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(HANSARD)

Wednesday, June 22, 2011

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Wednesday, June 22, 2011

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

Prayers.

BUSINESS OF THE SENATE

OFFICIAL PHOTOGRAPH OF THE SENATE

The Hon. the Speaker: Honourable senators, before we proceed, I have been asked to inform you that there is a photographer in the north gallery who will be taking official Senate photos.

SENATORS' STATEMENTS

KOREAN WAR

SIXTY-FIRST ANNIVERSARY OF COMMENCEMENT OF HOSTILITIES

Hon. Yonah Martin: Honourable senators, today I rise on a day of special significance to me. Forty-one years ago, I was blessed with a baby sister. Her name is Jinah Kim, and indeed, today is her birthday.

Yesterday was also an important day. June 21 annually marks National Aboriginal Veterans Day, just as July 27 will again be National Korean War Veterans Day, unanimously passed in a motion that acknowledged the importance of Canadians who served in the Korean War.

Three days from now, on June 25, from St. John's to Vancouver Island, in cities across Canada and around the world, people will commemorate the sixty-first anniversary of the breakout of the Korean War. I will be laying a wreath at the foot of the Ambassador of Peace, a war memorial in Burnaby, B.C., dedicated to the fallen Canadians who died defending the Republic of Korea. In the United Nations cemetery in Busan, Korea, 378 fallen are laid to rest side by side with their compatriots. May the 516 Canadians killed during the war and the thousands of veterans, those dearly departed and those who are still with us, be at peace knowing that their sacrifices have not been in vain.

The destitute Korea so many died defending is not the same thriving economy it is today. In fact, from May 18 to 20, 2011, the Republic of Korea hosted the second G20 Speakers' Consultation with the theme of "A Safe World, A Better Future: A Promise for the Next Generation."

I had the honour of representing His Honour, our distinguished Speaker of the Senate, the Honourable Noël Kinsella, who initiated and hosted the inaugural G20 Speakers' Consultation in our beautiful and historic Senate Chamber last fall.

Your Honour, your colleagues, including the Honourable Park Hee-Tae, Speaker of the National Assembly, asked me to convey their warmest regards, their deepest respect and their sincere friendship to you. I was the lucky recipient of their affection and respect as your representative, and I am pleased to share with all honourable senators that the joint communiqué articulated the collective vision and shared commitments to build a safer and more prosperous world.

The Korea that Canadians defended and died for has become one of the most dedicated aid donors of the world. Korea's transformation could not have happened without the sacrifices of the brave Canadians and all those who served in the Korean War. We must remember them.

[*Translation*]

We shall remember them.

[*English*]

Lest we forget.

[*Translation*]

CANADIAN FORCES

PRESENCE OF CANADIAN FORCES PERSONNEL DURING PRESS CONFERENCE

Hon. Roméo Antonius Dallaire: Honourable senators, on May 30, 2011, the Prime Minister went to visit Canadian soldiers in Afghanistan. Our soldiers have served with courage, honour and integrity. Canadians are proud of the work they have accomplished and of the role they have played in lessening the global threat posed by Afghan terrorism.

As the combat mission in Kandahar is winding down and the training mission in Kabul is getting started, I would like to congratulate our soldiers on a job well done and on the sacrifices made by their families. I wish them courage and tenacity in their new role, which will certainly not be without its challenges.

Canadian soldiers deserve to be congratulated for the sacrifices they have made on the ground: 156 soldiers have died in combat and many others have been wounded. They deserve to be supported when they return, because of the sacrifices they have made to serve Canada and the free world.

I have met many veterans when our troops were returning to Canada. We must take care of them.

• (1340)

Therefore, I find it shameful and most unorthodox that these soldiers are being used as props in the background of a press conference. When the Prime Minister asks Canadian soldiers to

gather in front of a big Canadian flag while he speaks to journalists, this forces our soldiers into the political arena, which goes against the norms and customs of our country.

The Prime Minister, the Minister of National Defence and the Veterans Affairs Minister can visit the troops and speak with them, but they should not deliberately use military personnel to promote their own personal images or aspirations. This is in poor taste and is a typically American characteristic, unlike any other leader of the ABCA countries, that is, America, Britain, Canada and Australia.

The Prime Minister is neither the head of state nor the Commander-in-Chief. I think it is important to remind him periodically which side of the border he is on and that the Canadian way does not mean showing contempt by using our soldiers as political pawns in the political arena.

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

TV5 QUÉBEC CANADA

Hon. Andrée Champagne: Honourable senators, last fall, our Prime Minister gave me the distinct honour and great pleasure of inviting me to join his delegation to the Summit of la Francophonie in Montreux, Switzerland.

Over there, in the middle of a wide corridor, I met Suzanne Gouin, the Chief Executive Officer of TV5 Québec Canada. The next morning, she took the train to Vevey, where I was staying, thanks to the Canadian embassy. We had breakfast together and had an opportunity to chat.

She told me about the precarious situation that threatens TV5 Québec Canada if the CRTC does not grant it special status. TV5 Québec Canada is not like any other channel. First of all, it is a non-profit organization. It is also the only channel that, because of its licence conditions, must use its revenues to produce television shows in French, quite often outside of Quebec. These Canadian productions are then exported around the world through its partnership with TV5 Monde.

When I returned to Ottawa, considering that our government contributes a great deal of money to TV5 Québec Canada and TV5 Monde, I thought it was important to share my concerns with my colleagues on the Standing Senate Committee on Official Languages. My colleagues also became immediately concerned for one very simple reason.

If this special status is not granted to TV5 Québec Canada, francophones and francophiles outside Quebec, living as a minority, will be deprived of this excellent window onto the international francophone scene. Or, they may have to pay significant amounts for this privilege.

The committee was preparing to send a submission to the CRTC, but then Parliament was dissolved along with all committees. Therefore, I decided to write the submission myself, but I did make sure to have all my colleagues approve the text.

Encouraged by their approval, last Monday afternoon I attended the CRTC hearing to which I had been invited. Our goal was to convince the commissioners to leave TV5 on the list of channels that distributors would be required to offer to all their subscribers at no additional cost.

Naturally, I had informed all my colleagues of the location of the meeting. What a surprise to find three colleagues ready to sit beside me. In this way, not only were they stepping up to the plate, but their presence and support gave me the necessary courage to answer the commissioners' astute questions.

We were especially delighted to learn, after the fact, that the commissioners were impressed that four senators had attended the hearing and spoken in unison.

Today, I wish to sincerely thank the following senators for their support and attendance: Maria Chaput from Manitoba, who has been re-elected as chair of our committee, Rose-Marie Losier-Cool from New Brunswick, and Pierre de Bané from Quebec. Now we must wait for the CRTC decision.

[English]

TRAUMATIC BRAIN INJURY AWARENESS MONTH

Hon. Robert W. Peterson: Honourable senators, it gives me great pleasure to present this message from the Honourable Dr. Gordon L. Barnhart, Lieutenant Governor of Saskatchewan, Patron of the Saskatchewan Brain Injury Association and former Clerk of the Senate.

The Saskatchewan Brain Injury Association and the Brain Injury Association of Canada designate June as the National Brain Injury Awareness Month. The importance of this initiative is to highlight awareness across Canada of the effects and causes of acquired brain injury.

In Canada, acquired brain injury is the number one killer and disabler of people under the age of 44. More than 56,000 Canadians — 2,200 in Saskatchewan — experience traumatic brain injury each year.

The traumatic effects of brain injury can disrupt one's daily life in a dramatic way through subtle yet significant changes to personality, abilities and mobility. The social, emotional and economic consequences of brain injury are devastating not only to the survivors but also to their family members; everyone is affected when a loved one experiences a brain injury.

Honourable senators, by designating June as the official awareness month, the Saskatchewan Brain Injury Association hopes to promote the prevention of brain injuries with information and educational programs. Through National Brain Injury Awareness Month, we hope to encourage people to play safely, drive defensively and choose wisely.

The Saskatchewan Brain Injury Association encourages all members of the Senate to support brain injury associations throughout Canada. With your help, we can curb this epidemic.

POLITICAL CYNICISM

Hon. Consiglio Di Nino: Honourable senators, I was disappointed and disturbed by Senator Moore's comments on June 15, 2011, criticizing Prime Minister Harper for the use of a government plane to attend the sixth game of the Stanley Cup in Boston to support the Vancouver Canucks. The Prime Minister and all who travelled with him reimbursed the government for the usual costs of such a trip.

Honourable senators, Senator Moore surely knows, or ought to know, that the RCMP strongly recommends, and indeed insists, that prime ministers and other senior government and state representatives, such as the Governor General, should avoid the use of commercial flights. The risks are just too great.

Senator Moore's comments were petty and insulting, at least to me. He may do well to reflect on the strong and clear message the Canadian people sent to him and to all of us on May 2, 2011. Canadians spoke loudly and clearly in support of Prime Minister Harper, his team and his platform, and just as clearly about Senator Moore's party.

Honourable senators, I was also deeply disturbed by Senator Moore's sympathetic comments towards the irresponsible actions taken by Brigitte DePape in this chamber during the Speech from the Throne.

To Senator Moore, I say: Your statement lowers the standards and reputation of the Senate.

THE HONOURABLE LILLIAN DYCK

INSPIRATION FOR *CAFÉ DAUGHTER*

Hon. Vivienne Poy: Honourable senators, I rise today to pay tribute to our colleague, Senator Lillian Dyck, whose life story inspired the play *Café Daughter*, which premiered at the Gwaandak Theatre in Whitehorse last month. *Café Daughter*, by playwright Kenneth T. Williams, reflects Canada's most appalling historical actions in the treatment of First Nations people and the treatment of Chinese immigrants. The story could have taken place anywhere in rural Canada. It is a story of discrimination and loneliness.

Senator Dyck's Chinese father owned a small cafe in Saskatchewan. The provincial law of the time did not allow Chinese entrepreneurs to employ white women as helpers. Senator Dyck's mother, a Cree, went to work for him and when they subsequently married, she lost her Indian status.

• (1350)

P. J. Prudat, a Metis, performs the solo performance of Yvette Wong, the fictional character in *Café Daughter*. The director, Yvette Nolan, is also of mixed heritage. In the play, Yvette Wong's Cree mother tells her not to tell anyone that she is part Cree to avoid double discrimination.

Senator Dyck grew up hiding her Aboriginal heritage while overcoming the prejudice directed at Chinese Canadians. In grades 9 and 10, like her brother, she was put in classes for students with low academic proficiency because they were poor and looked different. After winning multiple awards in grade 10, she

joined the smart class in grade 11. When Senator Dyck received her doctorate in biological psychiatry and subsequently became a neurochemist, a professor and Associate Dean of the College of Graduate Studies and Research at the University of Saskatchewan, Senator Dyck was ready to reveal her true heritage.

Café Daughter covers the universal themes that all young people face — their identity as defined by society in relation to their families and heritage. The theatre's study guide asks students to reflect on their Canadian identity in the context of Canada's broader history of discrimination.

Congratulations to Kenneth T. Williams, P.J. Prudat, Yvette Nolan and the Gwaandak Theatre on this outstanding production, which won multiple awards. Most of all, I wish to acknowledge our colleague, Senator Lillian Dyck, whose perseverance in the face of prejudice and poverty serves as an inspiration to us all.

JAPAN

CANADIAN RESPONSE TO EARTHQUAKE AND TSUNAMI

Hon. David Tkachuk: Honourable senators, on March 11, 2011, Japan was struck by one of the most devastating earthquakes in recent memory. The horrendous damage and loss of life from the earthquake was compounded by the ensuing tsunami that washed across portions of Eastern Japan. Most alarming was the damage caused to several nuclear reactors — damage that the Japanese continue to deal with.

Honourable senators, I would like to spend a few minutes talking about the response of the Canadian government and that of the average Canadian to a tragedy that took place halfway around the world. Last week, the Japanese ambassador, with some emotion, recounted to me some of the acts of kindness extended to the citizens of his country by the citizens of this country.

Immediately following the disaster, Prime Minister Harper called the Japanese ambassador to offer condolences and support. Calls were also received from the former Governor General, the Foreign Minister and the Minister for International Cooperation. Senators and members of all political parties also expressed their condolences in written form or by phone calls.

Within days, Japan received 25,000 thermal blankets from Canada. Within weeks, 5,000 dosimeters — personal radiation detectors — and 154 portable radiation survey meters were also delivered. Canada's Ambassador Fried visited the affected area and two Canadian nuclear experts were dispatched to Japan to help them deal with the damaged reactors. We expect our government to do such things, but it is the things that the average Canadian did that we need to take note of.

The Canadian Red Cross collected \$34 million from citizens across the country for earthquake relief efforts in Japan. Canadians opened not only their wallets but also their hearts. Jacqueline, a Canadian high school student learning Japanese, visited the embassy in Ottawa and handed Ambassador Ishikawa 1,000 paper cranes. In Japan, the crane is a mystical or holy

creature equal to that of the dragon. The Japanese believe that folding 1,000 origami paper cranes will make a person's wish come true.

Honourable senators, Jacqueline was not the only one with this idea. Students from Roy Wilcox Elementary School in Kitimat, British Columbia, visited the Consulate-General of Japan in Vancouver to offer 1,000 paper cranes and a monetary donation. It took about three weeks for the students to make the paper cranes, including some with messages in Japanese.

Most touchingly, perhaps, Aleks, an 8-year-old boy in Halifax, called on support for Japan through Facebook and collected 1,400 paper cranes from his community. Aleks and his father drove two days to Ottawa to hand the cranes to Ambassador Ishikawa. Aleks' wish, which he wrote on a paper crane, "is that the people of Japan do not lose hope and that they know that we care." These cranes were sent to the city of Tagajo, one of the most severely affected areas.

Honourable senators, in the face of a tragedy that took place thousands of miles from our homeland, Canadians acted. I know that the Japanese appreciated every effort, large and small — the thousands of cranes as much as the millions of dollars. I applaud the Alekses and the Jacquelines of this country and everyone else who contributed something to help Japan. Their faces represent Canada to the world.

SICKLE CELL AWARENESS DAY

Hon. Joan Fraser: Honourable senators, Monday of this week was Sickle Cell Awareness Day. Sickle cell disease is a painful, incurable and deadly genetic blood disorder that affects about 100,000 people in North America. It is one of two main hemoglobin disorders along with thalassemias, which are also inherited. Worldwide, more than 300,000 babies are born with these disorders each year.

Sickle cell disease affects red blood cells, which change from their normal ovoid shape to a long, narrow crescent, or sickle, shape. The changed cells adhere to the walls of blood vessels, where they block the normal flow of blood. Sickle-cell anemia occurs because the cells do not live long and the body cannot replace them fast enough.

People with sickle cell disease are extremely vulnerable to infections and can suffer brain and lung damage. They have periodic health crises that cause great pain and difficulty in breathing. Their lifespan can be reduced by as much as 30 years.

Sickle cell disease generally affects people whose ancestors came from sub-Saharan Africa, India, Saudi Arabia and Mediterranean countries. Thalassemias affect mainly those of Asian, Mediterranean or Middle Eastern ancestry. As Canada's population becomes ever more diverse, the incidence of these diseases will rise. The impact is devastating, not only for the victims but also for their families through all the long years.

What should we do? According to the World Health Organization, the best approach is a strategic balance of disease management and prevention programs. Prevention would include blood tests to determine which couples are at risk of having affected children and counselling for those couples.

Thalassemias are mostly managed with regular blood transfusions and treatment of the effects of transfusions on organs. Management of sickle cell disease includes such simple items as a healthy diet, vaccinations to prevent infections, and pain management. Sadly, many physicians remain unfamiliar with sickle cell disease and in particular with the excruciating pain it can cause. Education is needed for doctors as well as the public. We need screening programs, medical guidelines, awareness of best practices and social supports.

In the other place, Dr. Kirsty Duncan has presented a private member's bill calling for a comprehensive national strategy. We all know how few private members' bills make it into law, but honourable senators, this bill offers a fine opportunity to begin making Canadians aware of this scourge that blights the lives of so many.

[Translation]

CRIMINAL CODE

ORGANIZED CRIME

Hon. Pierre-Hugues Boisvenu: Honourable senators, I would like to take a few moments to talk about something that happened in Montreal three weeks ago, namely, the release of 31 criminal bikers.

In addition to costing the Province of Quebec millions of dollars in legal aid, abandoning hundreds of victims who have lost faith in the justice system, seeing dozens if not hundreds of discouraged police officers demobilized by an investigation that did not end up in court, and billions of dollars of laundered money that is a pure loss to the Canadian and Quebec governments, organizing a mega-trial is an almost insurmountable challenge under the current Criminal Code.

Mega-trials demand extensive evidence, increase the complexity of the work of prosecutors and the police officers, and have many implications with regard to witnesses. Organized crime causes disastrous damage to our society. Organized crime gets hundreds of minors involved in drug dealing and in child prostitution, the two primary reasons youth drop out of school in Canada.

• (1400)

The Criminal Code is not well-suited to this type of trial and needs to be modernized.

During the last session, Bill C-53 had been introduced to give police officers, the judiciary and crown attorneys tools so they could better manage mega-trials and no longer allow 31 criminal bikers to go free. We know they will resume their criminal activities as soon as they are released.

I hope that in the next few days this chamber will receive a message with a bill to amend and modernize the Criminal Code to ensure that criminals who corrupt our youth are never again released unpunished.

[English]

CAFÉ DAUGHTER

Hon. Lillian Eva Dyck: Honourable senators, on May 4, I was invited to Whitehorse to attend *Café Daughter*, a play by playwright Kenneth T. Williams, who is from the Gordon First Nation, in Saskatchewan. The play was loosely based on my life experiences.

Honourable senators, it was a great honour to serve as the inspiration for *Café Daughter*. The main character, on the eve of her graduation, remembers her childhood growing up as the daughter of a Chinese café operator and a Cree mother. Like me, the main character is told by her mother never to tell anyone she is partly Cree Indian; in other words, to keep her Cree heritage a secret. Despite the odds, the main character becomes a doctor.

The play deals with racism, sexism, alcohol abuse, bullying and residential schools, but balances these serious issues with many humorous scenarios. Ken does a magnificent job of taking on difficult issues and putting them out in the public in a way that the public can feel and learn about these sorts of things.

Café Daughter has traveled throughout the Yukon. It was also shown in high schools and a study guide was written to help educate young people about respecting other cultures, residential schools and so on.

While *Café Daughter* is a fictional memory play based on my experiences, its themes are much broader. It explores what Canadian identity is and how this is affected by social mores, which are at times expressed in discriminatory legislation such as the Indian Act. It also incorporates the Saskatchewan law that prevented Chinese men from hiring White women.

While discriminatory legislation placed severe limitations and hardships on the lives of my parents, they worked hard and never gave up. I owe my strong sense of determination to them. From my perspective, the play *Café Daughter* is a tribute to my parents, who wanted the best for their daughter but never could have imagined that she would become a scientist, let alone a senator.

Hon. Senators: Hear, hear!

Senator Dyck: *Café Daughter* won the Bob Couchman Theatre Awards for outstanding play of 2010-11. Actress Paula Jean Prudat won Outstanding Female Performance and the play's director, Yvette Nolan, won Outstanding Director.

P.J. Prudat did a truly amazing job of playing 11 different characters — flawlessly. Even her portrayal of my Chinese father was spot on.

I look forward to seeing *Café Daughter* being produced in other parts of the country.

Honourable senators, please join me in extending congratulations to Kenneth T. Williams, the playwright; actress Paula Jean Prudat; director Yvette Nolan; the co-directors of the

Gwaandak Theatre, Patti Flather and Leonard Linklater; and the rest of the crew for their outstanding work in producing *Café Daughter*.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT AND PRIVACY ACT— 2010-11 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual reports on the administration of the Privacy Act and on the administration of the Access to Information Act, within the Office of the Information Commissioner for the fiscal year 2010-11, pursuant to section 72 of those acts.

HUMAN RIGHTS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Mobina S. B. Jaffer: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Human Rights, which deals with the expenses incurred by the committee during the Third Session of the Fortieth Parliament.

(For text of report, see today's Journals of the Senate, p. 99.)

[Translation]

THE SENATE

NOTICE OF MOTION TO EXTEND AND/OR SUSPEND TODAY'S SITTING AND TO AUTHORIZE COMMITTEES TO MEET DURING THE SITTING AND/OR SUSPENSION OF THE SITTING

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that later today, I shall move:

That, notwithstanding the Order of the Senate adopted on June 14, 2011, the Senate continue its proceedings today beyond 4 p.m.;

That at any time during the sitting, if either the Leader or Deputy Leader of the Government so request, the sitting be suspended to resume at the call of the chair with a fifteen minute bell;

That, notwithstanding rule 95(4), the committees scheduled to sit this afternoon be authorized to sit while the Senate is sitting, including the period the sitting is suspended;

That the application of rule 13(1) be suspended today; and

That the Senate adjourn only on a motion moved by the Leader or Deputy Leader of the Government in the Senate, but no later than the normal adjournment time according to rule 6(1).

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

CANADIAN/AMERICAN BORDER TRADE ALLIANCE
CONFERENCE, SEPTEMBER 21, 2010—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Canadian/American Border Trade Alliance Conference, held in Washington, D.C., United States of America, on September 21, 2010.

ANNUAL CONFERENCE OF THE COUNCIL
OF STATE GOVERNMENTS, DECEMBER 3-6, 2010—
REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Annual Conference of the Council of State Governments, held in Providence, Rhode Island, United States of America, from December 3 to 6, 2010.

CANADIAN/AMERICAN BORDER TRADE ALLIANCE
CONFERENCE, MAY 1-3, 2011—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Canadian/American Border Trade Alliance Conference, held in Ottawa, Ontario, Canada, from May 1 to 3, 2011.

[*Translation*]

CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

MEETING OF THE STANDING COMMITTEE,
MAY 3-5, 2011—REPORT TABLED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary

delegation to the Canada-France Interparliamentary Association, respecting its participation at the meeting of the standing committee, held in Montreal, Quebec, from May 3 to 5, 2011.

[*English*]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY INTERNATIONAL AND NATIONAL HUMAN
RIGHTS OBLIGATIONS AND REFER PAPERS
AND EVIDENCE SINCE BEGINNING OF FIRST SESSION
OF THIRTY-SEVENTH PARLIAMENT

Hon. Mobina S. B. Jaffer: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that, later this day, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First session of the Thirty-seventh Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2012.

The Hon. the Speaker: Is leave granted to take this motion into consideration later this day, honourable senators?

Hon. Senators: Agreed.

• (1410)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ISSUE OF SEXUAL EXPLOITATION
OF CHILDREN AND REFER PAPERS AND EVIDENCE
SINCE BEGINNING OF SECOND SESSION
OF FORTIETH PARLIAMENT

Hon. Mobina S. B. Jaffer: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I give notice that, later this day, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon the issue of the sexual exploitation of children in Canada, with a particular emphasis on understanding the scope and prevalence of the problem of the sexual exploitation of children across the country and in particularly affected communities;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second session of the Fortieth Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2012, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO SUSPEND RULE 115 WITH RESPECT TO BILL S-1001 AND TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE ADOPTED

Hon. John. D. Wallace: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That rule 115 be suspended with respect to Bill S-1001, An Act respecting Queen's University at Kingston; and

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit on Thursday, June 23, 2011 from 1:30 p.m. even though the Senate may then be sitting, for the purpose of its consideration of Bill S-1001, with the application of rule 95(4) being suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO DEPOSIT REPORT ON STUDY OF CURRENT STATE AND FUTURE OF FOREST SECTOR WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Agriculture and Forestry be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the current state and future of Canada's forest

sector, between June 27 and July 15, 2011, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

[*English*]

VOLUNTEERISM IN CANADA

NOTICE OF INQUIRY

Hon. Terry M. Mercer: Honourable senators, I hereby give notice that, two days hence:

I will call the attention of the Senate to Canada's current level of volunteerism, the impact it has on our society, and the future of volunteerism in Canada.

QUESTION PERIOD

TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

HIGHWAYS IN NORTHWEST TERRITORIES

Hon. Nick G. Sibbeston: Honourable senators, my question relates to highways in the Northwest Territories. The government in the recent budget identified \$150 million for the highway from Inuvik to Tuktoyaktuk. This will complete the Dempster Highway, which goes from the Yukon to the Northwest Territories and then to the Arctic Ocean. People in the delta area are very happy about the government's decision about the highway.

There is another area in the North, the Sahtu area. This is the Great Bear area, the middle of the North. If the Mackenzie Highway, which has been started but has not been completed, were completed, people in the North would be very happy. Some work has already been done on the highway. There has been mapping and some of the bridges have been built. People anticipate that some day the highway will be completed.

I believe the Leader of the Government in the Senate knows Cece McCauley, a former chief from Inuvik who lives in Norman Wells. Cece McCauley has been working tirelessly to have the highway built. She feels that the Sahtu are missing out on many economic opportunities. She feels the price of food and goods are too high because of the lack of a highway. After making the determination that the male leaders in the area were not doing enough, she spearheaded and organized the Women Warriors of Sahtu, a group of women that has taken it upon themselves to get the highway built. They have even made dolls and are selling them to provide money for their activities. They have come to Ottawa to meet with ministers in the past but, thus far, to no avail.

Honourable senators, I ask that the government leader raise the issue of this good project for the North with the Prime Minister and the Minister of Indian Affairs. This project will strengthen Canadian sovereignty, realize a great deal of economic benefit and open up a resource rich area. If this government would

[Senator Jaffer]

consider completing the Mackenzie Highway from Wrigley to Inuvik, that would be very good. This would endear the government to the people of the North in a very real way.

Hon. Marjory LeBreton (Leader of the Government): I appreciate the honourable senator's comments. I know Cece McCauley very well. She has been a trailblazer in all areas of development of the North and in representing the people of the North.

Honourable senators, I am also very proud of our government's commitment to the North. Senator Sibbeston mentioned the commitment to the Dempster Highway. It was not only discussed many times during the recent election campaign, but also in the Throne Speech and the budget. We committed, as was mentioned, \$150 million to complete the Dempster Highway, by linking Inuvik to Tuktoyaktuk. I am sure you will not mind me mentioning that the commitment of this government continues the work of a former Conservative government headed by the Right Honourable John George Diefenbaker, who was the first Canadian Prime Minister to recognize the importance and the value of the North, and of course established the town of Inuvik, among other things.

When Mr. Diefenbaker advanced the development of the North, he embarked upon a program called Roads to Resources. Unfortunately, at the time the then Liberal opposition but soon to be Liberal government under Lester B. Pearson derided this wonderful initiative by calling it a project of roads from igloo to igloo, which I think is still a very shameful thing to have said.

• (1420)

Our Arctic agenda, of course, honourable senators, focuses on the four pillars: sovereignty, promoting economic and social development, providing environmental protection, and devolving governance so that northerners have control over their future and destiny. This is what the government will continue to do.

Further to the honourable senator's specific suggestions with regard to the Mackenzie Highway, I will take that part of the question as notice and provide further information at a later time.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

YOUTH EMPLOYMENT PROGRAMS

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate. At this time of year hundreds of thousands of students are trying to find summer employment. Many of them are not having success. In fact, the unemployment rate among young people is 15 per cent, which is roughly double the national average. I was surprised that the recent budget did not contain anything new to help these students. The government's only response so far has been to re-announce a measure that has been in existence for two years in the Canada Summer Jobs program.

Why has the government not done more to help these thousands of students who are looking for work?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it does not matter what the government does, Senator Callbeck will always ask us to do more. The government has, as honourable senators know, embarked on a summer student program. There are many agencies of the government that are participating in this program and through HRSDC there are many programs. I would be happy to provide a list. The senator knows them, because she is always well prepared.

The fact is that there are certain regions in the country where there is a shortage of available summer students to take these jobs and other areas in the country where some students are having more difficulty. The government is making every effort to open up as many jobs and provide summer employment for students all across the country, although there is a great diversity, as the honourable senator knows.

Senator Callbeck: Honourable senators, there are some programs, but I am saying that there is nothing new in the recent budget. Almost 70 per cent of students rely on their summer jobs to help them pay for tuition.

These young people have been hit hard by the downturn in the economy. In fact, last year 128,000 jobs for students disappeared. Without these summer jobs, they will have to rely more on student loans, which means that their total debt at the end of their studies will be increased.

I ask the Leader of the Government in the Senate, what will the government do to help these students?

Senator LeBreton: As honourable senators know, the government has taken a considerable number of measures to assist students, even in terms of student loans. There are many programs that we have embarked upon to assist students, including tuition fees, bursaries and tax relief on scholarships. I will be happy to prepare a long list of what we have done for students.

Again, as I mentioned, there are areas of the country where employees cannot find enough students to fill positions available and other parts of the country where just the opposite is the case.

There are programs to assist students not only to find jobs, as I mentioned, but also in terms of the cost of their university education. I will answer the question by written response.

[Translation]

REVENUE CANADA

TAX RATES

Hon. Rose-Marie Losier-Cool: Honourable senators, on page 196 of the English version of the voluminous document that accompanied the tabling of the most recent federal budget, it says that the government collected \$103.9 billion in income taxes from Canadians in 2009-10. I find it particularly interesting to read the government's projection that it will collect \$151.5 billion in income tax from these same Canadians in 2015-16. This represents a tax increase of 45.8 per cent in six years. That is not an insignificant amount. I am convinced that the number of

taxpayers in our country is not going to increase by 45.8 per cent by 2016 unless there is massive immigration — or a baby boom — among skilled workers in the very near future. I also do not believe that the cost of living, which could justify some portion of these new taxes, will increase by 45.8 per cent.

Can the Leader of the Government confirm that her government's philosophy still involves lowering taxes in Canada?

[English]

Hon. Marjory LeBreton (Leader of the Government): I think it is more than a philosophy, honourable senators; it is a fact. We have reduced the overall tax burden to its lowest level in nearly 50 years. Since 2006, we have cut taxes over 120 times. We have cut taxes in every way government collects them: personal, consumption, business, excise and, of course, many more areas. The total savings for a typical family are about \$3,000. As honourable senators probably noticed in the newspaper a few days ago, thanks to our actions, "tax freedom day" is over two weeks earlier than was the case when we came into government.

[Translation]

Senator Losier-Cool: Honourable senators, I agree with the leader's answer, but how does this explain the projected increase of 45.8 per cent in personal income taxes over six years?

[English]

Senator LeBreton: Honourable senators, I am not an economist, but I would suggest that creating 560,000 new jobs since 2009 probably was a major contributor to the revenue that we have received from taxes.

[Translation]

Senator Losier-Cool: So, while personal income taxes will be increasing by 45.8 per cent over six years, Canadian business taxes will increase by only 29.9 per cent, going from \$30.4 billion in 2009-10 to \$39.3 billion in 2015-16. Could the Leader of the Government in the Senate explain to us on what principle individual Canadians must make a substantially larger contribution than businesses, a large number of which are not even Canadian?

[English]

Senator LeBreton: I thank Senator Losier-Cool for the question, but I think she misstated the facts when she said "raising" taxes. She is speaking about revenues raised from taxes, which is a completely different matter. We have actually lowered taxes significantly for individual Canadians.

With regard to the corporate tax rate, as honourable senators know, it was budgeted back in 2007 and the goal of the government was to reduce the corporate tax rate. Interestingly enough, this has been a policy followed by all provincial governments, no matter their political stripe, because obviously the object of the exercise is to attract business to Canada. Business

[Senator Losier-Cool]

creates jobs; jobs obviously help individual Canadians; and, when they earn an income, the amount of money that is available for tax revenue is increased. To me, it is basic economic, common sense.

FINANCE

DEFICIT REDUCTION

Hon. Grant Mitchell: Honourable senators, the Leader of the Government in the Senate boasted that the government has made all this progress on pulling back "tax freedom day." Could she give us an idea of whether or not they have assessed how far they pushed out "debt freedom day" as a result of the way they have been spending money?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, summer is coming. We had an election. Canadians spoke clearly. We were given a clear mandate.

Sixty-one per cent of Canadians voted against your hero, Jean Chrétien — therefore, that is a silly argument.

• (1430)

The fact is, honourable senators, we have a clear plan for deficit reduction. Honourable senators need to go back only to a previous Hansard of this place to check that when we brought in the stimulus package to take the country through a difficult economic downturn, we were criticized for not spending enough money and for not sending enough money out the door.

We have a definite deficit reduction plan, and I wish that Senator Mitchell and his colleagues, all colleagues in Parliament, would take the message from the Canadian electorate on May 2 and tone down the rhetoric in this place.

Senator Mitchell: We are all waiting with bated breath for the next time a Conservative government actually balances an unbalanced budget because the last time they did so was in 1889.

In answering one of the questions, the honourable leader said that her government had gone to great lengths to lower taxes for Canadians to date. Can the leader give an assessment of exactly how much her government has increased taxes on Canadians tomorrow, especially the next generations, our children and grandchildren, to whom we should have a huge sense of intergenerational responsibility?

Senator LeBreton: Honourable senators, and Senator Mitchell knows this well, and it has been well documented that the largest deficit and debt ever piled onto the shoulders of this country was under Pierre Elliott Trudeau — even Liberals acknowledge, by the way, that it took many governments to get out from under that massive debt.

Some Hon. Senators: Oh, oh!

Senator LeBreton: It was only the free trade and taxation policies of the government of the Right Honourable Brian Mulroney that created the conditions that led the country toward deficit reduction — free trade and changing the tax base, vehemently opposed in this very chamber night after night, day after day, week after week, when Senator Murray was the Leader of the Government in the Senate.

I think the honourable senator should put history in perspective and take the lesson that was delivered to all of us by the Canadian electorate on May 2. We were given a strong mandate to govern. The other side was not. There was a clear message delivered, especially to the Liberal Party, and I suggest they spend the summer reflecting on it.

FOREIGN AFFAIRS

UNITED NATIONS CONVENTION ON CLUSTER MUNITIONS

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

Honourable senators, in the past, the Leader of the Government has indicated to this chamber that Canada supports the total ban on all cluster munitions as defined in the United Nations Convention on Cluster Munitions and recognizes that cluster munitions are unreliable and cause unacceptable and catastrophic harm in theatres of conflict, not only to combatants but also to civilians.

On several separate occasions over the past two and a half years, I have stood in this chamber to ask when Canada will ratify the UN Convention on Cluster Munitions. Each time the leader has indicated it will be soon.

I ask the leader again if she can give an indication about when the Government of Canada will ratify this convention.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, my answer is the same. We were one of the first countries to sign on to the convention in Oslo, in December 2008. Canada, as honourable senators well know, supports a total ban on all cluster munitions as defined in that convention. As honourable senators also know, Canada has never produced or used cluster munitions and is in the process of destroying its complete stockpile of these munitions that are within our control.

Senator Hubley: Canada was on the leading edge of banning land mines with the Ottawa Treaty under the previous Liberal government. Canada signed the UN Convention on Cluster Munitions in December of 2008. Fifty-seven countries have already ratified the convention, which came into force on August 1, 2010; however, this government has yet to ratify the convention.

Can the leader share with this chamber the reason for the delay in ratifying this UN Convention on Cluster Munitions, which Canada signed two and a half years ago?

Senator LeBreton: The honourable senator repeated what I said in my answer. We did sign on to the convention. I will take the honourable senator's question as notice as to what the next steps will be that Canada takes.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that when we proceed to Government Business, the Senate will address the items in the following order: first, the motion I gave notice of earlier today concerning today's session, followed by all other items, as they appear on the orders of the day.

THE SENATE

MOTION TO EXTEND AND/OR SUSPEND TODAY'S SITTING AND TO AUTHORIZE COMMITTEES TO MEET DURING THE SITTING AND/OR SUSPENSION OF THE SITTING ADOPTED

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of June 22, 2011, moved:

That, notwithstanding the Order of the Senate adopted on June 14, 2011, the Senate continue its proceedings today beyond 4 p.m.;

That at any time during the sitting, if either the Leader or Deputy Leader of the Government so request, the sitting be suspended to resume at the call of the chair with a fifteen minute bell;

That, notwithstanding rule 95(4), the committees scheduled to sit this afternoon be authorized to sit while the Senate is sitting, including the period the sitting is suspended;

That the application of rule 13(1) be suspended today; and

That the Senate adjourn only on a motion moved by the Leader or Deputy Leader of the Government in the Senate, but no later than the normal adjournment time according to rule 6(1).

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

Some Hon. Senators: Yes.

(Motion agreed to.)

[English]

**SUPPORTING VULNERABLE SENIORS AND
STRENGTHENING CANADA'S ECONOMY BILL**

SECOND READING

Hon. Irving Gerstein moved second reading of Bill C-3, An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011.

He said: Honourable senators, as I rise today to speak to Bill C-3, An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011, I am reminded of the immortal words of the eminent statesman from the great republic to the south, Mr. Benjamin Franklin, who said, "Well done is better than well said."

Honourable senators, this government has done well indeed. Consequently, I will be brief in my remarks today.

Some Hon. Senators: Hear, hear.

Senator Gerstein: More than two years ago, we introduced *Canada's Economic Action Plan* to safeguard jobs, protect incomes and help average Canadians fight the effects of the global recession. In that time, we have invested in innovation, education and training, and we have lowered corporate taxes all in order to foster an environment where everyone will contribute and benefit from a stronger economy. However, honourable senators, we as parliamentarians had serious work to attend to, and yet we found ourselves in the fourth election in seven years. That election caused the delay in implementing Budget 2011 in March of this year. That is why I am here before honourable senators in June, seeking support for this bill, hopefully not to be interrupted by the earthquake.

• (1440)

I do not have to remind honourable senators that the May 2 election provided an endorsement for *Canada's Economic Action Plan* by giving Canadians a strong, stable, majority Conservative government. Canadians spoke loud and clear that they wanted the government to continue working towards balancing the budget without raising taxes or cutting services to citizens or transfers to the provinces.

As the Honourable Jim Flaherty, Minister of Finance, pronounced:

Through their votes last month, their voices have been heard and they said "yea" to the economic plan that was put before them.

Canadians gave this Government their support for job creation, and efforts that will help businesses and entrepreneurs succeed.

Permit me to highlight some of the achievements of Budget 2011. Bill C-3, also known as the Supporting Vulnerable Seniors and Strengthening Canada's Economy Act, aims to

protect a segment of our population that I hold in great regard because I hope one day to join their ranks. I speak of Canada's senior citizens.

Budget 2011 enhances the Guaranteed Income Supplement top-up, allowing for greater benefits for Old Age Security recipients. Budget 2011 helps veterans' groups like the Royal Canadian Legion by introducing a 100-per-cent rebate of the GST and HST paid by the legion when they purchase Remembrance poppies and wreaths.

Bill C-3 will eliminate interest accrued on student loans held by part-time students while they continue their studies. Young Canadians are also benefiting from a substantial two-year investment of \$20 million to the Canadian Youth Business Foundation, which aims to help young entrepreneurs between the ages of 18 and 34 with start-up mentoring, financing and other resources to create their own businesses. This investment builds upon a previous two-year investment of \$20 million from parts of Budget 2009 and Budget 2010.

One can only imagine what the next generation of entrepreneurs will develop and, by encouraging them to invest in the economy of our great country so early, how they will grow and learn to appreciate Canada a great place to live and work.

Budget 2011 also helps Canadians who are recipients of Registered Disability Savings Plans and who have shortened life expectancies by allowing them greater freedom in withdrawing their savings without triggering repayment schedules.

Honourable senators, again I refer to Benjamin Franklin. He said, "Time is money," and it is my hope that Bill C-3 is passed expeditiously so that Canadians can see almost immediately the benefits the bill brings to our economy.

Hon. Joseph A. Day: Honourable senators, first I would like to thank Senator Gerstein for his comments; I would describe them as "well said." I almost had to go to the table officers to find out what the honourable senator was speaking about because this item, honourable senators, is No. 1 on the Order Paper for today. It is Bill C-3 and budget implementation. There are 12 parts to the bill. We are dealing with second reading, which is a debate in principle of what is in this particular bill.

I understand why the honourable senator might want to be brief on this item because we have had some difficulty in having the government officials and the minister come before us to tell us what they are hoping to achieve in relation to this bill. It was not until last evening that we finally had confirmation that we could have the Minister of State, Finance, come to speak to us about the bill. Honourable senators, normally we provide the courtesy of the minister coming first. The minister said that he could make 15 minutes available for us this afternoon. This bill is a piece of legislation that the government purports to want and need quickly.

Honourable senators, I will not take the time to go into the 12 different parts. However, there is one section that increases government exposure — government liability, or potential liability — for the people of Canada for \$50 billion with respect to mortgages. We will need to go into that section in some considerable detail, as \$50 billion is a significant matter.

Honourable senators, we are dealing with Bill C-3 at this time because all of us in this chamber agreed unanimously to allow this bill to be dealt with today rather than following our rules, which normally would provide two days' notice from first reading. This bill was received last evening, and this afternoon is less than 24 hours later. Thanks to the unanimous consent and the cooperative spirit amongst us all in this chamber, we are dealing with this bill today.

Honourable senators, if it turns out that this particular bill is voted on in second reading, I anticipate it will be referred to the Standing Senate Committee on National Finance. The Standing Senate Committee on National Finance is already authorized by this chamber to deal with this bill as a pre-study. Once the bill is sent to us, the pre-study and the bill study will merge and we will continue our study.

As had been agreed upon by our steering committee yesterday, we anticipate we will move the hearings scheduled for this evening to accommodate the minister and the government officials. We will start at 3:30 this afternoon and have four hours of hearings. We will be in a much better position after those hearings to determine what other items we may want to delve into in more detail. Those items cannot be determined until we have an overview.

Honourable senators, I spoke of one of three bills. We received this one last evening. The other two bills that the Finance Committee is being asked to deal with have not been received yet, and they are the two supply bills. One is for Main Estimates, to spend several tens of billions of dollars — honourable senators will likely be asked to approve somewhere in the range of \$60 billion to \$70 billion. The other is the supply bill that goes with the \$2 billion in Supplementary Estimates (A).

We have been working expeditiously and cooperatively. I want to thank all the members of the Standing Senate Committee on National Finance for meeting last Thursday on two different occasions during the day to try to accommodate witnesses on short notice and to try to deal with what must be dealt with in the two supply bills, which is producing a report; once the hearings are completed, we have to prepare a report. That report then must be translated, accepted by all the members of the committee, voted on, brought back to this chamber, and voted on by this chamber before we can finally dispose of those two supply bills.

Honourable senators, all that activity is happening and it can happen quickly with the cooperation of everyone on the committee. However, there are some elements over which we do not have control, and those elements are the delays with respect to translation and with respect to the Library of Parliament preparing the report.

Two bills are coming this evening. We had one last evening. There is talk in this chamber that we should be able to dispose of those bills in a day. Honourable senators, that is second and third readings on three bills. That is six speeches from the honourable senator. He is good, but it is difficult to be that good in that short a period of time. In addition, we have two reports that need to be debated before the supply bills can finally be disposed of.

We had a program that was agreed to by our committee, and we were flowing along nicely based on that program. That program would have led us to June 28 or 29 — next Tuesday or Wednesday — depending on how much this chamber wanted to shorten our normal times.

The reason for having one-day or two-day delays is to allow honourable senators to understand what is in the bill and to speak if honourable senators wish to speak. However, at the least, it allows honourable senators to understand what they are voting on when asked to vote. That is why there are delays. If we shorten the delays, we are saying: Yes, we have had a chance to study the bills; there is not a lot of other business and we are prepared to go forward with one day's notice instead of two days' notice.

• (1450)

Honourable senators, that is why we have these rules. We should understand what we are doing and only change the rules reluctantly.

The elephant in the room is the proposed back-to-work legislation in respect of the postal workers. If that bill had not created an umbrella over everything else, we would be working along merrily on the supply bills from the government. However, every June the same thing happens: someone tries to blame someone else for delaying, asking why can we not go home when the House of Commons goes home. We cannot go home when they do because we have work to do in this place; and we will do our work.

I know that honourable senators want to spend their summers knowing that they have done their job, which is not the same as the job in the House of Commons. We will finish this work on our normal schedule, which has been agreed upon, next Tuesday or Wednesday. In the event that we have to sit this weekend because of other proposed legislation, then we can raise our time on other matters as well, assuming that we have translation services available during the weekend and on Saint-Jean-Baptiste Day, and assuming that the report can be prepared by the Library of Parliament, who will also not likely be at work on the weekend. As soon as we can get those things done, then we can bring this matter forward. Otherwise, I plead with honourable senators to allow your Finance Committee, which is working cooperatively, to continue to do a good job and bring back those three bills in the manner that honourable senators would expect.

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

Hon. Senators: Question!

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

[*Translation*]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino.

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Dennis Dawson: Honourable senators, I wish to speak today in response to the Speech from the Throne, which was delivered by the Governor General nearly a month ago.

[*English*]

I am sure that honourable senators will understand why I find exception to the government's policy, or tangible lack thereof, on these subjects. In the interest of time, I will keep my speech short and maybe sweet.

[*Translation*]

A year ago, I introduced a private member's bill, Bill S-227, which I had also introduced the year before. One Conservative member received it with disdain and contempt. The bill aimed to amend how election expenditure limits are calculated by Elections Canada.

[*English*]

Honourable senators, much ink was spilled and many tongues were wrung dry for such a simple bill, one that harkens back to the fundamental principle that elections, at least those held in Canada, should not be won by the size of a party's coffers but by the quality of its policies and ideas for the benefit of this great country.

With this proposed legislation, neither I nor the Liberal Party sought to restrict any individual's, collective's or organization's right to free speech. Rather, we aspired to enhance our democratic process by having parties focus on winning a battle of ideas and not a battle of dollars.

[*Translation*]

This principle should be applied at all times, but it is particularly essential in the situation we currently find ourselves in. Since May 3, 2007, as you know, we have had fixed election dates, which means that all the political parties know when to expect the next bout of election spending. In theory, elections are to take place on November 15, four years from now.

[*English*]

The Prime Minister has been known to change his mind; and I would not be surprised if it were to happen again.

An Hon. Senator: He rises above the law.

Senator Dawson: It might delay him to 2020 or something.

[*Translation*]

However, any expenditures made in the months leading up to the election period are still not accounted for in the election spending totals of the political parties. In other words, the way it works now is that any party could spend as many millions of dollars as it wants, up until the end of September 2015, without having to count this as official election spending. I am sure that I am not the only one who sees a problem here.

Second, there is a rumour that the government will eliminate the per-vote subsidy for political parties. I believe that this represents a huge step backward for democracy in Canada and a step toward the Americanization of Canadian politics, which a number of my colleagues on the other side see as great progress — and I hope you know that I disagree.

[*English*]

Honourable senators, as per our mandate to soberly analyze bills coming from the other place, I believe we can agree that now more than ever, as we progress together as a country, we need to work to overcome the idea that politics can effectively dictate policy, when in reality policy should dictate politics. The first step in that direction is holding political parties appropriately accountable to their electoral expenses.

I will mention briefly the topic of Senate reform, given the tabling the day before yesterday of Bill C-7 by the Minister of State for Democratic Reform. Certainly, we will get back to this subject when the bill makes it to the Senate in two years, if Conservative senators decide to cooperate and bring it to this place.

The text of this bill states:

... a person ... whose term is interrupted may be summoned again for a period equivalent to nine years less the portion of the term served after the coming into force of this section.

I know it sounds confusing, but that is how it is written. I will read it again:

... a person ... whose term is interrupted may be summoned again for a period equivalent to nine years less the portion of the term served after the coming into force of this section.

Honourable senators, I would not dare to sign a bicycle rental agreement with language as vague as this is.

[*Translation*]

How are we supposed to interpret this text? According to an analysis by *The Globe and Mail*, if a senator who had already been elected wanted to run for a seat in the other place, he could interrupt his term in the Senate. That is becoming standard practice for the Conservative Party. What happens if that same individual loses the election and loses his seat or resigns from the other place? Is he invited to return to the Senate? In addition, would he be replaced during his absence, or would the seat remain vacant during that period?

There are so many questions to ask, not to mention the most important: why would an elected senator have a need to interrupt his mandate to run in the other place? It seems to me that when someone runs in an election, the intention is to win the popular vote and, therefore, to win a seat and carry out a mandate; not to be absent from work.

• (1500)

[*English*]

If the government and the minister think that a bill with such half-baked ideas written into it and with the potential to create numerous troublesome discrepancies will improve our democracy, then I believe it is only reasonable that we doubt their ability to organize mail services in Canada, let alone lead this country into the 21st century.

(On motion of Senator Carignan, debate adjourned.)

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO STUDY APPLICATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS AND REFER PAPERS AND EVIDENCE SINCE BEGINNING OF SECOND SESSION OF FORTIETH PARLIAMENT

Hon. Maria Chaput, pursuant to notice of June 21, 2011, moved:

That the Standing Senate Committee on Official Languages be authorized to study and to report on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act;

That the committee also be authorized to study the reports and documents published by the Minister of Canadian Heritage and Official Languages, the President

of the Treasury Board, and the Commissioner of Official Languages, and any other subject concerning official languages;

That the documents received, evidence heard and business accomplished on this subject by the committee since the beginning of the Second Session of the Fortieth Parliament be referred to the committee;

That the committee report from time to time to the Senate but no later than September 30, 2012, and that the committee retain all powers necessary to publicize its findings until December 31, 2012.

(Motion agreed to.)

[*English*]

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO STUDY NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES AND REFER PAPERS AND EVIDENCE SINCE BEGINNING OF THIRD SESSION OF FORTIETH PARLIAMENT

Hon. Pamela Wallin, pursuant to notice of June 21, 2011, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on Canada's national security and defence policies, practices, circumstances and capabilities; and

That the papers and evidence received and taken and the work accomplished by the committee on this subject since the beginning of the Third session of the Fortieth Parliament be referred to the Committee.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY SERVICES AND BENEFITS FOR MEMBERS AND VETERANS OF ARMED FORCES AND CURRENT AND FORMER MEMBERS OF THE RCMP, COMMEMORATIVE ACTIVITIES AND CHARTER AND REFER PAPERS AND EVIDENCE RECEIVED DURING FORTIETH PARLIAMENT

Hon. Pamela Wallin, pursuant to notice of June 21, 2011, moved:

That the Standing Senate Committee on National Security and Defence be authorized to study:

(a) services and benefits provided to members of the Canadian Forces; to veterans who have served honourably in Her Majesty's Canadian Armed Forces in the past; to members and former members of the Royal Canadian Mounted Police and its antecedents; and all of their families;

(b) commemorative activities undertaken by the Department of Veterans' Affairs Canada, to keep alive for all Canadians the memory of Canadian veterans' achievements and sacrifices; and

(c) continuing implementation of the New Veterans' Charter;

That the papers and evidence received and taken and the work accomplished by the Committee on this subject during the Fortieth Parliament be referred to the Committee; and

That the Committee report to the Senate no later than June 17th 2012, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

Hon. Anne C. Cools: Honourable senators, I have a question for the Honourable Senator Wallin.

I notice that the senator is asking in a very honourable way that the papers received and the evidence received by the committee in previous sessions now be referred to the committee. The work she is talking about took place in a previous session of Parliament, so the question is, during that session was a report on those items presented in this place? This house cannot refer documents and papers that it has never received from the committee. The way this house receives such papers, documents and evidence is by means of the committee's report.

I am curious, because these motions seem to be a matter of routine. I thought I should inquire whether or not those very papers and evidence were ever reported on to this house, which would put the house in possession of them.

Senator Wallin: I thank the honourable senator for the question. No, the information that is referred to here and gathered in the time frame spelled out has never been reported to this house. It is a report on veterans' concerns that has been carried out over several years. We are hoping to conclude that report by the date suggested.

Senator Cools: Honourable senators, I just posed the question. I will not do much else. It is difficult for the Senate to refer information that it has never received to a committee. It is customary during different sessions, that when a session is approaching an end, either by prorogation or dissolution, to secure the committee's interest by making a report to the Senate, even if it is an interim report, on the progress of the committee's work.

What we are doing here may be a bad practice. I would have to look at it more carefully, but it is something to be examined at some point in time because one cannot refer evidence to a committee that one does not have. The house cannot refer what it does not have possession of.

The Hon. the Speaker pro tempore: Thank you, Senator Cools, for bringing that to our attention.

Did Honourable Senator Mitchell have a question?

[Senator Wallin]

Hon. Grant Mitchell: It is on debate. If the senator has a question, that is fine.

Senator Cools: Honourable senators, maybe I should indicate that I was not debating it; I was asking a question of Senator Wallin.

Where are we, Your Honour? Are we on the motion itself?

The Hon. the Speaker pro tempore: Yes.

Senator Cools: Thank you, Your Honour. I would like to speak to the matter after the next senator speaks.

[Translation]

Hon. Roméo Antonius Dallaire: Honourable senators, the interim report we expected to table today is not yet complete. We are still examining the issue and we would like your leave to continue to do so.

Despite the fact that we will be beginning a new session, surely there must be a way that this report can be tabled so that all this work does not have to be set aside and we do not have to start again at square one.

We believe that the action Senator Wallin and the committee proposed in the motion should be taken.

[English]

The Hon. the Speaker pro tempore: The methodology is the very motion she is making now.

Senator Mitchell: On debate, honourable senators, I would like to make the point that it would be very useful for committee members, very collegial and very collaborative, if we could have assurances that, both on the Veterans Subcommittee and on the Defence Committee, we could have a time set aside in one of our meetings when we could actually throw out ideas for future studies, throw them back and forth, debate them and, in a collaborative and collective way, come up with those priorities we would like for our future studies, just as we do in the Energy, the Environment and Natural Resources Committee. Absolutely.

Senator Wallin: I have no response to Senator Mitchell. My response is to Senator Cools is that this is on the instruction and advice from the clerk that this is exactly how one brings forward existing documents so that the committee can continue its work and, hopefully, finalize this report. This was the instruction we were given.

Hon. Hugh Segal: I simply wanted to say, with respect to the intervention of my good friend Senator Mitchell, that we did have quite a fulsome discussion. I do remember it and I am still at a point in my life where there is some relationship between memory and fact. It is tenuous, and that is not always the case, but I do remember a meeting this very week where we had a discussion around the parameters of this and where my good friend Senator Mitchell asked a question about the capacity to contribute. I am not a member of the committee — I was substituting for a colleague — and we did appear to have quite an agreement that

that is exactly how we would proceed, in an appropriate and constructive fashion. Therefore, I am a little troubled by the motivation behind this particular intervention.

Hon. Tommy Banks: I am sorry to ask this, honourable senators, but I want to be sure before I intervene further that I understand the motion. Could I ask that the motion be read again? I am sorry to do that. However, I want to be sure of the exact thing that it says.

• (1510)

The Hon. the Speaker *pro tempore*: The motion was moved by Honourable Senator Wallin, seconded by Honourable Senator Martin:

That the Standing Senate Committee on National Security and Defence be authorized to study:

- (a) services and benefits provided to members of the Canadian Forces; to veterans who have served honourably in Her Majesty's Canadian Armed Forces in the past; to members and former members of the Royal Canadian Mounted Police and its antecedents; and all of their families;
- (b) commemorative activities undertaken by the Department of Veterans' Affairs Canada, to keep alive for all Canadians the memory of Canadian veterans' achievements and sacrifices; and
- (c) continuing implementation of the New Veterans' Charter;

That the papers and evidence received and taken and the work accomplished by the Committee on this subject during the Fortieth Parliament be referred to the Committee; and

That the Committee report to the Senate no later than June 17th 2012, and that the Committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

Senator Banks: Thank you, Your Honour.

Hon. Terry M. Mercer: Honourable senators, the line that is giving us some difficulties is that which states that it be referred to the committee. Senator Cools has raised the issue of whether we have the documents to refer. We all know what Senator Wallin is attempting to do and what the committee is attempting to do. All we need is the Speaker's ruling on whether this motion will accomplish what Senator Wallin and the committee want to do. If that is the case, we will move on. If it is not the case, the motion probably needs to be reworded to encase the testimony and all the good work that was already done by the committee so it is not lost, which I gather is the intent of the motion.

It is probably good that we clarify this issue because other motions on the Order Paper have a similar clause in them. Therefore, since Senator Cools has brought it up now, let us clear it up once and for all.

Senator Cools: I thank Senator Mercer for his intervention.

Honourable senators, Senator Wallin's motion is a motion in two parts. The first part of the motion is asking the Senate to grant the committee the authority to do a study in respect of worthy and admirable causes. That is not at issue at all. The second part of her motion — and I did not catch all the words — is about a referral, a reference, from this house to the committee of the papers and evidence that was adduced by the committee in the last session.

That is where the doubt arises. It is not in the worthiness or substance of the study or the propriety of it. The question is about the papers and evidence received by the committee. It is a long-established principle that the house makes orders of reference to committees. However, the house has to have had that material, the evidence and papers, put before the house.

Honourable senators, we must understand that business in the house and proceedings actually move along like a conveyer belt. One cannot study a bill unless and until the bill is before the house. When a committee does a study and gathers evidence, the form of presenting that evidence to the house is by the report of the committee. That is what the report is. Therefore, the question that I raise here is whether or not the evidence and the papers that Senator Wallin is asking the Senate to refer to the committee have ever been received in the Senate at all.

The point is not a small one, and honourable senators know that I keep urging that it would be relatively easy for us to proceed in a proper and clear way.

I noticed today that there were several similar motions on the Order Paper. Every motion seems to assume that a committee report was presented to the house and that the Senate actually possesses that evidence and those papers. Nothing has been said in Senator Wallin's remarks or the remarks of other senators as to the fact that the evidence and the papers were ever put before the house.

This is important.

The Hon. the Speaker *pro tempore*: Senator Wallin said that the report was not tabled before this chamber.

Senator Cools: Therefore, Senator Wallin proves my point. A committee report was not presented to the Senate. The Honourable Senator Wallin says this is on the advice of certain committee clerks; however, I hasten to add that they can be wrong. One might consider that possibility.

Honourable senators, the table officers are not imbued with the ability to be always right. We should bear that in mind. Perhaps, we should look at the process. Just as a bill cannot proceed here on the floor until it is received in the place, so can evidence and papers not be processed in the system until they have actually been received here. The way that committee evidence and papers are received from a committee is by that committee's report.

Senator Banks: Honourable senators, we are always served well by listening to what Senator Cools has to say on procedural matters. Procedural matters in this place are here for a reason. They have been developed over centuries. Therefore, it is

important that we know them and abide by them. However, in this case, based on what I heard His Honour read when he reread the motion, the committee is asking the house, the Senate, to authorize it to take into account evidence that was given during a previous Parliament. I do not mean a previous session of Parliament, but a previous Parliament. One of the good reasons behind Senator Cools asking this question is that the committee in the previous Parliament was a different committee than is the committee in this Parliament. Committee members are different people because it is a new Parliament. However, there may be a distinction. I expect that Your Honour will be asked to make a ruling in this respect: whether the motion is in order and appropriate. I argue that it is because, as I understood the motion, it asks that the Senate authorize the committee to take into account evidence that was adduced in a prior Parliament rather than asking that the Senate refer to the committee something that is in the Senate's possession. That is the point of Senator Cools' intervention.

The Hon. the Speaker *pro tempore*: In response to the Honourable Senator Bank's question, the operative language in the order is:

That the papers and evidence received and taken and the work accomplished by the Committee on this subject during the Fortieth Parliament be referred to the Committee; . . .

Therefore, that is what Senator Banks is referring to.

Senator Cools: Honourable senators, I had not raised a point of order; it was not my intention to raise a point of order. I was attempting to raise the point of proceeding in such a way that the final results are not put at risk or put in question. The object of the study is worthy. However, the fact is that unless the Senate has received those papers and evidence that were taken by the committee, the Senate really does not have the capacity to refer the matter to any committee.

In addition, any committee at any time of the day can make reference in its daily works to its previous work and previous sessions. This is because committees have a long history. The records are there forever. Given that, anyone can use those records.

• (1520)

However, we are not talking about any committee going to its records; we are at a motion that asks this house to refer something to a committee, something that it has never received because no report was ever presented here in any form or fashion. That is all; I do not want to belabour the point.

Honourable senators, I have heard there is a pattern to these motions. Someone has said it is okay. It is not okay. All I am saying is that there is a way to proceed and that way to proceed should try to manage our business in such a way that we do not jeopardize the final results later. After all, this Senate is a court, and we must remember that we should proceed as a court and we should act as though we are a court.

Your Honour, I do not think you would see too many courts using evidence that had not been put before them. Your Honour has been a lawyer and has appeared in many courts and before

many judges. I do not think many judges would make reference to evidence they have never received, and this court has not received the evidence and papers that Senator Wallin is speaking of.

The Hon. the Speaker *pro tempore*: Further debate?

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the presence in the gallery of the Honourable Michael de Jong, Health Minister of British Columbia. Minister de Jong is the guest of the Honourable Senator Jaffer.

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

Hon. Senators: Hear, hear!

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS AND REFER PAPERS AND EVIDENCE SINCE BEGINNING OF FIRST SESSION OF THIRTY-SEVENTH PARLIAMENT

Hon. Mobina S. B. Jaffer, pursuant to notice of earlier this day, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First session of the Thirty-seventh Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2012.

The Hon. the Speaker *pro tempore*: I heard Senator Jaffer move the motion and it was seconded. Senator Cools did not hear the motion, but it has been moved.

Senator Jaffer, do you wish to speak to this item?

Senator Jaffer: No, I do not wish to speak to it.

The Hon. the Speaker *pro tempore*: The Honourable Senator Dallaire, on debate.

[*Translation*]

Hon. Roméo Antonius Dallaire: Honourable senators, the Standing Senate Committee on Human Rights is currently in the midst of preparing a large report on child abuse and child protection. Will this report be tabled before the Senate in the near future or will there be a problem with the tabling of this report as was the case earlier with another report?

[*English*]

Senator Jaffer: Honourable senators, with respect, that is the next motion. May I have permission to respond to Senator Dallaire when the next motion is spoken to? I understand what he is speaking of and the question he is asking about is the sexual exploitation report. That is my next motion.

The Hon. the Speaker *pro tempore*: As I understand it, Senator Dallaire is asking about the clause in the senator's current motion that states:

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First session of the Thirty-seventh Parliament be referred to the committee. . . .

That was previously debated but I do not know if the honourable senator was in the chamber. The Honourable Senator Dallaire was asking Senator Jaffer about that. Is Senator Jaffer able to speak to that?

Senator Jaffer: Your Honour, with the greatest respect, I have nothing further to add to what has already been debated.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY ISSUE
OF SEXUAL EXPLOITATION OF CHILDREN AND
REFER PAPERS AND EVIDENCE SINCE BEGINNING
OF SECOND SESSION OF FORTIETH PARLIAMENT

Hon. Mobina S. B. Jaffer, pursuant to notice of earlier this day, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon the issue of the sexual exploitation of children in Canada, with a particular emphasis on understanding the scope and prevalence of the problem of the sexual exploitation of children across the country and in particularly affected communities;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second session of the Fortieth Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than June 30, 2012, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have been informed that Bill C-2 on mega-trials has just passed in the other place. We should receive it here in the next few minutes. I propose suspending the sitting pursuant to the resolution adopted earlier, with a fifteen-minute bell once the bill has arrived.

Hon. Fernand Robichaud: Honourable senators, could we not remain present here until the bill arrives from the other place? Then we would not have to suspend the sitting or wait for a fifteen-minute bell once the bill arrives. You say that the bill passed in the other place; if I recall correctly, a bill came to us last evening within two or three minutes after it was passed in the other place. Perhaps we could stay here and talk a while. You could counter my argument, for instance.

Senator Dallaire: We could take a union break.

Senator Carignan: I could talk to you for 15 minutes. There are people across the way who are in the habit of speaking for 15 minutes.

Hon. Gerald J. Comeau: Honourable senators, given that we are also waiting for supply bills that could come here within an hour or two, perhaps we could suspend the sitting and come back for all these bills at the same time.

• (1530)

[*English*]

The Hon. the Speaker: Honourable senators may know that our security force would like to conduct an earthquake simulation test in the chamber this afternoon, with all senators available. If it is agreeable to the house, we would suspend. With the permission of honourable senators, I will invite the officials to come in, and a professor will explain all about earthquakes.

Senator Mercer: There is 15 minutes.

The Hon. the Speaker: These speakers on the wall will provide a noise that will simulate an earthquake.

Honourable senators, may we suspend the sitting and invite the officials to come in?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators are asked to stay in their places to experience this simulation.

(The sitting of the Senate was suspended.)

• (1610)

(The sitting of the Senate was resumed.)

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-2, An Act to amend the Criminal Code (mega-trials).

(Bill read first time.)

SECOND READING

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

Hon. Bob Runciman: Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be read the second time now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Runciman: Honourable senators, I am pleased to speak to Bill C-2, the Fair and Efficient Criminal Trials Act. This bill aims to equip the Canadian criminal justice system with better tools to address the significant challenges associated with conducting long and complex cases, also known as mega-trials.

The challenges I refer to are numerous and relate to various factors that contribute to the excessive duration of mega-trials. These include, among other things, the number of accused, the nature and number of charges, the magnitude of the evidence gathered and the challenges posed by its timely disclosure, the number and complexity of the questions of law raised, the extraordinary requirements in terms of human and financial resources, and the specific requirements in terms of security.

This bill aims to structure criminal procedure to function more effectively and expeditiously, while respecting the Canadian Charter of Rights and Freedoms. These amendments relate to strengthening case management, reducing duplication of processes and otherwise improving criminal procedure. This bill also reflects the hard work of stakeholders from various branches of the criminal justice system who are dedicated to making the system more responsive to the challenges raised by these exceptionally long and complex cases.

Stakeholders agree that criminal trials are getting longer, and clearly this is even more of a problem in the case of mega-trials. One of the many factors that contribute to the excessive duration of mega-trials is the proliferation of preliminary motions dealing

with issues such as the disclosure or admissibility of evidence or relating to the Canadian Charter of Rights and Freedoms.

As a result, the preliminary phase of the trial is often prolonged to the point where it can double the overall length of the proceedings. We know of recent cases where the magnitude and complexity of the investigation and prosecution put the trial at risk of collapsing under its own weight due in part to the numerous preliminary issues and the time required for their adjudication. Recent Canadian experience provides a number of examples of some of the challenges faced by the criminal justice system in the area of mega-trials.

In the 1999 cases of *Trang* and *Chan* in Alberta, which involved organized crime, over three and a half years were spent hearing 205 preliminary motions. Some of these involved complex procedural issues such as the admissibility and disclosure of evidence in relation to approximately 281,000 intercepted communications. There were also issues relating to the severance of indictments and the allocation of additional remuneration for state-funded defence counsel, among others. A stay of proceedings was eventually ordered in one of these cases due to an infringement of the accused's Charter right to be tried within a reasonable time. There are many other cases where the preliminary phase of the trial has demanded significant time and resources of the criminal justice system.

The Robert Pickton prosecution in British Columbia is another illustration of a case involving a large volume of evidence, which was reported to include 140,000 swabs of DNA and 500,000 pages of documents, among other things. Ten months were spent adjudicating preliminary motions relating to issues such as expert evidence, admissibility, and disclosure of evidence, as well as publication bans.

Bill C-2 includes amendments that would help to identify and adjudicate issues earlier in the process by allowing for the appointment of a case management judge whose responsibilities would include taking a leadership role in managing the preliminary phase of the trial. Stakeholders agree that stronger judicial control of the preliminary phase of the trial is key to improving the conduct of long complex trials.

In addition to maintaining the momentum of the case, the case management judge would also be empowered to rule on preliminary issues such as those relating to the Charter or the disclosure or admissibility of evidence. Currently under the common law, this role is reserved to the trial judge, which can cause delays when motions are ready to be argued but the trial judge has not yet been assigned. The early adjudication of these preliminary issues is of vital importance to ensure the timely disposition of long complex cases.

I cannot overstate the importance of these tools, particularly in light of the number of preliminary motions that require significant court time and resources. In its report, the Air India commission states that the greatest need to introduce efficiencies to the trial process arises with respect to pre-trial applications. I believe the amendments provided in Bill C-2 achieve this goal.

The Steering Committee on Justice Efficiencies and Access to the Justice System of the Department of Justice Canada was the first of many to propose the appointment of a case management judge empowered to adjudicate preliminary issues and to

generally improve the overall management of large and complex cases. All stakeholders agree that the earlier a judge is involved to manage the case and adjudicate preliminary issues, the more efficient and effective the proceedings will be. As well, the Ontario government's 2008 LeSage-Code report stresses the importance of the early adjudication of preliminary issues, which can be accomplished by the appointment of a case management judge.

Another prosecution that involved an overwhelming volume of evidence is the complex *Norboung* fraud case in Quebec. That case involved five accused charged with over 700 offences, including fraud, conspiracy and falsifying documents.

- (1620)

The jury had to examine a reported 30,000 pages of evidence and hear from 65 witnesses. Unfortunately, after 11 days of deliberations, the jury could not come to a unanimous verdict and a mistrial was declared.

Currently, when a mistrial is ordered, the case law is in a state of flux as to whether a trial judge presiding over a new trial is bound by the decisions on preliminary issues rendered by another judge in the previous case.

To clarify this uncertainty, as well as to avoid a duplication of effort, this bill includes amendments that would make some decisions continue to apply at any new trial ordered as a result of a mistrial. Such a measure speaks directly to the efficiency and effectiveness of the criminal justice system. Parties cannot expect to re-litigate issues that have been argued fairly and adjudicated justly, unless exceptional circumstances can be demonstrated.

These reforms find support from many criminal justice stakeholders, as well as the Air India Commission, which stressed the importance of finality in criminal proceedings in its June 2010 report on the conduct of terrorism cases.

The issue of making certain decisions binding at a new trial resulting from a mistrial was also discussed and endorsed at the 2nd National Criminal Law Symposium in 2010. That symposium brought together representatives from governments, prosecution services, the defence bar, legal aid, the Correctional Service of Canada and the judiciary.

Another factor mentioned earlier that also can impact gravely the conduct of a mega-trial is the number of accused and charges, as well as the nature of the offences involved. Honourable senators may recall *Operation Printemps 2001* that led to the trial of 34 members of the Hells Angels in Quebec on charges of murder, conspiracy to commit murder, trafficking in drugs and participation in criminal organization activities. Given the complexity of the impending proceedings, the court ordered that the trial be severed in two parallel mega-trials, the first involving 13 accused and the other involving 17 accused.

The severance into separate trials was no doubt necessary to ensure the proper management of the case. However, this decision resulted in more than one court hearing evidence in support of similar preliminary issues raised in the separated but related trials. This separation was not only a duplication of effort but also increased the risk of inconsistent rulings.

Bill C-2 includes amendments to reduce this duplication and risk. Where a number of accused are charged in one indictment and a motion for severance is made, this legislation would allow the court to delay the implementation of a severance order to allow for the preliminary motions to be adjudicated prior to the trials being separated. This legislation would not only prevent the duplication of effort but would avoid the risk of inconsistent rulings.

Similarly, where a preliminary motion in relation to the Charter, disclosure or admissibility of evidence is brought in separate but related trials and involves similar evidence, this legislation would empower the court to order a joint hearing so that the issue may be adjudicated at the same time by one judge. Once again, this legislation prevents the duplication of effort and avoids inconsistent decisions.

The proposal in relation to the joint hearings of motions stems from recommendations made by the Federal-Provincial-Territorial Heads of Prosecutions Committee that were endorsed by other stakeholders, including the Steering Committee on Justice Efficiencies and the Access to the Justice System, which I referenced earlier.

Furthermore, the Air India Commission recognized that joint hearings would facilitate severing terrorism prosecutions that have common legal issues where separate trials would be fair or more manageable.

As I mentioned earlier, the increasing duration of criminal proceedings is a cause for great concern. In a speech to the Criminal Lawyers' Association in 2005, Justice Moldaver of the Ontario Court of Appeal stated, "Long criminal trials are a cancer on our criminal justice system and they pose a threat to its very existence."

These long trials are of even greater concern in the case of jury trials, where the discharge of jurors throughout the course of a lengthy trial can reduce the jury below the Criminal Code minimum of 10 jurors, thus resulting in a mistrial.

Bill C-2 includes an amendment to address this concern as it would allow for the swearing of up to 14 jurors when warranted, such as where the trial is anticipated to last an exceptionally long time, which increases the risk of mistrial due to the loss of jurors. The number of jurors for the purpose of deliberations remains at 12. If, at the time of deliberations, more than 12 jurors remain, a random selection process will be provided to determine which jurors are to deliberate. This amendment was proposed by many, including the Air India Commission and the Barreau du Québec.

Serving as a juror is a great but onerous duty. We recognize the tremendous demands on time made by our jurors and we believe that, cumulatively, these legislative proposals will reduce the overall duration of criminal trials, which will in turn reduce the demands we make of our citizens serving as jurors.

This bill also proposes to enhance the protection of jurors' identities so they may participate without fear of intimidation. It includes amendments to change the current jury selection regime

to allow jurors to be called by their number rather than by their names. This change is of particular importance where the trial relates to organized crime or terrorist activities.

These proposals represent the consensus that has emerged with respect to the reforms required to improve the criminal justice system's ability to respond to the tremendous challenges raised by mega-trials. The work conducted by various stakeholders, including the Federal-Provincial-Territorial Heads of Prosecutions Committee the Barreau du Québec, the Steering Committee on Justice Efficiencies and Access to the Justice System, Justice Patrick LeSage and Justice Michael Code, the Air India Commission, as well as all provincial and territorial partners, must be recognized and applauded.

I encourage all senators to lend their support to this bill that aims to improve how long, complex cases are conducted in Canada and that introduces greater efficiency and effectiveness into our criminal justice system.

The Hon. the Speaker: Do honourable senators wish to ask questions or make comments?

Hon. Hugh Segal: Will Senator Runciman take a question?

Senator Runciman: Yes.

Senator Segal: I very much support the legislation the honourable senator has introduced and think it is both necessary and constructive. However, I wanted to impose on the honourable senator's experience as a former solicitor general with respect to some of the procedure, both on the part of the Crown and on the part of the defence attorneys that produced some of the circumstances that made this kind of legislation necessary.

As Senator Runciman will recall from his time as a solicitor general in the Province of Ontario, laying as many charges as possible is often the method by which the police and the Crown proceed when they are in the process of gathering evidence and laying charges. This approach is used if those laws have been broken and charges have to be laid. Also, laying as many charges as possible often allows some negotiation with the accused or with lesser people involved in some of the criminal activity to assist in the investigation overall and the effort to pursue some of those people involved in a more seminal way in the structure.

On the other side, I think it is clear that the defence strategy is often to delay for as long as possible, for precisely the reasons that the honourable senator put on the record a few moments ago. Jurors may become unable to serve, evidence becomes less clear and witnesses and sources become less available. Over time, those reasons often force the Crown to reduce some of the charges based on the likelihood of an effective conviction in the process.

I refer specifically to proposed section 551.1(2) of the bill, which anticipates that, when the special judge is being considered for the purpose of case management, there would have to be a conference involving representatives of the Crown, representatives of the Department of Justice and representatives of the accused. I wonder

whether the honourable senator worries if that particular provision would allow for those same delaying tactics to be applied in a fashion that might gut or dilute the impact of the legislation that he has proposed, which I very much support.

• (1630)

Hon. Anne C. Cools: Honourable senators, perhaps Senator Segal could read that passage into the record. I think it would assist Senator Runciman, and it would be good for all of us as well.

Senator Segal: I thank Senator Cools for her request. As a courtesy, in proposed section 551.1(2), page 2 and line 35 of the bill as presented to us:

The Chief Justice or the Chief Judge or his or her designate may order that a conference between the prosecutor and the accused or counsel for the accused or a hearing be held for the purpose of deciding if it is necessary for the proper administration of justice to proceed with the appointment.

Senator Runciman: Is it safe to respond now?

That question was raised in the briefing with Justice officials, and one of the areas the Chief Judge or Chief Justice, depending on the region, will be looking at is the appointment of judges as case management judges. At the end of the day, it will be placed in the hands of that given judge to ensure that that sort of delaying tactic does not occur. Some members of the bench will be suited for that role, and some will not be suited for that role. Time will tell. Certainly, the minister has great confidence that the chief judges and chief justices across this country will be able to deal with those challenges.

Honourable senators, Senator Segal makes some valid points in terms of policing, but all of the players have a degree of responsibility for the delays that we have seen continue to occur; the Charter challenges have mushroomed, to say the least; and the complexity and growth in the Criminal Code as well. I compliment the government in trying to come to grips with this challenging range of issues.

Senator Cools: Will the honourable senator take a question?

Honourable senators, we all know that the phenomenon of a criminal trial is an extremely enormous one and very difficult and attended by all manner of difficulties and challenges. I do not know the bill very well because we have only just received it a few minutes ago. I have not had an opportunity to review it adequately.

In the business of scheduling trials and selecting judges for different trials and so on, I assume that the court system and the chief justices must have a pretty elaborate system. My question relates to this fact. Do we actually need legislation to be able to perform what seems to be a very reasonable set of tasks, or is this something that could have been done without legislation, and by merely engaging in the cooperation of the judges, to the same end? I am not sure, because, as I said before, I have not had a chance to review the bill, but I am wondering if Senator Runciman could

[Senator Runciman]

elaborate on specifically why this legislation is needed. I am probably quite blind and have not been lucky enough in my first glance to have spotted the section.

Senator Runciman: Honourable senators, I mentioned in my speech the number of organizations and individuals that have looked at these challenging issues. It is through that consultation and collaboration that this bill has been developed. Justice LeSage will appear before Standing Senate Committee on Legal and Constitutional Affairs later today. You may wish to attend that committee meeting. I know Justice LeSage and Justice Michael Code from Ontario very well. I will mention the organizations again: the Federal-Provincial-Territorial Heads of Prosecutions Committee, the Barreau du Québec, the Steering Committee on Justice Efficiencies and Access to the Justice System and the Air India commission. All of the provinces and territorial partners agree that this is the appropriate initiative.

Senator Cools: I understood what the honourable senator said earlier. Senators who are not from Ontario may not appreciate who Mr. Justice Patrick LeSage is, but I can tell you he is a most eminent person, a very erudite judge, and a judge very well respected and held in high esteem in Ontario and upheld by myself personally in that very way. As a matter of fact, I believe, and you will remember, Mr. Justice LeSage was the very judge who presided over the Paul Bernardo trial. He was the trial judge in that instance.

Honourable senators, I will cease here, but I am very curious. I know more than a little, as you know, about some of these processes, and I was reading some years ago that, in the old days, in some jurisdictions, there used to be something called the council of judges, bringing judges together to discuss the actual processing of cases. Somewhere, in some jurisdiction, I cannot say with certainty, but in some Commonwealth area, they were trying to activate that concept so that greater attention could be given to the fine tuning of the many details around court processes, in other words, engaging the talent base of the judges in many other varied ways. I am sympathetic. The honourable senator is a former Solicitor General. These are not simple matters.

Hon. George Baker: Honourable senators, I will be very brief. In fact, I might inform senators that the Standing Senate Committee on Legal and Constitutional Affairs is dealing with this bill right now at this very moment. As Senator Runciman said, we will have the judge as a witness. In fact, he will start in about 20 minutes. The minister is presently giving evidence before the committee.

I might make note, before concluding on that comment, that it took the House of Commons five minutes in committee to pass this bill — five minutes. They heard no witnesses. They heard the minister, yes, and the Crown prosecutors association, but that was the extent of the examination. Then it was deemed to have been reported, and third reading was given today. The House of Commons has once again displayed that it is a very poor legislative body. That is left to the Senate to do. It does an excellent job in keeping the government accountable to the people of Canada through Question Period. When you look at the judgments of our courts, you see the Senate mentioned three times more than you see the House of Commons mentioned in arguments in judgments. If you did a count on it Westlaw Carswell, you would discover that has been the case over the past two decades.

Honourable senators, in my few remarks, first let me say, in answer to the questions that have been put, that as far as case management is concerned, section 482 of the Criminal Code, passed many years ago, allows for case management of trials. Section 482 of the Criminal Code is in the section that allows for the making of rules in our courts. We have rules in our provincial courts, in our superior courts in the provinces, and rules for the Court of Appeal and rules for the Supreme Court of Canada, and they are under that section. That section was changed some years ago to allow for the appointment of case management judges. When you have a trial in a criminal matter such as the one we have before us, you have a judge who does case management. That is for the purpose of facilitating passage of the trial. In other words, they set dates. The case management judge sets the time for the notice of applications on constitutional questions.

• (1640)

Currently, our courts have that provision. Every province and territory in this country has case management judges in complicated criminal matters who set the rules so that the trial will progress on time. Bill C-2 proposes to take it way beyond that measure in section 482. To understand the bill, one would have to read the judgment in *Auclair c. R.* from May 31, 2011. In the case, 156 persons were charged. The Hells Angels were being investigated by the Royal Canadian Mounted Police between 1992 and 2009. It was a long time. One can imagine the amount of disclosure involved in this case, given that telephones were tapped for 17 years.

In April 2009, 156 persons were charged with offences that included murder, conspiracy to murder, trafficking, and conspiracy to traffic. The case management judge had heard some pre-trial arguments and was prepared to decide how the trial would proceed. Arguments were presented by the prosecution and the defence. The defence had asked for particulars on exactly which charges pertained to their respective clients of the 156 counts. There were more counts than that as 156 persons were charged.

In his final judgment, the judge criticized the prosecution for not separating the 156-person series of counts into the proper allocations. A section of the Criminal Code says that one cannot join two trials that involve murder. The judge then chastised the federal government for not having enough judges and chastised the Government of Quebec for not having enough courtrooms. The judge identified that only two courtrooms existed in Quebec that could hear trials of more than 12 persons of the nature that were being charged in this case. They needed security, a secure facility, and available judges, but only two courtrooms in Montreal, Quebec, qualified.

The 156 people would have to be tried in two courtrooms in Montreal. The judge determined that it would take two years to try each lot; and there were approximately 12 persons in each lot. The first cases heard were for murder, and the second cases were for conspiracy to murder. Those charges were enjoined with charges that the Hells Angels was a criminal organization. As honourable senators know, the definition of “criminal organization” was put in the Criminal Code not too long ago. There has been no real case law to date on what is defined as a “criminal organization.” The case law has gone back and forth on whether the Hells Angels is a criminal organization.

The judge had to assign the cases in order of importance to the only two courtrooms that qualified. He reasoned that the people of Canada would be outraged if persons charged with murder and conspiracy to murder were put at the bottom of the list and did not have their cases heard until 2020. That is the way the trials were arranged.

The judge reasoned on application that the 31 people at the bottom of the list who were charged with trafficking in Schedule 1 drugs — cocaine and large amounts of marijuana — would be set free because delaying their trial until 2021 would be a violation of section 11(d) of the Charter.

That is what we were left with, and that is why the government today wants honourable senators to pass this bill before the house rises. The trials involving the first murder accusations are to start on Monday and will last for two years. I recently received a copy of Bill C-2. When I look at a bill, I always look at what is new to the Code and underlined in the bill. A vertical line indicates a completely new section.

There are 11 pages in the bill, and 7 of them have vertical lines indicating a new section proposed for the Criminal Code. Looking at those sections, one can see the big heading, “Case Management Judge,” as Senator Runciman pointed out. What is the function of the case management judge? What is the principle of the bill? What is the gravamen of the legislation? Looking at it, one notices that it says to adjudicate such matters as “(i) the disclosure of evidence, (ii) the admissibility of evidence, (iii) the *Canadian Charter of Rights and Freedoms*.”

Honourable senators, before the Legal Committee we will hear from the Canadian Bar Association, the Canadian Defence Lawyers Association, representatives of the police forces — who will be most affected by this legislation, and the prosecutors. I imagine that the first question asked will be: What is a mega-trial? Why is there no reference in the bill to the definition of “mega-trial?” I think there is a good reason for that lack of reference.

We have megahertz, meaning one million hertz, and megapixels, meaning one million pixels. However, in Canadian law there is a definition for “mega-trial.” It is a criminal trial involving multiple accused and multiple charges lasting for a lengthy period.

Every trial in which there are multiple accused and multiple charges lasting for a lengthy period qualifies as a mega-trial. That would include all our cases under the Controlled Drugs and Substances Act, for example.

• (1650)

There will now be a procedure put in place by which there will be a case management judge who will appoint another judge. Now we are up to two judges handling the same matter. What will that second judge determine? They will determine matters concerning the Canadian Charter of Rights and Freedoms prior to the trial.

There are words repeated throughout this legislation: “before the hearing of the evidence on the merits.” Your Honour will be familiar with that phrase. That means the evidence at trial. Senator Andreychuk, given her role as a judge, would also

understand very clearly what that means. It means one does not have on the record the evidence used in this pre-trial procedure of determining questions concerning the Canadian Charter of Rights and Freedoms.

How can one decide if there is a violation of the Canadian Charter of Rights and Freedoms from within a vacuum? How can one decide the normal violations? Honourable senators know the violations very well. One starts when someone is charged. That is subsection 10(a). One must be told why one has been detained. Subsection 10(b) provides rights to counsel. Section 8 covers illegal search. Section 9 is about arbitrary detention. Section 7 covers fundamental rights. That is disclosure. At the end of the process, one comes to section 11(b), which is trial within a reasonable period of time.

Therefore, how can it be determined whether a search warrant should have been issued for someone’s home if one does not have the evidence that will be used at trial? This is the problem that I see on the face of it, in principle.

Today, if one goes into court trial and reads all the judgments that are put out concerning this matter, one will discover, as honourable senators know, that the defence puts forward a notice of constitutional question. Then the judge says, “If you are putting forward an argument, you have to present the evidence to back it up.”

That means they have to subpoena the police and the affiants of the sworn information to obtain. All these people must be subpoenaed by a defence counsel. To help, every judge in every province today says, “Crown, you will lead the evidence. We will start the trial and when we get to that point in the trial, we will hear the Charter argument.”

The overriding question is how one can have such a determination? As Senator Runciman pointed out, the Canadian Charter of Rights and Freedoms has imposed incredible responsibilities on the court ever since 1983. It is getting a bit worse because we keep passing legislation. The Criminal Code has doubled in size since section 482 came to be, which I referred to earlier.

It is a huge problem. How do we solve it? Do we solve it by having another judge?

I am simply looking at the principle of the bill, because I think everyone will support this bill. However, we have to be careful that we do not pass legislation that allows the guilty to be set free at the end of the day because the trial has not yet finished after 10 years.

Without the appointment of more judges, how can one even deal with the matter under consideration in this bill? Those are some of the questions that will be asked of the witnesses, especially of the judge who is appearing in another few minutes. Senator Runciman and I hope that we will be there in time to question him.

Thank you very much.

[Senator Baker]

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

[*Translation*]

Some Hon. Senators: Question.

Senator Cools: Honourable senators, I want an answer. I thank Senator Baker for clarifying to this house the fact that our criminal justice system is shared. The Criminal Code is legislated and is federal. However, the power to make rules, the administration of the courts and the administration of justice is really provincial. Maybe I was not clear with Senator Runciman. I would not mind if Senator Baker would give an opinion on the following.

It seems to me that the power to make the rules is rather enormous under section 482 of the Criminal Code. I put to him the same question that I put to Senator Runciman. Do these changes actually need legislation, or could these changes be made through the use of section 482 and the judicial organization within the administration of justice itself? The more laws that are made, the more complicated everything becomes. Everything is pretty complicated as it is.

Senator Baker: I thank the senator for the question. No, it could not be done without a change in legislation.

One cannot have a determination of another court apply to a determination in one's trial. One cannot have, and a judge would not permit, a "collateral attack" — an interlocutory measure. In other words, things cannot be going on at the same time in the same trial.

If there is determination in a trial, say on a Charter argument, one cannot go and appeal that immediately. One has to wait for the entire trial to be over, after the judgment is given. Then one has the right to appeal. A judge who makes a determination in another court that will apply to one's trial would be a collateral attack on a judge of the same stature. In other words, a superior court judge is making a pre-trial decision that affects the courtroom and the trial of another superior court judge in the same trial. That is what this bill says. That is not permitted under the law, and so this legislation is needed to do it.

There is no doubt that, as Senator Runciman said, the legislation is supported by practically all those who have studied the matter; the issue is that, I suppose, some of us are rather doubtful as to its outcome.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read the second time.)

REFERRED TO COMMITTEE

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

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

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to order adopted earlier, I propose that we suspend the sitting until we receive the bills that are to be passed this evening.

[*English*]

The Hon. the Speaker: Honourable senators, is it agreed that we suspend to a 15-minute bell?

Hon. Senators: Agreed.

The Hon. the Speaker: Do I have permission to leave the chair?

Hon. Senators: Agreed.

(The sitting of the Senate was suspended.)

• (1950)

(The sitting of the Senate was resumed.)

APPROPRIATION BILL NO. 1, 2011-12

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-8, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2012.

(Bill read first time.)

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

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

APPROPRIATION BILL NO. 2, 2011-12

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-9, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2012.

(Bill read first time.)

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

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 57(1)(f), I move that the bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

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

(The Senate adjourned until Thursday, June 23, 2011, at 1:30 p.m.)

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