the increasing rates of blindness and vision loss in Canada and the strategies to prevent further vision loss.

She said: Honourable senators, it is my privilege to speak today to the inquiry on the increasing rates of blindness and vision loss in Canada, which I presented on May 28 pursuant to rule 5-6(2).

As many of you know, I am deeply passionate about blindness and vision loss awareness, prevention, and treatment. For many years I have worked with blind and partially sighted people to promote vision healthcare. That is why I rise today to speak on the rising numbers of vision loss, one of the most serious and costly issues in Canada.

We need to look no further than this chamber to see that most of us are affected by some degree of vision loss. Many of us wear corrective glasses, and even then we may struggle to see. For many Canadians, the situation is much worse.

Vision loss is divided into two different categories, depending on its severity: partial sightedness and legal blindness. A person is partially sighted if their visual acuity is lower than 6 over 12. That means that they would need to be six metres away to see an object that a person with normal vision could see from 12 meters away. A person is legally blind when their vision is 6 over 60 or lower or they have a visual field of less than 20 degrees. Normal vision is 6 over 6 or 20 over 20, if measured in feet.

For affected Canadians, vision loss causes enormous personal suffering and has a tremendous economic impact. Visual impairment has been shown to double the difficulty of daily activities, double the risk of falls, triple the risk of depression, and quadruple the risk of hip fracture. The cost of blindness and vision loss to Canada's economy is estimated at \$15.8 billion per year, between direct healthcare costs, lost productivity, transfer costs, rehabilitation and other indirect costs.

Thankfully, our government has worked over the years with organizations like the Canadian National Institute of the Blind to develop many powerful tools to fight the challenges of vision loss, including this year's \$3 million funding of the National Digital Library Hub, a program that provides alternative print format material to Canadians with print disabilities.

Yet, despite our efforts, we stand before a gathering storm when it comes to vision loss in Canada. What do I mean by this? I mean that we find ourselves in the midst of the largest demographic shift in our society, as aging baby boomers — those born between 1945 and 1965 — are estimated to double the number of Canadians over age 64 from 4.4 million today to over 9 million by 2031. As a result, there will be a surge in the numbers and the prevalence of age-related vision loss in Canada.

With more than 1 million Canadians living with significant loss of vision today, the number of blind and partially sighted Canadians has increased by almost 49 per cent in the last decade alone. It is stretching the vision care system to the breaking point, already indicated by longer waiting times for assessment and treatment.

Adding insult to injury, these numbers do not include the over 4 million Canadian adults unknowingly living with one of the leading age-related blinding ocular diseases, because many eye diseases have no symptoms in their early stages.

The most prevalent ocular diseases are age-related macular degeneration, which is caused by the deterioration of the highly sensitive central area of the retina, known as the macula. That is followed by diabetic retinopathy, which is one of the many

complications associated with diabetes, another Canadian epidemic, and glaucoma, and cataracts.

Other leading causes of vision loss include eye trauma, which can be common in hockey players; refractive errors like astigmatism, retinitis pigmentosa, and lazy eye, the leading cause of blindness in children.

Thankfully, these diseases are largely treatable and/or preventable. Few people realize that 75 per cent of vision loss can be treated or prevented. By visiting an eye care professional regularly, we increase our chances of getting a diagnosis if we have an eye disease. The earlier the diagnosis, the greater the opportunity to minimize vision loss. Periodic eye examinations are crucial for screening for blinding eye diseases and to avoiding unnecessary vision loss from uncorrected refractive error. Other simple lifestyle changes like wearing UV-protective sunglasses, quitting smoking and maintaining a healthy diet can also help avoid vision loss.

For those who have not taken the proper precautions, there can be many barriers to eye health care. Many socio-demographic variables affect an individual's ability to access health care services, which may include low income, rural residence, perceived lack of need, and language use. For example, in Canada, avoidable vision loss and blindness from cataracts is common among Aboriginal populations, and this is due, in large part, to population-specific barriers. A lack of awareness about vision impairments, a lack of services in remote areas, indirect cost of surgery, and transportation difficulties are all faced by Aboriginal communities.

It is vital to identify groups and individuals who experience avoidable barriers to care so that we can provide services like the CNIB Eye Van, which travels through remote regions of northern Ontario, and it is funded by a combination of government, private and corporate donations.

Another major problem is the acute shortage of primary care practitioners. The Canadian Ophthalmology Society predicts that, in the coming years, Canada will experience a severe shortage of ophthalmologists. Ophthalmologists are the only physicians who surgically correct eye disease. The most telling statistic is the ratio of people over age 65 per ophthalmologist, which is projected to rise from 4,000 to 7,500-to-1 by 2021. Lesser trained eye care providers like ophthalmic nurses, ophthalmic technicians and even storefront opticians often have overlapping functions, and many provide complementary services due to the increased workload of ophthalmologist towards medical and surgical eye care.

• (1730)

The vision health care system in Canada is among the best in the world, but it is facing enormous challenges from the relentless epidemic of age-related vision loss, worsening human resource shortages, the speed of technological change and an increasing shortfall in resources.

I am not suggesting that there are not ongoing efforts to prevent this growing epidemic. Federal and provincial governments provide funding for many private organizations to provide services to Canadians. Unfortunately, the continuum of vision

health services in Canada relies on constantly shifting private and public funding, with major implications for access and blindness-prevention outcomes. A lack of financial resources is also commonly identified as preventing the utilization of health services. Medicare does not cover eye care services uniformly across the provinces and territories.

In recent years, for example, several provinces have delisted yearly eye-care exams for working-age adults, ages 19 to 64. Although vital, medicare does not cover additional eye care such as periodic oculo-visual assessment and refracting and dispensing corrective eyewear in every province. In general, eye care costs are increasingly remunerated by the private sector through purchased health insurance or as out-of-pocket fees paid by individuals.

Other barriers on Canada's road ahead in the prevention, diagnosis, treatment and rehabilitation of vision loss include lack of Canadian research, an aging population of professional eye-care providers, patient backlog for treatment, poor public awareness of age-related eye diseases and insufficient public access to vision rehabilitation services.

What can be done to solve this challenging problem? Luckily, we have taken the first step. In 2003, and again in 2007, Canada made a commitment to developing and implementing a national vision plan by signing the World Health Organization's Global Initiative for the Elimination of Avoidable Blindness, also known as the Vision 2020 plan.

Countries as diverse as Australia, India, the U.K. and Sri Lanka all have plans in place and are reaping the benefits of a coordinated approach to vision health and rehabilitation.

Today no such plan has been established for Canada, and more than 300,000 Canadians have developed blindness or partial sight since 2003. We need to move forward with one voice. We need to focus on the benefits to the whole society. We need a clear message; a message that says: First, vision loss is common. It affects one in nine people over age 65, and one in four over age 80. We must keep in mind how much vision loss affects our citizens.

Second, vision loss can be prevented. Cradle-to-grave prevention and treatment programs are needed to address vision problems as they occur while they can still be treated.

Third, vision loss can be treated. Simply because age-related vision loss is common does not mean it is normal. The general public needs to know that with early diagnosis, even where there is no cure for the vision loss, prompt treatment can prevent further vision loss and blindness.

Fourth, vision loss can be rehabilitated. We must address the huge growth in the need for rehabilitation services.

Finally, we must support the continuum of care needed in vision loss so that people can manage to move on with their lives and participate fully. The government, together with researchers, vision care professionals and non-profit organizations, must work together to bring awareness and address the challenges created by increasing rates of vision loss in older Canadians.

Honourable senators, look around: every family has been affected by vision loss, and we cannot sit around. We must act now. We must have a unified voice to highlight the problems faced by real people every day so that those barriers can be removed.

Honourable senators, time is running out. We must act now.

(On motion of Senator Jaffer, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

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

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

That when the Senate adjourns today, it do stand adjourned until Monday, June 17, 2013, at 6 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Monday, June 17, 2013, at 6 p.m.)

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