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OFFICIAL REPORT
(HANSARD)

Wednesday, March 5, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker pro tempore

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THE SENATE

Wednesday, March 5, 2014

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

Prayers.

SENATORS' STATEMENTS

FRONTIER FIDDLERS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to commend the Frontier Fiddlers from the Frontier School Division in Manitoba.

I recently had the honour to speak at the annual conference for the Frontier School Division on the issue of cyberbullying. During the conference, 40 young students holding fiddles were quietly ushered onto the stage. Their conductor raised his baton to ready his shuffling students, and as he lowered his arms, the most exceptional sounds began to emerge from the hands of these young students.

Some of them were no older than 12, but they played in such harmony and in such a masterful manner that if you closed your eyes, you would think you were in front of an orchestra of professional fiddlers. As I closed my eyes and listened to them play tunes that all of us here would recognize, I realized that if you place the right opportunities in the hands of a child, that child can flourish to achieve anything. By creating the Frontier Fiddlers program, the Frontier School Division has done just that: They have given their students the opportunity to achieve great things.

The Frontier fiddling program is a fully subsidized program that allows fiddling instructors to travel across the entire province of Manitoba to teach over 2,000 students the art of fiddling. The students I had the honour to listen to were drawn from across the province and had been practising together for only two days before their performance.

I would like to thank Ray Derksen, the Chief Superintendent of the Frontier School Division, for inviting me to the event.

When I spoke to Marti Ford, the organizer of the Frontier Fiddlers, she told me that her school division's research shows that children involved in their fiddling program were more likely to graduate than their peers. Many of the students in the program are from Aboriginal and Metis backgrounds, and fiddling, as you know, is a Metis tradition that dates back to the 1800s. For these children, school becomes more than just classes; it becomes a community where they can be proud of their work and heritage, giving them confidence to become high achievers.

Honourable senators, every child in Canada deserves to have the same opportunities to flourish. A fully subsidized program like the Frontier Fiddlers gives all the children equal access to an

extracurricular activity and a community of support, regardless of their parents' financial situation.

Our vision should be to place opportunities in the hands of all our children, so that they can achieve their full potential.

SPECIAL OLYMPICS

Hon. Janis G. Johnson: Honourable senators, it is with great pleasure that I rise today to highlight the government's continued support for Special Olympics Canada, as recently announced in Budget 2014.

The Special Olympics are more than just an event; they represent a year-round social development program for children and youth with intellectual disabilities ranging from Down syndrome to fetal alcohol syndrome. By engaging over 37,000 young athletes across Canada, the Special Olympics helps instill confidence, self-esteem and key life skills that benefit individuals and their families for a lifetime.

Since its foundation in 1969, only a year after the U.S. Special Olympics was established by Eunice Kennedy Shriver, our organization in Canada has grown, and there are currently 3,000 year-round Special Olympics programs running across the country, mostly at the local community level.

In Budget 2014, the government announced it will continue to support the Special Olympics with an additional \$1 million in annual funding, bringing total support through Sport Canada to \$2.8 million a year.

Honourable senators, as one of the original board members of the national Special Olympics for a decade and the Honourable Patron for Manitoba Special Olympics, I know first-hand how effective this organization has been in enriching the lives of children and adults with intellectual disabilities, and let us not forget those remarkable volunteers who make it all happen — currently numbering 17,000 people and 13,000 trained coaches.

Keeping young people active, especially those with intellectual disabilities, helps build healthy habits that can bring significant health benefits such as lowering the risks of developing obesity, cardiovascular disease and diabetes.

From July 8 to 12 of this year, the Special Olympics Summer Games will be held in Vancouver, B.C., returning to B.C. for the first time in 20 years. The games will feature 11 different sports, making it the largest Canadian games in its 45-year history.

Honourable colleagues, please join me in congratulating the athletes and volunteers, and the mothers, fathers, sons and daughters who continue to make Special Olympics Canada the success it is in enriching the lives of so many Canadians.

THE LATE JAMES A. COUTTS, C.M.

Hon. Céline Hervieux-Payette: Honourable senators, I rise today to pay tribute to Mr. James (Jim) Allan Coutts, a Canadian lawyer, businessman and former adviser to two prime ministers. He passed away on December 31, 2013, at the age of 75. I was just informed of his passing a week ago.

Mr. Coutts, born in High River, Alberta, in 1938, received a BA and LLB from the University of Alberta and an MBA from Harvard Business School.

• (1340)

He went on to become an accomplished political tactician, serving as a secretary to Prime Minister Lester B. Pearson from 1963 to 1966, and as Principal Secretary to Pierre Elliott Trudeau from 1975 to 1981. Honourable senators will understand that I have had the pleasure of working with him.

He was also a founding partner of Canada Consulting and played a key role in fulfilling the dream of former Prime Minister Pearson to establish the Pearson College, which I support.

Mr. Coutts' first love was politics. He was a devoted Liberal in Alberta, which was quite unusual for a boy from that province. At the young age of 15, Mr. Coutts became the campaign manager for Joe McIntyre, a mine manager who ran unsuccessfully — maybe he was a bit young — as a Liberal in what was then the MacLeod riding.

He caught the attention of Liberals in Ottawa and Liberal Senator Keith Davey — a former senator from Ontario with a big reputation — selected Mr. Coutts to be the party's campaign chief during the Alberta provincial election in 1963. He went on to become the right hand to two prime ministers for a total of eight years.

Often referred to as “The Fixer,” there was no denying the skill he brought to the Prime Minister's Office. In a 1984 interview with *The Globe and Mail*, Mr. Coutts modestly professed:

Being the second-most powerful man in the country didn't mean anything to me. I'm not being “gee whiz” about it, but it's true. I had some clout, but others did too.

He probably had more.

Mr. Coutts spent his last years out of political limelight, donating his time and money to several causes, and of course supporting Pearson College.

He is survived by his sister and many nieces and nephews to whom I offer my most sincere sympathies.

INTERNATIONAL WOMEN'S WEEK

Hon. Asha Seth: Honourable senators, I'm proud to rise in recognition of International Woman's Week, which we mark yearly from March 2 to 8. This year we commemorate the

important role that women entrepreneurs play in driving growth, creating jobs and fostering innovation in the Canadian economy.

According to Industry Canada, 47 per cent of all small- and medium-sized businesses in Canada are entirely or partly owned by women. Statistics Canada reports that self-employed women account for 36 per cent of all self-employed persons and that our input amounts to more than \$150 billion annually. But our contributions to the economy and to society cannot be measured in numbers only.

Women entrepreneurs are critical to the growth and competitiveness of the Canadian economy. We all benefit when women's businesses succeed, creating jobs and prosperity. That's why, this year, we focus on the valuable contribution of women entrepreneurs to the Canadian economy.

As an entrepreneur myself, I know the many obstacles facing women who wish to enter and succeed in the workforce. In Canada and around the world, gender gaps in employment rates persist and women are more likely than men to be in vulnerable forms of employment and have less access to social protection.

I am still deeply concerned about the lack of progress for the most marginalized groups of women and girls, and those who experience multiple forms of discrimination based on gender, status, age, income, language, ethnicity, disability and race, or because they are rural or indigenous women and girls, or women and girls living with HIV/AIDS.

Honourable senators, this year will bring many opportunities to discuss women and the challenges they face in the workplace, a conversation that has been started in the Supreme Court and will shortly be here in our chamber. As we ponder this week, I encourage you to remember the millions who are not able to celebrate with us today due to persistent inequalities between men and women in the workplace.

I would like to close with a quote from the American author and social activist Wilma Scott Heide, which caught my attention as an obstetrician and gynecologist and it summarizes how I feel about women in the workplace:

The only jobs for which no man is qualified are human incubators and wet nurse. Likewise, the only job for which no women is or can be qualified is sperm donor.

With that, I thank you and wish you a happy International Women's Day.

THE LATE LORETTA SAUNDERS

Hon. Jane Cordy: Honourable senators, no doubt you have heard of the tragic murder of Loretta Saunders, an Inuk woman and a student at Saint Mary's University whose body was found last week in New Brunswick.

My intentions were to write about Loretta, her life, her work and her death, until I read an article last week by Darryl Leroux, who was an adviser on Loretta's undergraduate thesis at

Saint Mary's. I feel his words speak her truth much better than anything I could write and I would like to read some excerpts from his article "In Honour of Loretta:"

I woke up early this morning, unable to fall back asleep. As you may imagine, the past 10 days or so have been extremely difficult, for a number of reasons that I never could've predicted.

After hearing about Loretta's murder, I walked home, the loneliest walk of my life, braving onlookers who were no doubt puzzled at the tears streaming from my eyes and the sounds emanating from my body. I came home, lay in bed, and ignored all attempts to communicate with others for several hours. I couldn't move. I ended up speaking with a few friends and family members before falling asleep from exhaustion, my heart heavy with sorrow and my head aching.

I'm still in shock at the news, and especially of her final resting place. That image hurts beyond anything I could say in words.

And I refuse for that to be the last image I have of Loretta, given her remarkable spirit.

Even as I write this, as the tears wrack my body and the letters on my keyboard blur, none of this seems real. I was always so worried about Loretta. She presented all of the vulnerabilities to which indigenous women are prone, through no fault of her own. I reread her thesis proposal last night and was reminded of how deeply she was aware of being a product of a Canadian society intent on destroying and eliminating indigenous peoples. That last word, "eliminating," may seem extreme to some, but it is now so charged, so raw, so very real.... Elimination.

Lying in a ditch along the Trans-Canada Highway. I simply cannot get this image out of my mind....

It's *our* doing, which Loretta articulated so clearly in her writing — theft of land base, legalized segregation and racism, residential schools for several generations, continued dispossession = social chaos.

It is a recipe for disaster for indigenous peoples, and especially indigenous women. Who suffers most when access to land, to the ecological order at the basis of most indigenous societies, is limited, controlled, or outright eliminated? Is that not what's at the basis of a settler society like our own, eliminating indigenous peoples' relationship to the land (and/or their actual bodies), so that can we plunder it for our gain?...

Less than half of my second-year students have heard of residential schools, and among those who have, only a handful can imagine and articulate the impacts such a system would have had in their own communities. We are for the most part incapable of empathy.

Honourable senators, these are powerful words by Darryl Leroux. As parliamentarians, I believe that we have a responsibility to establish a national inquiry into missing and murdered indigenous women in Canada. As Cheryl Maloney, President of the Nova Scotia Native Women's Association said:

A National Inquiry will be an important step towards recognition of Aboriginal peoples place in Canada and reconciliation of all Canadians and Aboriginal peoples.

Honourable senators, the number of missing and murdered Aboriginal women in Canada is a tragedy.

• (1350)

ROUTINE PROCEEDINGS

NORTHWEST TERRITORIES DEVOLUTION BILL

THIRD REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE PRESENTED

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

Wednesday, March 5, 2014

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

THIRD REPORT

Your committee, which was referred Bill C-15, An Act to replace the Northwest Territories Act to implement certain provisions of the Northwest Territories Lands and Resources Devolution Agreement and to repeal or make amendments to the Territorial Lands Act, the Northwest Territories Waters Act, the MacKenzie Valley Resource Management Act, other Acts and certain orders and regulations, has, in obedience to the order of reference of Thursday, February 27, 2014, 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,

RICHARD NEUFELD
Chair

(For text of observations, see today's Journals of the Senate, Appendix, p. 483.)

Hon. Ghislain Maltais (The Hon. the Acting Speaker): Honourable senators, when shall this bill be read the third time?

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

SCRUTINY OF REGULATIONS

SECOND REPORT OF JOINT COMMITTEE TABLED

Hon. Bob Runciman: Honourable senators, I have the honour to table, in both official languages, the second report of the Standing Joint Committee for the Scrutiny of Regulations, which deals with concurrent powers under two statutes to impose fees.

CITIZENSHIP ACT

BILL TO AMEND—NOTICE OF MOTION TO AUTHORIZE SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TO STUDY SUBJECT MATTER

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the subject matter of Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts, introduced in the House of Commons on February 6, 2014, in advance of the said bill coming before the Senate.

ADJOURNMENT

NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 25, 2014 at 2 p.m.

QUESTION PERIOD

FISHERIES AND OCEANS

HAMILTON DECLARATION

Hon. Wilfred P. Moore: My question is for the Leader of the Government in the Senate.

Leader, this relates to a question I put to you last October — you kindly gave me a written answer on December 3 — with respect to the Sargasso Sea and the preservation of that unique

body of water as set out in the Hamilton declaration. With the permission of the Senate, in order to found my question, I would like permission to table, in both official languages, the Hamilton Declaration on Collaboration for the Conservation of the Sargasso Sea. Can I have permission, honourable senators, to table this?

The Hon. the Speaker *pro tempore*: Is permission granted for Senator Moore to table the document?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Permission is granted.

Senator Moore: Thank you, senators.

In your reply to me, leader — and I may be wrong, but I think you checked with the Department of Fisheries and Oceans — you mentioned that Canada has not received an invitation to participate in the negotiation of the Hamilton declaration. I understand that officials in Foreign Affairs have been involved. I can report to you and colleagues that this document is being executed, signed by many nations, including our colleagues to the south, the United States of America, a number of nations that border on this body of water, and that signing is to take place on Tuesday, March 11, in Hamilton, Bermuda.

I tried to reach you yesterday morning, but you were tied up in caucus business. I wanted to give you a heads-up. I want to know if Canada is being represented at that signing and, further, are we going to be a signatory to that document?

If you don't have the answer today, I would appreciate you getting it for me. As you can see by the dates, time is of the essence. I would like to have the response, if not today, as soon as you can get it.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator Moore, if memory serves me correctly, a written response to your question was tabled in December. Unfortunately, I cannot answer your particular question today. I will take it as notice and ensure that I properly understood what you mean. It is possible that I did not catch all of the interpretation. I will make sure that your question receives a correct response.

[*English*]

Senator Moore: If I might assist the leader, I know that Minister Baird is aware of this. If you could check with his office, that might save you some footsteps.

[*Translation*]

PRIVY COUNCIL

THE MONARCHY

Hon. Marie-P. Charette-Poulin: Forgive me. I was supposed to ask the first question, but I was distracted by my colleague, Senator Tkachuk, who was asking me some important questions.

My question is for the Leader of the Government in the Senate.

[*Translation*]

[*English*]

First, I'd like to say that I am very pleased that Canadians have so quickly responded to the invitation of the Senate Liberal caucus to submit questions they would like to have asked in Question Period.

This is my first opportunity to take part in this initiative, Mr. Leader. I would like to thank Marc Vallée of Ottawa for his question regarding the monarchy. He asks:

[*Translation*]

As the end of Queen Elizabeth's reign draws near, is it possible for Canadian parliamentarians to publicly consult with Canadians on their interest in the monarchy and discuss the possibility of abolishing it?

[*English*]

Personally, I appreciate Canada's friendship with the Royal Family.

• (1400)

I firmly believe that consultation is the backbone of a healthy democracy, and I would ask the leader on behalf of Mr. Vallée if this government would consider consulting the public on this issue.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Thank you for your question. Of course the Queen is in Canada's Constitution. You know that. We can't change Canada's Constitution via a referendum or broad public consultations. I don't think we can change things with that consultation.

Senator Charette-Poulin: I have a supplementary question. What would be the risk — what do we have to lose by consulting? The question is not whether or not to abolish. I have great respect for the monarchy and the existing system, but what harm or risk would there be in holding public consultations on the issue?

Senator Carignan: I believe that we must defend Canadians' interests. Our government's agenda prioritizes the economy, jobs, and protecting victims by punishing violent crimes and so on. Those are the issues that should take up the government's and Parliament's time and resources. Our priority is job creation.

[*English*]

Hon. David P. Smith: Where in the Constitution does it articulate that a referendum is required?

[Senator Charette-Poulin]

Senator Carignan: I did not say that a referendum was necessary to change the Constitution. Quite the opposite.

[*English*]

ENVIRONMENT

CLIMATE CHANGE

Hon. Grant Mitchell: My question concerns climate change.

As atmospheric carbon, carbon from greenhouse gas emissions, is absorbed into the water along with other kinds of carbon, the seawater becomes more acidic. This makes it more difficult for shellfish to create shells and it compromises their immune systems and they die. Millions of shellfish have been dying before they can be harvested by Island Scallops near Parksville, B.C., and this has been demonstrated to be very strongly related to the acidity levels increasing in the ocean.

One-third of the workforce of Island Scallops is being laid off because since 2009 the business has lost more than 10 million scallops before they reached maturity.

My question is this: While the government continues to argue that jobs will be lost due to dealing with climate change, if they ever did that, have they given any thought to how many jobs would be lost because the government has failed to adequately deal with climate change and to provide leadership in the world to deal with it more broadly?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Thank you for your question. I think I've already told you that our government is committed to working with its international partners on climate change. We made it clear that any international agreement has to be fair and effective, and it has to include commitments from all major emitters. We are a founding member of an international coalition working to reduce pollutants such as black carbon, and we have made that a priority for the Arctic Council, which we chair.

In Canada, we have taken action and we are seeing progress. Thanks to our measures, emissions will be reduced by almost 130 megatonnes compared to what the Liberals forecast — the Liberals that you continue to be today, I believe.

We have developed a sector-by-sector regulatory approach. We were the first major coal user to ban the construction of coal-fired power plants; we aligned our vehicle greenhouse gas emissions regulations with those of the United States; and our heavy-duty vehicle regulations have resulted in a reduction in carbon emissions of almost 23 per cent. Since 2006, our government has invested \$10 billion in green infrastructure, energy efficiency, clean energy technologies, cleaner fuels and smart grids.

I really don't know why you insist on believing that the government is not taking this matter seriously. This investment of \$10 billion in green infrastructure is creating jobs.

[English]

Senator Mitchell: It's actually not just me who is continuing to insist that. It happens that Wayne Wouters, the Clerk of the Privy Council, who reports directly to the Prime Minister of Canada, recently completed a report with a group of deputy ministers of this government, senior-most bureaucrats and public servants, who warn that more action needs to be taken to combat climate change and manage its risk to communities, government infrastructure, food security and human health.

Why is it that you keep talking and talking and this government never focuses on the result, the result that has to be achieved to significantly reduce climate change? And you're being encouraged by the senior-most public servant in your own government to do that.

[Translation]

Senator Carignan: As I said, we are continuing to reduce greenhouse gas emissions with concrete action. Need I remind you that under our government greenhouse gas emissions have been reduced, whereas they increased under previous governments? I believe that you must recognize the actions this government has taken and the tangible results it has obtained. We should be congratulated, not held in contempt.

[English]

Senator Mitchell: If you have reduced greenhouse gases at all — and in fact that figure is wrong; you haven't — but if you had, it would only be because you have managed the economy so badly that production is down in almost every industrial field, and that is absolutely true.

But here, when you talk about concrete actions, Mr. Wouters and the deputy ministers go on to ask, why has the Conservative government hesitated to introduce greenhouse gas regulations for the energy industry when even their senior-most federal bureaucrats are flagging these concerns?

So I am asking a question on behalf of Mr. Wouters and your senior-most bureaucrats: Why have you not yet implemented those regulations on greenhouse gases on the energy industry and on the oil sands, having talked about it for eight years? That's all you're good at, just talk, talk, talk.

[Translation]

Senator Carignan: Your question is quite partisan today. I have the impression that your caucus met behind closed doors.

The Hon. the Speaker *pro tempore*: Order!

Senator Carignan: I have the impression that your caucus met behind closed doors today and that you prepared pertinent questions. I can hardly wait for question period after the caucus meets on March 26.

• (1410)

Senator Mitchell you need to recognize the concrete actions that have been taken and make the connection between the economic downturn and the reason why there has been a drop in greenhouse gas emissions. That is a purely partisan Liberal view, and you should correct your statement in that regard.

[English]

Senator Mercer: Well, every time they don't have an answer, they blame the previous government.

AGRICULTURE AND AGRI-FOOD

DISTRIBUTION OF GRAIN

Hon. Terry M. Mercer: Honourable senators, the federal government continues to sit idly by while grain sits in silos and the trains keep running by, seemingly without any grain on the trains. The government's much lauded Fair Rail Freight Service Act has been shown to be less than useful when it comes to having the rail operators and the producers work harmoniously together to get the product to market.

One entity that was quite successful in brokering deals between rail companies and producers was the Canadian Wheat Board.

Leaving aside for a moment the argument about the selling of grain and so-called market freedom, let's just focus on shipping.

The Canadian Wheat Board negotiated timely and lucrative shipping contracts between Western farmers and the railways. Now the producers and the railways negotiate contracts themselves. If they are not fair or are handled improperly, there is an arbitration process.

Will the leader not admit that the dismantling of the Canadian Wheat Board and its replacement system of negotiations are now failures, as witnessed by the huge backlog of grain shipments?

An Hon. Senator: Bumper crop.

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator Mercer, I would like to once again point out that you have a partisan view of the facts. You must know that problems have been caused by a combination of factors, including a much larger harvest and the cold weather.

Despite this combination of factors, existing rail services are not keeping pace with the changing needs of the agricultural sector. Our Minister of Agriculture and our government have a great deal of compassion for farmers. Farmers and our economy need an effective and reliable logistics system. Our government is weighing all the options to ensure that farmers can get their crops to market. Our government has already acted on the Crop Logistics Working Group's early recommendations to improve the competitiveness of the supply chain.

We have also enhanced the mandate of the grain monitoring program to increase transparency in the grain transportation logistics system. I urge Senator Mercer, and all Liberal senators, to stop all the rhetoric and instead focus on practical solutions, as our government is doing to stand up for farmers.

[English]

Senator Mercer: You know, the pot calls the kettle black when they talk about partisanship around here.

An Hon. Senator: And rhetoric.

Senator Mercer: Now that the Wheat Board is gone, so, too, is the advantage that farmers had to deal effectively with the shippers. You cannot deny that, leader. It's not just me who is saying it. Several experts warned us this would happen.

For example, in 2006, University of Saskatchewan agricultural economist Murray Fulton said this:

The removal of the CWB's single-desk selling powers will fundamentally transform the Canadian grain handling and

— the important part for this afternoon's debate —

— transportation system.... These changes include a shift in marketing power towards the grain companies and the railways, a loss of political power for farmers, and modifications to transportation policy.

It's transportation we're talking about.

Now, here we are. The clear advantage of the Canadian Wheat Board was being able to pressure CN and CP from a position of collective strength.

Can the leader deny that shipments have suffered since the Conservatives dismantled the Canadian Wheat Board?

[Translation]

Senator Carignan: Senator, we kept our word and gave Western grain producers the marketing freedom they deserve. We made this promise to farmers, and we kept it after the election. A bigger harvest is good news. However, as I said, rail services need to keep up. We are acting on the Crop Logistics Working Group's recommendations, among others, to improve the competitiveness of the supply chain, and we are continuing to take concrete actions instead of spouting rhetoric.

[English]

Senator Mercer: Well, leader, I'm very concerned about the situation. You continue to talk about it, but the grain still stays in Western Canada.

We have customers around the world — it's not just the grain that might be sold to the U.S. by people shipping by trucks across the border — but people around the world are waiting for the

[Senator Carignan]

great quality Canadian grain to be shipped to them, and it's being held in Western Canada where it shouldn't be. It should be on the trains and on the boats out of this country to our good customers.

I do have some numbers for you, leader. According to the numbers the Canadian Wheat Board Alliance obtained through the Canadian Grain Commission, producer car shipments were down from 13,038 in July 2012 to 8,487 in July 2013.

An Hon. Senator: Oh, oh.

Senator Mercer: Imagine. We had a bigger crop — you want to hear it again, Senator Plett? I'd be happy to tell you. It was 13,038 in July 2012 down to 8,487 in July 2013. That's almost a 40 per cent reduction, Your Honour — 40 per cent. When did the Conservatives dismantle the Canadian Wheat Board? In August of 2012.

Will the leader not admit this is has been a failure? There is wheat sitting in Western Canada that should be on ships being shipped to our customers around the world.

[Translation]

Senator Carignan: We are very proud that we kept our promise to grain farmers in Western Canada, who are now free to market their grain and sign their own contracts. As for logistics, our colleague in the other place, the Minister of Agriculture, Mr. Ritz, fully understands the situation. He is aware of the problem, and he and our government will continue to look at all of the practical options to improve transportation logistics, especially in the West.

[English]

Hon. Wilfred P. Moore: Is that the same Minister Ritz who promised the farmers a plebiscite according to the Wheat Board Act and reneged on it?

[Translation]

Senator Carignan: As far as I know, there is only one Minister Ritz. He is passionate about agriculture and listens to the people in his community, and we wouldn't trade him for a dozen Liberals.

[English]

Senator Moore: So, do you subscribe to Minister Ritz's approach to this matter in view of the fact that he went against the law of the land and did not give the plebiscite to these farmers as set out in the law of Canada?

• (1420)

An Hon. Senator: You're lucky you have immunity here.

Senator Moore: It's on the record.

The Hon. the Speaker pro tempore: Please, colleagues! Order!

[Translation]

Senator Carignan: Senator Moore, I suggest that you be careful with your immunity and not abuse it.

As for Minister Ritz, as I was saying regarding his passion for agriculture and his empathy for farmers, I have every confidence that, much as it has already done, this government will continue taking real action to improve logistics for transporting grain from the West.

Hon. Céline Hervieux-Payette: Honourable senators, to summarize all the responses given by the Leader of the Government in the Senate, we have an advisory council; I think the advising continues.

Did the advisory council advise the government that there was a lack of means of transportation? I recall that a previous government helped with the manufacture and introduction of hopper cars. I would also remind my colleague to look at the figures on Canada's trade deficit.

When your party came to power, we had a trade surplus, but now we have a trade deficit, one that continues to grow. When we are unable to sell our goods and you want to talk about the freedom to sell, you should ensure that the private sector is on board to export our grain. The Port of Vancouver is also having some problems. Not only are there not enough specialized train cars, but coordination with the port to ship the wheat is also lacking.

We have a trade deficit and we do not have enough cars or other means of transportation, and you say that your government has done everything it can to fix the problem.

The Wheat Board used to fill that role, and now there is no one to fill that role for your government.

Senator Carignan: I did not hear a question.

Senator Hervieux-Payette: I am sorry; I will be more explicit. What is being done to address the situation?

Senator Carignan: That is better. We will continue to take meaningful action to ensure that Canadian farmers have a transportation system, a logistics system, that is reliable and efficient and that meets their needs.

Senator Hervieux-Payette: In what year?

[English]

NATIONAL DEFENCE

PROCUREMENT STRATEGY

Hon. Roméo Antonius Dallaire: I'm taking you to another arena, leader. I was going to question you on the fact that you introduced the term RCAF again, which is most appreciated.

However, it was quite surprising to see that the paint job on one of the primary Airbuses of the Canadian Air resembles what we had 40 years ago and that it has been taken out of the operational fleet by making it a VIP aircraft.

I'm not going to spend time on that point, however, because it's only one component of the bigger picture, that bigger picture being that the Canadian First policy framework that was introduced in 2008 — now six years old — has been, if I can say this, shot full of holes by the continuous budget reductions that have been going on and are continuing in Defence. Furthermore, the department is not able to spend the funds that it has been given because of a bureaucratic approval process through cabinet that has been stymying those programs from advancing.

Although you have been responding to my queries regarding major Crown projects and acquiring new equipment, you have still been totally obtuse on this: When are we going to see a Canadian defence policy to put a framework around all the degradation of capabilities that you're doing to the Canadian Forces today?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, you likely heard that the Minister of Defence and Minister of Public Works recently announced a national defence procurement strategy. It will help us ensure that the Armed Forces get the equipment they need, at the best possible price for Canadians. It will help us forget that decade of darkness, when previous Liberal governments were in power.

[English]

COMMONWEALTH PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO BANGLADESH AND INDIA, MARCH 8-16, 2013—REPORT TABLED

Leave having been given to revert to Tabling of Reports from Interparliamentary Delegations:

Hon. Nancy Ruth: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association on the Bilateral Visit to Bangladesh and India, held in Dhaka, Bangladesh and Calcutta, India, from March 8 to 16, 2013.

BUSINESS OF THE SENATE

The Hon. the Speaker pro tempore: Honourable senators, before proceeding to Orders of the Day, if you look at your Orders of the Day, you will see that Motion No. 55 is quite near the end of our Order Paper. I may be wrong, but I doubt that we'll have enough time to reach it before four o'clock this afternoon.

My point is to remind everybody that by the end of tomorrow I will move into this point of order. If anyone wants to be part of that discussion, please go back to your books and make sure that

you are ready by tomorrow. I see that Senator Fraser and Senator Cools are ready. For those who want to be part of that discussion, we will do that tomorrow if we don't have time to start today.

ORDERS OF THE DAY

THE ESTIMATES, 2014-15

JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 1 OF THE MAIN ESTIMATES

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of March 4, 2014, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1 of the Main Estimates for the fiscal year ending March 31, 2015; and

That a message be sent to the House of Commons to acquaint that House accordingly.

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

Senator Martin: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES AND MEET DURING SITTING OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of March 4, 2014, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2015, with the exception of Library of Parliament Vote 1; and

That, for the purpose of this study, the committee have the power to sit, Thursday, March 6, 2014 at 2 p.m. even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Senator Martin: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1430)

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Bob Runciman moved third reading of a Bill C-217, An Act to amend the Criminal Code (mischief relating to war memorials).

He said: Honourable senators, I rise today to speak at third reading of Bill C-217, An Act to amend the Criminal Code. This bill amends section 430 of the code to make it a specific offence, with minimum penalties, to commit mischief in relation to property that serves as a monument to honour persons who were killed or died as a consequence of war.

For a first offence, this bill would create a minimum penalty of a fine of not less than \$1,000. For a second offence, it would be a jail term of not less than 14 days and, for each subsequent offence, a jail term of not less than 30 days. The maximum penalty for a summary conviction would be 18 months in jail, and, for an offence prosecuted by indictment, a prison term not exceeding 10 years.

This bill has received considerable attention in the media over the last month, in no small measure due to the concerns raised by Senator Dallaire, a veteran of military conflict abroad, a hero to many Canadians and a colleague for whom I have the utmost respect.

Senator Dallaire has expressed his belief that this bill will needlessly criminalize rambunctious teens who may not realize the significance of their acts, saddling them with a record that diminishes their future prospects. He has argued compellingly for education or some form of restorative justice for these sorts of offenders.

At the Standing Senate Committee on Legal and Constitutional Affairs' hearings into Bill C-217, this same concern was raised by Gordon Moore, President of the Dominion Command of the Royal Canadian Legion. Mr. Moore argued that education, rather than jail, is the appropriate treatment for a 14 or 15-year-old offender who "didn't know what they were doing."

Honourable senators, I agree completely with Mr. Moore and substantially with Senator Dallaire. However, I believe most of the concerns with Bill C-217 are based on a misunderstanding of the bill and how it applies to youthful offenders.

The Youth Criminal Justice Act places a strong emphasis on extra-judicial measures for offenders under the age of 18. In fact, use of extra-judicial or out-of-court measures, such as reparations or enrolment in community programs, is a bedrock principle for non-violent offenders under the act. There are ample opportunities for diversion from the court system, both before and after a charge is laid. In those cases where a youthful offender does go to court, the sentencing principles of the Youth Criminal Justice Act apply. Custodial sentences are for violent offenders. Bill C-217 will not result in young people being thrown in jail. I should mention that when this was explained to Mr. Moore, he withdrew his concerns about the bill.

When it comes to adults, the bill will ensure that meaningful consequences flow from what even defence lawyers testified is a despicable act. I think it's only fair to mention what Mr. Moore, the Legion President, said about adults who damage war memorials. When Senator Plett asked about the use of mandatory minimum sentences in the bill for adult offenders, Mr. Moore said:

I would definitely not oppose that.... When something that serious happens, then that individual should pay the full price of the law. I agree 100 per cent with you on that.

There were also concerns raised about the impact of a criminal record on young people over the age of 18. I think Senator Day raised this issue. I want to point out that, even for adult offenders, this is not a cut and dried situation. There are alternatives.

Section 717 of the Criminal Code allows the use of alternative measures in cases where prosecution is not in the public interest and the safety of the public is not at risk. Nothing in this bill precludes the use of restorative justice or probation that could include an education component if the judge feels the offender can benefit from learning about the sacrifice of veterans in the defence of their country.

The reason Bill C-217 is before us is simple: Every year, there are numerous incidents, right across Canada, of damage to war memorials. Sometimes it's thoughtless vandalism. Sometimes it is the deliberate use of offensive symbols, such as swastikas, and other times it involves the theft of copper or brass for profit. But the common denominator is that it is disgraceful conduct, which dishonours the sacrifices of our veterans.

Will Bill C-217 eliminate this type of conduct? I doubt it, but I'm hopeful it will reduce it by ensuring that potential offenders think before they act, and I believe the passage of this bill will send a strong message that the people of Canada condemn these acts and believe offenders should face meaningful consequences for damaging war memorials.

Honourable senators, I ask for your support for Bill C-217.

(On the motion of Senator Dallaire, debate adjourned.)

FINANCIAL ADMINISTRATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Day, for the second reading of Bill S-204, An Act to amend the Financial Administration Act (borrowing of money).

Hon. Wilfred P. Moore: This item stands in the name of Senator Marshall, and I'm wondering if she's going to make her remarks today. This has been before us since October 23. If she is not going to speak to it today, could we move it to committee today?

Hon. Elizabeth Marshall: I've just started my research on it. I started on Monday, and I think I took the adjournment Thursday, maybe Wednesday. I wasn't planning to speak this week; I was planning to work on my remarks over the two-week break. I will be prepared to speak after the break.

Senator Moore: That's the second or third time — I'd have to look it up — that I've heard that story since October 23. If this mattered at all to you, you've had ample time to think about it and reflect on it. So I'm not prepared to join in the consent of that adjournment, the standing of this item.

The Hon. the Speaker pro tempore: It is moved by Honourable Senator Marshall, seconded by Honourable Senator Martin, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: We have a split vote.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Are the whips in agreement on the time for the bells?

Eggleton
Fraser
Furey

Sibbeston
Smith (*Cobourg*)
Watt—28

Hon. Jim Munson: One hour.

The Hon. the Speaker *pro tempore*: Call in the senators. The vote will take place at 3:37p.m.

• (1540)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan
Batters
Bellemare
Beyak
Black
Boisvenu
Buth
Carignan
Champagne
Dagenais
Doyle
Eaton
Enverga
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin
McInnis

McIntyre
Meredith
Mockler
Nancy Ruth
Neufeld
Ngo
Ogilvie
Patterson
Plett
Poirier
Raine
Rivard
Rivest
Runciman
Segal
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Verner
Wallace
Wells
White—53

NAYS
THE HONOURABLE SENATORS

Baker
Callbeck
Campbell
Chaput
Charette-Poulin
Cordy
Cowan
Dallaire
Dawson
Day
Downe

Hervieux-Payette
Hubley
Jaffer
Joyal
Massicotte
Mercer
Merchant
Mitchell
Munson
Ringuette
Robichaud

ABSTENTIONS
THE HONOURABLE SENATORS

Cools

Moore—2

The Hon. the Speaker *pro tempore*: Accordingly, the motion is adopted.

Senator Moore: Honourable senators, I would like to explain my position here.

I went through this at some length yesterday, and whether it's in the Senate of Canada or in other walks of life, your word is your stock and trade. You don't make a deal and then decide, "Well, I got what I wanted out of it, and I'm not going to keep my side of it. I'm not going to give you what we agreed to because I've decided differently today." That's not how it works.

Honour is not trumped here by partisanship. If that were the mode of operation, how could the daily meetings of leadership and scroll continue? What's the point if you enter into agreements and they are not kept? We can't carry on that way. It's not right.

In my experience of life, everything that goes around comes around. Members opposite may find themselves in my shoes some day; it will happen to some of them. I want them to think about that. It's not right, and they're going to find out the same way. If you make a deal or an arrangement, you keep your word. You don't go back on it later and say, "Oh, worked for me."

I want to leave you with those remarks, colleagues. I'm disappointed, but I hope that this will be moved to committee tomorrow.

(On motion of Senator Marshall, debate adjourned.)

CONFLICT OF INTEREST ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the second reading of Bill S-207, An Act to amend the Conflict of Interest Act (gifts).

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, Senator Andreychuk has asked me to reset the clock as this order is on day 15.

Hon. Joseph A. Day: I have a question. This is the fourth time for this order to be before the chamber — the fourth time. I spoke to this bill on December 5, 2013.

There have been many opportunities to speak along the way; it's not a complicated matter. Much of the debate has taken place on the three other occasions. Could the deputy leader convey that to the honourable senator? I believe this to be an important oversight from Bill C-2 of six years ago. That was the point made at the time by former commissioners.

I think it should go to committee and be dealt with.

• (1540)

Senator Martin: I don't think that was a question. Actually, you said "to convey," and I will do so to Senator Andreychuk when I get the opportunity.

Senator Day: Thank you.

The Hon. the Speaker *pro tempore*: It is moved by Senator Martin, seconded by Senator Marshall, that further debate be adjourned until the next sitting of the Senate.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

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

[*Translation*]

CRIMINAL CODE NATIONAL DEFENCE ACT

BILL TO AMEND—SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Marshall, for the second reading of Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment).

Hon. Roméo Antonius Dallaire: Mr. Speaker, I am looking at the clock and I see that there are only a few minutes left before we adjourn, and my speech will take more time than I have. Should I postpone my speech until tomorrow, since I won't be able to finish it in the time I have today?

The Hon. the Speaker *pro tempore*: You won't be able to finish it today because there are only 10 minutes left. At 4 o'clock I will have to adjourn the sitting. You can start your speech now and move the adjournment for the remainder of your time. It is up to you.

Senator Dallaire: I would like to start, if I may.

The Hon. the Speaker *pro tempore*: Senator Dallaire, you have the floor.

Senator Dallaire: As long as I can continue my speech on this topic tomorrow.

[*English*]

Colleagues, I rise to speak about Bill C-394, an act that would amend the Criminal Code to make it an offence to recruit, solicit, encourage, coerce or invite a person to join a criminal organization.

I must say at the outset that I think this is a very significant bill and one certainly worthy of our careful attention. It is a bill with a truly noble aim, and we must be sure to give it adequate scrutiny when it is here in the Senate, both in the chamber and also in committee.

Let me first and foremost discuss the aim of the bill. The original sponsor of the bill in the House of Commons, MP Parm Gill, offered the following explanation of the goals of this bill:

First and foremost, this bill is seeking to further protect our youth and our communities by criminalizing the act of criminal organization recruitment. Second, this bill is seeking to provide our law enforcement officials and our justice system with the proper tools to address gang-related issues. In doing so, this bill will provide prosecutors and law enforcers with the proper tools to address the issue of gang recruitment in communities across Canada.

The new tools to which Mr. Gill refers are a new specific Criminal Code offence for gang recruitment. This new offence would carry a punishment of up to five years imprisonment, with a mandatory minimum sentence —

This keeps coming back: mandatory minimum sentence. Every time I hear it, I feel that we are eroding the power and ability of and our confidence in our judges responsible for administering our judicial system and the rule of law. Regardless, I will continue.

— with a mandatory minimum sentence of six months in prison for those who recruit people under the age of 18.

[*Translation*]

The purpose of the bill is to prevent gangs from recruiting and to keep people, especially children and youth, from getting involved in criminal gang activities. It is a laudable goal, honourable senators, and one that we should respect.

As I said in the questions I put to Senator Plett, the sponsor of the bill in the Senate, when he spoke to the bill at second reading, gangs exercise undue influence in some parts of our country, particularly in urban areas.

Let's look at Winnipeg, for example, where my colleague, Senator Plett, is from. In Winnipeg, as in other parts of the country, the people who join street gangs are often young men

who are violent, bored, poor and victims of abuse. They have few opportunities. They are essentially trapped in a situation that is extremely difficult to get out of.

[*English*]

Factors such as poverty, low education, and alcohol and drug abuse are threads common among many gang members, regardless of their culture or ethnicity.

In Quebec City, there is an upper town and a lower town. In the work of my foundation, as we are helping the youth of lower town, who are disenfranchised and much less capable of handling the financial demands of the community and their youth, it is surprising to see that these young people are so locked into their milieu that some have never even been able to go to upper town, so vast to them is the differential that exists.

Imagine, then, when they are continuously caught in this sort of fortress environment of their milieu, the significant influences and pressures from peers and others put upon them, and particularly when the community has so much suffering due to criminality of various sorts.

However, we also see that a disproportionate number of these gang recruits are Aboriginal youth. I am thinking of Winnipeg on this subject. Many of them have spent their lives fighting a losing battle against the social systems that hold them back from achieving their goals. Aboriginal youth are disproportionately affected by these common factors, which contribute to their overrepresentation in gangs in Winnipeg, as an example.

I was in north Edmonton at a drop-in centre, and I was asked to stay a little longer because four members of an Aboriginal gang wanted to meet with me. All four of them could have played on the offensive line of the Edmonton Eskimos. They were 15 years old. After less than half an hour of talking about their plight, they were in absolute tears and were breaking down over the fact that they found themselves caught up in a process for which there doesn't seem to be any door out of or any way of getting out of the system. They are caught in a milieu that will either land them in jail or get them shot and left in the streets.

Their families are far more likely to be touched by issues of addiction, violence and joblessness, as the scenarios from which they come are often so limited. In addition, racist attitudes toward Aboriginal youth give them the message that they are not good enough and pit them against a world that has already judged them. Yes, this exists in Canada.

Many youth do not have any positive notion to relate to or any example to turn to — no mentoring, no basis for a positive way of thinking about themselves, where they come from and what they

embody. They are ideal recruits because they are disenfranchised, and they are growing faster than any other group of youth in this country.

A second concern I have is regarding most of the large cities, where we see gang activity on the rise. A growing number of youth, even children, are immigrants to Canada, particularly those coming in as refugees from states facing very challenging and violent domestic circumstances.

• (1600)

These young men and women, these kids of the diasporas, come into Canada and, like all teenagers, they are struggling to find their identity and place in the world — much closer even in the local community, if not just in the block in which they live.

On top of this, they are dealing with profound cultural changes, from linguistics to eating habits to simply learning to whom they turn for reference. And if those references are not there — if the elder is not there — they are left completely unattended. They are attempting to adjust to an entirely new way of living.

In Calgary, I met with a young Somali ex-child soldier —

[*Translation*]

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: I must interrupt you, Senator Dallaire.

Hon. Roméo Antonius Dallaire: I've only just begun.

The Hon. the Speaker *pro tempore*: I realize that, but I must interrupt you anyway.

I would like to point out that since it is an interruption, you do not need to adjourn debate. You will be able to continue with and conclude your remarks at a subsequent sitting.

I will explain, for those honourable senators who are curious. We recently amended rule 4-15 to include the new subsection (3), which prevents Senator Dallaire from adjourning debate a second time because he has already done so once. Since he is not adjourning debate I am interrupting him because I have an order from this house to interrupt the debate Senator Dallaire can, at his leisure, continue with and conclude his remarks at a subsequent sitting.

(The Senate adjourned until Thursday, March 6, 2014, at 1:30 p.m.)

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