



# DEBATES OF THE SENATE

---

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 46

---

OFFICIAL REPORT  
(HANSARD)

Tuesday, April 1, 2014

The Honourable NOËL A. KINSELLA  
Speaker

This issue contains the latest listing of Senators,  
Officers of the Senate and the Ministry.

## CONTENTS

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

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

---

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

## THE SENATE

Tuesday, April 1, 2014

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Dennise Taylor-Gilhen, the Chief Executive Officer of Parkinson Society Eastern Ontario. She is accompanied by representatives of Parkinson Society Canada: David Morgan, Yvonne Morgan, Tony Pugh, Jason Durand, Joyce Gordon, Bev Crandell, John Rager and Joan Gibson. They are guests of the Honourable Senator Ogilvie.

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

**Hon. Senators:** Hear, hear!

## SENATORS' STATEMENTS

### PARKINSON'S AWARENESS MONTH

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, April marks the beginning of Parkinson's Awareness Month, a month-long celebration to recognize members of the Parkinson's community across Canada. Representatives from Parkinson Society Canada are in Ottawa today meeting with key policy decision makers to discuss how the Government of Canada can continue to support individuals and families living with Parkinson's disease.

This year, Parkinson Society Canada salutes the everyday heroes who inspire extraordinary hope, because Parkinson's disease is never faced alone. Throughout the month of April, Parkinson Society Canada will be showcasing the efforts of extraordinary volunteers, scientists and thought leaders who help improve the lives of people affected by Parkinson's every day.

Over 100,000 Canadians are affected by this chronic degenerative neurological disease, which currently has no cure. Parkinson's disease is caused by a loss of dopamine in the brain, leading to a number of motor and non-motor symptoms that include tremors, slowness of movement, difficulty with balance and walking, depression, sleep disturbances and cognitive changes. The average age of onset is 60, but Parkinson's can affect people as young as 30 or 40.

The needs of men and women affected by Parkinson's are extensive and require thoughtful consideration from government. Canadians are relying on our leadership to make strong and

supportive policy decisions to help individuals and families affected by Parkinson's live the highest quality and most productive lives possible.

During April, the Parkinson's community asks all senators to recognize the contribution of everyday heroes, particularly today, during National Volunteer Week from April 6 to 12, and on World Parkinson's Day on April 11. I encourage every member of the Senate to think about how each of us can be an everyday hero and inspire extraordinary hope in those in our communities who are affected by Parkinson's.

### HISTORICAL LANDMARKS

**Hon. Catherine S. Callbeck:** Honourable senators, in February we learned that some of this country's most valuable historical buildings and structures are in deplorable condition. Parks Canada recently hired an independent consultant to review its inventory of assets — everything from forts to houses, bridges to roads, and other heritage structures — and determine how much repair work might be needed.

The report was completed in December, and the results are shocking. More than half of all Parks Canada assets — 53 per cent — are in poor to very poor condition. When looking at what are called "cultural assets," such as historical houses, forts and locks, the number in poor or very poor condition jumps to 61 per cent. These cultural assets alone are worth about \$15 billion, but these historical treasures are deteriorating through neglect.

Even my home province has been affected. Province House, the birthplace of Confederation and a national historic site, had to be closed for two months due to emergency repairs. In January, a large chunk of plaster — and by "large," I mean the size of a pool table — fell off the building near the north entrance. Staff of the Legislative Assembly had to be relocated, and tours of the building were suspended until last week.

Most disturbing, the emergency repairs come on the heels of a two-year renovation, including masonry work, by Parks Canada that just finished in December. Now we hear that a report commissioned two years ago by Parks Canada found that Province House has major structural issues and that without a plan to address them, the building is at risk of partial collapse. Indeed, the exterior walls are unstable, some of the floor supports are damaged, areas of the foundation and basement walls are in poor condition, and the roof leaks. Water has caused significant damage. An investigation of a section of exterior wall on the third floor found that the sandstone had literally turned to sand and filled several buckets.

• (1410)

Honourable senators, this country is blessed with thousands of historic treasures across the country. Their economic value is extremely high, both as assets and as drivers of local economies.

In fact, more than 20 million people visited these sites in 2012-13 and the numbers are rising. We cannot afford to allow them to crumble to the ground. We need a long-term plan to address this issue, and I would urge this government to work with Parks Canada on developing one.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Sunder Singh, Executive Director of the Elspeth Heyworth Centre for Women in Toronto; and Ajit Jain, a journalist who has worked as managing editor of *India Abroad*, and the author and editor of the recent publication, *Violence Against Women: All Pervading*, a book which has received a great deal of attention in Canada and India. They are the guests of our colleague, the Honourable Senator Seth.

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

**Hon. Senators:** Hear, hear!

### PREVENTION OF VIOLENCE AGAINST WOMEN

**Hon. Asha Seth:** Honourable senators, as a physician who specializes in women's health, there are few issues that make me really upset like violence against women. Every year thousands of women fall prey to gender-based violence, sometimes at the hands of a stranger, but far more often at the hands of loved ones.

Abuse is a shape-shifter. Physical, sexual, emotional, financial and even spiritual abuse are commonplace in many households. While we sometimes imagine this to be a problem of the underdeveloped world, the fact is that in Canada it is estimated that women are 11 times more likely than men to be the victim of sexual offences. When you speak about minority groups, such as Aboriginal women, the numbers can be three times higher than for non-Aboriginal women.

The brutality that many women face in Canada and across the world is often founded on misguided cultural norms that emphasize and promote the treatment of women as an inferior. This moves me to look for methods of improving the conditions of women so as to avoid violence, especially among vulnerable newcomers to Canada. Immigrant women often find themselves isolated from their communities and unaware of services available for their protection.

As parliamentarians, we have an important role in speaking out against gender-based violence so that Canadians of every background can have the tools to help stop the cruelty and harm.

Today from 5:45 to 7:30 p.m., I will be hosting a reception on behalf of the Elspeth Hayworth Centre for Women — one of Canada's largest leading advocates for vulnerable immigrant women — and *Violence Against Women: All Pervading*, edited by the renowned Indo-Canadian journalist, Ajit Jain. Minister Kellie Leitch will join us and deliver a speech on the issue.

[ Senator Callbeck ]

Honourable senators, violence against women is an outrageous violation against our human rights. We cannot be quiet until violence rates drop significantly around the world. I know this concerns you. Please join us in room 256-S Centre Block at 5:45 p.m. to continue this discussion.

### COMMONWEALTH DAY

**Hon. Elizabeth Hubley:** Honourable senators, it is my pleasure to rise today to mark Commonwealth Day, which was celebrated on March 9, 2014. This day, which is held in celebration of the Commonwealth of Nations, is held each year on the second Monday of March.

This year the theme of the celebrations was "Team Commonwealth." In her annual address to the Commonwealth, Her Majesty Queen Elizabeth II, Queen of Canada and Head of the Commonwealth, spoke to the continued importance of teamwork and being united as a Commonwealth in order to "achieve a more enduring success" in the years to come.

Over the years, Canada has played a great role in the development and promotion of Commonwealth Day. First celebrated on the last school day before May 24, Empire Day began in Canada in 1898. Quickly spreading, this day was adopted in the United Kingdom in 1904 and was a chance for people of the Commonwealth to show their pride in being part of the British Empire. Empire Day was renamed Commonwealth Day in 1958 to reflect the new relationship between the nations of the former empire.

In 1973, the National Council in Canada of the Royal Commonwealth Society wrote to Prime Minister Pierre Elliott Trudeau to express the desire to have Commonwealth Day observed on the same day throughout the Commonwealth. In 1975, this request appeared on the agenda of the Commonwealth Heads of Government Meeting, and by 1976 Canada's proposal for Commonwealth Day to be celebrated throughout the Commonwealth on the second Monday in March was adopted.

Colleagues, as a member of the Canada Commonwealth Parliamentary Friendship Group, I want to encourage all senators to take part in future Commonwealth Day celebrations and to promote the good work Canada does within the Commonwealth of Nations in order to build a better world.

### NEWFOUNDLAND AND LABRADOR

#### SIXTY-FIFTH ANNIVERSARY OF ENTRY INTO CONFEDERATION

**Hon. Elizabeth Marshall:** Honourable senators, I rise today to commemorate the sixty-fifth anniversary of the entry of Newfoundland and Labrador into Canadian Confederation, which was celebrated yesterday, March 31.

Situated in the country's Atlantic region, Newfoundland and Labrador is the easternmost province of Canada, incorporating the island of Newfoundland and mainland Labrador to the

Northwest and making up around four percent of Canada's territory.

Over the centuries, Portugal, Spain, France and Great Britain all explored these rich waters and cod fisheries. Newfoundland became England's first overseas possession. Its strategic location and importance of the fishery led to a very close relationship with its mother country, which extended to 1949.

The modern political status of Newfoundland started in 1854 when the British government established the province's responsible government, and it remained a colony until acquiring dominion status in 1907 as one of the five original dominions, the other four being Australia, New Zealand, South Africa and Canada. This status signified Newfoundland would be a self-governing state and relatively autonomous from British rule.

Due to the dominion's government debt after World War I and the Great Depression, Newfoundland gave up its independence to a British-controlled administration in 1934 called the Royal Commission of Government.

While the commission implemented improvements for the economy of the province and the government was more efficient, the fishing industry continued to perform poorly during the 1930s. During the outbreak of World War II, there was a construction boom of new roads, buildings and military bases, and Newfoundland became an important defence base in the Atlantic in the Allied war effort.

Britain, Canada and the United States established military presence in Newfoundland, but Canada worried this would be a prelude to American possession of the region and renewed its interest in inviting Newfoundland to join Confederation. Newfoundland prospered in the aftermath of World War II and Britain gave a decree for the formation of the National Convention in 1946 and allowed Newfoundlanders to choose their own future. Britain was in a poor financial condition in the post-war era, and the British government gave the impression it favoured Confederation with Canada.

Debate began over which government options to include in the referendum ballot to be presented to Newfoundlanders, having the first referendum in June 1948, which resulted in not enough votes to support Confederation. The second referendum took place in July 1948 with 52 per cent voting for union with Canada and 48 per cent voting for restoration of independence. The debate continues to this day as to whether there was undue British and Canadian influence in the decision. Even today, there are those who are convinced that the majority of Newfoundlanders did not vote in 1948 for union with Canada.

• (1420)

On March 31, 1949, Newfoundland and Labrador became the tenth province of Canada.

Honourable senators, please join me in recognizing the sixty-fifth anniversary of Newfoundland's entry into our Canadian Confederation on March 31.

## THE GREAT NEWFOUNDLAND SEALING DISASTER OF 1914

### ONE HUNDREDTH ANNIVERSARY

**Hon. Fabian Manning:** Surrounded by the Atlantic Ocean, the Island of Newfoundland has reaped the bounty of the sea for generations, but 100 years ago this week, the cold North Atlantic took from our shores much more than it gave.

This is the week that we remember a sad moment in our proud history. It was during the weekend of March 31 to April 2, 1914, that 77 crew members of the sealing ship the SS *Newfoundland* froze to death on the ice. Another crew member succumbed to his injuries later in St. John's.

During that same weekend, the SS *Southern Cross* was making her way home somewhere near St. Mary's Bay. With a heavy cargo of seal pelts, the ship lost her battle with the fierce winter storm that was engulfing the province. The ship and her crew of 176 men disappeared without a trace and were never heard from again.

The loss of the 254 men in only two days affected many families and every community and citizen of Newfoundland. This very sad moment in Newfoundland's history is referred to as "The Great Newfoundland Sealing Disaster of 1914."

Many articles and books have been written about the disaster, and they are worthy of taking the time to read. One of the most familiar and compelling books was written in 1972 by Cassie Brown, titled *Death on the Ice*.

Though this book reads like a novel, it is historically accurate. It tells of the two long, freezing days and nights when 132 men were left stranded on an icefield floating in the North Atlantic in the depth of winter. They were thinly dressed, had little or no food, and had no hope of shelter on the ice against the snow and constant bitter winds. To survive, they had to keep moving. Those who lay down to rest died.

The book tells the story of heroes, such as one man who froze his lips badly from biting off the icicles that were blinding his comrades. Other men froze in their tracks or went mad with pain and walked off the edge of the icefield. Then there is the story of Reuben Crewe and his 16 year old son, Albert John, who died in each other's arms. A quotation from Cassie's book reads as follows:

But now, father and son were unable to encourage each other any further. Albert lay on the ice to die, and his father lay beside him, drawing his son's head up under his fishermen's guernsey in a last gesture of protection. They clasped in each other's arms, they died together.

The National Film Board of Canada has just released a short animation on this historical event, called *54 Hours*. I suggest you take the time to view it.

Reg Sherren did a magnificent piece on the CBC's *The National* last evening. I also suggest you view that story.

Colleagues, the sea is an important part of who we are as Newfoundlanders. Our history is full of moments of great accomplishment and great success on the ocean.

But today we remember one of the greatest disasters of our time that even now — 100 years later — brings tears to the eyes of strong-willed men who have trod the frozen ice pans and know full well the unforgiving nature of the cold North Atlantic.

I ask you to join with me today in wishing the 254 men lost during the 1914 Newfoundland Sealing Disaster eternal rest.

May their souls and all the souls of the faithfully departed rest in peace.

---

## ROUTINE PROCEEDINGS

### SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO GREECE  
AND BOSNIA AND HERZEGOVINA,  
SEPTEMBER 7-16, 2012—  
REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I ask leave of the Senate to table a document entitled: “Visit of the Honourable Noël A. Kinsella, Speaker of the Senate, and a Parliamentary Delegation to Greece and Bosnia and Herzegovina,” September 7 to 16, 2012.

Is permission granted, honourable senators?

**Hon. Senators:** Agreed.

[Translation]

### CANADIAN HUMAN RIGHTS TRIBUNAL

2013 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, pursuant to subsection 61(4) of the Canadian Human Rights Act, I have the honour to table, in both official languages, the 2013 annual report of the Canadian Human Rights Tribunal entitled *Providing effective resolution of discrimination complaints for Canadians*.

[English]

### ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

MAA-NULTH FIRST NATIONS FINAL AGREEMENT—  
2011-12 IMPLEMENTATION REPORT TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Maa-Nulth First Nations Final Agreement Implementation Report 2011-12.

[ Senator Manning ]

YUKON LAND CLAIMS AND SELF-GOVERNMENT  
AGREEMENTS—2009-10 AND 2010-11  
ANNUAL REPORTS TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2009-10 and 2010-11 Annual Reports of the Yukon Land Claims and Self-Governments Agreements.

WESTBANK FIRST NATION SELF-GOVERNMENT  
AGREEMENT—2010-11 ANNUAL  
IMPLEMENTATION REPORT  
TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Westbank First Nation Self-Government Agreement Annual Report on Implementation 2010-11.

TSAWWASSEN FIRST NATION—2011-12 ANNUAL  
IMPLEMENTATION REPORT TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2011-12 Tsawwassen First Nation Annual Implementation Report.

### SCRUTINY OF REGULATIONS

THIRD REPORT OF JOINT COMMITTEE TABLED

**Hon. Bob Runciman:** Honourable senators, I have the honour to table, in both official languages, the third report of the Standing Joint Committee for the Scrutiny of Regulations, which deals with fixing the date of coming into force of statutory provisions.

### ECONOMIC ACTION PLAN 2014 BILL, NO. 1

NOTICE OF MOTION TO AUTHORIZE CERTAIN  
COMMITTEES 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 National Finance be authorized to examine the subject-matter of all of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures, introduced in the House of Commons on March 28, 2014, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to sit for the purposes of its study of the subject-matter of Bill C-31 even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject-matter of the following elements contained in Bill C-31 in advance of it coming before the Senate:
  - (a) the Standing Senate Committee on Transport and Communications: those elements contained in Divisions 15, 16 and 28 of Part 6;
  - (b) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 11, 17, 20, 27 and 30 of Part 6;
  - (c) the Standing Senate Committee on National Security and Defence: those elements contained in Divisions 1 and 7 of Part 6;
  - (d) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Parts 2, 3 and 4 and Divisions 2, 3, 4, 8, 13, 14, 19, 22, 24 and 25 of Part 6;
2. The various committees listed in point one that are authorized to examine the subject-matter of particular elements of Bill C-31 submit their final reports to the Senate no later than June 19, 2014;
3. As the reports from the various committees authorized to examine the subject-matter of particular elements of Bill C-31 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and
4. The Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point.

• (1430)

[Translation]

#### CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ORGANIZATION FOR SECURITY AND CO-OPERATION  
IN EUROPE PARLIAMENTARY ASSEMBLY, ANNUAL  
SESSION, JUNE 29-JULY 3, 2013—REPORT TABLED

**Hon. Ghislain Maltais:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, respecting its participation in the 22nd Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, which was held in Istanbul, Turkey, from June 29 to July 3, 2013.

[English]

### QUESTION PERIOD

#### JUSTICE

##### MANDATORY MINIMUM SENTENCES

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate, and it comes today from Geoffrey Robinson, who divides his time between Ottawa and California where he is a history professor at UCLA.

Professor Robinson's question is as follows:

As a Canadian born and raised in Ottawa, who has spent many years living in California, I'm dismayed by Canada's recent expansion and embrace of mandatory minimum sentencing laws. Such laws have backfired badly in the U.S. — so badly in fact that jurisdictions across the country, including the federal government, are now rolling them back.

Rather than deter crime and create a fairer judicial system, mandatory minimums in the U.S. have resulted in an oversized, overcrowded, and enormously expensive prison system, a shift of judicial discretion away from judges into the hands of prosecutors, and the imposition of sentences for minor, non-violent crimes so breathtakingly long that respected voices from across the political spectrum are now arguing for a repeal of this type of legislation.

The American Bar Association has stated that "Sentencing by mandatory minimums is the antithesis of rational sentencing policy." U.S. Attorney General Eric Holder, the country's top law enforcement official, concluded last year that because of such legislation, "too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason." Even the conservative criminal justice initiative Right on Crime has come out firmly against the American over-reliance on mandatory minimum sentencing.

The United States' experiment with such legislation has not only been an unmitigated policy failure; it has affected hundreds of thousands of real people — mothers and fathers, husbands and wives, neighbours and friends — whose lives have been devastated by years, sometimes decades, of needless and counter-productive incarceration.

Professor Robinson's question is as follows:

On what specific evidence is the Canadian government basing its expansion and embrace of mandatory minimum sentencing policies that are known to have failed elsewhere?

And before the leader answers, I should point out that Professor Robinson is in the gallery today.

[*Translation*]

**Hon. Claude Carignan (Leader of the Government):** Thank you, senator, for your question on behalf of Professor Robinson. Professor, a total of 53 minimum sentences have been introduced into the Criminal Code since 1892. Of that number, 18 were introduced by a Conservative government and 35 were introduced by a Liberal government.

Jean Chrétien introduced 11 minimum sentences, eight in 1995 and three in 1997. Prime Minister Paul Martin introduced nine minimum sentences, all in 2005. Pierre Elliott Trudeau introduced seven minimum sentences, two in 1969, four in 1976 and one in 1977. On the Conservative side, two minimum sentences were introduced in 2009, three in 2010 and there are a few that are currently being examined.

Mandatory prison sentences show Canadians that criminals' rights no longer infringe upon the rights of victims. We brought in mandatory minimum sentences so that people are punished for crimes of sexual assault against children, serious gun crimes, impaired driving, and the sale of drugs to children. Unfortunately, our friends opposite voted against these minimum sentences; however, we believe it is important to show Canadians that this type of behaviour, these serious crimes, must be severely punished.

[*English*]

**Senator Cowan:** On other occasions, the leader has recited this chronology of the introduction of mandatory minimum sentences, and he's perfectly correct that other governments, not just his government, have introduced those mandatory minimum sentences into Canadian criminal law.

The point is, as Professor Robinson has pointed out, all of the evidence which I've seen in Canada and in the U.S. points to the fact that these policies fail to do precisely what they're intended to do, and that is to deter criminal activity.

Professor Robinson's question is not to give a recitation of the introduction of mandatory minimum sentences but to give him and us and the Canadian people the evidence your government is relying on to continue to reinforce and expand this failed practice.

[*Translation*]

**Senator Carignan:** It is only logical that when a person is in prison, they are not on the street and cannot commit crimes. When I was a member of the Standing Senate Committee on Legal and Constitutional Affairs, one example that kept coming up was minimum sentences for impaired driving. You can look at the statistics and see that when minimum sentences were introduced and increased, for impaired driving in particular, there was a significant drop in the number of offences.

[*English*]

**Senator Cowan:** I agree with the leader that as long as one is in prison, they're not out there committing crimes in the public. The question is whether there is any evidence to support that this

[ Senator Cowan ]

regime of mandatory minimum sentences does anything to deter criminal behaviour. The point is not just to punish the people who commit the offences, but surely one of the objectives of our criminal law regime is to discourage people from criminal behaviour and deter that behaviour.

Professor Robinson's question is this: What evidence does your government have for its continued reliance on what has been demonstrated by all of the studies I have seen in Canada and the U.S. to be a failed experiment? What evidence do you have? Can you point us to some studies that would indicate that?

[*Translation*]

**Senator Carignan:** I am surprised that you need evidence to show that a person in prison is not at risk of abusing a child. I have a hard time understanding how we can provide such evidence. It seems obvious to me. As far as studies are concerned, for impaired driving in particular, the statistics are very clear. When minimum sentences were introduced for impaired driving, the sentence was known. A significant drop in the number of offences was observed.

[*English*]

**Hon. Grant Mitchell:** As luck would have it, Janet Handy from Cornwall, Ontario, a member of the public, has a question consistent with the line of questioning from Professor Robinson.

She says:

I have worked with victims of violence —

— I know these public questions get the Conservatives very edgy, so I'll start again. They can't handle the truth —

I have worked with victims of violence for over 30 years. They exist on both sides of the prison bars. Most healing takes place when victims are given adequate tools to move forward in their own lives quite apart from what is happening in the courts with those who harmed them. Most offenders take accountability for their actions when they, too, can receive adequate tools to address their social deficits through meaningful and constructive sentencing mechanisms like restorative justice processes and community service sentencing.

The general institutionalizing and criminalization of countless small crime offenders, individuals with mental health issues, those with addiction and child abuse histories and Aboriginal Peoples speaks very poorly to the capacity of an intelligent nation to address our core community-based problems from the outset before they occur.

• (1440)

When will the government stop penalizing victims and offenders with short-sighted, tough-on-crime laws that do nothing to promote accountability and healing on either side of the prison bars?

[*Translation*]

**Senator Carignan:** If I understand your comment, I would point out that Canada has had mandatory minimum sentences since 1892. Over and over, successive governments, both Liberal and



Conservative, have identified penalties and the severity of the penalties to be handed down for some heinous crimes, for example violent crime or even white-collar crime.

In recent years, the public and our government have shown a desire for harsher penalties for white-collar crimes. You may recall that our government cracked down on criminals who get their hands on the hard-earned savings of Canadians.

After Bill C-21 was passed and received Royal Assent in March 2011, we brought in mandatory minimums of at least two years for fraud over \$1 million. We also made sentences tougher by introducing aggravating factors that take into account specific information such as the health, age and financial situation of the victim. These are major crimes and the public recognizes them as such. The public recognizes that they should be punished harshly to deter others who might be tempted to do the same thing. As we have found in recent months, Canadians continue to harshly condemn this type of crime.

[English]

**Senator Mitchell:** Janet Handy from Cornwall goes on to ask: Has the government, instead of pursuing this short-sighted, tough-on-crime approach, which hasn't been supported by the evidence to reduce crime, given any consideration to diverting the millions of dollars being spent on this tough-on-crime legislation approach to develop meaningful and effective programming at the early stages of criminal behaviour and victim trauma?

[Translation]

**Senator Carignan:** A lot of money is invested in preventing crime. I could name a whole host of crime-prevention programs. However, at a certain point, in spite of these crime-prevention programs, campaigns and measures, there are unfortunately people who will continue to commit heinous crimes and who deserve to be punished harshly. When this happens we need to take action. We cannot ignore these heinous crimes. I think that the public strongly supports us on this matter.

[English]

**Senator Mitchell:** Honourable senators, the prison warehousing mentality of the present government and its short-sighted elimination and gutting of corrections and community programs meant to restore healing and accountability between these two groups and the community at large and to provide much more cost-effective means to address social problems is severely threatening our public safety, according to the question from Janet Handy. She goes on to ask a very relevant and specific question, and that is to say, when it comes to creating criminal penalties, has the government given any thought to finding government, itself, responsible for creating a culture of untreatable people?

[Translation]

**Senator Carignan:** I am having difficulty understanding exactly what you are asking. Please repeat it because I am unsure about the translation.

[English]

**Senator Mitchell:** Let me repeat the question and make it a little clearer.

The fact of the matter is that this government continues to institutionalize and criminalize petty criminals, people with mental health issues, people with fetal alcohol syndrome, people with learning disabilities, people who have problems that then manifest themselves in criminal activity because they don't get treatment early enough. What Janet is saying is that this government is, in fact, creating a culture of untreatable people because it's making inadequate, if any, efforts to provide them with the kind of treatment that would be preventative in the first place and corrective in the second place.

[Translation]

**Senator Carignan:** If you are going to refer to the history of mandatory minimum sentences, it is important to provide balance. Mandatory minimum sentences are imposed for serious offences such as gun crimes or selling drugs to children. It is not about determining whether someone committed a minor offence. We are talking about very serious crimes that we deem to warrant a serious sentence.

If the person has mental health issues, there is a process in place to assess whether they can stand trial. Did the person understand that they were committing a crime? There are defence procedures used by defence lawyers to determine whether an individual's mental health led them to commit a crime. In that case, as you know, the person can be recognized as not criminally responsible. The process is in place to deal with different individuals. However, one thing is certain. When a person commits a serious crime they must incur a serious consequence.

[English]

## DEMOCRATIC REFORM

### FAIR ELECTIONS BILL

**Hon. Bob Runciman:** I have a question for the Leader of the Government in the Senate.

Leader, I have been advised that the Minister of State for Democratic Reform has asked the Senate to consider offering its advice with respect to Bill C-23, the proposed Fair Elections Act, through a pre-study of the legislation. As you know, leader, a pre-study would give the Senate an opportunity to have a meaningful impact on this legislation at its formative stage.

**Some Hon. Senators:** Oh, oh.

**Senator Runciman:** Over the past few weeks, we've heard — and we're hearing it again from across the room — the opposition expressing concerns about Bill C-23, so one would assume they would jump at the opportunity to have their concerns addressed at an early stage.

Leader, is that a safe assumption? And if not, why not?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, senator. I was not expecting that question.

Knowing the discipline shown by our colleagues across the aisle when it comes to studying bills thoroughly and knowing their expertise when it comes to elections, since many people on both sides of the chamber have taken part in the election process, this subject is of interest to all senators. Knowing their studious nature when it comes to these kinds of bills, I am sure they will seize the opportunity and vote in favour of this pre-study.

As I often say, further study is further study, and having the opportunity to study a bill at the same time as the House of Commons does not mean we cannot fulfill our role of sober second thought after the bill passes in the House of Commons and is sent to us in the Senate. It is better to make as many improvements as we can. If we have the opportunity to study this bill twice, so much the better.

• (1450)

[English]

**Hon. James S. Cowan (Leader of the Opposition):** My friend Senator Runciman invited you to make assumptions about what those of us on this side might do in reaction to your proposed motion.

My question is what assumption are you making as to the form of the bill that will be received here? Are you assuming the bill will be received in the Senate in exactly the same form it is in now in the House of Commons, or is your government, as your minister has said as recently as yesterday, entertaining the possibility of some amendments, which might change substantially the form of the bill as it now sits in the House of Commons? What is your assumption on that, leader?

[Translation]

**Senator Carignan:** Like all bills being studied in committee, this one could be amended. The minister invited all parliamentarians to suggest amendments, and he has been repeating that over the past few hours as well. If the bill is amended, once it comes before us, we will have the opportunity to study it a second time with the amendments adopted by the House of Commons. As I often say, more does not mean less.

[English]

**Hon. David P. Smith:** On the subject of cooperation and fairness, I can't recall any legislation in recent years that has evoked so much debate and so many editorials and columns against it. It has been universally panned.

I know that a lot of Canadians want to be heard on this. What I'm asking the government leader is if we were to cooperate on a pre-study, would you agree that the committee could hold hearings in different parts of Canada? Maybe not every

[ Senator Runciman ]

province, but one in the East and one in Quebec and Ontario and out West, and hear what the people from the grassroots have to say about this bill that they believe is seriously flawed?

[Translation]

**Senator Carignan:** Senator Smith, you clearly have a taste for travel. However, I think it is important to point out that every senator represents a region and we all go to our own region each weekend to meet with our constituents. That allows us to take the pulse of the nation.

We can study the bill here, in Ottawa, using the technical means at our disposal, such as video conferencing. The Internal Economy Committee is suggesting that we use video conferencing more often so that we can cut committee-related costs. We have the technological means to study bills without having to travel across Canada at great expense.

I would like to invite people to continue to send us their comments via email and regular mail as they do from time to time. As you know, it is also possible to send written submissions in addition to attending hearings here. That is an important aspect of the consultation process.

[English]

**Senator Cowan:** That's a "no."

**Senator D. Smith:** Does that mean you're opposed to the committee hearing witnesses across the country?

[Translation]

**Senator Carignan:** No. What I'm saying is that it's up to the Subcommittee on Agenda and Procedure of the Standing Senate Committee on Legal and Constitutional Affairs to decide how to conduct the study. I'm merely quoting the Internal Economy Committee's guidelines on committee spending for travel.

We encourage committee members to conduct their studies in Ottawa because we have the technology. We broadcast committee meetings on CPAC and our website. The Standing Senate Committee on Legal and Constitutional Affairs is broadcast on CPAC and our website. We have different kinds of technology that enable full hearings so that we can listen to Canadians, and that is our preferred way of doing business. Other technology can be used too.

Before we undertake expensive travel that can have a significant financial impact and would prevent Canadians from seeing the witnesses on television and elsewhere, the Standing Senate Committee on Legal and Constitutional Affairs will really have to give the decision full consideration.

[English]

**Hon. Percy E. Downe:** The Leader of the Government in the Senate speaks about the benefits of video conferencing and other technologies to hear from Canadians, but most Canadians would much prefer to appear in person before the committee, and most senators, I'm sure, would like to see them at those meetings.

Another Canadian who agrees on the importance of face-to-face meetings is Prime Minister Harper. He was asked on November 6, 2011, in an interview on “The West Block” about all the meetings he attended overseas and if they were really necessary. The Prime Minister said:

... there is no alternative, ultimately, to leaders sitting down face to face and hearing each other out. Hearing what the other guy's real thoughts are, his real priorities are, and trying to work towards solutions.

Even the Prime Minister understands there are some things you can do in video conferences, but others you have to hear from people face to face. Do you agree with your leader?

[Translation]

**Senator Carignan:** Senator Downe, you are being sarcastic. How sad. How can you compare an opportunity for two world leaders to meet to discussions during committee hearings with people who appear before the committee? Following your logic, 95 per cent of our committee hearings would be illegitimate because they happen in Ottawa and people have to travel or appear by videoconference.

Are you saying that the Senate's entire consultation process is dysfunctional, Senator?

## EMPLOYMENT AND SOCIAL DEVELOPMENT

### SUPPORT FOR POST-SECONDARY STUDENTS

**Hon. Marie-P. Charette-Poulin:** Honourable senators, my question is for the Leader of the Government in the Senate.

[English]

Senator Carignan, it is widely recognized that Canada's successful participation in the global economy requires that we have a well-educated, well-trained workforce, and yet young Canadians are increasingly being discouraged from enrolling in post-secondary education programs because of rising tuition fees and the debt they would incur.

We've all heard a great deal of discussion in recent months about the level of household debt in the country, but there has been little focus on the high level of student debt that is being carried by young Canadians. It is shocking to think that the average debt load is in the mid-\$20,000 range.

We must consider the consequences of this debt for both our youth, who are shouldering it, and the country as a whole. The consequences are far-reaching. There is the adverse effect it is having on our economy and, perhaps less obvious, there's a ripple effect of this overwhelming student debt load and the way it is reshaping Canadian society.

Many young people are struggling to make ends meet. Many are unemployed or underemployed and are finding it difficult or impossible to make loan payments. Many continue to live with their parents when they should be out on their own, experiencing their first tastes of independence. Many are delaying the purchase

of their first homes. Many are putting off having their families because of crippling, outstanding student loan amounts. There are also parents who have delayed their own retirement plans and are carrying the debt for their children. There are many different realities, each with its own consequences.

My question, Senator Carignan, is this: With the costs of post-secondary education continuing to climb, and with the average student debt load standing somewhere in the mid-\$20,000 range, would you please tell this chamber what your government is doing to address this problem?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, senator. As you know, no government has done more for students than our Conservative government. Economic Action Plan 2014 provides apprenticeship grants allowing apprentices registered in Red Seal trades to have access to interest-free loans, and simplifies the Canada Student Loans Program by eliminating the value of student-owned vehicles. As a result, 19,000 students, particularly those living in rural areas or in suburbs who have cars, will be entitled to higher loans.

• (1500)

According to the Canadian Alliance of Student Associations, students are delighted with the new measures in the 2014-15 federal budget. In its press release of February 11, 2014, the alliance states that these measures will enhance access to post-secondary education and improve long-term employment prospects for young Canadians.

These investments build on the considerable assistance that our government is already providing to young Canadians. We have also announced an improved Canada student grants program, which has provided assistance to 290,000 students, or double the number who benefited from the former program under the Liberal government.

The Repayment Assistance Plan has helped 165,000 students. Part-time students no longer have to pay interest on their loans while they are studying.

We introduced the Textbook Tax Credit, the Apprenticeship Incentive Grant, and the tax credit on tools. We made student loans and grants tax-exempt.

Since 2008-09, we have enhanced the Canada Social Transfer by \$800 million. These are actions that speak for themselves, and I thank you for your question, Senator.

## FIRST NATIONS ELECTIONS BILL

### THIRD REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Leave having been given to revert to Tabling of Documents:

**Hon. Dennis Glen Patterson,** Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, April 1, 2014

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

### THIRD REPORT

Your committee, to which was referred Bill C-9, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations, has, in obedience to the order of reference of Thursday, February 27, 2014, examined the said Bill and now reports the same without amendment but with certain observations, which are appended to this report.

Respectfully submitted,

DENNIS GLEN PATTERSON  
*Chair*

*(For text of observations, see today's Journals of the Senate, Appendix p. 636)*

**The Hon. the Speaker:** When shall this bill be read the third time?

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

[English]

## ORDERS OF THE DAY

### THE ESTIMATES, 2013-14

#### MAIN ESTIMATES—SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the adoption of the seventh report of the Standing Senate Committee on National Finance (Main Estimates 2013-2014), tabled in the Senate on March 25, 2014.

**Hon. Joseph A. Day:** Thank you, Mr. Speaker.

Honourable senators, I'd already moved the adoption of this report and began my comments. In order to free up the report so that others who may wish to speak have the opportunity to do so, I thought that I would take it out of this suspended animation position that it's currently in by concluding my remarks.

[ Senator Patterson ]

This, honourable senators, is the seventh report of the Standing Senate Committee on National Finance, and it's the final report for the estimates that ended yesterday. It's basically looking back, but it involved all of the work we did on the Main Estimates during the year. We came up with three different reports. This is the third report on the Main Estimates for the fiscal year that ended yesterday.

Honourable senators, you will see from the report an analysis of the committees that we met with since the last report. If you want to see our analysis and comments with respect to all the departments and agencies we met with, you need all three reports, but I can highlight a few of the items from this particular report.

We held 21 meetings in total last fiscal year. This, as I indicated, just deals with those meetings since our last report.

We met with the Parliamentary Budget Officer. A number of interesting points came out of that meeting.

We met with the Office of the Superintendent of Financial Institutions, and you can see our analysis of that meeting. That appears in this report.

We also met with the Conflict of Interest and Ethics Commissioner and the Canada Border Services Agency. Both appeared before the committee. We continued, honourable senators, following our meeting with the Canada Border Services Agency — and that was a good meeting — to learn about the work they're doing and the agreements we have with the United States to cooperate on border activities.

We talked to the Public Health Agency of Canada. We heard from the Office of the Commissioner of Lobbying; Canada Mortgage and Housing Corporation; Employment and Social Development Canada; and Foreign Affairs, Trade and Development Canada — that's the new name. The Public Service Commission of Canada came to see us, as well as the Office of the Privacy Commissioner.

You can see the various departments we have met with to determine why they're asking for the money they're asking for, how their department is going, how many employees they have, and what are their challenges and expectations for the coming year. Those are the kinds of questions we pose to them. You will see a brief outline of some of the responses and undertakings they gave us in these particular reports.

As a result of our meetings with one of the committees — namely, the Office of the Privacy Commissioner of Canada — we also heard from the Canadian Bankers Association. As I indicated, we heard from the Office of the Superintendent of Financial Institutions. Let me give you a couple of highlights from those committees that I think may be of interest to you.

The Parliamentary Budget Officer is the first one. The officials from that office told us that in the past — and particularly in recent months — the office had had difficulty. The Parliamentary Budget Officer had had difficulty getting federal departments and agencies to provide the information it needs to fulfill its mandate.

The Parliamentary Budget Officer has had meetings with the librarian, who is in effect the Parliamentary Budget Officer's boss. The Parliamentary Budget Officer is within the Library of Parliament, so the chief librarian is the most senior person. He also met with the Speakers of the Senate and the House of Commons, and they've offered their support in helping him to do his job.

It was also brought to the committee's attention that this is in addition to the office's ongoing efforts to develop and maintain good relations with the federal departments and agencies. On the one hand, the Parliamentary Budget Officer is trying to develop this good rapport with them; and, on the other hand, he's trying to force them to give him information which they refuse to give. It's an interesting standoff that we'll keep an eye on for you in that regard.

• (1510)

In relation to the Office the Superintendent of Financial Institutions, we learned quite a bit from that meeting. Through your voting, they received \$909,000 in the Main Estimates, but their budget is \$139.4 million. They get roughly \$1 million, \$900,000, from estimates, so where do they get the rest of the money? That's generated through fees paid by the financial institutions that must deal with this particular office and user-pay programs for selected services. They receive about \$138 million in fees that are charged to the financial institutions. Those fees, obviously, are an expense that the financial institutions will then pass on to their customers. You should be aware of that.

What kind of restraint is there on that figure from going up? If it can just be passed on and the financial institutions must deal with the Superintendent of Financial Institutions and pay whatever is asked, then it continues to be passed on without any constraints. That was a concern that we had.

The Office of the Superintendent of Financial Institutions currently employs 647 people — 100 more than during the global financial crisis of 2007-08. They've hired 100 more people. They were asked about staff increases. We said that seems significant and, in particular, the expenditure increases. The expenditures rose from \$113 million to \$140 million between 2009 and 2013. I repeat: The Office of the Superintendent of Financial Institutions, the department, was spending \$113 million, up to the \$140 million that they're currently spending. Virtually all of it is recovered through the fees they charge to the financial institutions, which must deal with them in order to continue to do business. I hope I've explained that in a way that you are a bit concerned, as we were when we went through that particular hearing.

Unfortunately, we didn't have financial institutions before us. We wanted to have financial institutions come before us and talk to us about this particular matter because we wanted to know if there are any concerns about these significant increases. According to officials from the Office of the Superintendent of Financial Institutions, there have never been any concerns about the organization's budget or its expenditures. We will try to confirm that in due course by having the financial institutions themselves come in and talk to us about that particular matter.

That's just one of the highlights. I won't talk about each of the departments, honourable senators, but, as I mentioned to you with respect to Border Services, there is a border action plan with

the United States that deals with a good number of items. One of them is cybersecurity, which is interesting because we leave cybersecurity to the Shared Services organization in Canada whereas in the United States it's virtually a military issue.

The Public Health Agency of Canada was one of the other groups that we had in. They had a net reduction in expenditure from 2012-13 of \$37 million. We spent some considerable period of time talking to them about where they found that kind of savings and what they cut down. We haven't gotten all the answers on that yet, but the Public Health Agency of Canada officials said that they have reduced the number of employees of the Public Health Agency by 300 positions in the last two years as part of the spending review launched in 2012. You can see where some of the savings will come from, namely having fewer people doing the work.

The Office of the Commissioner of Lobbying came in to see us. We were advised there are approximately 5,000 lobbyists registered with them to lobby the government in Ottawa — I repeat: 5,000. They keep an eye on that particular area of business; there is an extensive report there.

Honourable senators —

**The Hon. the Speaker *pro tempore*:** Does the honourable senator want more time?

**Senator Day:** I wonder if I might have a short period. I am almost finished.

**The Hon. the Speaker *pro tempore*:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Day:** I will try to give you the highlights. On Canada Mortgage and Housing, this is a highlight I would like you to think about. I know you're sitting on the front of your chair here. I cannot understand why other people don't get as excited about these figures as I do. This is a good one.

Canada Mortgage and Housing Corporation estimates that they will be repaying \$41.9 billion — with a "b" — to the Consolidated Revenue Fund in 2013-14. We'll see in the Public Accounts of Canada in six months whether they meet that goal, but that's what they believed they would have paid back.

Where did that money come from? This was all of the mortgages that they bought from the financial institutions during the economic downturn. So \$41.9 billion-worth of mortgages is coming due and now the financial institutions are in a position to refinance those. They would then pay off the CMHC-insured mortgage and get another mortgage, and CMHC will then return that money to the government, to the Consolidated Revenue Fund, to the people of Canada, as a non-budgetary repayment. It never showed going out as an expense. It was a loan and it comes back in as a non-budgetary item. It is important for us to be aware that that's happening. They're indicating that that's more money being put back in than was actually loaned out. They made money on those particular transactions and they're all coming back in this year because they were five-year loan situations.

Employment and Social Development Canada is another area we talked at length about. One of the growing areas of concern is the aging population that we're all aware of, but when you start seeing the figures and the amount of money that's going to be necessary in the coming years, it starts to look pretty significant. The rise in the number of beneficiaries is expected to result in an annual program cost increase over the next several years of \$1.2 billion in the Canada Pension Plan and Old Age Security. That is a significant rising liability that's not going to go away. In fact, it is going to increase. We'll want to keep a close eye on that to determine where the funds are going to come from and what else will not be funded as a result.

Those, honourable senators, are some of the highlights that I wanted you to be aware of.

With respect to National Defence, the Public Service Commission is the hirer and the auditor of people who are hired. There was a program for retired military personnel who were wounded to get other employment outside of National Defence; that is, other employment within the public service. That hasn't worked very well, as been determined by the Public Service Commission. The result of the Public Service Commission's audit of that program saying that it's not working well is to create Bill C-11, which is before Parliament now.

• (1520)

Bill C-11 will give a higher statutory level of priority to wounded military personnel, which I support and I know the Public Service Commission supports, and it will help in placing them, all else being equal. The merit principle will still apply, but the military personnel will be given a priority if all else is equal, which is absolutely the right thing to do.

Honourable senators, the Office of the Privacy Commissioner came before us as well, but I don't see any particular point that needs to be raised at this time.

I would encourage any members of Finance Committee who participated in these hearings to participate in the discussion of this particular report and I encourage all honourable senators to take the time to review this seventh report of the Finance Committee. Thank you.

**Hon. Elaine McCoy:** Will the honourable senator accept a question?

**The Hon. the Speaker pro tempore:** Is it a question or comment?

**Senator McCoy:** Question.

**The Hon. the Speaker pro tempore:** There is no more time for Senator Day.

**Senator McCoy:** I was curious about CMHC. Is there an extension of time?

**The Hon. the Speaker pro tempore:** No, unfortunately, Senator McCoy, the chamber is refusing more time, but I'm sure if you want to speak on the motion you will have the opportunity.

**Senator McCoy:** I would be delighted to speak.

**The Hon. the Speaker pro tempore:** Senator McCoy on debate.

**Senator McCoy:** I congratulate the senator and his committee once again on such a thorough job. I always listen with great interest.

The item that particularly caught my ear just now was the reference to some \$40 billion — and the senator may wish to ask me a question or make a comment — in terms of the true significance of this item in his report that was returned to the general revenue fund, \$40 billion.

I assume that this is really the extent of the bailout by which the government managed to keep our banks afloat during the financial crisis of 2008 but never quite explained it in those terms. It was, I think, the great “EFF” factor. It was referred to as the “extraordinary financial facility” in the so-called stimulus package. Any information requested about it was refused both by CMHC and the government of the day.

My curiosity is whether that is the full extent of our bailout of our banks. You said that this was more money than they actually loaned out, even though it's a good-news story in the end. Perhaps you have those facts on hand, as well. Do we know yet the full extent of the bailout of banks in Canada?

**Senator Day:** Would the honourable senator accept a question?

**The Hon. the Speaker pro tempore:** Senator Day, just make sure that it is a question that you can ask of Senator McCoy. I'm just reminding you that it's not an answer that has been requested.

**Senator Day:** No, I understand, Mr. Speaker, that it is a question or a comment. I thought that perhaps my question may be more a comment. You will, I'm sure, let me know if my comment is not question enough.

I've heard the honourable senator in her comments and concerns in relation to Canada Mortgage and Housing Corporation. Of course, as the honourable senator will know and as she will confirm at the end of my question, there were also loans to other areas during this economic downturn. However, we were talking specifically here and my question relates specifically to the Canada Mortgage and Housing Corporation loans to financial institutions to buy mortgages that were in trouble and, in that way, keep the financial institutions floating.

My understanding, from looking at the report of the Finance Committee, is that that amounted to \$41.9 billion and the suggestion is that the additional amount was the interest over a five-year period in addition to the principal amount.

Is that your understanding of the matter?

**Senator McCoy:** I think it's becoming much clearer now and I am beginning to finally see the fuller picture that we should never be so smug, I think, to speak on the international stages as if our financial institutions were so strong as to manage to get through that period without help. It's not a true statement. What is a true

[ Senator Day ]

statement is that we bailed ours out, as well as other countries bailing their banks out, so my comments are in that context. Thank you.

(On motion of Senator Callbeck, debate adjourned.)

### CANADA ELECTIONS ACT

#### BILL TO AMEND—MOTION TO AUTHORIZE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO STUDY SUBJECT MATTER—DEBATE ADJOURNED

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of March 27, 2014, moved:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, introduced in the House of Commons on February 4, 2014, in advance of the said bill coming before the Senate.

She said: Honourable senators, I rise today to speak to the motion to authorize the Legal and Constitutional Affairs Committee to examine the subject matter of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts, introduced in the House of Commons on February 4, 2014.

The adoption of this motion will allow the pre-study of Bill C-23 prior to the said bill coming before the Senate. As we all know, this bill is complex and raises several technical issues on how Canadians can exercise their right to vote, how the elections officials are to conduct themselves and other topics of importance.

Canadians expect their parliamentarians to take all steps necessary to conduct a thorough and complete study of such an important piece of legislation. This is why we believe that the Senate, through its Standing Senate Committee on Legal and Constitutional Affairs should start the study now to allow ample time to deal with the legislation now, as well when it comes to us in this chamber.

I encourage all honourable senators to support this important motion and allow the Standing Committee on Legal and Constitutional Affairs to begin their pre-study of Bill C-23.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, although listening carefully, I did not really hear any explanation of why this motion was necessary. We study many complex bills and parliamentary tradition is that we wait until they are before us unless there is a pressing reason to do a pre-study. In this case I'm not aware of any such pressing reason.

As the *The Globe and Mail* said in an editorial this morning, we are being pushed through the looking glass. However, I would like to do a little further research on this matter and therefore I ask colleagues to grant me the adjournment of the debate.

**The Hon. the Speaker *pro tempore*:** Senator Fraser, before you stood Senator Runciman was rising. Do we want to hear from Senator Runciman and then you can adjourn, if you want?

**Senator Fraser:** If it can stand adjourned in my name.

### MOTION IN AMENDMENT

**Hon. Bob Runciman:** Honourable senators, in amendment, I move that the motion be amended by adding, immediately before the final period, the following:

“;

That the committee be authorized to sit for the purposes of this study, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That the committee be authorized to sit for the purposes of this study, even though the Senate may then be adjourned, with the application of rule 12-18(2) being suspended in relation thereto; and

That, notwithstanding usual practices, the committee be authorized to deposit with the Clerk of the Senate its report on this study if the Senate is not then sitting; and that the report be deemed to have been tabled in the Senate”.

• (1530)

Your Honour, it's unfortunate that it seems to be required to move this amendment. As I said at the outset, I don't think any of us are comfortable in proceeding this way, but I, and I think all of us on this side of the house, find it difficult to understand the reasoning of the opposition with respect to an opportunity that is before us with respect to very important legislation.

When you consider the criticism this institution has weathered, over the past year or more, as being an ineffective body, having no real impact on legislation, this is a real opportunity to help to change perceptions, to get in at the formative stage. The opposition, it appears, instead of taking advantage of this opportunity, chooses to, unfortunately, play political games and, I would suggest, NDP games at that. Quite ironic.

The issue of travel is an ill-thought-out red herring. The committee itself, when the bill does arrive in the Senate, will have the opportunity to consider travel at that time. So that has not been precluded, and that's something that the committee can consider when indeed the bill is before this chamber.

I have to say, Your Honour, if honourable senators — and we've heard many concerns expressed across the aisle — are serious in their concerns about the contents of Bill C-23, then they will embrace the opportunity that is being offered to them, roll up their sleeves and get to work on examining Bill C-23.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Curiouser and curiouser, Your Honour. I wonder if Senator Runciman has been listening to his leader, who has now repeatedly told this

chamber that there is no need for the committee to travel in doing this pre-study. If Senator Runciman could change his leader's mind on that, he might even have an influence on my own opinion.

As it stands now, however, all we have are assurances from the Leader of the Government that travel will not be permitted and adamant refusal to contemplate amendments to this bill from the minister in charge of it. However, as I said, I do wish to examine the matter a little more closely, and so again, if I may, I move the adjournment of the debate.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

**The Hon. the Speaker *pro tempore*:** On division.

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

#### ALLOTMENT OF TIME—NOTICE OF MOTION

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition —

**Senator Tkachuk:** You mean with the independent senator.

**Senator Martin:** — to allocate time on Government Motion No. 26. Therefore, I give notice that, at the next sitting, I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of motion No. 26 under "Government business", concerning the pre-study of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

#### RUSSIAN SANCTIONS

##### MESSAGE FROM COMMONS—MOTION TO SHARE CONCERNS AND CONCLUSIONS EXPRESSED BY HOUSE OF COMMONS—DEBATE ADJOURNED

The Senate proceeded to consideration of the message from the House of Commons in the following words:

Wednesday, March 26, 2014

**RESOLVED,**—That, in view of the sanctions against parliamentarians and other Canadians announced by the Russian government, the House (a) re-affirm its resolution of Monday, March 3, 2014, (b) strongly condemn Russia's continued illegal military occupation of Crimea, (c) call for Russia to de-escalate the situation immediately, and (d) denounce Russia's sanctions against the Speaker and

members of the House of Commons, a member of the Senate, public servants and the President of the Ukrainian Canadian Congress;

That the Speaker do convey this resolution to the Ambassador of the Russian Federation; and

That a message be sent to the Senate to acquaint Their Honours accordingly.

ATTEST

AUDREY O'BRIEN  
*The Clerk of the House of Commons*

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I move, seconded by the Honourable Senator Marshall:

That the Senate share the concerns and conclusions expressed by the House of Commons in the message dated March 26, 2014;

That the Senate convey this resolution of the Senate to the Ambassador of the Russian Federation to Canada; and

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

**The Hon. the Speaker *pro tempore*:** On debate, Senator Martin.

**Senator Martin:** I'll be brief, honourable senators. As you can see on the Order Paper, this is the message that we had received on March 26, so I moved today, according to what was previously read, that we, as a Senate of Canada, share the concerns and accept the resolution that was in the message that we received last week and that we move forward with adoption of this motion so that we can stand together in support of Canadians, in support of Canada and our position with Ukraine.

I ask all honourable senators to look at the message that is in the Order Paper, to share this concern with our house colleagues and to acknowledge this as the Senate of Canada.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I have a couple of points. Let me say that I share entirely the sentiment that underlies the resolution that the House of Commons passed last week, but there are a couple of other things that I think are worth saying.

First, the message that they sent us, the resolution that they passed, includes a re-affirmation of a resolution passed by the House of Commons on March 3. Of course, we have nothing to do with that resolution. It has never been before us. We have never affirmed it let alone reaffirmed it, so we may assume that any vote in the Senate leaves aside the question of reaffirming a resolution that has never been before us.

• (1540)

Second, this motion strongly condemns Russia's continued illegal military occupation of Crimea; calls for Russia to de-escalate the situation immediately; and denounces Russia's



sanctions against a fairly long list of Canadians, including an illustrious member of the Senate, Senator Andreychuk, which is one of the elements most pertinent to the Senate. I strongly share the sentiment that we should always react when politically motivated gestures of this nature are made against one of our own.

However, it's worth observing that the situation on the ground — or rather to some extent in Paris — seems to have been shifting a bit since this resolution was adopted in the other place and came before this place last week. Diplomacy seems to be having some effect. It is at least being engaged in. We were all heartened by the long discussions in Paris between the American Secretary of State and his Russian counterpart. It's encouraging that they're talking. We hope that they continue talking with constructive intent. I saw a report that Russia had pulled back at least some of its troops on the border of Ukraine, which is also encouraging. Before we vote on this motion, we need to note for the record that there are some signs of spring and hope that spring continues to come.

However, I'm from Quebec, and in Quebec we have quite a lot of experience with secessionist movements. One thing that every Quebecer can pride himself or herself on is that we know how to do it democratically. We have done it twice democratically by way of referendum; and we may find ourselves doing it again. Who knows?

We do not call referendums while we're under military occupation with 11 days' notice. We do not secede without negotiations with our partners. We do things not only by the letter of the law but also by the fundamental principles of democracy and respect for the partners in our undertaking.

I cannot overstate my scorn, anger and contempt for the way in which the secession of Crimea from Ukraine was rammed through and made a *fait accompli*, if you will, thanks in large part to a military occupation. Let me stress that when I say I see some signs of spring, it in no way implies approval of what has preceded what I hope are signs of spring. That's why I said I was strongly supportive of the underlying principles of this resolution.

**Hon. A. Raynell Andreychuk:** Honourable senators, I want to join one point in this debate. The talks with Russia have continued throughout, but they have not borne any fruit at all. The message from the Government of Canada, the European leaders, the Americans and others has been to encourage settlement of this matter according to international law and international convention, while respecting human rights, in particular those of minorities. I speak now of the Crimean Tatars, who have presented a declaration since this action in the House of Commons and the Senate; and I think it is worth noting. It is serious that these people were deported in 1944. Those who lived through that horrific period are again being marginalized. We should pay attention not only to the greater problems within Ukraine but also to the minority there.

I want to call attention to this debate that it is not an action of Canada, and that's why it's so interesting. The territorial integrity of Ukraine was dealt with March 24 in the United Nations General Assembly, where all the points of what should be a respectful look at Ukraine were listed: 100 hundred countries voted in favour of the territorial integrity of Ukraine; and 58 abstained. I have talked to some members who indicated they

were neither fully aware of nor prepared to embrace this issue, and so felt they could not comment. The interesting "crowd," if I may call them that, and certainly I made a comment, who voted against the resolution were Armenia, Belarus, Bolivia, Cuba, North Korea, the Russian Federation, Nicaragua, Sudan — I point out it was not South Sudan — Syria, Venezuela and Zimbabwe.

I stand before honourable senators saying that this resolution is warranted. I appeal to the Russian Federation, a great nation, to not associate with those that have been identified within the UN on that list but to join the community of nations that deal with international law and respect for the integrity and sovereignty of countries.

**Hon. Anne C. Cools:** Honourable senators, Senator Andreychuk is very knowledgeable about foreign affairs and international matters. Perhaps she would provide us with some needed and important information. This motion reaches certain conclusions, but the reasons for the conclusions have not yet been put before us. Could the honourable senator explain a few things: First, could she tell us how Crimea came to be a part of Ukraine; and second, could she address some issues that may be falsified or reported inaccurately. There is a lot of talk in the literature and in the media about the fact that there are neo-fascists and neo-Nazis operating in Ukraine. Honourable senators would benefit from clarification on that. Perhaps Senator Andreychuk could explain for those of us who are more in the dark on this subject.

**Senator Andreychuk:** Certainly, Crimea joined the Federation of Ukraine in 1954. It was an act within the Soviet Union. I won't say more because it is a long story. No one has questioned the territorial integrity of Crimea within Ukraine. Russia indicated Crimea's historic association with Russia, but one could say that Crimea has had an historic association with Turkey and many other countries throughout its history. Russia is not saying that it was inappropriately annexed or anything like that. Rather, Russia is saying that they had concern for Russian-speaking citizens of Crimea.

I will not speak further defending the actions of the Russian Federation. I would point honourable senators to the debates in the House of Commons, which have been fairly detailed. We can take notice of those and the resolution in the General Assembly.

• (1550)

With respect to neo-fascists, et cetera, I think these are allegations that have come out of Russia and elsewhere but which have been hotly disputed and denied by authorities within Ukraine, and by others. You should refer to public documents between the Jewish community in Ukraine and the Ukrainian government, indicating that they do not believe they are fascists. There are individuals of that sort of mindset, but the existence of a significant group that has played into any of these issues is being denied, and quite strongly, by the political parties and by the governments in transition.

**Senator Cools:** Honourable senators, the news is replete of Mr. Gorbachev's statements about Crimea, and I am assuming you know what he has said. Essentially, he has been saying that the world should welcome Crimea's rejoining Russia. As you know,

Mr. Gorbachev is not so well-known anymore, but he is one of those who brought about in large measure the lifting of the Iron Curtain.

Could you comment on Mr. Gorbachev's statements?

**Senator Andreychuk:** I don't think I will. I will say that there are people who can make comments about where Crimea should be. The legitimate citizens of Crimea should determine their future, and I echo the comments that have been made here by Senator Fraser.

There is a constitution and a constitutional process that could be used and should have been used to determine what action the citizens of Crimea wanted to make. It should not come from outside, whether from Mr. Gorbachev, me or the Russian Federation.

The constitution, had it been followed legitimately, is as in all countries: It can lead to whatever association or dissolution it may lead to, but it has to be within the constitution and lawfully and legally followed through on.

That option is still open for the Crimean people, we hope.

**Senator Cools:** Honourable senators, I would ask another question of Senator Andreychuk.

Many people view the actions against Yanukovich as a *coup d'état*. Do you have any thoughts on that?

**Senator Andreychuk:** I don't believe it was a *coup d'état*; that is my own personal opinion. President Yanukovich signed an agreement with the other political leaders and the Maidan leaders. Deaths occurred on his watch. He left the country, and a transitional government formed, all within the ambit and the purview of the Parliament, which had all parties, including his party, as part of that agreement.

It is a transitional government, and they are looking forward to a full, fair election on May 25. All of the actions have been taken within the Parliament of the day, and that includes President Yanukovich's own party.

[Translation]

**Hon. Céline Hervieux-Payette:** In fact, this has been a topical issue for several weeks. On the whole issue of the situation in Ukraine, especially the economic situation, we can also look to last year. A report by Éric Denécé of the Centre français de recherche sur le renseignement indicates that, last year, the Europeans gave 600 million euros to help solve the economic crisis in Ukraine.

I am glad that resolutions are being made, but perhaps some familiarity with the substance of the issue is needed. The economic situation is absolutely disastrous. The Ukrainian president, who was deposed, had requested 20 billion euros to put his country back on the path to growth. Brussels refused. Moscow offered 15 billion euros.

[ Senator Cools ]

If we look at the facts, those who were willing to help Ukrainians financially were not from the West, which is now getting worked up and pointing fingers left and right, but is forgetting that if we had made commitments last year to help Ukrainians financially, the current crisis would not exist.

I do not want to rewrite history, but it is important to keep in mind that some of our Senate colleagues participated in the election and said, as the OSCE did, that the vote was totally legitimate and legal and that the incumbent president had to be recognized as performing democratic duties and as having been elected democratically.

One morning, people are not happy, they are encouraged to protest and they take to the street. One year before democratic elections, if people were not happy, all they needed to do was move a motion and vote against the president, as we do in democracies. However, he was tossed out rather cavalierly for a young democracy, which is certainly not very encouraging.

I am told that since 1994, even with President Yanukovich's predecessor, things were not going well in Ukraine in terms of how the country was being governed, and that order needed to be restored. Everyone knew that there were economic problems. However, we only ever got one side of the story and that is what bothers me because we are being presented with a resolution that is one-sided and condemns one of the players. Perhaps we need to show some contrition and look at what the West had offered Ukraine before.

At this time, we can keep making fine resolutions, but if we do not back them up with several billion dollars then I wonder what the point is. I also wonder how our government is going to provide that money. It seems we are talking about a few hundred million dollars when we know full well that Ukraine needs a lot more than that.

The thing that bothers me about this resolution is that it helps hide the truth. We are not looking at the reality of this situation and realizing that we should have helped the Ukrainians sooner. Now we are trying to condemn another party. I do not accept the occupation of Crimea either, or the fact that the Russian army is posted at its borders. However, we have to consider that Ukraine had democratically accepted the presence of Russian troops on its territory, as we do with other partners. We have also had a presence in other countries before.

Honourable senators, I am quite reluctant to support this resolution because I find it hypocritical. We should be committing to helping out financially and promoting democratic means. In Egypt, they deposed the president when people were protesting in the streets and we said that was illegal. However, the same thing happened in Kyiv and we are saying that it is legal. There is a double standard. Democracy has just one rule. These are people who have to be elected. We do not get rid of them because some people are not happy. It seems to me that if those rules applied here, we would be changing governments.

(On motion of Senator Cools, debate adjourned.)

• (1600)

[*English*]

## GENETIC NON-DISCRIMINATION BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, for the second reading of Bill S-201, An Act to prohibit and prevent genetic discrimination.

**Hon. Linda Frum:** Honourable senators, I am pleased today to speak about Bill S-201, An Act to prohibit and prevent genetic discrimination.

This bill would create a new genetic non-discrimination act to regulate the use of genetic tests and test results. It would amend the Canada Labour Code to add a new complaint mechanism, and it would add a new prohibited ground of discrimination under the Canadian Human Rights Act.

The bill's goal is laudable because it seeks to prevent discrimination by insurance companies and employers on the basis of a person's genetic test results. However, I do not believe the bill's provisions are effective or measured, and I would like to explain why I have come to this conclusion.

In 2003, the Human Genome Project, a public-private competition to sequence and understand the entire human genome — our genetic code — was essentially completed. Understanding the human genetic code opened up a wondrous future, but one fraught with ethical challenges.

One concern has been that personal genetic information, if not properly safeguarded, could be used to discriminate against individuals seeking work or insurance coverage.

And so my colleague Senator Cowan, who is the proposer of this bill, is not wrong to bring attention to these issues. However, I believe that his approach in Bill S-201 has overstepped the mark and has gone too far in its attempt to regulate the use of genetic information. I don't quarrel with his goal; I endorse it. In fact, in the Speech from the Throne last October our government committed to preventing employers and insurance companies from discriminating against Canadians on the basis of genetic testing results. So our government understands very well the need to protect individual genetic privacy, but the government also wants to be sure it puts the right legislation in place to prevent discrimination based on genetic makeup. Before I get into some of the concerns I have with Senator Cowan's bill, I want to sound a couple of notes of caution.

The senator spoke about studies from the United States and quoted from one that said 61.5 per cent of eligible women seeking breast cancer risk assessment decided not to be tested for the breast cancer gene because they worried that a negative

assessment would lead to health insurance discrimination. Many of these stories about the fear of genetic discrimination come from our neighbour to the south where health insurance and employment are enmeshed in a way that does not occur in Canada. In Canada we have a publicly funded and accessible health care system while in the United States many, if not most people, acquire their health insurance through their employment. That is why I would suggest that employers in the United States are far more likely to be interested in a potential employee's genetic makeup than any employer in Canada. In the United States it can have a direct effect on the employer's bottom line.

Therefore I would urge my colleagues to remember that context matters and that here in Canada we have different issues than may be found in the U.S. or elsewhere. Each jurisdiction needs to consider its own needs and approach based on its own circumstances.

I would also like to comment on a particular Canadian study Senator Cowan referred to in his remarks in which the author surveyed genetic clinics across Canada. The survey focused on the children of people with Huntington's disease, and the results showed that genetic discrimination was reported by 39.9 per cent of the survey respondents. Most of this occurred in insurance at 29.2 per cent, but genetic discrimination was also reported in employment at 6.9 per cent.

However, these reports of discrimination were based not on the results of genetic testing but on the use of family medical histories to assess if individuals had certain genetic predispositions.

These cautions aside, how do we respond as genetic testing technologies become more readily available, affordable and accurate, and as their commercial use widens? Is Bill S-201 the right response for Canada?

I have to say that I am troubled by the use of the power of the criminal law to prevent genetic discrimination. This bill attempts to regulate private insurance contracts by criminalizing such practices as using information from genetic tests.

My understanding is that under the constitutional division of powers, the insurance industry falls under provincial jurisdiction. Courts have consistently held that any regulation dealing with the provision of insurance in a province falls under provincial jurisdiction. If the genetic non-discrimination act were to be challenged in the courts — as it almost inevitably would be — it would likely be found to be an intrusion into an area of provincial jurisdiction and therefore unconstitutional.

Any federal efforts to prevent genetic discrimination must take into account this constitutional reality. Moreover, Bill S-201 proposes penalties for genetic discrimination that are more severe than penalties for actions that are arguably equally or more serious.

In particular, the maximum fine of \$300,000 on summary conviction is three times the \$100,000 maximum fine that can be imposed on an organization under the Criminal Code. The maximum one-year prison sentence for an individual under the bill is double the six-month maximum for most summary conviction offences. So there is a question of proportion here.

In addition, the proposed use of criminal sanctions is out of step with Canada's traditional approach to dealing with discrimination issues. Canada traditionally emphasizes education, prevention, and corrective steps to remedy the wrong.

Yes, at one time we attempted to rein in overtly discriminatory conduct by means of a quasi-criminal proceeding. It became evident, though, that for a number of reasons this approach was not effective. Victims of discrimination were reluctant to start a criminal process. Discrimination is difficult to prove to the criminal standard of "beyond a reasonable doubt." There was a reluctance to criminally convict someone charged with a discrimination offence.

Finally, it was recognized that imposing a criminal penalty upon the person who is doing the discriminating did nothing to assist the victim in achieving the equality he or she was seeking. Eventually there was a shift away from criminal prosecution in human rights matters toward the remedial approach of using administrative law to resolve complaints. Every province and the Parliament of Canada enacted human rights codes.

So if this bill were passed, it would be a step backward. We would see genetic discrimination elevated above other enumerated grounds within the Canadian Human Rights Act, such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, et cetera.

Significantly higher penalties could be imposed for discriminating against a person with a genetic predisposition to develop a disability or disease in the future than for discriminating against someone who is actually disabled or sick now. There is no clear policy justification for sending some claims of discrimination to tribunals and the civil courts while sending a subset of disability — a genetic predisposition — to the criminal courts.

Furthermore, the courts have already ruled that "disability" and "potential disability" are essentially identical. One cannot discriminate against someone who is disabled nor against someone with a medical condition that might cause them to become disabled, so Canadians already have some legal protection in place.

Another difficulty with this bill is the use of the undefined term "genetic characteristics" to describe a ground of discrimination in the Canadian Human Rights Act. It is not self-evident what is meant by "genetic characteristics." Having brown eyes or being short or tall could arguably be seen as genetic characteristics. Genetic characteristics don't just show up in genetic testing. They can be found by an examination of one's family medical history.

• (1610)

A look through the legislation in other countries demonstrates the range of possible definitions. Broader definitions include all things genetic, while narrower definitions focus on the genes that will cause or may predispose an individual to a certain disease. The narrowest definitions include only information derived from genetic tests.

There are genetic markers for many conditions. Complex diseases involve interactions among various genes as well as environmental factors, lifestyle and other variables.

[ Senator Frum ]

Even the term "genetic information" ranges from general information about family history, to medical information contained in health records, to specific results of DNA analysis.

A number of statutes use a definition that limits genetic characteristics to identifiable genes or chromosomes that are known or believed to be the cause of a disease or an increased risk of it.

Oregon's statute uses a definition that explicitly excludes information derived from family histories.

As we can see from such a broad range of definitions, an act that includes "genetic characteristics" in such an important area as the prohibited grounds of discrimination in the Canadian Human Rights Act should clearly define what exactly that inclusion means.

Finally, this bill could have unintended consequences. It would establish multiple avenues of recourse for those alleging genetic discrimination, and this could result in "forum shopping." An individual could seek remedies in many forums at once — under the Canada Labour Code as well as under the Canadian Human Rights Act, not to mention having the right to pursue a criminal complaint and seek a remedy in the civil courts.

Forum shopping would increase public costs and perhaps result in contradictory decisions.

An employer unfairly accused of genetic discrimination might have to defend himself or herself indefinitely before more than one proceeding.

We are right to be concerned and to feel great sympathy for those who find themselves caught up in the world of genetically predisposed diseases. We are also right to be concerned about the possible misuse of genetic information to discriminate. But I encourage my fellow senators to make sure that our response is well thought out, in accordance with our fundamental human rights framework, within our federal authority to act, and based on the best that science has to offer.

I would say that this bill, well-intentioned as it is, is not that response.

**The Hon. the Speaker *pro tempore*:** On debate.

**Senator Tardif:** Question.

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, that this bill be read the second time.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

## REFERRED TO COMMITTEE

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

(On motion of Senator Fraser, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

**CRIMINAL CODE  
NATIONAL DEFENCE ACT**

BILL TO AMEND—SECOND READING

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).

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

**An Hon. Senator:** Question.

**The Hon. the Speaker *pro tempore*:** It was moved by the Honourable Senator Plett, seconded by the Honourable Senator Marshall, that this bill be read the second time.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

## REFERRED TO COMMITTEE

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

(On motion of Senator Plett, bill referred to the agreed to the Standing Senate Committee on Legal and Constitutional Affairs.)

**CRIMINAL CODE  
CORRECTIONS AND CONDITIONAL RELEASE ACT**

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-489, An Act to amend the Criminal Code and the Corrections and Conditional Release Act (restrictions on offenders).

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Colleagues, this item stands in my name, but in fact Senator Baker is our critic on the bill and I notice he has had to step out of the chamber, so I move the adjournment of the debate in his name.

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

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

**CONFLICT OF INTEREST FOR SENATORS**

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Conflict of Interest for Senators (amendments to the *Conflict of Interest Code for Senators*), presented in the Senate on March 26, 2014.

**Hon. A. Raynell Andreychuk:** Honourable senators, I rise today to speak to the third report of the Standing Committee on Conflict of Interest for Senators.

Our report outlines several amendments we are proposing to the *Conflict of Interest Code for Senators*.

The report's annex includes a copy of the code incorporating the changes.

As senators are aware, the *Conflict of Interest Code for Senators* first came into effect in May 2005. The Standing Committee on Conflict of Interest for Senators was established at that time to regularly assess, review and improve the code.

The code has since undergone amendments on two occasions, in 2008 and 2012.

Last year the code came under the administration of our second Senate Ethics Officer.

The code, and the Senate conflict of interest regime it represents, are entering a new phase.

It is not widely appreciated that our conflict of interest regime is amongst the most advanced in the Commonwealth and around the world. Part of what allows us to maintain this edge is our capacity for continuous improvement as social conditions and expectations evolve.

The amendments to the code that we are proposing in our third report are the result of a process that began almost a year ago. I should say that our committee spent last spring going through our code and looking at the code from the House of Lords as well as other codes within the provinces and other countries, including Australia. We tried to compare our chamber and look at whether in fact we have addressed the issues that are pertinent to senators, to the institution as a whole, and to the public expectations and the public interest.

Therefore, the changes that we have are motivated by five main objectives.

First, they establish and confirm that senators are aware of their obligations under the code.

Second, they strengthen preventive measures under the code.

Third, they establish a clear, fair and balanced inquiry process.

Fourth, they enhance the independence of the Senate Ethics Officer.

Finally, they increase the openness and transparency of the Senate conflict of interest regime.

These objectives are accomplished through a number of proposed adjustments to the code's inquiry and enforcement processes.

I should say here that through the years since 2005 no inquiry processes or complaints have been laid. The majority of activity was in the preventive mode, where senators reached out to the Senate Ethics Officer, asked for advice and received the advice. In certain cases, the senators were addressing issues that were already in the public domain. They asked the Senate Ethics Officer for a ruling, and that ruling was, in fact, published on the request of the senators.

• (1620)

It is only more recently that there have been complaints laid under the inquiry process. In an anticipatory way, we are looking to make the changes, so these changes that we are addressing today are within the inquiry process. They do not go to the subject matter of the Conflict of Interest Code. They go to the issue of who can lay a complaint, how the complaint will be dealt with, and the consequence.

The first proposed amendment would require all senators to file annual statements of compliance with the SEO. In these statements, each senator would confirm that he or she has read the code within the last 30 days and that they are in compliance, to the best of their knowledge, with this code. This will negate any senator saying they weren't aware and that they didn't know what was in the code. You could not say that you did not have help, as the SEO is always available to give advice on any issue that you may think is important.

This preventive enforcement mechanism reflects the evolving norm in ethics regimes, including, for example, the United Kingdom House of Lords and, among others, senior public servants who go through the same process of acknowledgment and confirmation on a regular basis.

The proposed amendments would also create a streamlined process for determining whether a senator has not complied with his or her obligations under the code. This new inquiry process would begin with a preliminary review by the SEO. The

preliminary review would be aimed at determining whether a full inquiry is warranted. The SEO would be empowered to initiate a preliminary review under two conditions: the first, if she has reasonable grounds to believe that a senator has not complied with his or her obligations under the code; or the second, if she receives a request from a senator who has reasonable grounds to believe that another senator has not complied with his or her obligations under the code. This new amendment will not include a complaint to be laid by the committee.

This preliminary review stage concludes when the SEO issues a preliminary determination letter. In the letter, the SEO would explain how she has come to determine that a full inquiry is or is not warranted. The letter would be provided to the senator whose conduct is in question. If applicable, the letter would also be provided to the senator who initiated the review.

The letter would only be made public if the matter under consideration is already in the public domain or no inquiry is justified.

Should an inquiry be justified, the SEO would be empowered to begin the inquiry process on her own initiative. The Standing Senate Committee on Conflict of Interest for Senators would no longer be empowered to instruct the SEO to conduct an inquiry. This provision is aimed at enhancing the SEO's independence by keeping the committee at arm's length.

The proposed amendments would further clarify the committee's role in the inquiry process in two important ways. First, the committee would no longer re-investigate a matter already inquired into by the SEO. This responds to concerns about the potential for interference in investigations by senators on the committee. Second, the role of the committee would be to recommend appropriate remedial measures or sanctions based on the findings of the SEO's report. This would allow the committee to focus on what is in the best interests of the senator, what is in the best interests of the Senate and what is in the public interest.

The committee would be guided in this task by a list of remedial measures or sanctions that the committee may recommend. This list would be included in the code. It ranges from no action, as there may have already been some action taken, to the return of a gift or an apology, to the removal of a senator's access to Senate resources or the suspension of a senator.

Another important change we are proposing addresses the suspension of a preliminary review, inquiry or study into a matter being investigated by the authorities. More specifically, the SEO and the committee would be authorized to suspend their examination of a matter pursuant to a written request by proper authorities. It is more or less contemplated that these would be police authorities in the main. Should charges be laid, the preliminary review, inquiry or study would be suspended until final disposition of the charges.

This would strengthen the inquiry process by ensuring that the examination of a matter is suspended only when the circumstances so warrant. It would also help draw a distinction between a criminal matter and a disciplinary process. Criminal matters would be handled by the proper authorities, and disciplinary ones would be handled by the Senate.

[ Senator Andreychuk ]

A final area affected by the amendments concerns public communication by the SEO. The SEO would be given express authority to provide general information about the Senate conflict of interest regime to the public. She would also be authorized to inform the public about the status of a preliminary review or an inquiry. Public documents relating to the inquiry process would also be posted on the SEO's website.

These are the proposals, in the main, that are contained in the third report of the Standing Senate Committee on Conflict of Interest for Senators. They are rooted in ongoing efforts to increase the openness and transparency of the Senate conflict of interest regime and to ensure that our regime is in line with those in other parliamentary bodies such as our legislatures and other like-minded countries with similar systems.

The proposed amendments would also help enhance the SEO's independence as an investigative body. They would re-focus the committee on upholding the Senate's interest and, more importantly, the public interest. The amendments would clarify and strengthen the inquiry process, ensuring that criminal and disciplinary matters are handled separately and by the appropriate authorities. Finally, the amendments would help bring greater public awareness to the conflict of interest regime. It is my expectation that these changes will strengthen the operations and public credibility of our conflict of interest regime, as well as that of the entire Senate as an institution.

I would like to thank the members of the Standing Senate Committee on Conflict of Interest for Senators for their diligent work in the many months that we have dealt with this issue. They have had to suffer innumerable meetings and comments from me, with quite an inundation of paper. I must say that they have loyally and very conscientiously handled this task.

I am personally grateful to Senator Joyal, who, as deputy chair, has been a source of guidance and wisdom throughout this process. I think Senator Joyal and I were the only committee members that were there before the conflict of interest regime was put in place. I see Senator Fraser. We all worked on the Rules Committee for many years before we were able to effect a regime. Senator Joyal has taken this task on as one of his prime issues in the Senate. I appreciate his diligence and his knowledge of this regime and the issues. It is not easy to try to balance parliamentary privilege, public expectations, Senate expectations and the institution's expectations. Without him, I don't think we could have accomplished what we have.

To the entire committee, I do express my appreciation as they reinforced the work of both Senator Joyal and myself.

From the Law Clerk's Office, I would like to, in particular, thank Michel Patrice and Michel Bédard, who have put in more amendments and changes and come back time and time again to offer their advice and assistance in the drafting. Their legal expertise and guidance has been instrumental in the conceptualization and the fine-tuning of the revisions that we are proposing today.

• (1630)

I would also like to thank Melanie Mortensen, Shaun Bugyra and Isabelle Tétreault for their consistent and valuable input.

From the Library of Parliament, I would also like to thank our researcher, Sebastian Spano.

For her professionalism, organizational and procedural expertise and her personal commitment to the conflict of interest regime and to the Senate, my appreciation to Cathy Piccinin, our committee clerk.

Finally, I think it is important that, on behalf of the committee, I highlight the unparalleled contributions of Mark Audcent. Mark has filed his notice that he is retiring. Like Senator Joyal, Senator Fraser and I, Mark was at the Rules Committee helping with the drafting, as has done throughout. He has a remarkable knowledge of the history of Parliament, both here and elsewhere, and always gave his advice while leaving the final decision to the senators. That is a mark of his professionalism and his dedication to this institution. On behalf of all members of the committee, I want to thank him for his contribution that has not gone unnoticed.

**Hon. Senators:** Hear, hear.

**Senator Andreychuk:** Mark is a truly exemplary Canadian public servant. We wish him all the best in his well-deserved retirement.

I believe that the cooperative and professional approach that has characterized our committee's work is reflected in the quality of the proposed amendments that I have the privilege of presenting to the Senate today.

I would be pleased to answer any questions, but I would also encourage Senator Joyal to add his comments to this report. As I take it, we have tried to include all senators. We had an all-Senate meeting. We asked all senators to come. We shared the material equally with all senators, whether they were within one caucus or another or throughout the Senate as independents, and we then asked senators to come to us for the full briefing on a one-on-one basis. Some have, so I feel confident.

Honourable senators, I move the adoption of the report and turn to Senator Joyal.

**The Hon. the Speaker *pro tempore*:** It is moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk, that this report be adopted now.

We are still on debate and I recognize Senator Joyal.

**Hon. Serge Joyal:** Honourable senators, I wish first to associate myself with the words of thanks that the Honourable Senator Andreychuk has addressed to Mark Audcent. I have been in the Senate for 15 years, and there is nothing that a lawyer appreciates more than to have another lawyer to bounce ideas off of to see if you are right or wrong and to see what kind of reaction or additional interpretation or nuance you can get from that person. Mark Audcent has always been a trusted confidante of all senators. One could call Mark Audcent at any time, explain the question, confide deep thoughts and preoccupations, and be assured the security of a doctor's cabinet.

Furthermore, in my opinion, Mark Audcent has a deep respect for this institution and a keen understanding of its role in the democratic process. In the times that we are living through, where this institution is challenged in many circles and areas of public opinion, it is an incredible asset to rely on a legal adviser such as Mark Audcent, with his understanding of this institution, the role it plays and the importance it has in the framing of legislation. We are all indebted to Mark for his service.

That being said, Your Honour, I want to also underline the leadership of Senator Andreychuk in the endeavour that we embarked upon when she was elected as chair of this committee, after having been deputy chair for more than six years and involved in the drafting of the code for more than two years with other senators in this chamber. She mentioned Senator Fraser at that time, but I remember Senator Comeau also, who was, at that time, very important to the making of the code.

I think it is important, honourable senators, that we understand exactly what we're dealing with here. We are essentially dealing with the disciplinary function of our house. Each house of Parliament, be it provincial or federal, be it the House of Commons, has a disciplinary function. What is it? It is the responsibility to establish a set of rules and to devise a system to implement those rules. You will understand that those rules cannot be under the adjudication of the court system. In other words, it's not up to the judges who are outside of our precinct to establish and implement those rules or to have the police come in to implement those rules, no more than it is the privilege of the House of Commons to look into our affairs, no more than we, as senators, would look into the affairs of the House of Commons. It's up to us to determine the level or the criteria of ethics that we will impose on ourselves and the system that we will implement to serve those objectives.

I think it is important because they are linked to our accountability to public opinion. Sometimes people say we are not accountable; we're not elected. Our way to be accountable, in a way, is to establish very high standards of ethics and have a very effective system to implement those standards. If we are keen to keep an eye, on a daily basis, on maintaining those standards, we build the trust of the public to the institution.

I think this is fundamental and important. Why I insist on this, honourable senators, is because the Conflict of Interest Code is not the only set of rules that we have established for ourselves. We are subjected to many other rules. There are the *Rules of the Senate*, the big review of the *Rules of the Senate* that we did two years ago, this new book. There are standards there that we have to follow. I just mentioned, for instance, section 15, "Duty to attend the Senate" and "Failure to attend two sessions."

So there are also obligations that we are subjected to in the *Rules of the Senate* besides the Conflict of Interest Code. The Conflict of Interest Code addresses only one aspect of our behaviour as parliamentarians. There are other responsibilities that we have under the Parliament of Canada Act. Section 16 deals with receiving prohibited compensation.

[Translation]

We all know what "influence peddling" means.

[ Senator Joyal ]

[English]

Besides the Conflict of Interest Code, the *Rules of the Senate* and the Parliament of Canada Act, we are also subject to the Criminal Code. I refer you to section 120, which is titled "Bribery of officers," and we are included in the definition of officers. So, in other words, we're subject, too, to the Criminal Code.

Of course, it's not up to us individual senators to follow the Criminal Code because there is, of course, the police force, the justice system, but all of the other rules I have mentioned are under our control — the Conflict of Interest Code, the *Rules of the Senate* and the Parliament of Canada Act.

Besides that, there is another set of rules we are subject to. That is the *Administrative Rules of the Senate*, under the responsibility of the Internal Economy Committee, chaired by our esteemed Speaker. Those are very important, honourable senators, because they deal with the expenses of senators, the \$2,000 question these days. We all know the Auditor General is in the house and looking into those expenses. We also know in the backs of our minds that we will have to refine our rules to declare our expenses in the public domain.

• (1640)

I refer honourable senators to the Public Accounts of Canada, Volume III, pages 289 and 290, where we find the overall figures for travel, hospitality and office expenses of individual senators. These are not secret as they are already public. The question is how much detail to provide about those figures. We will have to address that question, which we can't do individually. I can't decide to post all my expenses on my Senate page — the expenses of my spouse who travels with me, the expenses of my assistant and the hospitality fees that I incur as a senator. I could also give the details of how many trips and what each trip costs. I can't do that individually. Honourable senators, we should do that on a common basis.

The success of the *Conflict of Interest Code for Senators*, and I pay homage to Senator Andreychuk, is that it is done on a non-partisan basis. The committee is composed of two members selected by each respective caucus, and the fifth member is elected by the four, which maintains a certain level of balance on the committee. I don't say "neutrality"; I say "balance." The Conflict of Interest Committee operates in camera, according to the rules, and the *Conflict of Interest Code for Senators* ensures that we operate on a non-adversarial basis.

You know what adversarial is. You are the government. We are the opposition. You're deemed to be at fault while you think you're always right. That's the principle of the system. However, this is not the principle that we apply in the Conflict of Interest Committee. We ask what the best norm is, what the best standards are and how we can ensure that the application of that norm and those standards is fair and balanced. Senator Andreychuk explained this afternoon how we are improving the fair hearing process. By doing so, we improve the trust of the public and our accountability to the public.

That's why I advise honourable senators to review two things today. However, this is not the objective of the third report. I insist that Senator Andreychuk, Senator Cordy, Senator Frum,



Senator Tannas and I, who are the members of the committee, have just one piece of the pie of standards that we have to respect as senators. Some of the other pieces of the pie are with the Internal Economy Committee, some with the Rules Committee and some are floating in the air — the declarations of expenses, which I mentioned earlier.

Honourable senators, there is a need to improve the level of the standards. I share that concern with Senator Andreychuk and the members of the committee. I advise honourable senators to improve the administrative rules in case of a breach of the *Rules of the Senate*.

We are all awaiting the report of the Auditor General. As my mother would say, we are tall girls and tall boys. We know there will be comments on both sides of the Senate, and some initiative will have to be taken to address the conclusions. The process will have to be fair. If there are sanctions, we have to know them ahead of time, which Senator Andreychuk proposed today in respect of the *Conflict of Interest Code for Senators*.

I want honourable senators to reflect in the days ahead on how we will address those two issues still on the table. I'm sure that colleagues who sit on the Internal Economy Committee have that preoccupation because they know we have deadlines. When the day comes, if we have the standards at the highest level, have a fair procedure and can come to a conclusion when there is a breach of the procedure without the turmoil we lived through last fall, then we will better serve the institution, its credibility and the trust the public has to maintain in us because of our dear responsibility to legislate for this country, which essentially addresses the fundamental rights and freedoms of citizens.

Honourable senators, this is serious. I invite you to support the third report, because it is a step in the right direction. It signals that other ground is to be covered by our colleagues who sit in other capacities; and it should be done sooner rather than later.

With that, honourable senators, I invite you to adopt the third report of the Standing Committee on Conflict of Interest for Senators tabled today.

[Translation]

**The Hon. the Speaker pro tempore:** Senator Joyal, am I to understand that you wish to second the motion?

[English]

I must inform honourable senators that I consulted Senator Tkachuk, who agreed to remove his support in favour of Senator Joyal. Now the motion stands in the name of Senator Andreychuk, seconded by Senator Joyal.

**Hon. Elaine McCoy:** Would you accept a question, Senator Joyal?

**Senator Joyal:** With pleasure, Senator McCoy.

**Senator McCoy:** I have two questions.

If we adopt this report, what will happen next? I'm curious about the steps. Obviously, this will require legislative changes, which is not proposed. Perhaps that's not part of this process, and you're simply asking us to adopt your recommendation. Is that what you're doing?

**Senator Joyal:** Yes. The report contains a recommendation that the *Rules of the Senate* be amended to take into account the substance of the report; but that has always happened in the past. There is concordance to ensure that the substance of this report, the way that Senator Andreychuk proposed, also contains that recommendation. When we adopt this report, we also adopt a request that the Rules Committee, chaired by Senator White, make an adjustment in the rules to be in sync with the substance of the *Conflict of Interest Code for Senators* in the way it is amended. That's the essential follow-up.

The report also contains an implementation date. All procedures that had been started under the original code before the amendments will be conducted according to the code as it was. Any future initiative will fall under the new code from the date of its adoption.

**Senator McCoy:** I congratulate the committee for what they brought forward.

Senator Joyal, would you mind asking for some additional time?

**The Hon. the Speaker pro tempore:** Do honourable senators agree to give more time to Senator Joyal?

**Hon. Senators:** Agreed.

**Senator McCoy:** In the aftermath of the expenses debate and determination by the Senate that we had last fall, I moved a motion, which is still on the order paper and open for people to speak to, urging the Senate to bring forward some procedural rules to ensure that natural justice would be applied in our disciplinary proceedings. As far as the *Conflict of Interest Code for Senators* is concerned, I think this proposal explicitly moves us in that direction. The language is very plain, and I commend you all for bringing us forward.

• (1650)

I have some quibbles, but I will save them. I'm a member of the Rules Committee, so I'll save them for that committee, so we can begin to continue to refine, because it is an iterative process. If the Rules Committee takes your precedent and improves it somewhat, I'm sure you would take that precedent and feed it back into your own. So we continue to improve; it is continual. I think Senator Andreychuk said we have a culture of "continuous improvement."

But just to be clear — this is my understanding and I think this is what you were saying: Even though we adopt this practice, it would not apply to the expenses debate that we had last fall. In other words, this would not have come to our rescue in the cases of Senators Duffy, Wallin, Brazeau and Harb. The reason is that it specifically excludes jurisdiction from the committee, and therefore the Senate Ethics Officer, from any matter having to do with senatorial pay, honoraria or benefits.

I think we should be clear that this would not have saved us in that instance. Therefore, as you say, it is just a very small piece of the puzzle.

**Senator Joyal:** Actually, senator, I can quote for you section 6 of the *Conflict of Interest Code for Senators* that is already there and that has been touched or affected by the report that Senator Andreychuk has been quoting today:

Nothing in this Code affects the jurisdiction of the Standing Senate Committee on Internal Economy, Budgets and Administration.

It cannot be clearer than that.

Furthermore, I could quote the last paragraph of the report about which Senator Andreychuk has been speaking:

Finally, these amendments to the Code would require consequential amendments to the Rules of the Senate. Your committee further recommends, therefore, that the Standing Committee on Rules, Procedures and the Rights of Parliament undertake a study with the view to recommend the appropriate consequential amendments to the Rules of the Senate.

You have the privilege of sitting on the Rules Committee. I also sit on the Rules Committee. I've been in the Senate for 15 years. We'll have an opportunity to address the issue you raised when the Rules Committee meets. I see Senator White in the chamber, and he is aware that will be one of the terms of reference the committee will have to address.

Furthermore, you have Motion No. 9 on the Order Paper:

... while recognizing the independence of parliamentary bodies, will help ensure that Senate proceedings involving the discipline of senators and other individuals follow standards of due process and are generally in keeping with other rights, notably those normally protected by the *Canadian Bill of Rights* and the *Canadian Charter of Rights and Freedoms*....

I told you when I had an opportunity to speak to you in private — and I can say it in public with great enthusiasm — that I support the objective and the standards that your motion establishes, because Senator Andreychuk has been very keen, when we were reviewing the procedure, to be sure we were maintaining fair standards. Those fair standards are the principles of natural justice and fundamental justice that you know very well, being a lawyer yourself.

I think your concerns are very well addressed in the report and its recommendations to the Rules Committee to review the rules in accordance with the substance of the third report.

**The Hon. the Speaker pro tempore:** Senator McCoy, I must put an end to that discussion because Senator Joyal's time is now up.

Maybe you want to talk on the report?

**Senator McCoy:** I must bow to your ruling, and perhaps I shall.

**The Hon. the Speaker pro tempore:** Do you want to speak on the report? Senator McCoy, on debate.

**Senator McCoy:** Honourable senators, to continue this dialogue and the mutual admiration society we are building here, again, I am sincere in saying that what the Conflict of Interest for Senators Committee has done is very good and is in the spirit of the motion that I have on the Order Paper that you read out, Senator Joyal. Congratulations; well done.

However, you mentioned also other standards that we are held to, and you laid out the Criminal Code, the Parliament of Canada Act and the Conflict of Interest Act. You also mentioned the *Senate Administrative Rules*, commonly known as the SARs, as well as the rules of the chamber for debates.

The *Senate Administrative Rules* are the ones that address expenses, honoraria and other such matters — budgetary and fiscal matters relating to each senator. It was how they were applied that was the subject of the expense debates last fall. It is those that — and I think properly so — gained so much public attention and, unfortunately, damaged the reputation of the Senate as an institution. It is that to which we are in large part responding to: How can we do this better?

The *Senate Administrative Rules* are formulated by the Internal Economy Committee, not by the Rules Committee or the Conflict of Interest for Senators Committee. The Senate as a whole adopts them, I agree, but they are set by the Internal Economy Committee.

You may wish to phrase your response with a question mark at the end, but my puzzlement is, why would the Conflict of Interest Committee, having brought us so far forward with this excellent precedent, not have included a recommendation not only for the Rules Committee but also for the Internal Economy Committee? That would seem to me to be the most just, logical and apt thing to do, especially when I heard you say that you're urging all of us to move forward on a number of things to increase our standards of behaviour — or at least to improve our processes by which we ensure that we continue to conduct ourselves to the highest standard of behaviour. That might be the more correct way of saying it.

**Senator Andreychuk:** We went through a pretty harrowing experience of having to hold a debate on this floor of the issues that are within the purview of the Internal Economy Committee, and those are the cases we're referring to.

Our committee, the Conflict of Interest for Senators Committee, continually changes, and I think that's where our strength comes from. We look at others, because public expectations change, as do public values. We're a changing society, so we've been changing along the way.

We took what we could do, and we respect that Internal Economy has to do its own, as does the Rules Committee.

Just one clarification: Once we adopt this report, the code will be changed. So the annex that you have will be the process and the procedure. But, because we have an overlap with Rules, there are consequential needs to deal with the Rules Committee.

I should tell you, and perhaps I should have said this before, the chair and deputy chair have met with the Rules Committee chair and vice-chair and with the Internal Economy chair and deputy chair. It was to talk about how we get a more seamless, more appropriate process that all of us can understand.

• (1700)

I would ask you: If we've done our bit on the conflict of interest, we have an expectation that there is review going on in Internal Economy and the Rules Committee. And if we are coordinating, we would be better off and closer to what you are asking us to do in the motion. Wouldn't you agree?

**Senator McCoy:** I definitely would, and the reason I'm taking the time today to make all of this explicit is to ensure that the goodwill and the best intentions — and all of your hard work — are not just lost, and indeed that we get so far as to have an approach explicitly outlined that is consistent across the board for all of the many standards of behaviour that we have to pay attention to.

So I thank you and the Senate for your indulgence in my taking this extra time, but I am keen to have us all recognize that although you have shown us the way, we're nowhere close to crossing the goal line as yet. Thank you.

**The Hon. the Speaker:** 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?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

## CANADA PERIODICAL FUND

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chaput, calling the attention of the Senate to the Conservative government's unilateral decision not to review the standards and criteria of the Canada Periodical Fund and the disastrous consequences of this failure to act for francophone minority newspapers, such as *La Liberté*, Manitoba's only French-language weekly.

**Hon. Marie-P. Charette-Poulin:** Honourable senators, today I would like to add my voice to those of Senator Chaput, Senator Tardif and Senator Fraser who have delivered heartfelt pleas in favour of strengthening the French-language press in Canada's official language minority communities.

I wish to thank the Honourable Maria Chaput for drawing the attention of the Senate to the devastating effect of the rules governing the Canada Periodical Fund, which is managed by Canadian Heritage. Like Senator Chaput, I wish to decry the disastrous consequences these new rules are having and will continue to have on the future of our French-language press.

By way of clarification, I would remind honourable senators that our colleagues, Senators Chaput, Tardif and Fraser, were quite right to point out that the Government of Canada has basically forsaken its political responsibility to support francophone newspapers in official language minority communities, a responsibility that Canada has so proudly taken on for decades.

I am also mindful of Canada's obligations under the Official Languages Act, which clearly requires that the Government of Canada support its minority communities. Part VII of the Act stipulates that all federal institutions have the legal obligation to take positive measures to fulfill their commitment to ensuring that English and French have equal status in Canadian society.

French-language print media are key to attaining that equality. This duty of federal institutions to be proactive in supporting French-language newspapers is clearly the responsibility of the Department of Canadian Heritage. That duty must be carried out in full recognition of Ontario's francophone population, which includes more than 600,000 francophones and as many francophiles.

Honourable senators, you know that Canada's French-language newspapers are often the only medium of communication that minority communities have to learn about themselves, to get informed and to reinforce their identity as francophones.

Take, for example, the French-language weekly newspaper *Le Voyageur*, which has been established in northern Ontario since 1968. It is truly the voice of northern Ontario.

In the course of its short history, *Le Voyageur* has created a special niche for itself among the 150,000 francophones in communities from Sudbury to Wawa and North Bay to Cochrane. The new owners have demonstrated entrepreneurship and innovation by merging their regional publications and aligning French-language print media with new types of social media. It is a credit to them, and francophone communities are better served thanks to these new business strategies.

At the same time, honourable senators, we all know the challenges of developing and promoting official language communities, particularly in less urban areas.

*Le Voyageur* is a weekly paper that must cover an area of more than 500 kilometres with very limited resources that cannot be compared to those of English-language newspapers. *Le Voyageur* must address the needs of francophone communities as large as Sudbury and as small as Chapleau. Its distribution network is hugely expensive, especially when it uses Canada Post.

The Canada Periodical Fund rules affect *Le Voyageur* more than any other French-language newspaper serving official language communities. I find that totally unacceptable given the

vitality of francophone communities in northern Ontario that want to preserve their cultural and linguistic heritage.

This is where the Department of Canadian Heritage can make a real difference. This is where it has to be proactive. This is where the Government of Canada's responsibility toward our official language communities can be meaningful and where its positive action can be truly consequential.

As my fellow senators correctly pointed out, the Government of Canada must immediately review the standards and criteria of the Canada Periodical Fund in order to better fulfill all the obligations of Part VII of the Official Languages Act.

The government must also reconsider the funding rules for mailing French-language newspapers, the cost of which rose even higher at the beginning of 2014, potentially jeopardizing the very existence of many papers.

• (1710)

French-language newspapers in Canada are sounding the alarm but, more importantly, are simply asking that they be allowed to continue doing their job of informing our official language communities.

Furthermore, French-language newspapers in Canada, such as *Le Voyageur*, have editorial freedom and a decisive impact on national unity in Canada. I know that you will all agree: Canada's reputation and the future of our country are directly related to the survival and development of our linguistic minorities.

We are and will continue to be a united country as long as we can ensure the vitality, development and advancement of francophone communities across Canada. This is achieved by having a free press and media rooted in their communities and, of course, it requires viable French-language media.

Therefore, I am calling on you, honourable senators, to unite the voice of the Senate of Canada in order to persuade the Minister of Canadian Heritage to act quickly, with courage and determination, to strengthen the capacity of the French-language press in official language communities.

(On motion of Senator Greene, debate adjourned.)

[English]

## THE SENATE

### ORIGINS, HISTORY AND EVOLUTION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its roots, the history of its origins and its evolution.

[ Senator Charette-Poulin ]

**Hon. Elizabeth Hubley:** Honourable senators, it is both an honour and a pleasure for me to stand and offer my comments in response to this important and timely inquiry that the Honourable Senator Nolin has placed before us.

The events of the past year have given us all pause to reflect on the role that each of us in this chamber has to play in contributing to the betterment of governance and society in our country.

Certainly, if we listen to the public outcry and the musings of the media or even some members of the House of Commons, we would have to question our very existence as an institution. It would appear that many simply wish that we would quietly go away and spare everyone the burden of discussing or determining what is to be done with us. Indeed, there is currently a let's-call-the-whole-thing-off air of frustration related to the Senate and the probability of its reform. Some suggest it's easier to abolish than to change.

But as commentator Helen Forsey has pointed out, the most recent shame that has been visited upon the Senate is not a function of the institution's collective political power or its abuse or misuse of that power but, rather, an example of what she terms spectacular misconduct, an individual greed and wrongdoing on the part of a few senators.

That is sage advice, and I think it's fair to say that even the harshest of critics will grudgingly admit that the Senate has done good work over the years.

The chamber's careful examination and thoughtful amendment of legislation, its in-depth study of sensitive policy issues, its efforts to encourage careful re-examination of government initiatives, its ability to give voice to those who are underrepresented in the House of Commons — these are all important and essential roles of our parliamentary democracy.

Even during this session of Parliament, even as the media and police lustily pursued paper trails and emails and expense claims, the regular work of the Senate and the majority of the senators has gone on undeterred and largely unnoticed. In this session alone, the list of committee and special reports that the Senate has produced is a checklist of issues and policy concerns that are of vital importance to Canadians yet rarely given the kind of detailed study they merit in the elected chamber. I am speaking here of economic and consumer issues like the future of air travel and a plan for the forestry sector. I am speaking as well of social issues focused on the protection of the most vulnerable in our society — a national strategy on the sexual exploitation of children, an anti-cyberbullying strategy, a call for the reduction of barriers to post-secondary education, a strategy for the greater inclusion of Canadians with disabilities. I'm talking about issues of grave importance to our founding peoples, a report outlining steps for the reform of First Nations education, and a report calling for the revival of the B.C. treaty process.

These are only a few of the significant issues on which the Senate has produced valuable work in the past year. In the absence of the Senate, it is almost certain that this work would not be done, and many Canadians who otherwise would not have a voice would lose a reasoned and responsible advocate in the governing of their country.

As I hope to point out, subjecting these functions to a simple cost-benefit analysis would ignore the intentions of the founding partners of Confederation, would dismiss the important work that has been done and would snuff out the potential for similar or even greater work in the years ahead.

Over Christmas, I began to do some additional reading and research in preparation for my participation in this debate. Two things happened in the course of that process. First, I had an opportunity to reflect on my own time in the Senate and to make a serious accounting of my contributions to the work of this chamber through debate and committee and through the review of legislation.

It forced me to think about things we could do to ensure our work would be enhanced and advanced. Despite my personal edification and my own satisfaction at having given serious thought to the role and function of the Senate, I discovered that many others have been there before me. In fact, I would venture that no other institution in the Commonwealth has been subjected to as much study, analysis, criticism and outright vilification as the Canadian Senate.

Furthermore, this critical examination appears to have started immediately upon the creation of the chamber. The very first incarnation of the Senate had its doubters and critics. In an unprecedented and, to my knowledge, unduplicated move, three of the esteemed gentlemen named to the inaugural chamber declined to take their seats, protesting that the Senate would not be an effective body.

Within a decade of its establishment, there were calls for major reforms of the Senate.

The very first serious academic study of the Senate in the mid-1920s referred to the chamber as

... a refuge for political deadwood, a purely partisan body, either supine or maliciously obstructive (depending on which party rules the lower house) and that as the citadel of wealth and senile conservatism it presents an irrational obstacle to reform.

But as Canadian scholar and Senate specialist Dr. David Smith has said, "There is a lot of echo and not much contemplation when it comes to the discussions of Senate reform."

Most of the proposed changes, including the call for a popularly elected Senate, would require opening and amending the Constitution and receiving the support of at least seven provinces with 50 per cent of the population.

As the late Senator Eugene Forsey told the Canadian Bar Association in 1985, these initiatives "... have as much chance of becoming law as I have of becoming Archbishop of Canterbury." Senator Forsey, who was a constitutional scholar and a widely regarded expert on the Senate, was a very strong advocate of Senate reform.

However, he was always careful to distinguish between what he referred to as practical proposals for reform and impractical proposals for reform. The latter he regarded as any change that

involved the virtually insurmountable hurdle of the constitutional amending formula.

What I would like to do today is to explore some of the practical solutions advocated by Senator Forsey and others, but before doing that, I think it important that we appreciate the historical context in which these proposals are offered. I think it's equally important that we remind ourselves of the hope and aspirations that the founding partners of Confederation had for the Senate when they first envisioned the chamber in 1867.

• (1720)

When a previous Senate committee looked at this same question 35 years ago, it identified four significant roles that the Senate of Canada has historically played. All four of these roles are complementary to the functions of the House of Commons. They are a revising legislative role, an investigative role, a regional representative role, and a protector of linguistic and other minorities role.

It is important to note that these were precisely the roles and functions envisioned by the Fathers of Confederation when they sat together to design the governing structure of this nation 150 years ago. I hasten to add, notwithstanding the distracting and disturbing headlines that would suggest otherwise, that these continue to be the essential roles and functions that the majority of senators still try to fulfill each day through their work here in the Senate of Canada.

I am aware and quick to acknowledge the fact that the intentions of the founding fathers have never been a major consideration in the interpretation of Canadian constitutional law. Compared to the United States, divining and keeping faith with the intentions of the constitutional framers certainly hasn't factored large in the shaping and reshaping of our legal and political institutions here in Canada.

If we are to judge from the amount of time devoted to this discussion, then there is no question that the Senate — its structure, its method of selection and its powers — was regarded as the single most important component of the Canadian Parliament by delegates at both the Charlottetown and Quebec conferences.

One of the first scholars to give rigorous study to the Senate, Professor Robert MacKay, has noted that, at the Quebec conference, the founding fathers spent a full six of the fourteen days discussing the details of the powers and composition of the second chamber. It received far greater attention than any of the other elements of the constitution, including the division of powers and the establishment of the judiciary.

While today's proponents of a Triple-E Senate would have you believe that the concept of an elected upper chamber was never considered or contemplated by the elitist founding partners, nothing could be further from the truth. A reading of the constitutional debates reveals that these gentlemen, though accomplished and successful in their own right, had no illusions of creating a Canadian version of the House of Lords. Indeed, a great deal of time was spent discussing the various options for the upper chamber's method of selection, including direct election.

However, as Professor MacKay notes, there wasn't a great deal of enthusiasm for an elected second chamber. As he rightly observed, upper houses that were popularly elected

tended to be a second edition of the assembly, and... might in the end have overshadowed the assembly, just as the Senate of the United States has overshadowed the House of Representatives.

Confederation conference delegate George Brown succinctly summed up the fears of the founders when he pointed out that establishing an elected Senate would create dueling chambers, both claiming the legitimacy of popular election.

I have always been opposed to a second elective chamber...

— he stated in debate —

... from the conviction that the two elective Houses are inconsistent with the right working of the British parliamentary system... [W]hen the elective element becomes supreme, who will venture to affirm that the...

— Senate —

... would not claim... that they represent the people as well as we do, and that the control of the purse strings ought, therefore, to belong to them as much as to us.

Our founding Prime Minister was intimately familiar with an elected upper house, having witnessed the same at work in Upper Canada. For that reason, his observation on the practical limitations of an elected Senate are particularly valuable and worthy of consideration. As he quickly acknowledged, the arguments for an elected Senate were “numerous and strong” and, while the concept had not been an entire failure in Upper Canada, there were confounding factors, which were not considered at the time, that ensured it “did not fully succeed as had been expected.”

As Sir John noticed in the Confederation debates, one of those confounding factors was

... the enormous extent of the constituencies and the immense labour which consequently devolved on those who sought the suffrage of the people for election to the Council. For the same reason... the legitimate expense was so enormous that men of standing in the country, eminently fitted for such a position, were prevented from coming forward...

So, you see, the elective option was one that factored very predominantly in the discussions of our founding fathers. It was an option that was found wanting a century and a half ago and an option that I hope to point out is still found wanting in our parliamentary government today.

A reading of the Confederation debates also reveals the fact that the founders made great efforts in their very calculated design to ensure that the upper chamber was not limited in its deliberations by the restrictive dictates of partisanship. For example, in naming the members of the inaugural chamber, our

first Prime Minister, Sir John A. Macdonald, insisted that not only should senators be selected from the legislative councils of the various provinces, but that

... due regard shall be had to the claims of the Members of the Legislative Council of the Opposition in each Province, so that all Political Parties may as nearly as possible be equally represented.

Clearly our founding fathers did not anticipate the Senate evolving into a poor imitation of the House of Commons where the fate of the legislation, policy proposals and ideas would rise and fall depending on the partisan complexion and the affiliation of its proponent. In fact, at the time that the fathers were designing the institutions of our government, they could not have foreseen that political parties and partisanship would assume such an importance in the governance of our country.

We sometimes forget that political parties, as we know them, are largely 20th century creations whose importance and clout has grown in lockstep with the extension of the franchise and the complexity of the issues of government. As the vote was extended to universal suffrage in the early 1900s, and with the extension of the social and economic programming, political parties became essentially organs to organize issues and present ideas in a coherent platform — I am wondering if I might ask for five minutes?

**Hon. Senators:** Agreed.

**Senator Hubley:** Thank you very much.

As the vote was extended to universal suffrage in the early 1900s, and with the extension of the social and economic programming, political parties became essentially organs to organize issues and present ideas in a coherent platform that voters could understand and support.

In relative terms, it is only recently that politics and political parties have been able to command the kind of rabid loyalty and blind devotion that we normally associate with sports teams. At the time of Confederation, that was certainly not the case. While political parties existed, their structure and membership was less static and much more fluid.

In the first four decades of this country, many members of the House of Commons were referred to as “loose fish,” prepared to assess and support ideas and administrations based on the strengths or weaknesses of individual merit. Not a single piece of legislation, policy proposal or program initiative received an automatic pass because of the political stripe of its proponent.

In fact, Canada's first Prime Minister spent much of his time cajoling and coaxing backbenchers to support the various initiatives of his government, and not always successfully. The historical records show that during Macdonald's first term, between 1867 and 1872, there were 18 occasions when Tory MPs voted against the government's wishes. No doubt it was the irregularity of their support that prompted Sir John A. to say of the members of the backbench, “The problem is not that these gentlemen can be purchased; the problem is they will not remain purchased.”

[ Senator Hubley ]

Of course, this kind of political independence in the House of Commons is virtually unheard of in this day and age. Any Member of Parliament radical or brave enough to entertain and espouse an independent thought that doesn't perfectly align with the party and its leader is likely to find herself or himself in a lonely political wasteland, expelled from caucus or denied the leader's signature for nomination, at worst, and certainly denied access to cabinet and the various offices of Parliament, at the very least.

• (1730)

It seems certain that the founding partners of our country envisioned a House of Commons as the exclusive battleground between the parties. This is not the role that our founding fathers imagined for the Senate.

Honourable senators, I thank you very much for your time. I have much more to add to this debate, but, unfortunately, I do not have the time today. I do look forward to further discussion on this important and timely issue.

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

[Translation]

INVESTIGATIVE ROLE—INQUIRY—  
DEBATE ADJOURNED

**Hon. Pierre Claude Nolin** rose pursuant to notice of January 28, 2014:

That he will call the attention of the Senate to its investigative role.

He said: Honourable senators, this inquiry into the Senate's strategic investigations is part of a series of seven debates designed to foster a better understanding of the Senate's work, the principles underpinning the Senate and the scope of the roles it plays.

In preparing my notes, I relied in large part on the book *Protecting Canadian Democracy: The Senate You Never Knew*, published in 2003 and edited by our colleague, the Honourable Senator Joyal.

[English]

The Senate's principal role is to complement the House of Commons, as we just heard. Since the Senate does not have the power to vote on confidence motions, it does not challenge the House of Commons on its fundamental "elective" role, that of forming and defeating governments.

In this respect, the supremacy of the lower chamber lies at the very core of the British parliamentary session. Far from competing with the lower chamber, the upper chamber complements the lower chamber's work in many important

ways, such as by conducting special studies. This is the function from which the Senate derives its role as the "chamber of sober second thought."

This duplication or redundancy is a vital feature of bicameralism and of federalism, as well. Senators, free from any electoral considerations, have the latitude to study major issues. It is, therefore, through legislative reviews and strategic investigations that the Senate fulfills its role of scrutiny of the executive.

[Translation]

This important aspect of the Senate's work can be best seen once again in committees.

In his work, Senator Joyal states:

Committees are an indispensable component of the Upper Chamber's capacity to review legislation, scrutinize government activities, and study policy issues. They are the link between the legislative branch of government and citizens, public interest groups and experts. Senate committees also serve to galvanize public opinion and refine government policy through a process of in-depth study and debate. In short, the committee work of the Senate is perhaps the best measure of the institution's utility. Observers and analysts of parliamentary committees have concluded that the level of insight, objectivity, and rigour of Senate committees often surpasses that of their counterparts in the House of Commons.

[English]

Senator Joyal quotes Peter Dobell, who, in *Reforming Parliamentary Practice: The Views of MPs*, states the following:

In contrast with the House, the Canadian Senate has long recognized the strength that comes from continuity. Former Senator Salter Hayden, for example, chaired the Banking Committee for over 20 years and was recognized as a national authority on tax law. Continuity of the chair and committee membership has contributed to the ability of some Senate committees to prepare influential reports such as the Croll Committee report on poverty and the Van Roggen report on free trade with the United States.

So, given that the Senate's role is essentially to complement the House of Commons, its function as a deliberative assembly allows it to perfect the legislative mechanism by requiring ministers and government officials to address problems it identifies and to rethink the underlying motives of government initiatives.

While it is up to the House of Commons to hold the government to account, ultimately, given the confidence convention, this principle is becoming increasingly obsolete in light of the tightening grip of the executive over the house.

Government oversight exercised by the Senate is now, more than ever, a useful complement to the scrutiny carried out by the lower chamber, and it affirms the Senate's role as a check on and a counterweight to the executive.

[*Translation*]

Let us look at why the Senate developed this responsibility and shoulders it diligently.

After the Second World War, democratic governments began to expand their spheres of action, which gave rise to a significant increase in legislative activity. The Canadian Parliament, which at the time was only sitting three or four months per year, quickly found itself overwhelmed with increasingly complex bills. That is why the Senate, partly in order to meet those new challenges, conducted special studies in some important fields of activity, influenced by the emerging spheres of government action. A number of those studies had a considerable influence on government policies and on public opinion.

When eloquent examples are needed, the 1971 *Report on Poverty in Canada* is still mentioned, as are the five great reports on science policy from 1970 to 1977 and the series of reports on the media in 1970.

This is how the Senate came to take on the role that it plays today with its investigations into major public policy issues.

[*English*]

As the role of government grew more complex and new issues emerged, the need for Parliament to conduct in-depth studies of these issues became pressing and is now invaluable.

Senate investigations are all the more important given that the lower chamber and citizens, despite their best efforts, struggle to engage in appropriate and productive debate.

[*Translation*]

The Senate therefore provides a forum for participatory democracy because of its structures and procedures. These lend themselves better to thematic debates and are less susceptible to any form of “domination,” to use a word dear to the hearts of the Fathers of Confederation.

Both when it is studying legislative measures and when it is conducting investigations, the Senate deliberates, sheds light on legislative arguments through debate, listens to testimony and gathers a vast range of opinion from Canadians in all areas of activity and from every region of the country.

[*English*]

In the political arena, the Senate’s strength lies, so to speak, in its role not as an “honest broker,” one that clearly belongs to the House of Commons, but, rather, as a body to analyze ideas.

I believe it is important to outline the benefit of these Senate investigations. First, let us look at this work in light of the reality of the House of Commons.

In recent years, partisanship in the House of Commons has steadily become quite vitriolic, and it is increasingly rare to see a committee manage to put aside partisan politics in the interests of dispassionate study. While the upper chamber is not immune to occasional episodes of excessive partisanship, in the Senate and in

[ Senator Nolin ]

its committees there is certainly less of a partisan atmosphere than in the House of Commons as senators on both sides of the aisle work together to disentangle complex issues of public interest.

[*Translation*]

• (1740)

In this investigative role, the Senate has three advantages over the House of Commons.

First, time: senators usually serve the institution longer than members, which enables them to follow the files that interest them over a longer period than the normal lifespan of one Parliament and of the government policy development cycle.

Second, experience: many senators have distinguished records of public service.

Third, atmosphere: the conditions of Senate work enable its members to break more easily with party lines.

A senator can always break rank and vote with others.

The lack of media coverage is an advantage because it allows senators to conduct their investigations in a balanced and consistent manner.

You will admit, esteemed colleagues, that the outcome is often impressive. The Senate’s track record for this kind of investigation over the years is far superior to that of the House of Commons.

Allow me to remind you of a situation that will help you see just how differently things are handled by the two houses.

[*English*]

In 1997, in the span of a single day and with unanimous consent and without amendment, the House of Commons passed all stages of Bill C-220, the so-called “Son of Sam” bill. In their defence, the prime minister of the day and a number of ministers abstained from taking part in that debate. This private member’s bill amended the Criminal Code and the Copyright Act to prevent convicted individuals from profiting from a creative work based on their crimes. Similar legislation had been passed in several American states.

Spurred on by the media, Canadians appeared to support the idea. The vast majority of commentators were quick to point out pre-emptively that the Senate did not have the required legitimacy to oppose the bill. Despite that, the Senate conducted its studies at second reading and defects quickly began to emerge: lack of necessary constitutional federal jurisdiction, contravention of the guiding principles of certain international treaties and denial of the freedom of expression.

Concerned with the legality of the measures used, the Senate declined immediately to vote at second reading and, preferring to hear the advice of the Standing Senate Committee on Legal and Constitutional Affairs, referred the subject matter of the bill to the committee for study and report.



The committee, determined to educate the public and, of course, the sponsor of the bill on the issue, conducted an exhaustive study. In its desire to conduct an extremely detailed review, it held 13 hearings during which it heard from close to 30 witnesses, most of them experts. The committee ultimately recommended that the bill be rejected, but not without explaining in its report what appropriate course of action could be taken to transform quite a good intention into fair and effective legislation. The Senate endorsed the recommendation without the least dissent. Given that the legislative process was therefore suspended, the bill later died on the Order Paper upon prorogation.

It is interesting, colleagues, to note that even the member who sponsored the bill and appeared before the committee at the beginning of the hearings, calling for quick action of course, returned to the committee at the end and acknowledged that the committee's work had been very instructive for him regarding the bill's deficiencies. Some of the media faithfully reported the proceedings both in the Senate and in the committee. The commentators remained silent.

[Translation]

Let's also do a comparison with the work of commissions of inquiry.

Studies by Senate committees are in some cases more advantageous than the inquiries of royal commissions and working groups, which take a long time and are very expensive.

Unlike members of royal commissions, senators do not go their separate ways once their report has been tabled.

They must stay in place so they can lobby and ask that action be taken on their ideas.

Indeed, for some time now, some Senate committees have monitored their previous reports to see what happened to their recommendations.

To do so, these committees usually have to invite the minister responsible and his or her officials to testify.

This follow-up makes the work done in committee even more important and encourages senators, who can see that their reports do not disappear into some kind of political black hole.

It is certainly worth pointing out that since senators' indemnities are already covered by the institution's budget, the costs of Senate investigations are much lower than the costs of a royal commission.

[English]

For all the reasons I have mentioned, investigations by Senate committees have earned their solid reputation. In the long term, this rigorous and conscientious approach ensures that investigations are effective. Today, this aspect of the Senate's business constitutes one of its major functions. Governments cannot simply get away with ignoring Senate committee reports. These reports reflect and help to expand on ideas that will later become public policies.

Hearings and reports also serve to remind the executive and senior public servants that there are interests and opinions inside and outside Parliament that might not have been heard and must be taken into consideration.

[Translation]

Dear colleagues, could I have a few more minutes?

**Hon. Senators:** Agreed.

**Senator Nolin:** Investigations by Senate committees help provide some direction for the executive's discussions and plans before they take their final form.

As part of investigations, the Senate can study the government's performance and make public criticisms, which is just as important.

This means that ministers and their senior public servants are required, to a certain extent at least, to defend the government's performance and publicly acknowledge their weaknesses, if necessary.

In short, some Senate committees have conducted useful investigations in the past, and when the time was right, the government took some important measures in response to their reports.

The evolution of its role as an investigator has enabled the Senate to help develop policies in a way that is less threatening politically.

Studies on policies and programs do not reflect badly on ministers in the same way that rejecting a bill or amendments would.

The ability to conduct investigations is an important addition to the Senate's strictly legislative role.

These investigations improve senators' basic knowledge and allow for better studies of government bills, thereby indirectly benefiting the legislative initiative.

[English]

One important type of Senate investigation deals with government programs already in place. One leader in this area is the Standing Senate Committee on National Finance. Since the early 1970s, the committee has systematically conducted detailed reviews of a certain number of programs and departments. It has conducted studies on budgetary policy, 1974; Canada Manpower, 1976; the Department of Public Works, 1982; government policy and regional development, 1991; and public service reform, 1992, to mention only a few of those reports.

As well, each year Parliament receives performance reports from over 80 departments and agencies. Unfortunately, again, given their already heavy workload, House of Commons committees conduct only very superficial reviews.

[*Translation*]

Studies by Senate committees may fall short of scientific and comprehensive evaluations, but most knowledgeable observers generally believe that they result in reports that are more substantial than those produced by their House of Commons counterparts.

Most public servants say that they prefer to discuss their plans before a Senate committee rather than a House of Commons committee for that reason — and also because Senate committees focus on the real issues and are less partisan.

• (1750)

[*English*]

In conclusion, I will leave you with the following: Given the growth, complexity and importance of Canadian public policy, recognizing that Canadians must participate in debates that question these policies, the Senate, respecting the prerogative of and acting in concert with the House of Commons, affirming its conventional and constitutional jurisdictions, and serving as a check against and counterweight to the executive, thoroughly reviews issues of national and international importance as well as the public activities and policies of the Government of Canada, influenced by these issues.

Thank you, dear colleagues, for your attention. I'm ready to answer any of your questions.

**The Hon. the Speaker:** Continuing debate?

(On motion of Senator Day, debate adjourned.)

[*Translation*]

ROLE IN PARLIAMENTARY DIPLOMACY—  
INQUIRY—DEBATE ADJOURNED

**Hon. Pierre Claude Nolin** rose pursuant to notice of January 28, 2014:

That he will call the attention of the Senate to its role in parliamentary diplomacy.

He said: Honourable senators, I have not finished my notes on this inquiry, which I consider very important, and I would request leave to continue at a later date for the remainder of my speaking time.

(On motion of Senator Nolin, debate adjourned.)

PROMOTING AND DEFENDING CAUSES THAT  
CONCERN THE PUBLIC INTEREST—  
INQUIRY—DEBATE ADJOURNED

**Hon. Pierre Claude Nolin** rose pursuant to notice of January 28, 2014:

That he will call the attention of the Senate to the activities of some Senators in promoting and defending causes that concern the public interest.

He said: Mr. Speaker, for the same reason, since I have not finished my notes, I would request leave to continue my speech for the remainder of my speaking time.

(On motion of Senator Nolin, debate adjourned.)

(The Senate adjourned until Wednesday, April 2, 2014, at 1:30 p.m.)

## **APPENDIX**

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

**THE SPEAKER**

The Honourable Noël A. Kinsella

**THE LEADER OF THE GOVERNMENT**

The Honourable Claude Carignan, P.C.

**THE LEADER OF THE OPPOSITION**

The Honourable James S. Cowan

---

**OFFICERS OF THE SENATE****CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Gary W. O'Brien

**LAW CLERK AND PARLIAMENTARY COUNSEL**

Mark Audcent

**USHER OF THE BLACK ROD**

J. Greg Peters

## THE MINISTRY

(In order of precedence)

(April 1, 2014)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Bernard Valcourt	Minister of Aboriginal Affairs and Northern Development
The Hon. Robert Douglas Nicholson	Minister of National Defence
The Hon. Peter Gordon MacKay	Minister of Justice
	Attorney General of Canada
The Hon. Rona Ambrose	Minister of Health
The Hon. Diane Finley	Minister of Public Works and Government Services
The Hon. John Baird	Minister of Foreign Affairs
The Hon. Tony Clement	President of the Treasury Board
The Hon. Peter Van Loan	Leader of the Government in the House of Commons
The Hon. Jason Kenney	Minister of Employment and Social Development
	Minister for Multiculturalism
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food
The Hon. Christian Paradis	Minister of International Development
	Minister for La Francophonie
The Hon. James Moore	Minister of Industry
The Hon. Denis Lebel	Minister of the Economic Development Agency of Canada for the Regions of Quebec
	President of the Queen's Privy Council for Canada
	Minister of Infrastructure, Communities and Intergovernmental Affairs
The Hon. Leona Aglukkaq	Minister of the Canadian Northern Economic Development Agency
	Minister for the Arctic Council
	Minister of the Environment
The Hon. Lisa Raitt	Minister of Transport
The Hon. Gail Shea	Minister of Fisheries and Oceans
The Hon. Julian Fantino	Minister of Veterans Affairs
The Hon. Steven Blaney	Minister of Public Safety and Emergency Preparedness
The Hon. Edward Fast	Minister of International Trade
The Hon. Joe Oliver	Minister of Finance
The Hon. Kerry-Lynne D. Findlay	Minister of National Revenue
The Hon. Shelly Glover	Minister of Canadian Heritage and Official Languages
The Hon. Chris Alexander	Minister of Citizenship and Immigration
The Hon. Kellie Leitch	Minister of Labour
	Minister of Status of Women
The Hon. Greg Rickford	Minister of Natural Resources
	Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. Maxime Bernier	Minister of State (Small Business and Tourism, and Agriculture)
The Hon. Lynne Yelich	Minister of State (Foreign Affairs and Consular)
The Hon. Gary Goodyear	Minister of State (Federal Economic Development Agency for Southern Ontario)
The Hon. Rob Moore	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John Duncan	Minister of State and Chief Government Whip
The Hon. Tim Uppal	Minister of State (Multiculturalism)
The Hon. Alice Wong	Minister of State (Seniors)
The Hon. Bal Gosal	Minister of State (Sport)
The Hon. Kevin Sorenson	Minister of State (Finance)
The Hon. Pierre Poilievre	Minister of State (Democratic Reform)
The Hon. Candice Bergen	Minister of State (Social Development)
The Hon. Michelle Rempel	Minister of State (Western Economic Diversification)
The Hon. Ed Holder	Minister of State (Science and Technology)

## SENATORS OF CANADA

### ACCORDING TO SENIORITY

(April 1, 2014)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Colin Kenny	Rideau	Ottawa, Ont.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Marie-P. Charette-Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.

Senator	Designation	Post Office Address
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
JoAnne L. Buth	Manitoba	Winnipeg, Man.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Asha Seth	Ontario	Toronto, Ont.
Ghislain Maltais	Shawinigan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Paul E. McIntyre	New Brunswick	Charlo, N.B.
Thomas Johnson McInnis	Nova Scotia	Sheet Harbour, N.S.
Tobias C. Enverga, Jr.	Ontario	Toronto, Ont.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas John Black	Alberta	Canmore, Alta.
David Mark Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Lynn Beyak	Ontario	Dryden, Ont.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Leanne Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.

## SENATORS OF CANADA

### ALPHABETICAL LIST

(April 1, 2014)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Batters, Denise Leanne	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Conservative
Beyak, Lynn	Ontario	Dryden, Ont.	Conservative
Black, Douglas John	Alberta	Canmore, Alta.	Conservative
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent
Buth, JoAnne L.	Manitoba	Winnipeg, Man.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Charette-Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Enverga, Tobias C., Jr.	Ontario	Toronto, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Independent
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative



Senator	Designation	Post Office Address	Political Affiliation
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Maltais, Ghislain	Shawinigan	Quebec City, Que.	Conservative
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Independent (PC)
McInnis, Thomas Johnson	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Conservative
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuelette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seth, Asha	Ontario	Toronto, Ont.	Conservative
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothsay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Wells, David Mark	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
White, Vernon	Ontario	Ottawa, Ont.	Conservative

**SENATORS OF CANADA**  
**BY PROVINCE AND TERRITORY**

(April 1, 2014)

---



---

**ONTARIO—24**

---



---

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools	Toronto Centre-York	Toronto
2 Colin Kenny	Rideau	Ottawa
3 Marjory LeBreton, P.C.	Ontario	Manotick
4 Marie-P. Charette-Poulin	Northern Ontario	Ottawa
5 David P. Smith, P.C.	Cobourg	Toronto
6 Jim Munson	Ottawa/Rideau Canal	Ottawa
7 Art Eggleton, P.C.	Ontario	Toronto
8 Nancy Ruth	Cluny	Toronto
9 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
10 Nicole Eaton	Ontario	Caledon
11 Irving Gerstein	Ontario	Toronto
12 Linda Frum	Ontario	Toronto
13 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
14 Salma Ataullahjan	Toronto—Ontario	Toronto
15 Don Meredith	Ontario	Richmond Hill
16 Asha Seth	Ontario	Toronto
17 Vernon White	Ontario	Ottawa
18 Tobias C. Enverga, Jr.	Ontario	Toronto
19 Thanh Hai Ngo	Ontario	Orleans
20 Lynn Beyak	Ontario	Dryden
21 Victor Oh	Mississauga	Mississauga
22		
23		
24		

---

---



---

 SENATORS BY PROVINCE AND TERRITORY
 

---



---

 QUEBEC—24
 

---



---

Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt . . . . .	Inkerman . . . . .	Kuujuaq
2 Jean-Claude Rivest . . . . .	Stadacona . . . . .	Quebec
3 Pierre Claude Nolin . . . . .	De Salaberry . . . . .	Quebec
4 Céline Hervieux-Payette, P.C. . . . .	Bedford . . . . .	Montreal
5 Serge Joyal, P.C. . . . .	Kennebec . . . . .	Montreal
6 Joan Thorne Fraser . . . . .	De Lorimier . . . . .	Montreal
7 Paul J. Massicotte . . . . .	De Lanaudière . . . . .	Mont-Saint-Hilaire
8 Roméo Antonius Dallaire . . . . .	Gulf . . . . .	Sainte-Foy
9 Andrée Champagne, P.C. . . . .	Grandville . . . . .	Saint-Hyacinthe
10 Dennis Dawson . . . . .	Lauzon . . . . .	Ste-Foy
11 Michel Rivard . . . . .	The Laurentides . . . . .	Quebec
12 Patrick Brazeau . . . . .	Repentigny . . . . .	Maniwaki
13 Leo Housakos . . . . .	Wellington . . . . .	Laval
14 Suzanne Fortin-Duplessis . . . . .	Rougemont . . . . .	Quebec
15 Claude Carignan, P.C. . . . .	Mille Isles . . . . .	Saint-Eustache
16 Jacques Demers . . . . .	Rigaud . . . . .	Hudson
17 Judith G. Seidman . . . . .	De la Durantaye . . . . .	Saint-Raphaël
18 Pierre-Hugues Boisvenu . . . . .	La Salle . . . . .	Sherbrooke
19 Larry W. Smith . . . . .	Saurel . . . . .	Hudson
20 Josée Verner, P.C. . . . .	Montarville . . . . .	Saint-Augustin-de-Desmaures
21 Ghislain Maltais . . . . .	Shawinigan . . . . .	Quebec City
22 Jean-Guy Dagenais . . . . .	Victoria . . . . .	Blainville
23 Diane Bellemare . . . . .	Alma . . . . .	Outremont
24 . . . . .	. . . . .	. . . . .

---

---



---

**SENATORS BY PROVINCE-MARITIME DIVISION**


---



---

**NOVA SCOTIA—10**

Senator	Designation	Post Office Address
The Honourable		
1 Wilfred P. Moore	Stanhope St./South Shore	Chester
2 Jane Cordy	Nova Scotia	Dartmouth
3 Terry M. Mercer	Northend Halifax	Caribou River
4 James S. Cowan	Nova Scotia	Halifax
5 Stephen Greene	Halifax - The Citadel	Halifax
6 Michael L. MacDonald	Cape Breton	Dartmouth
7 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning
8 Thomas Johnson McInnis	Nova Scotia	Sheet Harbour
9		
10		

**NEW BRUNSWICK—10**

Senator	Designation	Post Office Address
The Honourable		
1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
3 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
4 Pierrette Ringuette	New Brunswick	Edmundston
5 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
6 Percy Mockler	New Brunswick	St. Leonard
7 John D. Wallace	New Brunswick	Rothsay
8 Carolyn Stewart Olsen	New Brunswick	Sackville
9 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
10 Paul E. McIntyre	New Brunswick	Charlo

**PRINCE EDWARD ISLAND—4**

Senator	Designation	Post Office Address
The Honourable		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

SENATORS BY PROVINCE-WESTERN DIVISION

**MANITOBA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Janis G. Johnson	Manitoba	Gimli
2 Maria Chaput	Manitoba	Sainte-Anne
3 Donald Neil Plett	Landmark	Landmark
4 JoAnne L. Buth	Manitoba	Winnipeg
5		
6		

**BRITISH COLUMBIA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer	British Columbia	North Vancouver
2 Larry W. Campbell	British Columbia	Vancouver
3 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
4 Yonah Martin	British Columbia	Vancouver
5 Richard Neufeld	British Columbia	Fort St. John
6		

**SASKATCHEWAN—6**

Senator	Designation	Post Office Address
The Honourable		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Pana Merchant	Saskatchewan	Regina
4 Lillian Eva Dyck	Saskatchewan	Saskatoon
5 Pamela Wallin	Saskatchewan	Wadena
6 Denise Leanne Batters	Saskatchewan	Regina

**ALBERTA—6**

Senator	Designation	Post Office Address
The Honourable		
1 Claudette Tardif	Alberta	Edmonton
2 Grant Mitchell	Alberta	Edmonton
3 Elaine McCoy	Alberta	Calgary
4 Betty E. Unger	Alberta	Edmonton
5 Douglas John Black	Alberta	Canmore
6 Scott Tannas	Alberta	High River

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 George Furey	Newfoundland and Labrador	St. John's
2 George S. Baker, P.C.	Newfoundland and Labrador	Gander
3 Elizabeth Marshall	Newfoundland and Labrador	Paradise
4 Fabian Manning	Newfoundland and Labrador	St. Bride's
5 Norman E. Doyle	Newfoundland and Labrador	St. John's
6 David Wells	Newfoundland and Labrador	St. John's

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Lang	Yukon	Whitehorse

## CONTENTS

Tuesday, April 1, 2014

	PAGE		PAGE
<b>Visitors in the Gallery</b>		<b>Canada-Europe Parliamentary Association</b>	
The Hon. the Speaker . . . . .	1195	Organization for Security and Co-operation in Europe Parliamentary Assembly, Annual Session, June 29-July 3, 2013—Report Tabled.	
<hr/>		Hon. Ghislain Maltais . . . . .	1199
<b>SENATORS' STATEMENTS</b>			
<b>Parkinson's Awareness Month</b>		<b>QUESTION PERIOD</b>	
Hon. Kelvin Kenneth Ogilvie . . . . .	1195	<b>Justice</b>	
<b>Historical Landmarks</b>		Mandatory Minimum Sentences.	
Hon. Catherine S. Callbeck . . . . .	1195	Hon. James S. Cowan . . . . .	1199
<b>Visitors in the Gallery</b>		Hon. Claude Carignan . . . . .	1200
The Hon. the Speaker . . . . .	1196	Hon. Grant Mitchell . . . . .	1200
<b>Prevention of Violence Against Women</b>		<b>Democratic Reform</b>	
Hon. Asha Seth . . . . .	1196	Fair Elections Bill.	
<b>Commonwealth Day</b>		Hon. Bob Runciman . . . . .	1201
Hon. Elizabeth Hubley . . . . .	1196	Hon. Claude Carignan . . . . .	1202
<b>Newfoundland and Labrador</b>		Hon. James S. Cowan . . . . .	1202
Sixty-fifth Anniversary of Entry Into Confederation.		Hon. David P. Smith . . . . .	1202
Hon. Elizabeth Marshall . . . . .	1196	Hon. Percy E. Downe . . . . .	1202
<b>The Great Newfoundland Sealing Disaster of 1914</b>		<b>Employment and Social Development</b>	
One Hundredth Anniversary.		Support for Post-Secondary Students.	
Hon. Fabian Manning . . . . .	1197	Hon. Marie-P. Charette-Poulin . . . . .	1203
<hr/>		Hon. Claude Carignan . . . . .	1203
<b>ROUTINE PROCEEDINGS</b>			
<b>Speaker of the Senate</b>		<b>First Nations Elections Bill (Bill C-9)</b>	
Parliamentary Delegation to Greece and Bosnia and Herzegovina, September 7-16, 2012—Report Tabled . . . . .	1198	Third Report of Aboriginal Peoples Committee Presented.	
<b>Canadian Human Rights Tribunal</b>		Hon. Dennis Glen Patterson . . . . .	1203
2013 Annual Report Tabled . . . . .	1198	<hr/>	
<b>Aboriginal Affairs and Northern Development</b>		<b>ORDERS OF THE DAY</b>	
Maa-Nulth First Nations Final Agreement—2011-12 Implementation Report Tabled.		<b>The Estimates, 2013-14</b>	
Hon. Yonah Martin . . . . .	1198	Main Estimates—Seventh Report of National Finance Committee—Debate Continued.	
Yukon Land Claims and Self-Government Agreements— 2009-10 and 2010-11 Annual Reports Tabled.		Hon. Joseph A. Day . . . . .	1204
Hon. Yonah Martin . . . . .	1198	Hon. Elaine McCoy . . . . .	1206
Westbank First Nation Self-Government Agreement— 2010-11 Annual Implementation Report Tabled.		<b>Canada Elections Act (Bill C-23)</b>	
Hon. Yonah Martin . . . . .	1198	Bill to Amend—Motion to Authorize Legal and Constitutional Affairs Committee to Study Subject Matter—Debate Adjourned.	
Tsawwassen First Nation—2011-12 Annual Implementation Report Tabled.		Hon. Yonah Martin . . . . .	1207
Hon. Yonah Martin . . . . .	1198	Hon. Joan Fraser . . . . .	1207
<b>Scrutiny of Regulations</b>		Motion in Amendment.	
Third Report of Joint Committee Tabled.		Hon. Bob Runciman . . . . .	1207
Hon. Bob Runciman . . . . .	1198	Hon. Joan Fraser . . . . .	1207
<b>Economic Action Plan 2014 Bill, No. 1 (Bill C-31)</b>		Allotment of Time—Notice of Motion.	
Notice of Motion to Authorize Certain Committees to Study Subject Matter.		Hon. Yonah Martin . . . . .	1208
Hon. Yonah Martin . . . . .	1198	<b>Russian Sanctions</b>	
		Message from Commons—Motion to Share Concerns and Conclusions Expressed by House of Commons—Debate Adjourned.	
		Hon. Yonah Martin . . . . .	1208
		Hon. Joan Fraser . . . . .	1208
		Hon. A. Raynell Andreychuk . . . . .	1209
		Hon. Anne C. Cools . . . . .	1209
		Hon. Céline Hervieux-Payette . . . . .	1210

	PAGE		PAGE
<b>Genetic Non-Discrimination Bill (Bill S-201)</b>		Hon. Serge Joyal . . . . .	1215
Second Reading . . . . .	1211	Hon. Elaine McCoy . . . . .	1217
Hon. Linda Frum . . . . .	1211	<b>Canada Periodical Fund</b>	
Referred to Committee . . . . .	1213	Inquiry—Debate Continued.	
<b>Criminal Code</b>		Hon. Marie-P. Charette-Poulin . . . . .	1219
<b>National Defence Act (Bill C-394)</b>		<b>The Senate</b>	
Bill to Amend—Second Reading . . . . .	1213	Origins, History and Evolution—Inquiry—Debate Continued.	
Referred to Committee . . . . .	1213	Hon. Elizabeth Hubley . . . . .	1220
<b>Criminal Code</b>		Investigative Role—Inquiry—Debate Adjourned.	
<b>Corrections and Conditional Release Act (Bill C-489)</b>		Hon. Pierre Claude Nolin . . . . .	1223
Bill to Amend—Second Reading—Debate Continued.		Role in Parliamentary Diplomacy—Inquiry—Debate Adjourned.	
Hon. Joan Fraser . . . . .	1213	Hon. Pierre Claude Nolin . . . . .	1226
<b>Conflict of Interest for Senators</b>		Promoting and Defending Causes that Concern the Public	
Third Report of Committee Adopted.		Interest—Inquiry—Debate Adjourned.	
Hon. A. Raynell Andreychuk . . . . .	1213	Hon. Pierre Claude Nolin . . . . .	1226
		<b>Appendix</b> . . . . .	i





---

**Published by the Senate**

**Available on the Internet: <http://www.parl.gc.ca>**