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OFFICIAL REPORT
(HANSARD)

Tuesday, October 7, 2014

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

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THE SENATE

Tuesday, October 7, 2014

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

Prayers.

LIBRARY OF PARLIAMENT

THE LATE ERIK JOHN SPICER, C.M.

The Hon. the Speaker: Honourable senators, as you know, the Parliamentary Librarian reports to the Speakers of both houses, and I therefore rise in that role to state how saddened I was to learn of the passing, on September 27, of Erik Spicer, the Parliamentary Librarian Emeritus. A native of Ottawa, Mr. Spicer trained in Toronto and served with a variety of institutions before being named to the position of Parliamentary Librarian in 1960. When appointed under Prime Minister Diefenbaker, he was the first professionally-trained librarian to occupy the position. It was a responsibility he discharged diligently for over 33 years. During this period, he reported to no fewer than 12 Speakers of the Senate and 10 Speakers of the House of Commons.

[*Translation*]

Mr. Spicer helped convert the Library into a properly functioning modern institution. He was a strong advocate of the library as a research body, and it was during his term that the Research Branch was established. He also encouraged the integration of technology into the Library's work and initiated the project to reconstitute the parliamentary debates to cover the years before the Hansard services were established. As parliamentarians we benefit every day, both in committees and in our other duties, from his vision and initiative, which was the foundation for the excellent services we receive. It was, therefore, fitting and proper that, upon his retirement in 1994, he was recognized as Parliamentary Librarian Emeritus and an honorary officer of our two houses.

[*English*]

I am sure all honourable senators join with me in extending condolences to Mr. Spicer's family, including his wife, Helen; his daughter, Erika Scott; his son, John; and his grandchildren and siblings. All of them can be proud of his full and distinguished life, and his passion and dedication to Parliament and to his family and community.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I call your attention to the presence in the gallery of visitors from the ICICI Bank in Toronto, who are guests of the Honourable Senator Seth.

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

Hon. Senators: Hear, hear!

[*Translation*]

The Hon. the Speaker: Honourable senators, I wish to draw to your attention to the presence in the gallery of a group of participants in the Parliamentary Officers' Study Program.

Once again, on behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*English*]

SENATORS' STATEMENTS

ROYAL NEW WESTMINSTER REGIMENT THE BRITISH COLUMBIA REGIMENT

UNVEILING OF MONUMENT

Hon. Larry W. Campbell: Honourable senators, on Saturday I had the honour to attend a truly amazing event: 74 years ago on October 1, the Royal New Westminster Regiment and the British Columbia Regiment, Duke of Connaught's Own, known as the Dukes to those who belong to the regiment, were marching to war in Europe. They marched through New Westminster to board ships that would take them to Europe. Suddenly, a five-year-old boy rushed from the hand of his mother, reaching out to take his father's hand. His father, Rifleman Jack Bernard, was one of those leaving his family to fight for freedom in Europe. At that precise instant, *Province* photographer Claude Dettloff clicked his camera. The picture, entitled after the words spoken by the young son, would become iconic.

"Wait For Me, Daddy" is one of most poignant war pictures ever taken. Whitey Bernard was that son. He was front and centre on Saturday. The City of New Westminster commissioned a bronze sculpture to commemorate the event. With tremendous support from all levels of government and the leadership of Mayor Wayne Wright and the New Westminster City Council, the sculpture was unveiled. It is a magnificent 2-D and 3-D bronze statue depicting the photograph. In addition, the federal government should be commended for issuing a stamp and a toonie commemorating the picture.

People from all walks of life attended and watched as the British Columbia Regiment and the Royal New Westminster Regiment marched through the streets of New Westminster with fixed bayonets. The granddaughter of the photographer and Whitey spoke about the impact this picture had on their lives.

To me, the picture represented the cruel fact that in war, families and especially children are often forgotten but deeply impacted. Whitey told us that he saw his dad once in the next five years. In the end, Rifleman Bernard returned home, but thousands did not. This memorial serves to remind us that freedom and democracy have a price. Further, it reminds us that, when called, Canadians do not shirk from the task.

Some Hon. Senators: Hear, hear.

ICICI BANK

Hon. Asha Seth: Honourable senators, I would like to bring your attention to a reception that I will be hosting this evening on behalf of ICICI Bank, India's second largest bank, where we will discuss the topic of inclusive development.

As its name suggests, inclusive development refers to both the pace and the pattern of economic growth of a country and focuses on economic growth, which promotes wealth creation among vulnerable populations.

• (1410)

I believe that we can assist our international partners to meet their inclusive development goals by adopting a long-term perspective that is concerned with sustainable growth, and by eliminating business practices that would create financial obstacles for the poor and deepen the socio-economic divide in developing countries.

Unfortunately, they often lack the financial literacy and access to improve their condition. Financial institutions play a huge role as they can help urban and rural communities face the challenges of development.

As institutions like ICICI Bank expand their operations in Canada, we want to ensure that they become our partners in creating prosperity and fighting poverty both at home and abroad.

I'm delighted to welcome Ms. Chanda Kochhar, the board chair and CEO of ICICI Bank Group as our special guest speaker today. She was recently named India's most powerful businesswoman and is currently a member of Prime Minister Modi's Council on Trade and Industry. She will deliver an enlightening speech on inclusive development and how we can play an important role in fighting poverty around the world in a way that benefits both our citizens and our partners.

Honourable senators, once again I would like to invite all to join me in room 256-S from 5:30 to 7:30 for a high-level discussion and opportunities to interact with important stakeholders from the financial sector.

[Senator Campbell]

MENTAL ILLNESS AWARENESS WEEK

Hon. Jane Cordy: Honourable senators, I was privileged to attend the kickoff breakfast of Mental Illness Awareness Week this morning. This week is set aside each year to raise awareness and decrease stigmas of mental illness. At the breakfast, those who were nominated by the Canadian Alliance of Mental Illness and Mental Health, also known as CAMIMH, to be this year's "Faces of Mental Illness" shared their stories. Their stories are diverse and unique and highlight that mental illness certainly does indeed have many faces.

Honourable senators, I would like to share their stories and perhaps it will give a better sense of the challenges faced by those with mental illness, and also the courage and determination that these individuals have shown.

Aidan Scott is a survivor of childhood abuse. He has been diagnosed with anorexia, post-traumatic stress disorder and dissociative identity disorder. Aidan has made it his mission to reduce stigma and expand accessibility to professional care. He has launched Speak Box, a first of its kind company developing digital mental health treatment services paired with inclusion of peer support programs.

Jack Saddleback is a Cree two-spirit transgender man. As a child, Jack struggled with constant bullying, which resulted in severe depression and a suicide attempt at the age of 15. Jack is now a member of the Mental Health Commission of Canada's Youth Council. He helped create Safe Space, which creates gender-neutral First Nations sweat and pipe ceremonies.

Kathleen Dugas works at the Institute universitaire en santé mentale de Montréal. She was diagnosed as Type II bipolar in 2011. Prior to receiving a diagnosis, she had been living with the illness without help or medication for 25 years. Kathleen is a fighter and refuses to be crushed by the label of "mental illness."

Lindsay Hill was a successful Bay Street litigator when suddenly struck with severe mental illness. She has been instrumental in developing the Crisis Link program with the Toronto Transit Commission Distress Centres and Bell Canada. She has recently joined the board of the distress centres and regularly speaks about her experiences with mental illness.

Mark Henick has suffered from depression, anxiety and bullying, which led to a suicide attempt as a teen. After being discouraged from speaking with his peers about his experiences, Mark instead turned to writing about his experiences in the local newspaper. This led to many people sharing their own stories. Mark is now a mental health counsellor and has served as the youngest board president of the Canadian Mental Health Association. He also delivered a wildly successful TEDxToronto talk on his experience with suicide.

Honourable senators, we have made great strides in the field of mental health and mental illness since our Senate report on mental health, mental illness and addictions, *Out of the Shadows at Last*. Let's all continue to be advocates for continued

investment in the Mental Health Commission, which is doing great work. Their mandate should certainly be extended as the commission acts as a catalyst for change and improvement.

Honourable senators, I wish to express my heartfelt appreciation to this year's "Faces of Mental Illness." The courage to share their stories with Canadians is creating positive change in Canada.

ALBERTA

AGRICULTURE AND AGRI-FOOD

Hon. Douglas Black: Honourable senators, as we near the end of harvest in Alberta, I rise today to recognize the importance of the agriculture and agri-food processing sector to Alberta, our social fabric and our economy.

I also thank and salute the nearly 100,000 Albertans who are directly or indirectly employed by these industries; Albertans who, every day, market grain, care for animals or teach the next generation of farmers and farm workers; Albertans who keep the Albertan western spirit vibrant.

Alberta's agri-food processing sector is the second largest manufacturing sector in the province, representing \$12.6 billion in annual sales. Farms and livestock operations in Alberta generated \$11.8 billion in cash receipts to the Alberta economy in 2013. In addition, Alberta and Canada have earned a global reputation for quality and innovation in agriculture.

Canola, the key component of cooking oil now used around the world, was invented and developed by Canadian scientists. The McIntosh apple, ginger ale, frozen food, processed cheese and the chocolate bar are also all Canadian firsts that derive from agriculture.

Last summer I had the privilege of learning about Alberta's agriculture and livestock industry when I toured southern Alberta. I visited feedlots, potato farms and other agricultural operations. I was impressed, as I know you all would be, by the sophistication of the operations, the use of technology in operations and the energy innovation being employed.

I also visited the local irrigation district to learn about how technology and innovation are strengthening and conserving critical water use.

During a round table on the future of agriculture with educational leaders from the University of Lethbridge and Lethbridge College, I learned about the leading research and innovation being done in Alberta to improve training, farming techniques and business development in agriculture.

Honourable colleagues, the importance of agriculture is clear. It feeds Canadians, it employs Canadians, it generates export revenue and it drives an important industry in agricultural innovation.

As our former colleague Senator Buth has said: Once in a lifetime you need a minister, a lawyer or a doctor, but you need a farmer or a rancher every day.

ROUTINE PROCEEDINGS

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

FALL 2014 REPORT TO THE
HOUSE OF COMMONS—REPORT
AND ADDENDUM TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Fall 2014 Report of the Commissioner of the Environment and Sustainable Development to the House of Commons, as well as an addendum that contains copies of environmental petitions received under the Auditor General Act between January 1 and June 30, 2014.

[*Translation*]

COMMISSIONER OF OFFICIAL LANGUAGES

2013-14 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2013-14 annual report of the Commissioner of Official Languages.

[*English*]

CANADIAN HERITAGE

TELEFILM CANADA—
2013-14 ANNUAL REPORT AND
AUDITOR GENERAL'S REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Report of Telefilm Canada, together with the Auditor General's Report, for the fiscal year ended March 31, 2014, pursuant to subsection 23(2) of the Telefilm Canada Act.

• (1420)

GLOBAL CENTRE FOR PLURALISM

2013 ANNUAL REPORT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Global Centre for Pluralism for the year 2013.

2014 CORPORATE PLAN TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the 2014 summary of the corporate plan for the Global Centre for Pluralism.

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

[*Translation*]

QUESTION PERIOD

OFFICIAL LANGUAGES

RECOMMENDATIONS OF COMMISSIONER OF OFFICIAL LANGUAGES

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

Today, Mr. Leader, the Commissioner of Official Languages released his 2013-14 annual report to Parliament. This is a very important time for linguistic duality and bilingualism in our country. Linguistic duality is a core value for all Canadians.

In presenting his report, in which he makes two major recommendations, the Commissioner underscored the following, and I quote:

At the same time, a number of federal institutions still have a way to go before their compliance can be qualified as exemplary. For want of proper planning and monitoring, some of these institutions failed to meet their language obligations when they made major budget cuts or reorganizations.

To conclude, the Commissioner added this:

All federal institutions should therefore take the necessary steps to comply fully with the Act right from the outset—not after a complaint, an unsatisfactory audit, a disappointing report card grade or a court case.

Mr. Leader, I would like to hear your comments on this report and have you explain how the government will respond to these new recommendations.

Hon. Claude Carignan (Leader of the Government): Thank you, Senator Tardif, for your question. We would also like to thank the Commissioner of Official Languages for his report. You quoted some excerpts, passages and conclusions. I would like to quote from page 29 of his report, where the Commissioner said the following, and I quote:

In 2013-2014, all federal institutions evaluated demonstrated that they take measures to create an environment conducive to the use of both official languages and to encourage the use of English and French in the workplace in regions designated as bilingual for language-of-work purposes.

This good news is found in the report by the Commissioner of Official Languages. Clearly, we recognize that francophone and anglophone communities contribute to the cultural, social and economic vitality of our society.

As I said, we created the new Roadmap for Canada's Official Languages and we have made the most comprehensive investment in Canada's official languages in our country's history: funding of \$1.1 billion. I believe that is indisputable.

I would also like to point out that today, over 2.4 million young Canadians are learning either English or French as a second language and that 356,580 students across the country were enrolled in immersion programs in 2011-12, which represents an increase of 18.7 per cent since 2006-07.

The Commissioner makes note of this on page 23 of his report, where he says:

Canadian Heritage uses several best practices when making transfer payments to promote second-language instruction and minority-language education.

Some people see the glass as being half empty and some see it as being half full. I know that you see it as being half empty, but I think that we need to look at the practical measures that have been taken. The \$1.1 billion in funding under the new Roadmap for Canada's Official Languages represents a comprehensive investment — the largest in our country's history — and it will contribute to the vitality of our two official languages.

Senator Tardif: Thank you for that information, Mr. Leader. Some of the findings are certainly positive, and I recognize that. However, are you aware that the Commissioner of Official Languages published a report on June 27, 2014, to follow up on the recommendations that he made in his reports over the past seven years, from 2007 to 2014? I would like to draw your attention to the fact that this report clearly shows that only 19.6 per cent of the recommendations or parts of the recommendations were implemented. Less than one-quarter of the recommendations were implemented in seven years. The Commissioner makes recommendations every year in his annual report. He made a compilation of those recommendations, which shows that less than 20 per cent of them were implemented.

Leader, how do you explain this disappointingly low percentage of the Commissioner's recommendations that were implemented by the government?

Senator Carignan: Senator Tardif, you said two things about the report of the Commissioner of Official Languages that resonate with me. First, to me, the quote on page 29 is an important aspect of the government's record on official languages, and I would like to read it again:

In 2013-14, all federal institutions evaluated demonstrated that they take measures to create an environment conducive to the use of both official languages and to encourage the use of English and French in the workplace in regions designated as bilingual for language-of-work purposes.

The percentage that impresses me is the 18.7 per cent increase in the number of young Canadians who have participated in French or English immersion programs since 2006-07. These practical measures and numbers speak for themselves. Thanks to the \$1.1 billion in funding for the new roadmap, we are in excellent shape to continue promoting the use of both our official languages by Canadians.

Senator Tardif: Thank you, leader. There is no doubt that the number of young Canadians who can learn both official languages is beneficial to Canada as a whole and to all Canadians. I agree.

The recommendations touch on the activities in federal institutions subject to the Official Languages Act.

• (1430)

Leader, how will the government implement the very important recommendations of the Commissioner of Official Languages?

Senator Carignan: Senator, as you said, the report was tabled. As with any report, we are studying it. We will continue to study the report, but it is important to consider the amounts invested in official languages.

The \$1.1 billion envelope for the new roadmap represents the most comprehensive investment in Canada's history. You are in no position to criticize the practical actions taken by the government to promote the official languages. These were noted by the Commissioner on page 29 of his 2013-14 report, which I have quoted twice already.

Our practical actions speak for themselves. For example, the number of youth enrolled in an immersion program in their second language, whether English or French, increased by 18.7 per cent. We will continue our efforts.

[English]

INTERNATIONAL TRADE

CANADA-EUROPE COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT— STRATEGIC PARTNERSHIP AGREEMENT

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a question for the Leader of the Government in the Senate.

Leader, as I believe you yourself were pleased to note in this place a few days ago, the text of Canada's Comprehensive Economic and Trade Agreement with Europe has at last been made public. There is a companion agreement, the Strategic Partnership Agreement. When can we expect to see the text of that agreement?

[Translation]

Hon. Claude Carignan (Leader of the Government): Could you repeat the question? It was not clear.

[English]

Senator Fraser: There is a companion agreement to the Comprehensive Economic and Trade Agreement with Europe called the Strategic Partnership Agreement. When can we see the text of that agreement?

[Translation]

Senator Carignan: I don't know when it will be released, so I can't tell you when it will be available.

[English]

Senator Fraser: Thank you for that honest response. That agreement is, in many ways, at least as important as CETA.

Can the leader confirm to us press reports that, after digging in its heels for several years, the Government of Canada finally caved and agreed to include in the SPA, the Strategic Partnership Agreement, provisions that would allow the suspension of that agreement, or indeed of CETA, if one of the two parties believes that the other has engaged in violations of human rights?

[Translation]

Senator Carignan: Senator, as I have often said regarding the free trade agreement signed with Europe, it is an important agreement that confirms Canada's role as a world leader when it comes to free trade agreements. We are one of the few countries in the world that has signed free trade agreements with the two biggest economic powerhouses.

This important agreement will create over 80,000 new jobs for Canadians and give Canadian businesses access to half a billion new customers. Stakeholders across the country and in all sectors of the economy welcome this agreement. We will therefore continue working with representatives from the provinces and the member nations of the European Union to go through the necessary steps to implement this agreement as soon as possible.

[English]

Senator Fraser: That was not exactly an answer to the question.

This is not an irrelevant question, leader. We know, from experience with other trade agreements and from experience with the Europeans, that public pressure or pressure from commercial rivals can lead to enormous pressures being placed on our exporters, on our trade deals. With the United States, I would simply remind everyone of the softwood lumber travails that we have lived through, where the Americans, who didn't like the fact that our products were so competitive, have found ways, almost beyond imagining, to dispute our right to run our industries as we see fit in order to block our success in selling to that country.

In Europe, I'm sure many of us have followed with some dismay the campaign against the seal industry. That campaign continued despite finding after finding that there was no legal reason for Europe to ban our seal products. In the end, they only got away with banning them because it was deemed to be a question of public morals, which does seem a strange way to run a trade deal.

The fact is that because that campaign was so ferocious and carried on for so long, it basically killed most of the seal industry anyway. What protection do we have against similar and similarly ill-founded campaigns against Canada under CETA?

[Translation]

Senator Carignan: Senator, as you know, the agreement includes provisions for settling disputes between investors and states. Protecting investments has long been a very important part of our trade policy here in Canada and also in Europe. We believe that these provisions will favour job-creating investments as well as economic growth on both sides, for the member nations of the European Union, including Germany. On our side, we gave our negotiators a mandate to ensure that the agreement included provisions for settling disputes between investors and states.

One can go nitpicking left and right, but what matters here is that we negotiated one of the biggest free trade agreements in the history of this country and that we are world leaders in this area. If those agreements hadn't been signed, you wouldn't be looking for problems.

I think this is like you're getting a Ferrari, but you're saying that there isn't enough air in the tires.

EMPLOYMENT AND SOCIAL DEVELOPMENT

JOB CREATION

Hon. Céline Hervieux-Payette: You can also read the section that prevents Quebec and Newfoundland from marketing seals. The only exception is for the Inuit, and even then it's still minimal. We gave away all kinds of rights to a very important market, but like all the other free trade agreements we've signed, this one wasn't signed in our best interests. There's just one agreement that benefits us, and that is the agreement with the United States. We have come out on the losing end of all the other agreements you've signed.

In its action plan, the government brags about creating jobs. Where are those jobs? According to Statistics Canada, the 5,800 jobs created in Quebec this year were part-time. Meanwhile, 1,800 full-time jobs were lost. Even Alberta, whose economy is doing rather well, lost 13,400 jobs in August alone, and the vast majority of those jobs were full-time.

• (1440)

If we look at the situation across Canada, job creation increased by 0.5 per cent in the last 12 months, mainly in the area of part-time work. This situation is not new. In 2011, CIBC was already saying that Canada was creating very poor-quality jobs.

With your free trade agreements and your economic action plan, is your government aware that it is not creating jobs, but poor workers, while not lowering the unemployment rate in Canada?

Hon. Claude Carignan (Leader of the Government): It's incredible to hear that. It's probably because we are creating "poor-quality jobs," as you said, that the deficit will decrease by \$11 billion and we will be getting close to a balanced budget in the coming weeks, thanks in part to tax revenues related to the creation of well-paying jobs.

I like your opening remarks about a good free trade agreement, the one with the United States. You were criticizing it not too long ago, and I would remind you that this is another free trade agreement concluded by a Conservative government.

As you said, we are going to continue focusing on what matters to Canadians: creating jobs and economic growth. Over 1.1 million net new jobs have been created since the depths of the recession. Overall, contrary to what you say, these are full-time, well-paying private sector jobs. I am pleased to note that in its recent report, *World Economic Outlook*, the International Monetary Fund once again recognized the strength of the Canadian economy. The International Monetary Fund and the OECD both predict that Canada will be among the economies showing the strongest growth in the G7 in the coming years. Bloomberg indicated that Canada ranks second in the world as a country that is good to do business with. For the seventh consecutive year, the World Economic Forum ranked our banking system as the best in the world. Furthermore, Moody's, Fitch and Standard & Poor's have all confirmed Canada's AAA credit rating.

I'm not sure what you're trying to criticize. I understand that you want to play your role as the opposition, but frankly, when the government does a good job, you should stand up and congratulate us.

Senator Hervieux-Payette: First, I never criticized NAFTA. I criticized the last agreement in the last budget, which will require us to give all the information about Canadians to the U.S. That agreement is recent and has nothing to do with NAFTA.

However, according to the data from Statistics Canada, which you have unfortunately not yet abolished, as you said, 75 per cent of the working poor work part-time. Again according to Statistics Canada, in 2014, 54,900 part-time jobs were created across Canada and 29,000 full-time jobs were lost. Therefore, the government is actually creating poor workers.

Yesterday, we heard that Hydro-Québec had to increase its forecast for this year's bad debt, since more and more Quebec households are having a hard time paying their hydro bills. The situation will be worse next year, when the estimated losses will be \$105 million — because households won't be able to afford to pay their hydro bills — compared to \$99 million this year.

Right now, a radio advertisement says that one in six Canadians cannot afford dental care. In light of this, the Fondation de l'Ordre des dentistes du Québec has decided to provide free dental care to the most disadvantaged. At least one professional body has a conscience.

Leader, the government keeps making jobs precarious, forcing people to accept wages that do not cover their basic needs, all in the name of the fight against unemployment and poverty. I am referring to the government's EI reform, which is making families vulnerable, especially in the Maritimes.

Will the government revise its policies to promote the creation of full-time, decent-paying jobs?

Senator Carignan: Senator, your question, which involved a long preamble and examples of situations, seems to me like a question that you could address to the National Assembly of Quebec if you were a member of the opposition there. However, if you were a member of the opposition in the National Assembly of Quebec, then perhaps you would be partially responsible for the disastrous state of Quebec's finances.

Some Hon. Senators: Oh, oh!

Senator Carignan: In any case, I think that your statistics pertain to specific situations and that you are mixing up different situations that are in no way related.

What is important to us is the results achieved here in Canada, where over 1.1 million net new jobs have been created. These are well-paying jobs in the private sector. You spoke about the Ordre des dentistes du Québec, which is proposing to provide care to 200 people in need. Perhaps the reason the organization is able to offer these free services is that there are new, full-time, well-paid dentists.

Senator Hervieux-Payette: I would like to make a small correction. I never mentioned 200 people. I simply said that care would be provided to people in need. The organization will likely help more than 200 people.

As for me, Mr. Leader, I represent the people of Quebec. When I come here, it is not to listen to you insult the Government of Quebec, but to inform you of your responsibilities. Given all of the issues I mentioned — the fact

that people are living in poverty, are unable to pay their hydro bills and can't afford dental care for themselves or their children — and given that the only jobs that are being created in Quebec are part-time jobs, what measures are there in your action plan to create full-time, well-paying jobs in Quebec?

Senator Carignan: Senator, I thought you were a member of the Committee on National Finance and that you had the privilege of studying each of the economic plans that we tabled. They include a host of measures. Nevertheless, you don't seem convinced since you vote against the economic action plans every time.

[English]

HEALTH

AFRICA—MEDICAL AID FOR EBOLA OUTBREAK

Hon. Judith Seidman: Honourable senators, my question is for the Leader of the Government in the Senate. I'm sure all honourable senators share my concern regarding the serious Ebola outbreak in Western Africa, which has claimed many lives. I was pleased recently to learn that our government has offered over \$2.5 million in protective equipment to the World Health Organization to support their efforts in the fight against the spread of this terrible disease.

We have heard there is something different and puzzling about this particular Ebola outbreak, as many health care workers are becoming infected. This makes Canada's contribution very important and timely.

[Translation]

Could the Leader of the Government in the Senate update this chamber on the measures Canada has taken to transport this highly anticipated equipment to West Africa?

Hon. Claude Carignan (Leader of the Government): Thank you, Senator Seidman, for your important question on this priority health issue.

As you know, Canada is at the forefront of the response to the Ebola epidemic. We are contributing money to this cause and sharing our know-how. We are also sending equipment to support the international efforts to control this outbreak. As you pointed out, we have made a significant donation of essential equipment such as masks, gloves and respirators.

The first shipment of equipment was sent on Monday morning on board a Royal Canadian Air Force Hercules aircraft to Sierra Leone. I am also told that the rest of the equipment will be delivered in the days and weeks to come. Priority is being given to the most urgent needs as determined by the World Health Organization.

[Senator Hervieux-Payette]

• (1450)

I should mention that this delivery was made possible by our government's investments in the Armed Forces, including the purchase of four C-17s and 17 Hercules aircraft, which are now available for this type of humanitarian transport.

I'm sure you'll join me and all senators in thanking the Department of National Defence, which is helping to get this essential equipment to the World Health Organization. I thank you for your question.

[English]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Dagenais, for the third reading of Bill C-10, An Act to amend the Criminal Code (trafficking in contraband tobacco).

Hon. Jane Cordy: Honourable senators, I rise today to speak to Bill C-10, the government's proposed legislation to tackle trafficking in contraband tobacco and to curb the rising economic and public health issues created by the contraband tobacco trade in Canada. As I stated in my previous speech at second reading of this bill, as well as when I spoke to the previous incarnation of this bill, Bill S-16 in the last session of Parliament, I am pleased to see the government acknowledge the considerable problem contraband tobacco operations have become in Canada. I'm in favour of legislation which aims to curb these activities and limit young people's access to tobacco products.

Over the past several decades, governments have made great strides in combatting tobacco usage among Canadians. There have been improvements in such things as labelling cigarette packages, enforcements of age restrictions on purchasing tobacco, restricting the open display of tobacco in stores and, of course, educating Canadians on the effects of smoking on their health.

There has indeed been an emphasis on keeping these products out of the hands of young people. The contraband tobacco trade essentially nullifies these efforts, providing Canadians, particularly young Canadians, easy access to cheap and unregulated tobacco products.

Bill C-10 will specifically target traffickers of contraband tobacco by creating a new offence in the Canadian Criminal Code. The new offence of trafficking in contraband tobacco states, and I quote:

No person shall sell, offer for sale, transport, deliver, distribute or have in their possession for the purpose of sale a tobacco product, or raw leaf tobacco that is not packaged, unless it is stamped.

Bill C-10 also sets out penalties attached to these offences, and I quote again:

Every person who contravenes subsection (1)

(a) is guilty of an indictable offence and liable to imprisonment for a term of not more than five years . . .

The creation of the new offence of trafficking in contraband tobacco in the Criminal Code will allow for the ordinary peace officer, non-RCMP officer, to apply this legislation. Currently, trafficking in contraband tobacco is only contained in the Excise Tax Act and is only enforceable by the RCMP.

Including the offence in the Criminal Code should provide law enforcement with additional tools and resources to combat these activities. Testimony from government agencies suggests strong ties between organized crime and the contraband tobacco trade, and those agencies hail Bill C-10 as a new weapon against organized crime.

The bill also proposes a series of what Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section of Justice Canada, calls “unusual penalties involving minimums.” Repeat offenders under this new offence will be subjected to mandatory minimum sentencing policy: in the case of a second offence, a minimum punishment of imprisonment for a term of 90 days; in the case of a third offence, a minimum punishment of imprisonment for a term of 180 days; and in the case of a fourth or subsequent offence, a minimum punishment of imprisonment for a term of two years less a day.

I support the government’s intent of targeting traffickers of contraband tobacco and agree they should be penalized. However, I strongly object to the limitations placed on a judge’s discretion when it comes to determining sentences as proposed, in this government bill, by imposing yet again mandatory minimum sentences. Canada has one of the best judicial systems in the world, and Canadians’ faith and trust in our judges is the backbone of the system. To deny our judges the ability to rely on their expertise to determine a right and just sentence does a disservice to our justice system.

Many argue in favour of minimum sentencing policy from a political point of view. However, very little evidence exists that indicates minimum sentencing policy acts as a deterrent to these types of crime. In fact, much more evidence shows that minimum sentencing policies have little or no effect as a deterrent to crime, and mandatory minimums are routinely challenged in the courts as unconstitutional.

I have heard from an official of the Department of Justice that the deterrent effect of mandatory minimum sentences is speculative — speculative, honourable senators. Mandatory minimum sentencing policies have led to an explosion in the prison population in the United States, and I fear Canada is quickly moving in that same direction.

Since 2006, Canada’s prison population has steadily increased to a point where there are now more Canadians in federal penitentiaries than at any other time in our history, and, honourable senators, this is during a period of falling crime rates across the country. An unfortunate reality is that Aboriginal Canadians continue to make up a disproportionate percentage of the inmate population. The latest statistics show that Aboriginal Canadians make up 20 per cent of federal penitentiary populations, whereas they comprise only 4 per cent of the Canadian population.

Many Aboriginal groups oppose the policy of mandatory minimums in the bill. Stuart Wuttke, legal counsel for the Assembly of First Nations, stated during his appearance before committee:

With respect to the criminalization of tobacco, we feel Bill C-10 predominantly would target and criminalize First Nations peoples. . . .

. . . The AFN opposes mandatory minimum sentences because we feel they do not advance the goal of deterrence . . .

He goes on to say:

We note that in 1995, Parliament enacted section 718 of the Criminal Code. Subsection 718.2(d) requires that the courts look at an offender and that the offender “should not be deprived of liberty.” Section 718.2(e) of the Criminal Code states that “all available sanctions other than imprisonment that are reasonable in the circumstances should be considered for all offenders, with particular attention to the circumstances of Aboriginal offenders.”

Mr. Wuttke was not the only witness to question whether mandatory minimums violate section 718.2 of the Criminal Code and the potential to incarcerate more First Nations residents. R. Donald Maracle, Chief of the Mohawks of the Bay of Quinte, said:

This bill puts in place minimum penalties for repeat offenders. The provisions for mandatory minimum imprisonment violate the *Gladue* decision and section 718.2 of the Criminal Code. The Criminal Code was previously amended to accommodate the principles under *Gladue*.

The imposition of minimum sentences has the potential to send more of our people into the justice system and incarceration, where First Nations people are already overrepresented.

Honourable senators, the realities of the contraband tobacco trade have changed drastically over the past two decades. Where once the trade was predominantly legally made products, smuggled into the United States and then back into Canada and sold illegally, now the trade involves illegally made products smuggled into Canada and sold illegally.

We have heard at committee that the bulk of contraband tobacco found in Canada is manufactured in First Nations' communities on both sides of the Canada-U.S. border. We also heard that a substantive number of counterfeit cigarettes are also making their way into Canada from China and South Korea.

• (1500)

According to testimony from Geoff Leckey, Director General, Enforcement and Intelligence Operations, Canada Border Services Agency, the majority of seizures, upwards of 80 per cent of them, are made on the Quebec border and in Southeastern Ontario.

With the tobacco trade being a large part of the economy of some First Nations territories, one should assume that the federal government should consult closely with these groups when developing an anti-contraband tobacco strategy, including the drafting of the bill.

However, the committee learned during the study of this bill — and Bill S-16 of the last session of Parliament — that not one single government department that appeared before the committee consulted one single Aboriginal chief or representative of the Aboriginal community in the drafting of either Bill C-10 or Bill S-16. Honourable senators, there was no attempt made to reach out at all.

When asked at committee if anyone at Justice Canada consulted with any Aboriginal groups, Paul Saint-Denis, Senior Counsel, Criminal Law Policy Section, Justice Canada said:

We had no consultations. We knew that the Aboriginal people would be testifying before this committee. In a sense, that's a form of consultation. Parliamentarians will have had the benefit of their views in terms of this legislation, but we did not consult outside of the federal family. We did speak with people from Excise, Finance, the RCMP and Public Safety.

In response to Mr. Saint-Denis' comment, this is what Chief R. Donald Maracle had to say:

The federal government has a duty to consult. In this particular instance, the legislation directly impacts our community and rights. We were not consulted on the proposed legislation prior to its drafting. Previously, the Iroquois Caucus requested an appearance before the standing committee of the House of Commons and was denied. Only Akwesasne and Kahnawake were able to appear and make presentations at that point in time.

The federal government views adequate consultation as an appearance before a couple of committee hearings of the Senate and the House of Commons prior to the passage of proposed legislation. This is not meaningful consultation; in fact, it is not any form of consultation. We had to request an appearance before a committee, be it a House of Commons or Senate committee, and hope we are selected to voice our concerns. Any participation in the standing committee process does not constitute consultation. Consultation is not to be selective; it is to include everyone who wishes to participate, as well as those most directly impacted.

I agree wholeheartedly with Chief Maracle. Participation in the Senate committee proceedings does not constitute consultation. On the contrary; it is an insult to Aboriginal groups to suggest that appearing before a committee, either in the House of Commons or the Senate, is consultation. Consultation, honourable senators, takes place when a bill is being drafted. In my speech on Bill S-16 during the last session, I spoke about the need for consultation, and yet here we have the same bill brought forward, Bill C-10, and still no consultation.

Another witness, Kris Green, Representative of the Haudenosaunee Trade Collective had this to say about the lack of government consultation:

How are you going to discharge your obligations to Aboriginal peoples when you have evidence that you haven't talked to us?

And then she said:

All we're asking for is that you honour the obligations that have been set out in many laws, the Constitution and in decisions of the Supreme Court.

As Senator McInnis stated during the committee proceedings when talking about the federal government consulting with Aboriginal groups:

Whether they will agree or you think they will not agree with what you're about to do with legislation, it's always helpful to consult with them.

Mr. Saint-Denis agreed completely with this statement. Apparently, however, the directives from the minister's office did not include consulting with the First Nations peoples.

Senator McInnis mentioned in his comments during the committee meeting the importance of consultation. He was speaking of his time in provincial politics and the Royal Commission report on the wrongful conviction of Donald Marshall Jr. of Nova Scotia. One of the essential recommendations of the report was to establish a tripartite forum that would include the federal government,

[Senator Cordy]

provincial government and the Aboriginal community. As Senator McInnis points out — and I fully agree — it is extremely important that there is always consultation in these matters.

Senator McInnis, as many of you know, served as minister and deputy premier in Nova Scotia between 1978 and 1993, and I do know that consultation was very important to him when he was minister, and I congratulate him for that.

Gordon Peters, Grand Chief of the Association of Iroquois and Allied Indians, objected to the lack of consultation, and he believes the Supreme Court of Canada entitles Aboriginal peoples of Canada the right to negotiate with the federal government on Aboriginal peoples' economic issues. He said:

We're at a place where we believe that this particular bill should be withdrawn on several bases. First and fundamental is the duty to consult. It is clear that the Supreme Court of Canada has provided the Government of Canada with the honour of the Crown, which is a duty to consult. That duty to consult requires Canada to work with us, not only to consult but to be able to negotiate and accommodate us as well. That remains outstanding because there has been no consultation with respect to Bill C-10. In our eyes, Bill C-10 is an economic issue. Clearly, it is not something that we take lightly. It will impact our communities immensely.

In my discussions with Chief Ava Hill, she also pointed to the fact that Bill C-10 has the potential to devastate First Nations economies. As she stated in her testimony before the Senate committee:

This bill will have a devastating effect on our economy. It will create an economic void for Six Nations. It will mean a loss in our community alone of 2,000 jobs and unparalleled unemployment. Unemployment will be created in tobacco industry jobs related to tobacco farming, retail outlets, the manufacturers and the many spinoff businesses that generate revenue out of that industry. For many, this bill will lead to poverty.

Many of the Aboriginal representatives who appeared before the committee objected to the government's claim that organized crime has a stranglehold over the First Nations tobacco industry and associating contraband tobacco with gun-running, drug-smuggling and human-trafficking. As Chief Hill stated:

Six Nations acknowledges that there may be a criminal element in many sectors of business and society, but it must be stated clearly that we do not support or condone any connection with criminal activity related to the tobacco industry. The truth is the majority of producers, growers and sellers at Six Nations are not involved in organized crime and they, too, stand against any criminal element being involved in tobacco.

She went on to say:

Our community doesn't want any organized crime there. If it's there, we're going to work to get rid of it.

In response to a committee member's statement that First Nations organizations do not view the contraband tobacco trade as a victimless crime, Kris Green of the Haudenosaunee Trade Collective had this to say:

What we have said all along is we do not support the criminal elements.

She went on to say:

We do not want them attempting to take advantage of our industry. We do recognize the criminal elements related to true contraband within Canada and do recognize that it needs to be dealt with and support the work that needs to be done to make that a reality.

I must reiterate that I fully support the intentions of Bill C-10, and I applaud the government for recognizing the serious nature of the contraband tobacco trade and the negative effect it has on the health of Canadians, particularly young Canadians who are attracted to the low cost and easy access of these products.

• (1510)

As the health minister stated:

Taking action against individuals involved in the illegal trafficking and smuggling of contraband tobacco is essential to protect the gains we have made in reducing smoking among Canadians, particularly our young people.

Honourable senators, it is not unreasonable for the Aboriginal peoples of Canada to ask for and expect consultation when drafting legislation which could potentially negatively impact the economic and social well-being of their communities.

Just as any new piece of legislation, Bill C-10 could bring with it a multitude of unintended consequences, and First Nations representatives have real fears about this bill. It would have been helpful and reasonable to consult with these groups prior to the federal government's drafting of first Bill S-16 in the last session and now Bill C-10 to address the concerns the Aboriginal groups have expressed regarding this bill.

Although I do not object to the intent of this bill, I do strongly object to the lack of respect the government has shown toward Aboriginal peoples relating to Bill C-10. The greatest weakness of Bill C-10 is the government's complete lack of respect for the views and opinions of Canada's Aboriginal peoples, which it has demonstrated by completely cutting them out of the conversation when drafting this legislation.

MOTION IN AMENDMENT

Hon. Jane Cordy: Therefore, honourable senators, I move:

That Bill C-10 be not now read a third time, but that it be amended, on page 2,

(a) by replacing line 38 with the following:

“4. (1) This Act comes into force on a day to be”; and

(b) by adding after line 39 the following:

“(2) No order may be made under subsection (1) unless the Government of Canada has consulted with representatives of the Aboriginal peoples of Canada and accommodated their views in respect of the tobacco trade and the implementation of this Act.”.

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

(On motion of Senator Fraser, debate adjourned.)

PROHIBITING CLUSTER MUNITIONS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Housakos, for the second reading of Bill C-6, An Act to implement the Convention on Cluster Munitions.

Hon. Joan Fraser (Deputy Leader of the Opposition): Colleagues, as many of you know, this bill's critic is and was Senator Hubley, not only in this session but in the last session of Parliament. She is passionately interested in this topic, and it is only because of the unfortunate accident that has been reported in the press that she is not here today.

Until she returns, I am assuming her role as critic, and I am, therefore, about to read to you her speech. I would hesitate to take upon myself the job of volunteering opinions when she has done so much work on this issue and knows so much about it. What you are about to hear, colleagues, although I stand as critic, is, in fact, the speech that Senator Hubley would have wished to give herself today.

It says:

Honourable senators, I rise today to speak to second reading of Bill C-6, An Act to implement the Convention on Cluster Munitions.

I would like to begin by congratulating the government for destroying all stockpiled cluster munitions in June of this year. With this destruction, Canada has set a strong example for other signatories and states parties to the convention, having completed the destruction well before the obligatory eight years after the convention becomes law.

As many of you may know, my interest in land mines and cluster munitions first began when I was appointed to the Senate in 2001 and met land mine survivors through my involvement with the Canadian Landmine Foundation. I was inspired by the survivors' courage and determination to lead productive and fulfilling lives in spite of their terrible injuries. This is an issue I feel very passionately about.

I would like to share a story told first-hand by a survivor. His name is San Youn Enn and he is from Cambodia:

I lost both of my arms and was blinded. The day it happened was April 12, 2004. The children had found four bomblets, and I was going to destroy them. I had dug a pit to burn the bomblets and had put three of them inside the pit when my hoe fell down and hit the fourth bomblet, which was still lying behind me. It exploded.

I knew how dangerous the bomblets were, but I saw my children playing with them and I had to do something to keep them safe.

I believe that if this accident had not happened to me, I would have had my full capacities to take care of my family. But the accident made me incapable of everything. If it had not been for the accident I would have been going to the forest to cut timber, load the cart and to sell it, and so many other activities. The other neighbours can buy motorbikes for their families now. I cannot do that.

Sam's story is like so many others around the world. Cluster munitions have injured and killed civilians in at least 32 countries and territories. They are having lasting effects on the lives of individuals, families, and already overburdened health systems, agriculture, economies and development. They are disrupting trade and commerce, resulting in food shortages and inflation. They are prolonging poverty, and are a major obstacle in sustainable development.

• (1520)

As we again study the bill on the Convention on Cluster Munitions, which originated in the Senate as Bill S-10 but died on prorogation, I hope you will all give the bill a serious sober second thought.

The Convention on Cluster Munitions is an international treaty that addresses the unacceptable harm to civilians caused by cluster munitions through a categorical prohibition of the weapon and a framework

for action. Today, 86 states are legally bound by the convention and another 114 are signatories. Canada was one of the first countries to sign the convention on December 3, 2008, in Oslo, Norway.

Unfortunately, Canada, which was once hailed as a leader on this issue, has not lived up to that title. International lawyers, representatives from other countries, civil society groups, including the Red Cross and Handicap International Canada, have said the bill is drastically flawed and does not hold up to the convention. As it currently stands, critics believe that Canada's legislation will be the weakest of all countries that have ratified the convention.

Honourable senators, cluster munitions are indiscriminate weapons that injure and kill civilians in every corner of the globe every day. Cluster bombs contain hundreds of small explosive munitions, or bomblets, dropped from the air or fired from the ground. They are designed to detonate in mid-air, scattering the bomblets over an area equivalent to several football fields, not differentiating between military and civilian targets.

Today, cluster bombs have been used frequently for the past two years in the Syrian civil war. The *Cluster Munition Monitor* reports that more than 1,500 Syrians have been killed or injured by cluster munitions in 2012-13 with hundreds more casualties reported in 2014. As well, in September, Human Rights Watch reported that Islamic State forces have used cluster munitions, and long after these conflicts, like conflicts of the past, innocent men, women and children will continue to fall victim to this weapon that lies dormant underneath the soil.

Statistics show that 97 per cent of casualties are civilians and a quarter to half are children.

In countries like Laos and Cambodia, where unexploded cluster munitions from the Vietnam War era have lain dormant for four decades, they remain a serious threat. It is estimated that of the 270 million cluster bomblets that rained down on Laos between 1964 and 1973, 80 million failed to explode; so they're still there. Approximately 20,000 people have been killed or injured post-conflict in Laos.

Honourable senators, Canada has never used or produced cluster munitions, yet we sit here today studying a piece of legislation which would allow Canadian Forces personnel to order or support others to use these horrific weapons.

While I support ratification legislation, I cannot, in good faith, support the legislation as it stands before us. I am still very dissatisfied with clause 11 and its interpretation of Article 21 of the convention.

Article 21 deals with military interoperability between states party to the convention and those not party. Essentially, it allows a state that has signed and ratified the convention to work together with a non-state party, such as the United States, on a joint military operation even if that non-state party may itself use cluster munitions.

Article 21 was considered to be an essential safeguard to protect countries like us who want to sign the convention but also need the freedom to work with our allies. This article means that Canadian soldiers could not be held criminally responsible or liable for something an ally, like the United States, may do.

The issue I have with the interpretation of Article 21 is that I do not believe that Article 21's intention was to act as a loophole or an escape clause that would give a country a back door way of using or helping others to use cluster munitions. But the way the bill is currently written does give the impression that the government has interpreted Article 21 as a type of loophole and would leave the back door open for Canadian Forces to help Americans use cluster munitions in certain situations. While this may not be Canada's intention, the specific wording of the bill could leave others to think otherwise.

I recognize that one amendment was made in the House of Commons to delete the word "using" from subclause 11(c). However, clause 11 still allows Canadian Forces to do things during a combined operation that they would not be allowed to do at home or on a Canadian mission.

Honourable senators, I ask you to please consider going one step further and deleting "the use" in subclauses 11(a) and (b).

I urge the members of this chamber to not simply follow the status quo and pass this piece of legislation, but to take the time to study it and give it the thought it deserves.

Without removing "use" from the rest of clause 11, while on exchange or secondment to joint missions with non-party states, Canadian Forces could still, for example, call in an air strike that uses cluster munitions or order the transit of cluster munitions into conflict zones.

Canada needs to take a clear stand and not put our members of the Canadian Forces in a situation that compromises the original intention of the treaty. Clause 11 of this bill needs to be amended to allow Canada's military to maintain interoperability with our allies while ensuring that Canada fully implements the Convention on Cluster Munitions.

Honourable senators, the language used in the convention is clear: ". . . never under any circumstances." That means no exceptions, no excuses and no loopholes. It means an absolute ban. This is the intent of the convention, to eliminate the use of cluster munitions and thereby prevent the human suffering they cause.

I ask you to please consider amendments to this bill.

When we signed the convention in 2008, I envisioned Canada being a role model and working with our allies who are non-state parties to adopt this convention. We need to regain our role as a leader on this important issue and work to completely eliminate the use of this weapon so that limbs and lives can be saved around the world.

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

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Housakos, that this bill be read a second time.

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

Some Hon. Senators: Agreed.

Senator Fraser: On division.

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

[*Translation*]

REFERRED TO COMMITTEE

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

(On motion of Senator Fortin-Duplessis, bill referred to the Standing Senate Committee on Foreign Affairs and International Trade.)

• (1530)

[*English*]

INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Greene, for the second reading of Bill S-220, An Act to establish the Intelligence and Security Committee of Parliament.

Hon. Joan Fraser (Deputy Leader of the Opposition): I wonder if I could ask Senator Marshall a question. Item No. 5, Bill S-220, is on day 14 today and it does stand in your name, Senator Marshall. I wonder if you are planning to speak tomorrow.

[Senator Fraser]

Hon. Elizabeth (Beth) Marshall: I'm not planning to speak tomorrow and I had some discussions with Senator Mitchell. He has indicated to me that he would like to take the adjournment of the debate because he would like to speak to it. I indicated to him that I haven't started my preparation, that I was going to do that next week during the break week. I've indicated to him that yes, can he go ahead.

Senator Fraser: For the record, colleagues, I do not consider that Senator Marshall's introductory remarks on this bill. She was simply answering a question, and her rights to speak remain entire.

The Hon. the Speaker *pro tempore*: It will still stand adjourned under the name of Senator Marshall.

Hon. Senators: Agreed.

(Order stands.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, for the second reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

Hon. George Baker: Honourable senators, I rise to speak on this third reading. I listened attentively as the senator who spoke before me read somebody else's speech. A senator across the way said, "Somebody would have extreme difficulty reading one of your prepared speeches." I must admit I've never prepared a speech in my 41 years, unfortunately, because they don't read very well after I attempt to give them.

This bill is perhaps a problem bill for all senators. It's Bill C-290. I believe there is a good chance this will be the first time in Canadian history that a bill passed unanimously in the House of Commons could be defeated in the Senate. What I would like to do today, in these few remarks, is make reference to that. Now let's not forget, we've already had committee hearings on this bill. It's a private member's bill; it's not a government bill. It was moved by the house leader of the NDP in the other place. Since that time, the house leader has become the Deputy Speaker of the House of Commons, which means that there is no mechanism for us under the House of Commons rules to amend the bill. I'll get to that in a second.

There are a couple of senators here smiling because they know exactly what I'm talking about. We've gone through this before at the Legal Affairs Committee and we've gotten rulings. We have gotten the opinion from the House of Commons. We can't amend

a bill that is referred and debated in the House of Commons and goes to the Senate that is sponsored by someone who has since become a Parliamentary Secretary, Speaker or Deputy Speaker of the House of Commons.

Let me get back to my main point for speaking to you today. In concluding his remarks, Senator Runciman said — and this is very important — “. . . this is a debate about whether the Senate should thwart the will of an overwhelming majority of those in the other place and whether we should deny the wishes of the provinces we were sent here to represent.”

On the second matter, as far as the provinces are concerned, it's not just the provinces that now control betting under the authority of the Criminal Code. It's also First Nations. Once we make a change to the Criminal Code here, under section 81 of the Indian Act all First Nations will be able to make their own rules pertaining to this matter. That has not been referenced at all before any of the committees, but let me get back to the main point that Senator Runciman said. He said there is a debate about whether the Senate should thwart the will of an overwhelming majority of those in the other place.

I would like to reference those words with what the Supreme Court of Canada said. In other words, can the Senate thwart the will of an overwhelming majority of those in the other place? The Supreme Court of Canada clearly spelled it out this year, on April 25, in a judgment called *Reference re Senate Reform, 2014 SCC 32*, at paragraph 58.

The Supreme Court of Canada said the Senate:

. . . would be a body “calmly considering the legislation initiated by the popular branch . . .”

The Supreme Court of Canada judgment is quoting from the Debates, February 6, 1865, the words of John A. Macdonald during the parliamentary debates regarding Confederation.

I will continue:

“. . . calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people” .

There is a bracket that says “emphasis added.” Emphasis added by the Supreme Court in their judgment. It's not very often you see that. You see that when it's a key consideration in the judgment.

Would the Senate, if it defeated this bill, set itself in opposition against the deliberate and understood wishes of the people? Well, what are the wishes of the people as they relate to the Senate of Canada passing legislation? The Supreme Court of Canada goes on to say it is legislation passed by the House of Commons, but I went back just to find out what the wishes of the people were considered to be as a phrase in the 1860s.

There are a couple of instances, but I'll take one. They all say the same. *Nicholson v. Baird*, 1884, Carswell NB1, paragraph 3. This is the Supreme Court in Equity of New Brunswick, Palmer J., paragraph 3: “Well understood wishes of the people thereof as expressed by their representatives in the legislature.”

So, the wishes of the people as far as the Senate is concerned are those expressed by the representatives in the legislature, in the other house.

If this were a government bill, it would carry more weight than if it were a private member's bill. That's understood. You don't defeat government legislation, but what does it mean in relation to this, the wishes of the people and the representatives of the legislature? We had MPs writing to senators, telephoning senators, sending emails to senators saying, “Defeat this bill because we didn't have a chance to vote on it.”

• (1540)

We had a member of the House of Commons appear before the committee: the Honourable Michael Chong, P.C., M.P., Wellington—Halton Hills. He started his speech to the Senate committee with these words:

Honourable senators, thank you for your invitation.

I appreciate the opportunity to appear in front of this committee to register my opposition to Bill C-290, as elected members of Parliament were not given the opportunity to formally vote on this important piece of legislation.

So a member of the Legal Committee in the Senate asked the following question of Mr. Chong:

Mr. Chong, people watching this proceeding and listening to you would be struck by your first sentence. In elementary school we learn that we elect members of Parliament to go to the House of Commons to vote on the laws that we pass. They have a chance to vote at second reading, at report stage from committee, and then at third reading. However, I will just read back for you what you said and then ask you if you could explain in some detail why this is so. Here is what you said:

I appreciate the opportunity to appear before this [Senate] committee to register my opposition to Bill C-290. As elected members of Parliament, we are not given the opportunity to formally vote on this important piece of legislation.

Could you explain to us how that is possible? You are an elected member. Here is a major change to the Criminal Code of Canada, and you said that you — any elected members of Parliament — were not given an opportunity to formally vote on this important piece of legislation.

Mr. Chong replied:

Thank you for the question. The honourable senator will know . . . that from time to time bills are passed through the House of Commons on unanimous consent at all stages. That is what happened in this case. That does happen from time to time, as he will know and I am sure as he observed when he sat in the lower chamber.

There was a question from the senator:

Was this one of these bills where a motion was made and it was deemed to have been accepted, or did it happen on a Friday morning or at a time when there were very few people in the House to get it through? Was that what happened here?

Mr. Chong replied:

If you look at the transcripts of Hansard, the bill was adopted at all stages. It was at report stage on Friday, March 2. I assume that was either an agreement of the House leaders or as a result of debate collapsing.

The senator asked:

Debate collapsing. In other words, it was one of these instances. Therefore you did not have an opportunity as a member of Parliament to vote on this legislation; is that what you are saying?

Mr. Chong said:

No, I did not, and that is why I very much appreciate the opportunity to express my views here and to go on the record.

The senator replied:

You can be assured that every senator will be given an opportunity to vote on this legislation. Thank you very much.

So I went back to the House of Commons records and I saw that on Tuesday, November 1, 2011, it went through second reading in 40 minutes. There were three speakers to the bill. One of them mentioned the need to get it through for the Canadian Gaming Association, the Saskatchewan Indian Gaming Authority, the Atlantic Lottery Corporation and so on. Then the speaker for the Liberals said the Liberal Party supports the legislation. This is on page 2834 of the Commons Debates, Tuesday, November 1, 2011, at the bottom of the page at 1850:

We will be voting in support of this bill at second reading in order to send it to a parliamentary committee for further review and examination and to hear from witnesses.

So, after 40 minutes, it passed second reading and was sent to the committee.

We then go to the committee. The committee dealt with the bill, with all of the witnesses that were supposed to appear, in less than an hour. One meeting — less than an hour. Who were their witnesses? The Canadian Gaming Association.

When you look at the procedures going through the committee, it's interesting that it started at 11:10 and finished at 12 noon. An amendment was passed in that period of time, as well.

Then it was referred to the House of Commons. Here we come to the point where, before the Senate committee, Mr. Chong complained that he was not given a chance to speak. March 2, 2012 was a Friday, senators. I was in the House of Commons for 29 years and on a Friday, in the afternoon, nobody is in the House of Commons. If you go over and count the number of people in the House of Commons right now, you would find fewer people there than who are in the Senate right now.

On any given day after Question Period, when a major subject is not up for debate — on a Friday afternoon, you would see maybe seven or eight — twenty is a quorum, but it's never called. Members have to get back to their constituents. Their duty is also in their constituency and not in the House of Commons. Matters before the House of Commons could be of no interest to them, so there is a legitimate reason for there not being a lot of people there.

Now, here is a bill being referred at report stage. The procedures in the House of Commons are different from those in the Senate. In the Senate, you deal with report stage and you deal with every amendment on one vote. It's not really a debating period of time, but it is in the House of Commons.

So, at 1330 in the afternoon — after Question Period, after government orders — there is private member's business, Criminal Code of Canada. The Acting Speaker said:

There being no motions at report stage on this bill, the House will now proceed, without debate, to the putting of the question of the motion to concur in the bill at report stage.

Mr. Joe Comartin (Windsor—Tecumseh, NDP) moved that the bill, as amended, be concurred in at report stage.

The Acting Speaker (Mr. Barry Devolin): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Acting Speaker (Mr. Barry Devolin): When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

So they went into third reading. Mr. Joe Comartin Martin moved the bill, as amended, (sports betting), he read the third time and passed.

This all started at 1:30. At about 1:50, the House concluded its operations. It was 1:30 and Mr. Comartin gave a short speech. He said how much he appreciates the cooperation and that this is unanimous. Then the Parliamentary Secretary to the Minister of Justice had a few words.

I'm not going to say it, but some of the media say that the Minister of Justice wishes to have this passed because there is a casino in his riding. I haven't seen any reference. The Minister of Justice has been very neutral on the question; he really has.

• (1550)

You've got to look at the record as it is. Under the heading "News Ontario" in the *Niagara Falls Review* of Friday, July 4, 2008, it was reported that:

Thursday night, Nicholson said that he's open to discussion about changes to the Criminal Code, but it's not the highest priority on his to-do list at this time.

"Right now on my plate, I've got the drug bill and the Youth Criminal Justice Act," he said.

"I'm aware of the views of the province of Ontario and I've also had the benefit of hearing from the representatives of a number of racetracks and casinos."

"But any change to the Criminal Code would, of course, require support and co-operation from all provinces," Nicholson said.

That's in reference to when the legislation passed the authority for the operation of gambling and casinos to the provinces when Brian Mulroney was the Prime Minister. The agreement was made that any change to the Criminal Code that altered those rights must receive the approval of all provinces before it could be enacted. A Conservative member of the Standing Senate Committee on Legal and Constitutional Affairs brought this up during debate at committee. The parliamentary secretary said to the minister that he would like to see it approved. Then, Mr. Kevin Lamoureux, Liberal MP for Winnipeg North, said:

Mr. Speaker, the Liberal Party members support the passage of Bill C-290. We acknowledge that it allows for wagering on the outcome of single sporting events.

He said that as someone who has a casino located in his riding within Winnipeg North. It is known as the McPhillips Station Casino. So of course he would know about

the operations of casinos and he said that says his party is totally in support. Mr. Comartin, sponsor of the bill said that he was on the first public board for casinos in Ontario, which was an administrative board initially.

After a short speech:

The Acting Speaker (Mr. Barry Devolin): Is the House ready for the question?

Now, what time was that? It was about 1:47; and it started at 1:30. It was report stage and third reading.

Some hon. members: Question.

The Acting Speaker (Mr. Barry Devolin): The question is on the motion.

He didn't say what the motion was. The Honourable Speaker would know that when he puts a motion at third reading he has to say what that motion is. The Acting Speaker said only that the question was on the motion.

The Acting Speaker (Mr. Barry Devolin): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The motion was agreed to and the bill was read the third time and passed.

The Acting Speaker (Mr. Barry Devolin): It being 1:50 p.m., this House stands adjourned . . .

So the question becomes: Was Mr. Chong right in that members did not have an opportunity to express their views? Did the passing of this legislation represent the wishes of the people, as defined, as expressing their representatives' views in the legislature? That's the question.

Honourable senators, the problem with the bill as well is something that we dealt with in the past. Let me read for you the excellent letter written by the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, Senator Runciman, to the House of Commons. Dated June 19, 2014, it was written to Mr. Joe Preston, MP, Elgin—Middlesex—London, Chair, Standing Committee on Procedure and House Affairs in the House of Commons. A portion of the letter stated:

However, at our meeting on May 28, 2014, the committee was advised by Mr. Gill —

— the sponsor of the bill —

— that because he is now the Parliamentary Secretary to the Minister of Veterans Affairs, he is no longer eligible to participate in Private Members Business in the House of Commons. Mr. Gill told the committee that if the Senate adopted these two amendments, it would effectively kill the bill once it was returned to the House of Commons.

Upon further investigation, we did verify that in fact *Standing Order* 87(1)(a)(ii) states that the Speaker, Deputy Speaker, Ministers and Parliamentary Secretaries are ineligible to sponsor Private Members Bills. Mr. Gill, as a Parliamentary Secretary, would therefore be unable to move any motion to concur in Senate amendments if an amended bill was returned to the House of Commons.

Faced with this procedural dilemma, the committee decided to report Bill C-394 back to the Senate without amendment, but included both of the suggested amendments in its observations to the bill (see attached). This was done in the hopes that legislation will be introduced at a future date in order to correct the technical flaw that the adoption of this bill will cause in the *Criminal Code*.

Imagine, we passed a bill that included a technical flaw in the Criminal Code because we were not allowed to amend the bill in that the sponsor had become a parliamentary secretary.

Senator Runciman's letter goes on:

The committee also made the following additional observation, which I have been asked to draw to your attention:

The committee is also concerned that when a private member's bill is amended by the Senate, the procedures in the other place do not allow for an effective consideration of the Senate's amendments when the original sponsor of the bill is no longer in a position to move their concurrence in the House.

Our hope in drawing this to your attention is that your committee could review this situation to determine if a remedy can be found to overcome this procedural challenge. I am sure you will agree that it is in our collective interest to do all that we can to ensure that Parliament passes bills without errors or inaccuracies.

The letter was signed by the Honourable Bob Runciman, Chair of the Standing Senate committee on Legal and Constitutional Affairs.

Honourable senators all know that a great many senators here are opposed to this bill and I am constantly reminded of it. The Archbishop of the Roman Catholic Church said to me, "Speak to Senator Doyle, who will direct you on the proper position he is to take; and he had the Bible open at the time he told me this. I noticed that he was quoting from *Proverbs*. It was something to the effect that if you seek to become rich, you may in fact become poor.

The dilemma is what to do with the bill. I would recommend that we send the bill to the Standing Senate Committee on Legal and Constitutional Affairs again so that an amendment could be passed to have a review of the bill in five years. That is a possibility.

[Senator Baker]

Honourable senators, as you know, I was a clerk of a provincial legislature for several years; and we all know the rule that you can do anything you want with unanimous consent, practically anything to change rules, for the moment.

• (1600)

If an amendment were made to that bill, it would have to be with unanimous consent of the House of Commons that the amended version be accepted back into the chamber, given that the sponsor of the bill is no longer in a position, lawfully, to entertain the bill.

We all know what the options are. I would recommend we send it back to the Legal and Constitutional Affairs Committee, and we all look forward to the vote on third reading. I rather expect that there may be an amendment passed during the committee stage.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

The Hon. the Speaker pro tempore: On division.

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

REFERRED TO COMMITTEE

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

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

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Beyak, for the second reading of Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, this bill addresses a truly heinous offence, the exploitation and trafficking of persons. I would like to commend the honourable member of the other place, Maria Mourani, who, for some years, has been working to get her bill passed. She is deeply concerned about this issue as, indeed, we all should be. I think we can all support the goals that Ms. Mourani is trying to reach with this bill.

Personally, I have questions about it. Mandatory minimums and consecutive sentences are, in their own right, controversial elements. Then, of course, there are the specifics of the matter of exploitation and trafficking.

As it happens, our critic for this bill, Senator Jaffer, knows a great deal about this topic. She is not here at this moment, but she will speak to this bill as soon as she can.

Therefore, I move the adjournment of the debate in the name of Senator Jaffer.

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

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE—MOTIONS IN AMENDMENT AND SUBAMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Frum, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*), presented in the Senate on June 11, 2014;

And on the motion in amendment of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, that the report not now be adopted, but that it be amended by:

1. Replacing paragraph 1.(j) with the following:

“That an item of Other Business that is not a Commons Public Bill be not further adjourned; or”;

2. Replacing the main heading before new rule 6-13 with the following:

“Terminating Debate on an Item of Other Business that is not a Commons Public Bill”;

3. Replacing the sub heading before new rule 6-13 with the following:

“Notice of motion that item of Other Business that is not a Commons Public Bill be not further adjourned”;

4. In paragraph 2.6-13 (1), adding immediately following the words “Other Business”, the words “that is not a Commons Public Bill”;
5. In the first clause of Paragraph 2.6-13 (3), adding immediately following the words “Other Business”, the words “that is not a Commons Public Bill”;
6. In the first clause of paragraph 2.6-13 (5), adding immediately following the words “Other Business”, the words “that is not a Commons Public Bill”;
7. In paragraph 2.6-13 (7) (c), adding immediately following the words “Other Business” the words “that is not a Commons Public Bill”;
8. And replacing the last line of paragraph 2.6-13(7) with the following:

“This process shall continue until the conclusion of debate on the item of Other Business that is not a Commons Public Bill”.

And on the subamendment of the Honourable Senator Mitchell, seconded by the Honourable Senator Day, that the amendment be not now adopted but that it be amended by adding immediately after paragraph 8 the following:

9. And that the rule changes contained in this report take effect from the date that the Senate begins regularly to provide live audio-visual broadcasting of its daily proceedings.

Hon. Dennis Dawson: Senator Baker, I will be brief, famous words that I have been hearing here since the first time I spoke after you, probably, 37 years ago. I'm sad because you're a tough act to follow, and I can't live up to the expectations that you created. I'm also sad because I will probably be disagreeing with my colleague Senator Mitchell for the first time since I've been here. Senator Mitchell moved a sub-amendment, and I will read it:

And that the rule changes contained in this report take effect from the date that the Senate begins regularly to provide live audio-visual broadcasting of its daily proceedings.

It's sort of like the case of the chicken and the egg. I'll be talking about the private members' bills also. But the honourable senator finished on the subject of broadcasting, so I'll begin with broadcasting. Senator Baker said that we shouldn't change the rules because we haven't had broadcasting, and some people will be saying that we can't have broadcasting because the rules make us look bad.

As I mentioned before, I see Senator Baker and my friend Senator Joyal, and these are the only two members in this chamber who were in the other place before and after televising the debates in the House of Commons. The first speech, as I mentioned last week, was on October 18, 1977, and I had the honour of delivering that speech.

The rules, the changes, the attitude came following broadcasting. I remember that my friend Senator Baker was sitting close to me in the chamber at that time. We'd be hitting the desks, and it was really very bad television. The rules were changed to prohibit that practice because it looked bad. The rules were changed. They didn't stop tapping before we broadcast. They broadcasted for weeks and months where people were hitting their desks, and it really looked bad.

All four parties taped their colleagues during the broadcasting of the debate because you would have people like a senator here who is not paying attention when I'm giving my speech, and you would see that on television. It still happened here a few years ago that you would have members falling asleep during a speech. Certainly not during Senator Baker's speeches because they are much too interesting. They did not wait. They said broadcasting is overdue, like it is here, most likely. I know you're a little torn on your motion because you are a strong supporter of broadcasting. I wanted to mention that chicken or the egg, I think that we're due for broadcasting, and we should go further and move quickly on that. If you go to the CPAC archives of October 18, 1977, you can see my speech, and you'll be hearing a lot of that clapping and will understand why changes were made.

Other changes were made to the rules. We used to sit three nights a week in those days, after long, interesting dinners. Televising debates on a Tuesday night after a two-hour dinner in the parliamentary restaurant was not a good idea if you understand what I mean. They again changed the rules. They stopped committees sitting at night. They brought in more hours during the day to compensate for the fact that we weren't sitting three nights a week. You had the same number of hours of sitting, but you did it in a more normal time frame. It was also to try to have more normal working hours for parliamentarians so that those who had young families could do it.

Again, they changed the rules because broadcasting forced them to do so, public opinion put pressure on them. I remember quite well — and Senator Baker and Senator Joyal will also remember — they presented some tapes on Wednesday morning at caucus where you would have members misbehaving. The MPs who got caught misbehaving were really mad at their whip or the communications people who gave them that advice, but they did change their attitude. They changed the rules.

[Senator Dawson]

Probably a dozen people in this chamber sat in the other place, and the fact that there are cameras changes the way you act, the attitude. They're behaving now because they know they might be caught on camera. They have learned to behave. I remember, in 1978, there was a young man running in a riding in New Brunswick, who is now Senator Day, who nearly became one of my colleagues at that time. He would have seen the broadcasting in the other place, and I'm sure he would be with me today supporting broadcasting. We have members on the other side who either were elected or tried to get elected, who understand that broadcasting — and I see Senator Greene — would be good for this chamber, though, again, not if it means that we're going to be encouraging misbehaving on the part of the government.

Changing rules on private members' bills at this time would be abusive. If we are saying we're changing the rules because we want individual parliamentarians to have more power, I can agree with that. However, the reality is that that's not the case. A lot of these bills are government bills. I will quote from Professor Ned Franks of Queen's University, one of the country's pre-eminent experts in parliamentary procedure, who said in an interview that some major Canadian legislation, including the abolition of capital punishment and changes to divorce law, "came in large part through private members' bills." Ned Franks said:

They can be very useful tools for pushing reform that goes against the general opinion, and they have been. . .

The article continues:

On the other hand, they can be used as instruments for very narrow causes or — as I think we're seeing now — pushing the government's program farther than the government is prepared to admit to in public.

That is to say using private members' bills to push legislation that sometimes they might be a little ashamed of.

• (1610)

Franks said the Privy Council Office and the Justice Department scrutinize all government legislation, while private members' bills get the assistance of Commons law clerks.

I have nothing, Senator Baker, against common law clerks and clerks from the chamber, but, as you mentioned, there was an anomaly in that bill because it had not been checked by the Department of Justice before being adopted in the other chamber and being sent here. You gave a good example of why private members' bills have to be scrutinized twice as much, not half as a little — or not at all, in the case you gave.

From May 10, 1910, to September 2008, about 200 private members' bills were passed and some of them were very good. One that has gone down as one of the

more colourful ones in history occurred in 1964, when a young member of Parliament changed the name of TransCanada Airlines to Air Canada. Mr. Jean Chrétien, who was the young MP at that time, got his bill voted on by convincing the other MPs scheduled to speak during private members' hour to skip their speech and instead request an immediate vote on the bill. Again, it could have some useful results. But then the rules were changed.

We have 300 private members' bills. Some are important — I understand that — but if they're that important, we should have a lottery to choose which bill is important. I wasn't there when they wrote the Constitution, but I think that's the objective of having legislation passed by lottery. I think it's a bit weird.

Senator Mitchell: Would that be like sports betting?

Senator Dawson: I think Senator Dagenais will be looking at that attentively in his committee. I hope that he will give it the attention it deserves, contrary to 377, the private member legislation on labour associations, which I think he might not have the same attitude towards.

I will finish with that, the chicken or the egg. I think we should be going forward with broadcasting; I don't think we should wait. Three committees were formed by the Speaker a few months ago: one on broadcasting, one on rules and one on communications. I'm missing an important meeting at present because the communications meeting is being held right now. Some of you met them last week when they went to your caucus. They'll be coming to our caucus tomorrow to discuss ways to improve how senators communicate with the Canadian people so that senators can prove to Canadian people all the good being done not only in this chamber but also, as has been mentioned, in committees.

The other two committees have been saying, "We don't want to broadcast because we haven't changed the rules." The Rules Committee says, "We don't want to change the rules just for broadcasting." I hope that there will be pressure on both committees to act and that we will move forward with these two committees. It is clear that on the communications committee we can get along on both sides although we have opposition on many subjects.

Yes, I do understand that it would be pretty boring to hear people say stand, stand, stand, and it would be a bit difficult to hear about senators who are on the legislative agenda today but have not been here for weeks and months. We still mention their motions. It wouldn't take much of a change to recognize the fact that some of them have gone and we can modify these rules. If the Rules Committee needs volunteers, we will send members from our communications group who got along well to help you try to improve the rules.

I'm sorry to disagree with certain honourable senators, but I think we should move forward. I do not think we should apply the rules to private members' bills that we apply to government legislation. Proof came today from my colleague Senator Baker that good legislation should be improved, and I think the government has better bills than private members' bills often are.

(On motion of Senator Frum, debate adjourned.)

SENATE REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer, calling the attention of the Senate to Senate Reform and how the Senate and its Senators can achieve reforms and improve the function of the Senate by examining the role of Senators in their Regions.

Hon. Joan Fraser (Deputy Leader of the Opposition): Colleagues may recall that the other day, after Senator Bellemare had given the second of her two very thought-provoking speeches, I leapt to my feet and said I wanted to continue the adjournment in my name because I wanted to respond to her. I do want to respond to her, but I think this is not the appropriate item under which to say the kinds of things that I'm planning to say.

Therefore, colleagues, I move the adjournment of the debate in the name of Senator Cowan.

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

CANADIAN MILITARY AND CIVILIAN SERVICE IN AFGHANISTAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Segal, calling the attention of the Senate to the contributions of our men and women in uniform and of Canadian civilians in their efforts in the 12 year-long mission in Afghanistan in the war on terrorism and to their support for the Afghan people.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, this is an inquiry that I am preparing to speak to. At this time I'm still in the midst of preparing for that, so if I may, I wish to move the adjournment of this item for the remainder of my time.

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

(On motion of Senator Martin, debate adjourned.)

**STUDY ON SERVICES AND BENEFITS FOR
MEMBERS AND VETERANS OF ARMED FORCES
AND CURRENT AND FORMER MEMBERS OF THE
RCMP, COMMEMORATIVE ACTIVITIES AND CHARTER**

NATIONAL SECURITY AND DEFENCE
COMMITTEE AUTHORIZED TO REQUEST
GOVERNMENT RESPONSE TO
EIGHTH REPORT OF COMMITTEE

Hon. Joseph A. Day, for Senator Wells, pursuant to notice of June 11, 2014, moved:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the eighth report of the Standing Senate Committee on National Security and Defence, entitled: *The Transition to Civilian Life of Veterans*, tabled in the

Senate on June 4, 2014 and adopted on June 5, 2014, with the Minister of Veterans Affairs being identified as minister responsible for responding to the report, in consultation with the Minister of National Defence.

He said: As an explanation, honourable senators, Senator Wells was the former deputy chair of the Subcommittee on Veterans Affairs but he has moved on to other matters. The report to which this refers was already adopted by this chamber in June. We are now asking for a motion that typically would have been included with the motion to adopt the report but wasn't in this particular instance.

We now ask you to consider this particular motion so that the report can be sent to the government officials and so that, pursuant to our rules, they can provide us with their response to the various suggestions that have been made.

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, October 8, 2014, at 1:30 p.m.)

CONTENTS

Tuesday, October 7, 2014

	PAGE		PAGE
Library of Parliament		Employment and Social Development	
The Late Erik John Spicer, C.M.		Job Creation.	
The Hon. the Speaker	2205	Hon. Céline Hervieux-Payette	2210
Visitors in the Gallery		Hon. Claude Carignan	2211
The Hon. the Speaker	2205		
<hr/>			
SENATORS' STATEMENTS		Health	
		Africa—Medical Aid for Ebola Outbreak.	
Royal New Westminster Regiment		Hon. Judith Seidman	2212
The British Columbia Regiment		Hon. Claude Carignan	2212
Unveiling of Monument.			
Hon. Larry W. Campbell	2205	<hr/>	
ICICI Bank		ORDERS OF THE DAY	
Hon. Asha Seth	2206		
Mental Illness Awareness Week		Criminal Code (Bill C-10)	
Hon. Jane Cordy	2206	Bill to Amend—Third Reading—Debate Continued.	
Alberta		Hon. Jane Cordy	2212
Agriculture and Agri-Food.		Motion in Amendment	2216
Hon. Douglas Black	2207		
<hr/>			
ROUTINE PROCEEDINGS		Prohibiting Cluster Munitions Bill (Bill C-6)	
		Second Reading.	
Commissioner of the Environment and Sustainable		Hon. Joan Fraser	2216
Development		Referred to Committee	2218
Fall 2014 Report to the House of Commons—			
Report and Addendum Tabled.	2207	Intelligence and Security Committee of Parliament Bill	
Commissioner of Official Languages		(Bill S-220)	
2013-14 Annual Report Tabled	2207	Second Reading—Order Stands.	
Canadian Heritage		Hon. Joan Fraser	2218
Telefilm Canada—2013-14 Annual Report and		Hon. Elizabeth (Beth) Marshall	2218
Auditor General's Report Tabled.			
Hon. Yonah Martin	2207	Criminal Code (Bill C-290)	
Global Centre for Pluralism		Bill to Amend—Second Reading.	
2013 Annual Report Tabled.		Hon. George Baker	2218
Hon. Yonah Martin	2208	Referred to Committee	2222
2014 Corporate Plan Tabled.			
Hon. Yonah Martin	2208	Criminal Code (Bill C-452)	
Criminal Code (Bill C-36)		Bill to Amend—Second Reading—Debate Continued.	
Bill to Amend—First Reading	2208	Hon. Joan Fraser	2223
<hr/>			
QUESTION PERIOD		Rules, Procedures and the Rights of Parliament	
		Fifth Report of Committee—Motions in Amendment	
Official Languages		and Subamendment—Debate Continued.	
Recommendations of Commissioner of Official Languages.		Hon. Dennis Dawson	2223
Hon. Claudette Tardif	2208		
Hon. Claude Carignan	2208	Senate Reform	
International Trade		Inquiry—Debate Continued.	
Canada-Europe Comprehensive Economic and Trade		Hon. Joan Fraser	2225
Agreement—Strategic Partnership Agreement.			
Hon. Joan Fraser	2209	Canadian Military and Civilian Service in Afghanistan	
Hon. Claude Carignan	2209	Inquiry—Debate Continued.	
		Hon. Yonah Martin	2226
		Study on Services and Benefits for Members and	
		Veterans of Armed Forces and Current and Former	
		Members of the RCMP, Commemorative Activities	
		and Charter	
		National Security and Defence Committee	
		Authorized to Request Government Response to	
		Eighth Report of Committee.	
		Hon. Joseph A. Day	2226

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