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OFFICIAL REPORT
(HANSARD)

Tuesday, November 1, 2011

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Tuesday, November 1, 2011

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

Prayers.

SENATORS' STATEMENTS

TEACHERS INSTITUTE ON CANADIAN PARLIAMENTARY DEMOCRACY

Hon. Ethel Cochrane: Honourable senators, I rise today in recognition of the Teachers Institute on Canadian Parliamentary Democracy, which is taking place this week on Parliament Hill.

This remarkable program, which is organized by the Library of Parliament under the auspices of the two Speakers, provides teachers with a unique opportunity to become students again.

Indeed, for the more than 70 teachers from across Canada who are participating, parliamentary democracy comes alive this week.

These teachers are here for a sort of professional development boot camp, in which they gain a wealth of first-hand knowledge and insight into the inner workings of our political system. They will learn about aspects of parliamentary democracy that they have read about in textbooks, but they will supplement that with, to use the words of one former participant, "the anecdotes that you never find in a document."

These teachers will get to meet and engage with parliamentarians and journalists. They will observe Question Period, parliamentary debate and committee meetings first-hand. They will work together with peers from across the country to explore and develop new ways to teach students about Parliament, democracy, citizenship and governance, and they will even discover a wealth of new resources and tools to bring back to their classrooms.

Honourable senators, this is a truly invaluable personal and professional development exercise. I am sure all of us in this chamber can agree that it is when we speak with others and see that we share similar experiences and challenges that we learn some of life's greatest lessons.

With that in mind, I encourage all honourable senators to participate by attending the dinner with parliamentarians on Wednesday night at the Château Laurier and by arranging a meeting in your office with teachers from your province or from your region.

I would like to take this opportunity to thank our Honourable Speaker, as well as his colleague from the other place, for continuing to support this important initiative. I also commend the Library of Parliament for organizing and overseeing every aspect of this impressive program. It is, I am sure, a labour of love.

Finally, I invite all honourable senators to join with me in applauding all of our teachers. Their professionalism, hard work and dedication inspire us and give us tremendous confidence in Canada's next generation of leaders and informed citizens. We thank you for the important work that you do.

AFGHANISTAN—FALLEN SOLDIER

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of Master Corporal Byron Garth Greff, whose tragic death occurred on Saturday while serving his country in Afghanistan.

Honourable senators then stood in silent tribute.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Chief Justice of the Supreme Court of Israel in the person of Dorit Beinisch, who is visiting the Supreme Court of Canada with a number of her colleagues from the Supreme Court of Israel.

On behalf of all honourable senators, I wish to extend to you, Chief Justice, the warm welcome of the Senate of Canada.

Hon. Senators: Hear, hear!

HUNGERCOUNT 2011

FOOD BANKS USAGE IN CANADA

Hon. Wilfred P. Moore: Honourable senators, I rise today to mark the release of HungerCount, the annual report from Food Banks Canada, and to bring your attention to a growing problem in Canada.

March 2011 saw the second highest usage of food banks in this country since 2008. In fact, food banks usage has risen 26 per cent since 2008. Each month in Canada, 851,000 people find themselves having to access a food bank. Honourable senators, 322,000 of this total are children. Forty-seven per cent of that 851,000 are women. Twenty-four per cent identified themselves as First Nations, Metis or Inuit. Almost 20 per cent were immigrants. Five per cent were seniors.

Honourable senators, 12 per cent of those using food banks are actually working but cannot afford food for their families. Over 90,000 Canadians visit food banks for the first time each month. This is a disgraceful situation, which cries out for attention.

In my own province of Nova Scotia, 22,000 people sought assistance from food banks. Fully one third were children, and that represents an increase of 32 per cent in total use since 2010 in Nova Scotia.

Food Banks Canada recommends three main means of reducing the need for food banks in Canada. First, invest in affordable housing so that Canadians do not have to choose between paying rent and feeding their families. Second, modernize employment insurance to better support older workers who have lost their permanent jobs. Third, create federally led programs to ensure that Canadian jobs are well-paying jobs.

Honourable senators, in light of these concerning numbers, I would ask the government to move to alleviate the pressure on Canadian families who can no longer provide the food their families need.

• (1410)

After all, Canada is one of the wealthiest nations on Earth. We should, as a society, provide the basics for our citizens so that they may have the dignity of providing for themselves and their families.

VETERANS' WEEK

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to speak to you about our veterans. We Canadians honour our veterans every year during Veterans' Week from November 5 to 11. During this week, hundreds of ceremonies and events take place to remember the achievements of our veterans and to honour those who made the ultimate sacrifice.

November 11, Remembrance Day, should be more than something you feel; it should be something you do. I urge all Canadians to attend a ceremony, visit a local cenotaph or monument, and to wear a poppy with pride. I urge all honourable senators to ensure that every cenotaph in their region not be left without a wreath on November 11.

As senators, we have a unique opportunity to ensure that all Canadians know how grateful we are to our veterans. They were, and are, ordinary people who have accomplished extraordinary things in the name of freedom, democracy and the rule of law.

This is not just about the past. We have present examples of heroism. Master Corporal Byron Greff, a young soldier from Alberta, lost his life in Afghanistan last weekend while on a training mission. Last week we lost a member of our extraordinary search and rescue unit, Sergeant Janick Gilbert, during a mission in Nunavut.

Our soldiers and veterans are a source of pride. They place, or did place, themselves in harm's way all the time without question for us and for the values this country stands for.

Honourable senators, let us stand together to honour our veterans past and present. Let no cenotaph be without a wreath on November 11. They died for us, for their homes, for their families and their friends. They died for Canada. We will remember them.

[Senator Moore]

FIRST NATIONS ACHIEVEMENTS IN SASKATCHEWAN

Hon. Pana Merchant: Honourable senators, on October 14, 2011, two significant events of progress and accomplishment took place in Regina.

For the first time in Canadian history, a First Nations flag was flown in front of a government building. The Treaty 4 flag now has a permanent home in front of Regina City Hall, alongside the Canadian and Saskatchewan flags.

Treaty 4 was signed on September 15, 1874 at Fort Qu'appelle in Saskatchewan. There are 34 First Nations in Treaty 4 territory, 27 in Saskatchewan and 7 in Manitoba. The flag-raising ceremony was the culmination of several years of discussion and relationship building between the City of Regina and south Saskatchewan First Nations.

That same afternoon, I had the honour to witness the installation of the ninth president of the First Nations University of Canada, Dr. Doyle Anderson.

[*Translation*]

Dr. Anderson was led into the Regina campus by a drum group, dancers, veterans, chiefs, his family and university colleagues from across the country. During the ceremony, as he was sworn in by the Chair of the Board of Governors, Della Anaquod, he was cloaked in an academic robe and given a medallion in traditional First Nations colours, decorated with beadwork and eagle feathers.

[*English*]

Dr. Anderson, a member of the Red Pheasant Cree Nation, was given a Cree name by Elder Pat Bugler, which translated into English is "Keeper of the Lodge."

In the early 1990s, he was on the faculty of the First Nations University of Canada, then known as the Saskatchewan Indian Federated College. He went on to be the founding executive director of the Indigenous Nations Institute and a founder and director of the Native American Business Administration Program at Idaho State University.

The installation of the new president is just one sign that the First Nations University of Canada is back on track, having again secured federal and provincial funding, a balanced budget, a cleared deficit and a clean audit from KPMG. The First Nations University of Canada welcomed nearly 700 full-time students this fall and over 5,000 are taking their 276 courses.

[*Translation*]

I sincerely congratulate Dr. Anderson and welcome him.

[*English*]

I am certain all honourable senators will join with me in recognizing these two historic events.

[*Translation*]

ROYAL 22ND REGIMENT

BEAVER EMBLEM

Hon. Roméo Antonius Dallaire: Honourable senators, I did not plan on talking about the Royal 22nd Regiment. However, last Saturday night, I attended an event at the Valcartier military base. It was a fundraiser for the Valcartier Military Family Resource Centre, which looks after families of soldiers in the greater Quebec City area who have served overseas and are currently serving in our Armed Forces. There were more than 700 guests and the organization raised \$377,000. This money is very important to the organization in order to support its operations. The Treasury Board does not think it is appropriate for the centre to be funded by the federal government. People on the base believe that this money is essential to meet their needs.

The Valcartier and La Citadelle bases are the home bases of the Royal 22nd Regiment. The emblem of the Royal 22nd Regiment is a beaver. Therefore, they are known as the “queues plates,” or the flat tails.

My father joined the 22nd Regiment at La Citadelle as a soldier in 1929, and my father-in-law joined the 22nd Regiment at La Citadelle in 1928 as a lieutenant.

It is interesting to follow the history of the beaver within the Armed Forces. In 1871, before the Canadian Armed Forces were created, there were militia regiments under British rule that regularly used the beaver on their emblems. After the Armed Forces were established in 1871 and until they were mobilized in 1914, the Canadian Army and many of the regiments that were created used the beaver as their emblem. They had two emblems: the beaver and the maple leaf.

Of all the regiments that were mobilized during the Second World War — as it happens, this is the time of year when we remember our military history and our veterans — 178 were infantry regiments. Only one of these 178 infantry regiments was a francophone regiment. All the other francophones were scattered throughout the rest of the army. At that time there was a fear that if the francophones were grouped together, they would create a second army, and God knows what they might have done. Their loyalty was in doubt.

The point is that the only French Canadian regiment chose the beaver as its emblem. Below the beaver are the words “Je me souviens” or “I remember.” Why? It is not necessarily because beavers have good memories, although they seem to be able to get things organized around the lakes where they live but, rather, because “Je me souviens” has ties with the former French regime. The former regime was based on the fur trade, which was successful because of the beaver; therefore there was a direct link.

When the new flag was adopted in 1967, my father, who had served under the Red Ensign, was offended. He said, “I fought under the Red Ensign but I am prepared to accept the new flag because it has a maple leaf on it.” There was still a link.

When the beaver became Canada’s national emblem in 1975, it had a fundamental link with nearly 400 years of history. The beaver is still around. It is found on the berets of soldiers in the Royal 22nd Regiment, on armoured vehicles and on the uniforms of the engineers who died at the front, demining the path to the right and to the left, so that the other beavers of the Royal 22nd Regiment could carry out their mission. This is not the time to toy with serious things, honourable senators. It is not the time to toy with the loyalty and conviction of people who die while displaying their national emblem.

• (1420)

[*English*]

THE LATE HONOURABLE BARNEY DANSON, P.C., C.C.

Hon. Art Eggleton: Honourable senators, I rise today to pay tribute to Barney Danson, who passed away on October 17, 2011.

Barney was a truly great Canadian who served this country in times of both war and peace. He was born and raised in my home city of Toronto. At the age of 17, he joined the Queen’s Own Rifles of Canada with his best friends because he wanted to fight the Nazis. Barney lost four of those best friends and the sight in one eye while fighting in Normandy. He was a war hero, and these experiences had a profound effect on him and his future actions.

He wrote in his memoirs:

If you fought for your country, you had a right to play a part in changing its future, as well as a responsibility to do so.

This was his motivation to run in the 1968 federal election campaign in the riding of York North. Interestingly, he beat Immigration Minister Jason Kenney’s grandfather, Mark Kenney — not in the election, but to take the Liberal nomination.

Barney held a number of portfolios in the government of Prime Minister Pierre Trudeau, the last of which was Minister of National Defence, which I later had the opportunity to serve in. He called me frequently, giving his advice on how I should do the job. As Minister of Defence, he set out to modernize the Armed Forces by setting the stage to purchase new CF-18 fighter craft and by opening up all areas of the Armed Forces to women.

However, there was much more to Barney than just politics. He was proudest in his role in helping to establish Katimavik, a group that educates youth and spurs them on in lifelong civic engagement through community service. Barney said that the camaraderie reminded him of his time in the army.

His leadership and tireless fundraising efforts were instrumental in building the Canadian War Museum. He also produced a highly acclaimed Canadian television series entitled *No Price too High*, based on Canada’s role in the Second World War.

Barney left an enormous legacy, and his accomplishments will live on in those achievements. In recognition of his lifetime of outstanding service in this country, he was named a Companion of the Order of Canada in 2008.

He once said:

I never cease to wonder why I have been so blessed while wartime friends had their lives cut tragically short. I like to think that I kept my promise to those friends to be part of efforts to make Canada a better place. That is the least I could have done, both to honour their sacrifice and to show my gratitude for all that I have received.

Honourable senators, he certainly made Canada a better place, and all Canadians in turn owe him a debt of gratitude for his sacrifice and service to our country.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of members of a delegation from Lesotho: The Honourable Dr. Leketekete Ketso, Her Excellency Dr. Mathabo Tsepa, Mrs. Mabaitse Motsamai, and Mrs. Maria Ncholu. They are guests of the Honourable Senator Meredith.

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

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, we recognize also in the gallery the Honourable Marcel Prud'homme, our former colleague, who is, as we know, a distinguished member of Her Majesty's Privy Council of Canada.

To the Honourable Marcel Prud'homme, welcome back to the Senate of Canada.

[*Translation*]

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF MR. MARK JILES

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report on the investigation into the lobbying activities of Mark Jiles, pursuant to section 10.5 of the Lobbying Act.

REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF MR. GRAHAM BRUCE

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report on the investigation into the lobbying activities of Graham Bruce, pursuant to section 10.5 of the Lobbying Act.

[Senator Eggleton]

[*English*]

REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF MR. RENÉ FUGÈRE AND MR. ANDRÉ NOLLET

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report and the investigation on the lobbying activities of René Fugère and André Nollet, pursuant to section 10.5 of the Lobbying Act.

[*Translation*]

REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF MR. PAUL BALLARD

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report on the investigation into the lobbying activities of Paul Ballard, pursuant to section 10.5 of the Lobbying Act.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Her Excellency Rose Francine Rogombé, Speaker of the Senate of Gabon, and of a parliamentary delegation.

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

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RESEARCH AND INNOVATION EFFORTS IN AGRICULTURAL SECTOR—THIRD REPORT OF COMMITTEE PRESENTED

Hon. Percy Mockler, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Tuesday, November 1, 2011

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

Your committee, which was authorized by the Senate on Thursday, June 16, 2011, to examine and report on research and innovation efforts in the agricultural sector, respectfully requests funds for the fiscal year ending March 31, 2012, and requests, for the purpose of such study, that it be empowered to travel inside and outside Canada.

- (a) engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study; and
- (b) travel inside Canada; and
- (c) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and

Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

PERCY MOCKLER
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 348.)

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

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

[English]

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS—SECOND REPORT OF COMMITTEE PRESENTED

Hon. Mobina S.B. Jaffer, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, November 1, 2011

The Standing Senate Committee on Human Rights has the honour to present its

SECOND REPORT

Your committee, which was authorized by the Senate on Wednesday, June 22, 2011, to examine and report on issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations, requests funds for the fiscal year ending March 31, 2012, and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary; and
- (b) to travel outside Canada.

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

Respectfully submitted,

MOBINA S.B. JAFFER
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 358.)

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

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

[Translation]

THE SENATE

MOTION TO AFFECT TODAY'S COMMITTEE OF THE WHOLE ADOPTED

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

That when the Senate sits as a Committee of the Whole today, it proceed as follows, notwithstanding the order adopted on October 26, 2011:

(a) Ms. Patricia Hassard, Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, and Ms. Michelle d'Auray, Secretary of the Treasury Board of Canada, appear for a maximum of one hour before Mr. Ferguson; and

(b) Mr. Michael Ferguson then appear for a maximum of one hour;

after which the Committee of the Whole shall report to the Senate.

• (1430)

[English]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, although we will give leave to deal with the government's motion, we are still not happy with the format laid out for the hearing of the witnesses. We would have preferred hearing from the three witnesses concurrently, given that the arbitrary limit of one hour for Mr. Ferguson and one hour for Ms. Hassard and Ms. d'Auray will not give the committee the flexibility to engage in a thorough questioning of the witnesses.

The interrelated subject matter of the questions asked of Mr. Ferguson, Ms. Hassard and Ms. d'Auray makes it highly likely that the answer of one witness may beget another question of a different witness.

In spite of these concerns, we will, however, honourable senators, give leave.

The Hon. the Speaker: Leave has been given.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NATIONAL FINANCE

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES AND TRAVEL—STUDY ON POTENTIAL
REASONS FOR PRICE DISCREPANCIES OF CERTAIN
GOODS BETWEEN CANADA AND UNITED STATES—
FOURTH REPORT OF COMMITTEE PRESENTED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, November 1, 2011

The Standing Senate Committee on National Finance has the honour to present its

FOURTH REPORT

Your committee, which was authorized by the Senate on Thursday, October 6, 2011 to examine and report on the potential reasons for price discrepancies in respect of certain goods between Canada and the United States, given the value of the Canadian dollar and the effect of cross border shopping on the Canadian economy, respectfully requests funds for the fiscal year ending on March 31, 2012 and requests, for the purpose of such study, that it be empowered:

- (a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary;
- (b) to travel inside Canada; and
- (c) to travel outside Canada.

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

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 366.)

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

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

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY AIR CANADA'S OBLIGATIONS UNDER
THE OFFICIAL LANGUAGES ACT AND TO REFER
PAPERS AND EVIDENCE SINCE BEGINNING OF
SECOND SESSION OF THIRTY-NINTH PARLIAMENT

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

That the Standing Senate Committee on Official Languages be authorized to examine and report on Air Canada's obligations under the *Official Languages Act*;

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

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

QUESTION PERIOD

OFFICIAL LANGUAGES

CANCELLATION OF FUNDING FOR OFFICIAL
LANGUAGE MINORITY COMMUNITY
HEALTH RESEARCH

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. The health research initiative in official language minority communities has been cancelled. It was being managed by the Canadian Institutes of Health Research.

This initiative is key to the development of official language minority communities because it provides data on the health of these groups and such data are often requested when communities apply for funding from various departments. The research initiative has been cancelled, there are no data and the funding applications may be considered incomplete.

My question is as follows: before this research initiative was eliminated, did the government consult any official language minority communities? Before this research initiative was eliminated, did the government conduct an assessment, a study, of the impact this would have on official language minority communities?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am not aware of what research facility that Senator Chaput is referring to, so I will simply take her question as notice.

[Translation]

Senator Chaput: Given that the Leader plans on getting the information, if an assessment was done, I would like to have a copy. I would also like to know who made the final decision to eliminate this research initiative, when that decision was made and why.

[English]

Senator LeBreton: I thank the honourable senator again. As I am totally unaware of exactly what program the honourable senator is referring to, and therefore I do not know the origins or background behind it, I can make no such commitment. However, I will take the honourable senator's question as notice and attempt to answer it as best I can.

PUBLIC SAFETY

LONG-GUN REGISTRY

Hon. Jim Munson: I have a question for the Leader of the Government in the Senate. We know what she wants to do with the gun registry, but now there are reports of what the government wants to do with the data — all the data which has been useful to police for the last many years.

There are some provinces that are very interested in that data, particularly the province of Quebec. Some provinces may want to establish their own strategy or gun registry. Why would the government destroy it?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, it has been well known for quite some time that our government — even before we formed government — as part of our commitment to law-abiding Canadian hunters, farmers and legitimate firearms owners, would abolish the long-gun registry. This is not to be confused with the very strict gun laws already in place in this country. Our commitment was to destroy the long-gun registry and I would suggest that is exactly what we are doing.

The long-gun registry contains names in it and we are simply following up with a commitment. That is exactly what we will do: destroy the registry which, by the way, does not have complete and accurate information.

Senator Munson: Honourable senators, I would be curious to know how the registry will be destroyed: maybe a bonfire on Parliament Hill or something along that line.

When the legislation was reintroduced last week, it came at a time when Canadians are recognizing the urgent need to develop a comprehensive national suicide strategy.

Here is what Denis Côté of the Federation of Municipal Police Officers of Quebec, had to say referring to rifles and shotguns:

They are the guns most often used to kill police officers, in domestic violence situations and in suicides, particularly those involving youth.

There are some interesting facts about all of this when it comes to suicide and long guns. A U.S. study published in the *New England Journal of Medicine* determined that at a home where there are firearms it is 4.8 times more likely to be the scene of a suicide than a home without.

In our own country, as of 2003, as much as 78 per cent of deaths involving a firearm were, in fact, suicides. Furthermore, the leader might be surprised to learn that in 2004, 475 firearm-related suicides involved a long gun, a number 5.4 times greater than the number of suicides committed with a handgun. This has decreased, thankfully, but why would the government not take these sorts of facts and figures into consideration in dealing with the long-gun registry as an essential tool in an effective national suicide prevention strategy?

• (1440)

Senator LeBreton: I actually saw some of the reports that the honourable senator referred to. The fact is that suicide is a very serious issue in this country. I have heard both sides of the argument, but I have also heard the compelling argument that people who decide to take their own lives will do so by whatever means are at hand. Most important, the existence of a long-gun registry would not have prevented the unfortunate act of suicide.

The long-gun registry is exactly that — a registry. The information now is not complete. Thanks to two Conservative governments, we have very strict gun acquisition laws that require all people who are desirous of purchasing a firearm to fill out a licence, with police checks. It is a rigorous process. Nothing changes there.

The only thing that changes is the long-gun registry, which for quite some time we have been committed to abolishing; and you cannot abolish a registry without abolishing the registry.

Senator Munson: Well, the proof is in the proof is a proof, I guess.

Another side of the story is that shortly after this was tabled, the Canadian Association of Emergency Physicians condemned the bill as poor public policy, stating that the country's need for a gun registry is not based on crime prevention but, rather, on suicide prevention. Their spokesman, Dr. Alan Drummond, a rural emergency physician and coroner, stated:

... I can safely say that I've never seen a handgun injury. I have however seen my share of injuries and deaths inflicted by rifles and shotguns. ... Suicide, contrary to public opinion, is often an impulsive gesture. Keeping guns away from depressed people is essential.

Dr. Drummond called this legislation “scientifically bankrupt,” and he also said the following:

The government has consistently portrayed this act as a victimization of rural long gun owners, conveniently ignoring the clear scientific evidence that rural suicides with long guns are the principal issue in the tragic toll of Canadian firearm deaths.

We have all had friends and acquaintances. This is about connecting health care workers, doctors and others. If you know there is a long gun in that person’s home, perhaps a light goes on and things can be done.

What tools will the government provide to rural area physicians so they can continue to play a crucial role in the prevention of suicides among Canadians who own shotguns and rifles?

Senator LeBreton: Of course, the honourable senator read into the record the opinions of one person. There are many opinions of others that I could read into the record.

The fact of the matter is that we do have strict firearms laws in this country, including the safe storage of these firearms. The idea that a registry of the firearms could somehow or other prevent people who are determined to commit suicide from doing so is simply not borne out by the facts.

Many police officers, including former police officers in our own caucus and others I know personally, would never enter any facility and rely on the registry. Their instincts, as good police officers, would tell them to assume the worst. No police officer enters any facility and judges their safety on the basis of an incomplete firearms registry.

Hon. Gerry St. Germain: Honourable senators, my question is also for the Leader of the Government in the Senate.

I was in this place in the early 1990s, when that side said \$2 million, and we have wasted \$2 billion that we could have spent on many things, such as education for our Aboriginal youth. However, that is beside the point.

We made a promise, did we not, leader? We said that we would revert back to pre-Bill C-68.

Heckle all you want; the fact is that either you lied or it was total misappropriation of funds.

We made a promise that we would go back to pre-Bill C-68. Pre-Bill C-68, there was no registry for long guns and there was no registry per se. Is that not what we are going back to, just as we promised Canadians and on which we won a majority government? I have heard enough about this particular issue. I am fed up with it. It has destroyed lives.

An Hon. Senator: Destroyed whose life?

Senator St. Germain: Some of our First Nations, who sat on your side, were victimized by this; their sons were victimized. I will not mention his name, but he was an Aboriginal person.

My simple question is the following: We are doing what we promised, are we not?

Senator LeBreton: I thank the honourable senator. Yes, indeed we are, and we promised it in 2004, when we were not successful; in 2006, when we were successful; in 2008, when we were successful; and now in 2011.

The honourable senator is exactly right. Senator St. Germain and I well remember the debate in the Senate when he put a motion, which was supported at the time by his colleagues on the other side, to hoist the bill for six months to allow people to be properly informed. If someone checks the record, it will show that at that time I suggested that perhaps the amount of money that we would be expending on the gun registry would be better spent on border security and homes for battered women.

The honourable senator is absolutely right. This is simply a campaign commitment that is well understood by Canadians. We won an election clearly, a majority government, in rural and urban Canada, and we are simply doing what we said we would do, which is to scrap the long-gun registry. A registry is a registry. If people look it up in the dictionary, a registry is a list. We are doing exactly as we promised.

FISHERIES AND OCEANS

SCIENCE BUDGET—CONSERVATION STRATEGIES

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate. Canadian fishermen rely on the Department of Fisheries and Oceans to manage fish stocks and issue quotas that are scientifically sound and based on a principle of long-term sustainability. This is not an easy job. Marine ecosystems are highly complex structures, and maintaining their integrity while also meeting the needs of fishermen demands a thorough understanding of the science involved.

This is why I was shocked to hear that the Department of Fisheries and Oceans is cutting its science budget by more than \$17 million. Moreover, the department has announced that it will no longer fund the Fisheries Resource Conservation Council and will implement multi-year quota cycles for all fisheries.

The Fisheries Resource Conservation Council was created to form a partnership between the scientific and academic expertise and all sectors of the fishing industry. It made public recommendations to the minister on conservation measures and long-term conservation strategies. Its objective was to help the government achieve its conservation, economic and social objectives for the fisheries, including rebuilding stocks to optimum levels. This critical scientific advice and voice for fishers is now gone.

How can the government guarantee the future sustainability of Canada’s marine resources if it is unwilling to pay for the scientific studies that should be informing its policy decisions?

• (1450)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. The government does have a responsibility, especially in these times, to spend taxpayers' money prudently and efficiently. We must ensure that government programs are efficient and effective in achieving the expected results for Canadians.

While the Fisheries Resource Conservation Council has historically served an important role, activities have now been replaced by other approaches. The Department of Fisheries and Oceans has built into its operation other ways to gather input from fish harvesters, including industry participation in stock assessments, the development of an integrated fisheries management plan, and advisory committees.

We are still very much committed to the fishery and we are using many means to ensure that we have adequate data on fish stocks.

Senator Hubley: Are these cuts to the science budget of the Department of Fisheries and Oceans just another example of this government's refusal to base its policies on facts and evidence?

Senator Mitchell: Just say "yes," Marjory.

Senator LeBreton: Actually, you may be a puppet, Senator Mitchell, but I am not.

Some Hon. Senators: Oh, oh.

Senator LeBreton: Through strategic review, the government is looking at all government programs. The answer to Senator Hubley's question is no. All departments are currently going through a strategic review process to assess the performance of all their programs and to ensure that we are responding to the priorities of Canadians and the client groups of the departments.

The Department of Fisheries and Oceans is making steady progress in modernizing and improving its program and policy approaches to meet the needs of Canadians today and in the future. The impacts on DFO employees will be minimized as a result of attrition. Less than 3 per cent of jobs at DFO will be affected over a three-year period as annual attrition rates range up to 6 per cent.

All the savings to be found by the strategic review will not affect the delivery of the programs nor our ability to serve the client group of any department.

[Translation]

PUBLIC SAFETY

LONG-GUN REGISTRY

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to come back to the Firearms Act, which has caused quite an uproar, not because this legislation has been very costly — although, it has — but rather because of the principle of the legislation.

My father was a hunter and owned rifles. It is up to the government to decide whether to use a different method to control firearms or to keep the existing registry because it is reliable. I understand that hunters have a right to use weapons to hunt, and that they should not be perceived as criminally responsible if their weapons are not registered. However, why does the legislation still allow civilians to purchase military weapons? How can the law still allow people to buy machine guns, weapons that are designed and built specifically to wage war and kill people, just for the simple pleasure of going to a shooting range and firing a military rifle? Anyone who wants to fire a military rifle should join the Canadian Forces.

Why not remove this major source of weapons in this country, weapons that could potentially be used in a dangerous manner?

[English]

Hon. Marjory LeBreton, (Leader of the Government): Honourable senators, there are many weapons in the country that are not registered and were not applied for with the proper licence. We are talking about the long-gun registry, not about restricted weapons, semi-automatics or handguns. There is a rigorous licensing process for anyone who wants to buy a gun in this country, including long guns.

I invite the honourable senator to look into the process for purchasing a legal gun in Canada. It is a rigorous process. You have to make an application for licence. There has to be a police background check. To suggest that rifles and shotguns used by farmers and duck hunters can be put in the category of illegal guns is not correct.

As we well know, the problem in this country, which is the focus of this government, is making our streets and communities safe by ensuring that prohibited and illegally acquired guns are not smuggled across the border as part of the guns and gangs drug trade. Those guns are not registered and are used to commit many crimes.

Farmers, hunters and others must have a licence to own shotguns and rifles. As Senator St. Germain pointed out, the government is fulfilling its commitment, made through five elections, to end the long-gun registry. Due to the amnesties of the last few years, the data in the long-gun registry is incomplete.

As to the suggestion that we should simply turn this information over to other levels of government, there are huge privacy issues involved with that.

Some Hon. Senators: Hear, hear.

Senator Dallaire: Honourable senators, they teach us in the military that an artillery shell fired in training kills just as well as an artillery shell fired in conflict. It is the same thing. A bullet fired by a hunter using a long gun kills just as well as a bullet fired by a weapon that was created for purely military purposes.

The risk of a bullet fired on a rifle range going beyond the range is quite real. Other countries have totally restricted long guns and automatic and semi-automatic guns. Why not pursue that and bring something positive to the exchange that we have been having about not offending people who use these weapons in a responsible way?

Senator LeBreton: I have never heard anyone, including members of the senator's party or the former government advocate the total abolition of all guns in Canada. I am pointing out to the honourable senator that we have very strict gun laws in this country for handguns and semi-automatics. The first gun laws in this country were brought in by the Conservative government of Prime Minister R. B. Bennett in the 1930s. Those laws were strengthened by the government of Prime Minister Mulroney in the late 1980s.

There is a very rigorous process for anyone, including farmers, hunters and gun collectors, to acquire a licence. This practice has been followed by our government and the government before. In no way does the destruction of the long-gun registry change that. The licensing information is all there.

• (1500)

There was a story in the *Toronto Star* today, I believe, claiming that the bill delists semi-automatic rifles. This is typical, I could say. I would caution anyone using any newspaper as a source for their research because that claim is flat-out false; it is not the case. We are talking about a long-gun registry of guns primarily owned by farmers, hunters and gun collectors. I was raised on a farm where we had a rifle and a shotgun safely stored by my father. They were not handy for us kids to go out and shoot up the place. We would not have known where to find the ammunition in the first place.

It is important not to confuse the issue of our legitimate, strong, rigorous gun laws that prohibit handguns and semi-automatics. We are simply getting rid of a long-gun registry, as we promised we would do at least four or five times. The registry is a list, and we are getting rid of it because, as I mentioned a moment ago, the information is incomplete and there are privacy concerns.

Honourable senators, the public has spoken clearly on this issue. It is time to end this very expensive experiment that did not work.

Senator Dallaire: Would the leader see a continuum of thought with regard to a change in security of and responsibility for a means of controlling semi-automatics and pistols by introducing legislation to ban the sale or acquisition of military weapons to non-military or civilian personnel who use them purely for personal interest? Would the leader not see that as a positive step by her government to move the security level that much higher?

Senator LeBreton: The honourable senator had better try to sell that idea to his own caucus before trying to sell it to the government.

Honourable senators, the problem in this country is illegal automatic and semi-automatic weapons and sawed-off shotguns brought into the country primarily by gangs through the drug trade. Obviously, such guns are not registered and are at the root of much criminal activity in our country. Rather than treat hunters and farmers as criminals, since 2006 we have introduced mandatory prison time for those who commit gun crimes and tougher bail rules for serious weapons-related offences and we have improved front end screening. The latter goes back to the point I made about our rigorous laws in Canada to keep prohibitive weapons out of the hands of our citizens.

ORDERS OF THE DAY

FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Champagne, P.C., for the second reading of Bill S-2, An Act respecting family homes situated on First Nation reserves and matrimonial interests or rights in or to structures and lands situated on those reserves.

Hon. Lillian Eva Dyck: Honourable senators, I rise today to speak to Bill S-2, An Act respecting family homes situated on First Nations reserves and matrimonial interests or rights in or to structures and lands situated on those reserves. I would like to start off my remarks by stating that I thank the Honourable Senator Jaffer for her excellent speech and that I agree with her in principle.

Division of matrimonial property is an important issue that affects the everyday lives of First Nation Canadians living on reserves, and I agree that the intent of Bill S-2 is good. This is not the first time this chamber has seen the bill, and while it has been changed in some significant ways, there still exists a substantive problem in that there is a distinct possibility that non-First Nation people may claim ownership of reserve land, though under section 91(24) of the Indian Act, reserve lands are supposed to be lands set aside only for Indians. In other words, the collective rights of a First Nation band to its reserve lands may be compromised by Bill S-2.

What really puzzles me is that the solution to this problem is known, and yet it has not been incorporated into the bill before us. The solution is clearly outlined in the 2007 report on Matrimonial Real Property Issues on Reserves submitted by the Ministerial Representative, Wendy Grant-John. However, the report is massive — about three centimetres thick. Perhaps, given the complexity of the MRP issues and the focus on protecting vulnerable women and children on reserves, the way to preserve the collective rights of a band to the inalienability of reserve land was somehow lost in the mix.

First, I would like to speak to the reason why we need this bill. The issue that is really driving the implementation of proposed MRP legislation on reserves is a difference of rights between individual First Nation Canadians on reserves and other Canadians when a marriage or a common law relationship breaks down and matrimonial property must be split up. This inequity is often illustrated by the scenario of a First Nation woman and her children locked out of their home by an abusive partner. She is perceived as being helpless and powerless. Without minimizing her dire situation, it should be pointed out that she does have some options though, depending on her reserve, they may or may not be very good ones.

For instance, she can get financial compensation for matrimonial property so she will not necessarily be without money. She can also utilize her band's MRP codes, which may or

may not provide an equitable solution. If she lives on a reserve that has developed MRP codes under self-government agreements or through the First Nations Land Management Act, such bylaws are recognized by the federal government and are presumably fair to her. Finally, since June 2011, when the exemption of the Indian Act from the Canadian Human Rights Act ended, she can file a human rights complaint if she finds that she has been discriminated against.

Honourable senators, the First Nation woman in this scenario does have several options. Nonetheless, apparently in most instances, the options available to a First Nation woman living on reserve are not satisfactory and, more importantly, she does not have the option available to her had she and her family lived off reserve, and that is to have a court order ordering her exclusive occupation of the family home. Bill S-2 fills that gap in her available options. It gives First Nations women and men more choices when their conjugal relationships break down and matrimonial properties are divided. I support the aspects of the bill that attempt to remedy the unequal legal remedies that Indians on reserves have compared to other Canadians.

However, Bill S-2 goes too far by offering an open-ended interest in structures on reserve lands for non-First Nation individuals through the Exclusive Occupation Order provision of clause 20. This provision compromises the collective rights of the First Nation community to their reserve land. Under clause 20 of the bill, the court of jurisdiction can grant exclusive occupation of the home to a spouse or common law partner, whether the partner is an Indian or band member. It would be up to the court to determine the duration of the occupation. From the witnesses who testified during the Senate study of Bill S-4, that time period may be upwards of 10 years. Clause 25 of Bill S-2 makes it clear that exclusive occupation of the family home includes exclusive occupation of the portion of the land that is contiguous to the family home.

Honourable senators, this would set a dangerous precedent of non-Indians having an indefinite interest in Indian land.

- (1510)

Furthermore, the authority is granted to the court rather than to the First Nation itself. In other words, it takes away the right of First Nations to govern their own land, a critical feature of Aboriginal or treaty rights, and this may well constitute an infringement of section 35 rights.

During the Senate's study of Bill S-4, the Canadian Bar Association, the Atlantic Policy Congress of First Nations Chiefs, the Association of Iroquois and Allied Indians and Dr. Pamela Palmater all addressed this serious problem. The Canadian Bar Association stated:

We believe omitting any time limit on duration is a particular concern. It would create a life interest in the home (a beneficial interest, if not a legal interest) for non-Band members and non-First Nations.

The government argues that because there is no change in the legal interest of home and its contiguous land, there is no conflict with the exclusive occupation provisions and section 89 of the

Indian Act, enacted for the very purposes of protecting real property on reserve.

Section 89(1) of the Indian Act states:

Subject to this Act, the real and personal property of an Indian or a band situated on a reserve is not subject to charge, pledge, mortgage, attachment, levy, seizure, distress or execution in favour or at the instance of any person other than an Indian or a band.

As noted by many of the witnesses during the study of Bill S-4, it would seem that section 20 of Bill S-2 creates an exemption to section 89 of the Indian Act without any reconciliation. This grave inconsistency is made even more apparent when one looks at other sections of the Indian Act that deal with occupation of reserve lands by non-Indians.

Section 28(2) of the Indian Act permits non-Indians to occupy reserve land, but the consent of the First Nation is required for any period over one year. Clearly, section 20 of Bill S-2 violates these provisions of the Indian Act.

I suggest that during committee study this issue be examined and that the committee suggest a simple amendment to limit the duration of occupation under the Exclusive Occupation Order to one year, or a requirement to get the consent of the First Nation when a non-First Nation member or spouse or partner is involved.

Honourable senators, a similar recommendation was made by Wendy Grant-John. On page 63 of her report, she recommends temporary exclusive possession of the matrimonial home because they "... present few if any difficulties in terms of the scope of potential infringement on collective interests precisely because of their temporary nature."

I will repeat this important aspect: She recommended temporary exclusive possession orders.

Honourable senators, the Constitution of 1982 and the Charter are supposed to protect Aboriginal treaty rights. Bill S-2 is a significant infringement of those rights in two ways. First, it allows non-Indians to obtain a beneficial land interest on reserve land. The Indian Act states that reserve lands are for the use of Indians only.

Second, the band or First Nation owns the reserve collectively, and any change to this fundamental characteristic of First Nation governance ought to be under the control of First Nations through their inherent right to self-government in accordance with the UN Declaration on the Rights of Indigenous Peoples. For these reasons, I believe Bill S-2 infringes upon the Indian Act and the Constitution.

While it may be argued that Bill S-2 is provisional in nature and thus in effect only until a First Nation develops its own MRP laws, for some First Nations that may well be many years. It is likely that many First Nations do not have the expertise or

resources to develop their own MRP laws in the near future, so Bill S-2 may be impinging upon their rights for many years. Why should they risk losing their rights to parts of their reserve lands, when the way to prevent this is known and straightforward?

I urge the committee studying Bill S-2 to incorporate the recommendations made by Wendy Grant-John. In her report she noted:

... the debate has been framed by an assumption that First Nation people must necessarily choose between their collective rights in the land or to govern themselves on the one hand and the enjoyment of individual human rights to equality and dignity on the other. It is time for a new direction and new policies that do not insist on such a false choice being presented to First Nation people over and over again.

Such a false choice is before us now with this bill. Ms. Grant-John states in her report that she believes "... the recommendations made in this report reflect a balance between collective and individual rights that respects both."

How did she achieve that? She recommended the inclusion of two provisions in an MRP bill. One, to recognize the paramountcy of First Nation law and, two, another to clarify the inalienability of reserve lands.

First, on page 61, she recommended that, "... provisions relating to the recognition of First Nations' jurisdiction should be set out in Part I before the interim federal rules, in order to emphasize the paramountcy and preference for the operation of First Nations' jurisdiction in this area." She even went so far as to provide a sample of this on page 62 of her report.

Second, to make it absolutely clear that Indian reserve lands continue as lands reserved for Indians, she states: "... there should be a 'for greater certainty provision' confirming this," and on page 59 she provides an example using the wording from the First Nations Land Management Act, which states:

Title to First Nation Land

For greater certainty,

- a) Collective title to First Nation land is not affected by this act;
- b) First Nation land continues to be set apart for the use and benefit of the First Nation for which it was set apart; and,
- c) First Nation land continues to be land reserved for the Indians within the meaning of class 24 of section 91 of the Constitution Act, 1867.

This "for greater certainty" clause is a stronger "for greater certainty" clause than is currently in Bill S-2. Specific reference to the collective interests of the First Nation community is necessary to address the potential claims of non-First Nation spouses to ownership of reserve lands after issue of an exclusive possession order in their favour.

[Senator Dyck]

Honourable senators, the minister's representative, Wendy Grant-John, clearly provided the solutions to recognizing the rights of First Nations to govern themselves and to the continuation of the inalienability of reserve lands. Incorporating her suggested provisions into Bill S-2 will prove to Canadians that we can protect the rights of individual members of a First Nation and, at the same time, in the same bill, we can protect the collective rights of the First Nation as a whole to self-governance and to their reserve lands.

Honourable senators, I urge you to push for amending Bill S-2 so that it incorporates the suggested amendments and the recommendations made by the ministerial representative on MRP noted above. By including these changes we will achieve the laudable goal of protecting vulnerable First Nation and non-First Nation people on reserve from unfair practices when their conjugal relationship ends; offer equitable settlement of matrimonial properties to the individuals; and, equally important, we will not infringe upon the collective rights of the First Nation community with respect to jurisdiction of their reserve lands that are set aside specifically for their use and not for others.

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

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Champagne, that Bill S-2 be read a second time.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Human Rights.)

• (1520)

AUDITOR GENERAL

WITNESSES RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Ms. Patricia Hassard, Ms. Michelle d'Auray and Mr. Michael Ferguson respecting the appointment of the Auditor General of Canada.

(The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Senator Oliver in the chair.)

[Translation]

The Chair: Honourable senators, rule 83 states that:

When the Senate is put into Committee of the Whole, every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it agreed, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

The Chair: I remind honourable senators that the Committee of the Whole is meeting pursuant to the orders adopted October 26 and earlier today. Pursuant to these orders, the Senate shall hear from Ms. Patricia Hassard, Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, and Ms. Michelle d'Auray, Secretary of the Treasury Board of Canada, for a maximum of one hour.

Subsequently, Mr. Michael Ferguson will appear respecting his appointment as Auditor General of Canada for a maximum of one hour.

Honourable senators, I now invite Ms. Hassard and Ms. d'Auray to enter.

(Pursuant to Order of the Senate, Patricia Hassard and Michelle d'Auray were escorted to seats in the Senate chamber.)

The Chair: Honourable senators, I would like to welcome our two witnesses, Ms. Hassard, Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal, and Ms. d'Auray, Secretary of the Treasury Board of Canada.

I thank you for being here with us today. I invite you to begin your introductory remarks, which will be followed by the senators' questions.

Patricia Hassard, Deputy Secretary to the Cabinet, Senior Personnel and Public Service Renewal: Honourable senators, it is a great pleasure for me to appear before you today to discuss the appointment process used by the government to recommend a candidate for the position of Auditor General of Canada.

Michelle d'Auray, Secretary of the Treasury Board and a member of the management committee, is with me today.

The Auditor General Act establishes the requirements for the appointment of the Auditor General by the Governor in Council. After approval by Parliament, this appointment is made by the Governor General upon the recommendation of the Queen's Privy Council for Canada, represented by the cabinet.

The government is determined to establish public selection processes, based on competencies, for key posts filled by the Governor in Council.

The Prime Minister has stated his expectations regarding Governor in Council appointments in the document, *Accountable Government: A Guide for Ministers and Ministers of State*.

The strategic framework for appointments is outlined in *A Guide to Managing the Governor in Council Appointments Process*. This document provides advice to ministers and their departments about the practices put in place by the government to improve the transparency and rigour of the appointment system. The guide discusses the key elements necessary to make the process a rigorous one, including general expectations and the recruitment steps in order to ensure accessibility to and transparency of the process, as well as the candidates' qualifications.

[English]

For context, I would like to provide you with a brief overview of the main elements of the recruitment process before focusing more specifically on the process followed to select the government's nominee for Auditor General.

Selection processes for Governor-in-Council appointments, including agents of Parliament, are comprised of three main elements. The first is the establishment of selection criteria to reflect the key requirements necessary for a candidate to be considered qualified for the position.

The second is the development of a recruitment strategy, which outlines how candidates for the position will be sought. This can range from posting the position on the Governor-in-Council appointments website and publishing it in the *Canada Gazette* to a more elaborate strategy which may include engaging an executive search firm, a national advertising strategy, and targeted outreach to, for example, professional groups and stakeholders.

The third is the assessment of candidates' qualifications. Normally this would involve interviews with a short list of candidates and reference checks.

I would like to turn now to the specifics of the selection process that led the government to the nomination of the next Auditor General of Canada.

First, a selection committee was established to direct all aspects of the process. In keeping with the method that identified the previous Auditor General, the committee was chaired by the president of the Treasury Board. Its members are highly eminent individuals representing a broad cross section of expertise and knowledge relevant to the auditing world and to Parliament. Since the Privy Council Office coordinates the selection and recruitment of key Governor-in-Council appointments on behalf of the government, I acted as the secretary to the committee, providing logistical and public service support.

Second, the committee was supported in its efforts by a well-respected executive search firm of national scope.

• (1530)

The committee determined the selection criteria for the position and approved the recruitment and advertising strategy. The search firm canvassed broadly for potential candidates and worked closely with the selection committee to assess those individuals against the stated selection criteria. The leading candidates were assessed through interviews, reference checks, psychometric assessments and, in the case of the nominee, language testing.

[Translation]

Honourable senators, after this thorough process, the selection committee made its recommendations to the government. Pursuant to section 3.1 of the Auditor General Act, the government is submitting its candidate to you for your examination and approval. The candidate it has chosen for the position of Auditor General is Mr. Michael Ferguson.

Ms. d'Auray and I are now happy to answer your questions about the process for the recruitment and appointment of the Auditor General of Canada.

The Chair: Ms. d'Auray, do you have a speech?

Michelle d'Auray, Secretary of the Treasury Board of Canada: No, Mr. Chair. Ms. Hassard has given the introduction. I will be happy to answer your questions.

[English]

I would be happy to reply to any questions.

Senator Cowan: Welcome to the Senate. I have a series of questions, and I will try to make them as pointed as I can. I would ask you to keep your answers as brief as possible because we do have a limited time with you today.

Were the notice of vacancy, published on October 2, and the selection criteria approved at a higher level than the selection committee itself? Were they approved by any office of the government?

Ms. Hassard: I can say that they were approved by the selection committee.

Senator Cowan: They were not discussed or submitted to the government for approval?

Ms. Hassard: I suppose one can say that the selection committee had members of the government on it because the President of the Treasury Board chaired it.

Senator Cowan: In the notice of vacancy and in the statement of criteria to which you referred, there is the phrase "proficiency in both official languages is essential" and in French: "La maîtrise des deux langues officielles est essentielle."

[Ms. Hassard]

If you look at job postings in the *Canada Gazette* for a variety of other positions, it is fair to say that at the highest level, almost invariably, the phrase used is "proficiency in both official languages is essential." As you move down the food chain, sometimes it is preferred, strongly preferred, considered an asset, would be an asset or would be preferred.

Why did you choose the phrase "proficiency in both official languages is essential?"

Ms. Hassard: Senator, when the previous Auditor General was selected, that particular criterion was part of the notice of vacancy. This committee decided to retain the criterion, and I believe it was because they felt it was a very reasonable criterion for the Auditor General of Canada. They all support that.

Senator Cowan: Thank you. Then, as you said and as the materials provided to us indicated, a number of highly qualified candidates were identified. How many were identified and how many of those were bilingual? Perhaps I could talk about the short list. I presume you had a long list and you got to a short list. How many were on the short list, and how many of those short listed candidates were bilingual?

Ms. Hassard: Let me start by explaining a little bit about the scope of the search because I think it will provide good context for my remarks.

The search firm contacted over 400 individuals. This was for referrals, for potential candidates, for gathering names and, essentially, market intelligence on this position.

They had a look at those resumé and determined that 30 individuals were willing to have their names put forward and that the committee should have a look at them. They then interviewed those 30 individuals and —

Senator Cowan: May I interrupt? I assume those 30 people met the published criteria?

Ms. d'Auray: If I may, senator, the candidates were asked to provide a self-assessment of their capacity. The search firm, in many instances, retained a number of the candidates on a range of the proficiencies.

Senator Cowan: You got to 30. Those people got through the screen. Then what happened?

Ms. Hassard: They were persons willing to have their names put forward. The search firm for the selection committee interviewed them, did the self-assessment and came forward with a long list of nine.

Of these nine, five self-identified as fully proficient in both official languages.

Senator Cowan: Including Mr. Ferguson?

Ms. Hassard: No. Mr. Ferguson self-identified as partially proficient.

Senator Cowan: You just said that you got from 30 to 9, and those 9 were all proficient in both languages. Is that what you said?

Ms. Hassard: No, I said they had varying levels of proficiency.

Senator Cowan: Then you moved to five.

Ms. Hassard: From the nine, the selection committee took a careful look at that long list and narrowed it down to a short list. That short list had four names on it, and the committee expressed a desire to interview those four individuals because they were considered strong candidates.

Senator Cowan: Those four individuals included Mr. Ferguson.

Ms. Hassard: Yes.

Senator Cowan: How many of the four were proficient in both languages, self-identified or were classified as being fully bilingual?

Ms. Hassard: I would say that two of the four identified as fully proficient.

Senator Cowan: Mr. Ferguson was not. Did you say he was partially proficient?

Ms. Hassard: He self-identified as partially proficient.

Senator Cowan: How was he classified by the search consultants and by you?

Ms. Hassard: As partially proficient.

Senator Cowan: Although the stated and advertised criteria said that proficiency in both official languages is essential, not preferred or desirable.

At some point, obviously, you modified the stated requirement of language proficiency. When was that done and how was that communicated to the public and, more particularly, to potential applicants?

Ms. d'Auray: The selection criteria were not modified. We ended up interviewing three of the potential candidates because, of the four that we had identified as of interest to us for interview, one withdrew.

Senator Cowan: You had three that you interviewed. How many of those were fully bilingual? Two or one?

Ms. d'Auray: I believe one had self-identified.

Senator Cowan: One fellow identified as fully proficient.

Ms. d'Auray: As fully proficient.

Senator Cowan: The other two were partially proficient.

Ms. d'Auray: Yes. I would stress, honourable senator, that these were self-assessments.

Senator Cowan: What did the selection committee do to assess the language proficiency of the applicants for itself?

Ms. d'Auray: As a member of the selection committee, having sat through the interviews, we did ask questions in both official languages. When we made our identification, we requested that the candidate being proposed be tested.

Senator Cowan: I am sorry, but I missed the last word. Tested?

Ms. d'Auray: Be tested — sorry, I am trying to share the microphone — to identify his ability to learn the second language.

Senator Cowan: There is a difference, surely, between the ability to learn, which we all have to some greater or lesser degree, and the proficiency that some have and that some of us, regrettably, do not have. Your criteria did not say “proficiency in both official languages, within a prescribed period of time, is required or is desirable.” It says “is.” That is the present tense. I think the plain meaning of the phrase would be that at the time of the application one would have to be proficient in both of Canada’s official languages. Is that not the meaning of that phrase?

• (1540)

Ms. d'Auray: It would be fair to say, senator, that there was also a range of criteria against which candidates were assessed and interviewed. There are quite a few requirements of the position, including, yes, proficiency in both official languages, but also —

Senator Cowan: I am sorry to interrupt, but my time is limited. I assume what you are saying is that at some point then the committee decided that rather than present proficiency in languages being essential, the ability to become proficient over some period of time was the standard that you were applying. Is that a fair statement?

Ms. Hassard: Senator, we should back up a little bit. I think the committee came to the conclusion that there is no candidate who meets 100 per cent of the selection criteria. It is very seldom that you see that. The committee has to assess the strengths and weaknesses of each candidate and look at his or her overall suitability for the position, which in this case requires unique expertise. They came to the conclusion that Mr. Ferguson’s proficiency in French was limited, but after the testing they were confident that he could become proficient and that he was willing to do so. In fact, he said that in the interview. That factor weighed very heavily on the committee’s conclusion.

Senator Cowan: Thank you.

[Translation]

Senator Carignan: I have a few questions about the selection criteria. I read the notice that appeared in the official *Gazette*, and I understand that this notice is an advertisement. It is not an order in council or a cabinet decision. These are the criteria that were determined by the selection committee, which were published in the official *Gazette*. Is that correct?

Ms. d'Auray: That is correct, senator. It was a notice of vacancy that was published in the *Canada Gazette*.

Senator Carignan: Let us look at the various criteria in the text published in the official *Gazette*. For example, in the first paragraph on page 2538, we immediately notice a writing style that uses the imperative, often the conditional, and that gives the impression that an essential or important condition is being described.

The first paragraph states:

The selected candidate should have a good understanding . . .

In the middle of the same paragraph, several lines before the end, it reads:

The ideal candidate should have a good understanding of the legal framework . . .

The second paragraph states:

The suitable candidate should possess demonstrated strong analytical . . . skills.

In the middle of the paragraph, we read:

The successful candidate should have the ability to anticipate the . . . implications . . .

All of these paragraphs are written using the word "should." Are these essential criteria, or simply criteria that are assessed and weighed against each other?

Ms. d'Auray: Honourable senators, as my colleague indicated, all of these factors were assessed in the selection process that was used to identify potential candidates. And it was on the basis of all these criteria that potential candidates were referred to us.

As my colleague said, it was nearly impossible to think that any one individual would possess all the criteria at all levels. There is always a process to weigh the various factors to see how a candidate could meet most of the requirements, knowing that they are all equally important, but also knowing that there is never going to be one ideal person who fulfills all of the criteria.

Senator Carignan: I understand that when you publish a notice in the newspapers, you describe the ideal person, someone who possesses all of the qualities considered necessary, knowing very well that it would be nearly impossible or very unlikely that all of these qualities could be found in one person.

Ms. d'Auray: In this instance, this is an extremely important position that requires rather exceptional qualities and skills. Even after searching across the entire country, the agency came up with 30 candidates and recommended nine of them to us.

In the end, we interviewed three of the candidates. So from 400 to 30 to nine and then three; this gives an idea of the scope of the search, as well as the pool from which this kind of person can be identified.

Senator Carignan: How was the weighting for each qualification determined? Looking at the advertised selection criteria, there are qualifications pertaining to administration, ethics, vision and experience. How was the weighting for each criterion established?

Ms. d'Auray: We conducted the evaluation and the search firm that helped us looked at the overall qualifications. There was no weighting; no weight was assigned to one qualification versus another. There was no numerical weight assigned. I used the term "weighting" meaning that we did an overall evaluation. There was no weighting grid as such.

Our evaluation was based on the interviews and the recommendations regarding the assessment of the competency and qualifications of the people recommended.

Senator Carignan: Did the firm that carried out the preliminary work inform you of the difficulties it experienced in the search, given that there are so few highly qualified people?

In terms of salary, for example, a partner in a major accounting firm earns more than \$322,000 a year and that may have been an irritant in the search. Can you tell us some of the difficulties experienced by the firm?

[*English*]

Ms. Hassard: Senator, the firm did brief the selection committee to the extent that they felt there were several constraints on the search as it was done. In fact, the Auditor General's position is a unique role and is not an easy one to fill. That is our conclusion.

It is a position of national stature that requires specialized expertise. The person has to be a chartered accountant with extensive audit experience. They have to have significant management and leadership experience. They have to make a commitment at the prime of their career to a 10-year public service duty in this role. They have to be proficient in both official languages. They have to be willing to play a very visible role on the national stage in a political environment.

As you mentioned, senator, the remuneration is not commensurate with the type of remuneration that is found in the senior partners of the private accounting firms; not at all.

My conclusion is that it is a very small pool to begin with.

[*Translation*]

Senator Carignan: I also understood from your testimony that you met people who wanted to go through the process. I also understand that some individuals may have been better qualified, but withdrew from the process because of the irritants you spoke of.

Ms. d'Auray: The headhunter who was advising us told us that once the salary or the 10-year commitment came up, it was not easy to find people who were prepared to make that commitment at the peak of their career.

• (1550)

The firm received a lot of expressions of interest, but when the details were explained, a number of people withdrew their candidacy. It was mainly for that reason that the firm recommended people or the names of people who agreed to move on to the subsequent evaluation. That is how we arrived at this selection of nine candidates, three of whom were interviewed at the final stage.

Senator Carignan: You also addressed the language assessment, which was a self-assessment. That was not the case for the other criteria because objective tests were administered for the other criteria; is that correct?

Ms. d'Auray: For all the selection criteria, the firm asked those wanting to submit their candidacy to tell the firm how they met the criteria. It was a self-assessment on all the criteria. When we narrowed down the selection, that is when we did some verifications. The firm also conducted interviews with each person it recommended to us. It did an initial screening, if you will, of the individuals before the selection committee conducted the more formal interviews with the three candidates.

Senator Joyal: Welcome, Ms. d'Auray and Ms. Hassard. I would like to come back to this issue of the criteria because what is not clear in my mind is your understanding of the different criteria that apply in selecting the Auditor General of Canada. In my opinion, there are criteria that are mandatory.

[English]

They are statutory obligations. Among those statutory obligations, your posting listed at least two. The first one is to be proficient in official languages. In my opinion, this criteria is a statutory obligation and is confirmed in the Official Languages Act of Canada in section 24(3)(c). It is a statutory obligation for anyone who holds this position to be proficient in both languages.

There are other statutory obligations, such as the one to be submitted to the Conflict of Interest Act and the posting mentioned it. There are other criteria whereby one has subjectivity. In other words, one can appreciate various levels and degrees.

My preoccupation is that you decided to violate statutory obligations, as enshrined in the Official Languages Act, and to tamper with them, contrary to the definition of the Treasury Board. The Treasury Board is very clear in its definition of "imperative staffing" in terms of official languages. I will quote the Treasury Board definition of imperative staffing in matters of proficiency in languages:

Staffing procedures for a bilingual position where only applicants who meet all the position's requirements are considered.

In other words, you are not free to appoint someone who is more or less proficient or is more or less willing to learn. You have to appoint to the position the candidate who has mastered the languages in a proficient manner.

I do not understand how both of you sat on a selection committee and decided to violate both the Official Languages Act at section 24(3)(c) and the Treasury Board definition on imperative staffing in relation to official languages.

Ms. Hassard: Honourable senator, I will respond and my colleague might add to my answer.

I do not want to get into a legal debate about the Official Languages Act or the Treasury Board policy. What I did want to say is that under the Auditor General Act, there is no such statutory requirement. The holder of a position of national stature, such as the Auditor General of Canada, should ideally be proficient in both official languages. That is how the committee felt. The committee felt strongly that they agreed with that.

However, we must remember that it is a unique position and, in the end, the committee assessed the candidates they had before them. They came to the conclusion that over all Mr. Ferguson had the best qualifications in order to be the Auditor General of Canada. He had been tested. Obviously the committee felt that his lack of proficiency in French was an issue, so they asked that he be tested. After that, they were satisfied that he had the capacity to learn and was willing to do so.

Senator Joyal: I respectfully differ in my opinion. The Official Languages Act is very clear in relation to what the Office of the Auditor General has to fulfill in terms of requirements. Let me read you the section of the act. Subsection 24(3) states:

Without restricting the generality of subsection (2), the duty set out in that subsection applies in respect of . . .

(c) the Office of the Auditor General.

The office means the charge or the responsibility. It is quite clear that one cannot interpret the responsibility of the Auditor General simply in the context of the Auditor General Act. One cannot contend that because there is no definition in the Auditor General Act pertaining to official languages that the act does not apply to him. It is specifically mentioned in the Official Languages Act that I just read.

This amendment to the Official Languages Act was brought forward in 1988 under Prime Minister Mulroney. How can you contend that this is the legality of the posting when this Parliament stated that the Office of the Auditor General is subjected to the act? That is why the last two auditors general — Mr. Denis Desautels and Ms. Sheila Fraser — were fully bilingual when they were appointed.

[Translation]

Ms. d'Auray: Honourable senators, the Official Languages Act targets institutions and institutions are responsible for providing services, ensuring that staff members are able to function in the language of their choice and ensuring that in regions designated as bilingual, they are able to offer service in both official languages. The Official Languages Act applies to institutions.

[English]

Senator Joyal: I respectfully disagree, because subsection 24(2) refers to any federal institution and paragraph 24(3)(c) specifically mentions the Auditor General. That is why there was an amendment made to the Official Languages Act, to specify very clearly the Auditor General.

[Translation]

Ms. d'Auray: I do not have the act in front of me, but I believe that it is referring to the Office of the Auditor General as well as the agents of Parliament, and therefore the functions of these offices and their related institutions.

[English]

Senator Joyal: The interpretation that has been given by the Official Languages Commissioner has always identified the holder of that position as someone who must have mastered the two languages. As you have just stated, it is a very high-profile position and that person has to communicate with the public in both official languages. You have stated yourself that this is a position of profile who communicates with Canadians, the public and parliamentarians in the exercise of their constitutional duty to receive his or her report and to act upon it.

I do not understand how you have interpreted the languages capacity of the person that would be different than the overall capacity of the workers within the Office of the Auditor General to speak the other language. I do not think you can legally make this distinction. If you do that, you make any responsibility that is defined in the Auditor General Act and in the Official Languages Act — and any of the other officers of Parliament who are listed in that act — meaningless.

Ms. d'Auray: Honourable senator, I understand that the Official Languages Act applies to the institutions. As my colleague also said, the committee felt very strongly that the candidate who is put before you should be assessed in his proficiency of official languages and commit to achieving that proficiency because it is an essential element of this position.

• (1600)

Senator Joyal: What I do not understand is that you are in violation of the practice of the Public Service Commissioner, who interpreted the legislation in the way that I am interpreting it, while you are totally alleviating the responsibility of the commitment to be more proficient.

There is a distinction between someone who is willing to learn languages and someone who must master the language when he or she holds the position. The interpretation you just provided totally contradicts the requirement that the Public Service Commission applies when it recruits a civil servant at the highest level, who must be proficient in both languages. I submit that you are in violation of the practice of the Public Service Commission, as well as the statute of the Official Languages Act, section 24(3)(c).

[Translation]

Ms. d'Auray: Once again, the Official Languages Act applies to institutions. With regard to the Public Service Commission's role, it has jurisdiction over public service employees, and this position does not fall into that category.

As my colleague said, the qualifications and skills of the candidate that the government is submitting to you generally meet the selection criteria. The committee acknowledged and insisted that the candidate must commit to achieving such proficiency that he can communicate in both official languages, and he made that commitment, which, at this time, meets his obligation to be able to communicate in both official languages.

Senator Joyal: The requirements that the candidate had to meet, based on the conditions that you yourself defined, were mandatory requirements. The person "should" be proficient in both languages. As Senator Cowan said, the person "is proficient" — present tense. When the person applies for the job, he or she must have that ability. Clearly, the candidate to whom you offered the position does not.

As a result, unfortunately, he does not meet the requirements of the position and, by liberally interpreting the requirement, you are unfortunately in violation of the provisions of the public service act and its practices. I regret that you have put this individual into this situation where he should be an example to other public service employees, in that he should respect the Treasury Board guidelines and all other administrative requirements. He accepted the position knowing that he did not meet the requirements of the act. I regret that you have followed through with this proposal.

Ms. d'Auray: This individual is not a public service employee. He has the qualifications and skills required to carry out the duties of Auditor General. This is the name that the government is submitting to you. A complete and thorough search led us to recommend this highly qualified individual who is willing and committed to learn and become proficient in the second official language.

[English]

Senator Angus: Ms. Hassard and Ms. d'Auray, I want to thank you for appearing before the Committee of the Whole and also to compliment you on the professional and dignified manner in which you are addressing certain questions, particularly in regard to the accusation or suggestion that you have violated the Official Languages Act.

Let me just put it to you, Ms. d'Auray, or perhaps to both of you: In your opinion, have you followed faithfully the provisions of the Official Languages Act?

Ms. d'Auray: We have followed the requirements and the criteria that are applied to the Auditor General in the Auditor General Act. As for the Official Languages Act, the institutions, as I indicated before, are the ones that are bound by it. It is an institutional requirement that binds, through the Official Languages Act.

Senator Angus: Did you want to add anything, Ms. Hassard?

Ms. Hassard: Just to emphasize the point that the Auditor General of Canada is not a staff under the Public Service Employment Act. It is not within that jurisdiction at all. It is an agent of Parliament and subject to Parliament's views.

Senator Angus: Right, and I apologize for the geography. This is not a rear-guard attack, but I want to pose a couple of other questions, if I may.

Ms. d'Auray, you mentioned that you were on the selection committee. Is that correct?

Ms. d'Auray: That is correct.

Senator Angus: How many other members were there — was it six?

Ms. d'Auray: Yes, I believe so, and the chair was the President of the Treasury Board at the time, the Honourable Stockwell Day.

Senator Angus: Right. I understand the process was interrupted because an election came, so it was not a smooth-flowing, uncomplicated process in that regard. Am I correct?

Ms. d'Auray: We had a democratic event interrupt the process — or suspend it, if I could put it that way.

Senator Angus: Then after the Forty-first Parliament was convened, you recommenced the process. Was it from scratch? Where did it stand? For example, had Mr. Ferguson been identified at that point?

Ms. Hassard: Yes, Mr. Ferguson and the short list had been identified at that point.

Senator Angus: I am not sure if anyone asked this, but on the selection committee, I think you, Ms. d'Auray, passed the proficiency test nicely; I compliment you on your bilingualism. I am wondering if there were others on the committee who had that facility.

Ms. Hassard: The President of the Treasury Board was fluently bilingual. We had a former Auditor General, who is very proficient in both languages. There was a former Deputy Minister of Finance, but I am unaware of his status. Other members were the president of the CICA —

Senator Angus: The Canadian Institute of Chartered Accountants.

Ms. Hassard: That is right, and the Comptroller General.

Senator Angus: Was everyone comfortable in French?

Ms. Hassard: I think there were varying levels of comfort.

Ms. d'Auray: If I may, there were varying levels of comfort, and we did use simultaneous interpretation during the interview process, as much for the members of the selection committee as for the interviewees.

Senator Angus: You mentioned the headhunting firm, which you have not identified, and I am not insisting you do. Is there some protocol that you would rather not identify them?

Ms. Hassard: I do not think there is a need to do that.

Senator Angus: I am not insisting, but what I am trying to get at is was it that firm or the selection committee that determined Mr. Ferguson was not proficient in French?

Ms. Hassard: The search firm had interviewed Mr. Ferguson and had come to the conclusion that his proficiency was somewhat limited. This was reported to the selection committee.

Senator Angus: What I understand happened after that — again, what I understood you to say, Ms. d'Auray — was that we then arranged for or caused the candidate to be tested. Is that correct?

Ms. d'Auray: That is correct.

Senator Angus: I assume you hired professionals to do this testing. Is that correct?

Ms. d'Auray: That is correct. The testing was done after we had concluded the interview process. It was done in order to assess the ability of the individual to attain a level of proficiency. There is an aptitude and, yes, it was professionally done.

Senator Angus: You have made the point I wanted to bring out. This was not a test to see whether the man could speak and/or understand French. Rather, it was an aptitude test to determine his potential ability. Some people can learn languages faster than others; people have an ear and so forth. Is that the type of test it was?

• (1610)

Ms. Hassard: I do not want to mislead you. There were two tests: one of his capacity to learn and become proficient in French, and one of his current status in use of the language.

Senator Angus: What type of detail could you give me as to his scores or the results of these tests?

Ms. Hassard: I am not in a good position to do that. I think when Mr. Ferguson comes before this house, that might be a good opportunity to ask him that question.

Senator Angus: I want to go a little further. In the interview process and in whatever steps were taken by the committee, was it a unanimous conclusion?

Ms. Hassard: The committee agreed on who the best-qualified candidates were.

Senator Angus: I am tempted to ask you whether that directly answered my question, but I will not.

There was general agreement. Could we call it that?

Ms. d'Auray: Yes, there was. Since I was member of the selection committee, yes.

Senator Angus: The question was addressed to you. The decision was not unanimous; is that what you are trying to say?

Ms. d'Auray: No. I would say we function by consensus and we do not take votes. It was a selection committee and I would say we achieved a consensus and the recommendation was brought forward.

Senator Angus: Thank you. I am not unfamiliar with the process of selection committees in this country, where language and proficiency in the two official languages are important. A question I would ask an individual like Mr. Ferguson is, "You may not be speaking French really fluently, but can you read it?" Did you ask that kind of question?

Ms. d'Auray: Again, as I would not presume what the results of the process were, those are questions you should feel free to ask the individual when he appears before you.

Senator Angus: In other words, the committee did not, on its own, determine whether Mr. Ferguson could read or write in French?

Ms. d'Auray: We relied on the results of the testing or evaluation process. We were not proficient testers, if you will. That was not our role and function. We asked him if he would undertake the assessment, and he did. I think this is where it was very important for the selection committee, would he make the commitment and undertake the commitment to learn and become more proficient, fully proficient in the second official language. He made that commitment. That is, again, a question that you may wish to put to the candidate before you.

Senator Angus: I may, and I have other questions for you as a member of the selection committee.

Were there references? Did you check references?

Ms. d'Auray: Yes, references were checked. There was also, as my colleague indicated, a psychometric analysis, assessment done, and we were satisfied, based on the results, references and interviews, that the government is putting before you the best candidate for this position.

The Chair: Thank you very much. The next senator is the Honourable Senator Chaput.

[*Translation*]

Senator Chaput: You posted the notice of vacancy, which stated that proficiency in both official languages was essential. Everyone agrees on that. Then, the selection committee used a recruiting firm to help it during the hiring process. Was this recruiting firm informed that proficiency in both official languages was essential? Were employees of this firm informed in advance that it was very important for candidates to be proficient in both official languages?

[*English*]

Ms. Hassard: Clearly the firm was aware that this was an important criterion in the search for Auditor General.

Senator Chaput: How were they made aware?

Ms. Hassard: They had the notice of vacancy. They were part of the committee's discussion when the selection criteria were brought up.

Senator Chaput: That was discussed at the committee when they discussed the selection?

[*Translation*]

They discussed the fact that proficiency in both official languages was an essential criterion? That was openly discussed between the selection committee and the firm?

Ms. d'Auray: Absolutely, senator.

Senator Chaput: Very good. People at the firm were aware that proficiency in both official languages was essential. When they recruited the 400 initial candidates, did they receive the resumés in both official languages?

Ms. d'Auray: The firm communicated with some 400 people. For some of them, the firm wanted to get benchmarks, and for others, the firm wanted to ask the candidates whether they would like their name to be considered. In most cases, the resumés were provided in the language of the individual's choice.

Senator Chaput: When they agreed to have their names considered, were the candidates aware that proficiency in both official languages was essential?

[*English*]

Ms. Hassard: I think the fact that they were asked to do a self-assessment of their language capacity does say that they were aware this was an issue of interest to the selection committee. I do not know whether they were told in detail what exactly that meant in terms of what is proficiency. It was a self-assessment.

[*Translation*]

Senator Chaput: Were candidates asked for this when they submitted their resumés or afterwards?

Ms. d'Auray: After narrowing it down to 30 people who had agreed to have their names brought to the attention of the committee, the firm proceeded to interview each of them, after which it recommended nine of the 30 people to us.

Senator Chaput: Nine people who were proficient in both official languages?

Ms. d'Auray: As my colleague said earlier, among those nine individuals, some self-identified as bilingual and others possessed various degrees of bilingualism.

Senator Chaput: Among those selected for further consideration, were there any who had been solicited by the government or the committee, or had they all been recruited by the firm?

Ms. d'Auray: My colleague can tell you more about the process. Advertisements had also been published in certain newspapers and other periodicals. It was also posted on various departmental websites. We have talked about the *Canada Gazette*, which is not something that everybody reads, but we also used more familiar channels of communication.

Senator Chaput: And did you receive any other applications through the advertisements and postings you just mentioned?

Ms. d'Auray: Madam Senator, some applications were submitted, some candidates were identified by the firm and others were referred.

Senator Chaput: Of the last nine candidates to be selected, how many had been recruited by the firm and how many came from outside the firm?

[English]

Ms. Hassard: I would just want to put a bit of context in at this point.

The firm itself did extensive outreach, and of course through that outreach it is word of mouth. Whenever a name came up, we would refer them back to the search firm so the search firm would be the funnel to the selection committee. They did outreach to mid to large accounting firms, the provincial Auditor General community, national accounting organizations, departmental audit committee chairs and federal deputy ministers, the provincial controller general community, senior executives in the Auditor General's office and chief financial officers within government, as well as executives of large, publicly traded organizations.

• (1620)

[Translation]

Senator Chaput: I understand. However, I would like to know how many of these people were directly recruited by the search firm and how many were referred to the firm by the committee?

Ms. d'Auray: Honourable senator, we are unable to tell you that. As my colleague indicated, the interested parties, the people who approached us directly, the people who submitted their names in response to the notice of vacancy, all these candidates were referred to the firm. We received the list of candidates from the firm, which carried out the first screening.

Senator Chaput: You said that there was no change to the criterion of proficiency in both official languages being essential. However, we have the Treasury Board policy and this policy was not followed. Do you agree with that?

Ms. d'Auray: Honourable senator, the Treasury Board policy applies to either the institutions or the duties when the incumbents are members of the public service. In this case, as

indicated by my colleague, the Auditor General is an officer of Parliament and is not a member of the Canadian public service. It is up to Parliament to choose and appoint this officer.

[English]

Senator St. Germain: I thank Ms. Hassard and Ms. d'Auray for being here today to take our questions on a very sensitive issue. As one who has been on Parliament Hill for close to 30 years, I know how sensitive this topic is.

My question elaborates, to a degree, on Senator Angus' questioning. I would like to talk about the selection committee and its members. Not that there has been any inference from the other side or anywhere else, but you obviously made a judgment call in the best interests of the country. Were you operating under any duress when you made this decision? Were any other influences brought upon your selection committee of six members?

Ms. d'Auray: I can affirm that there was no duress of any kind. As a member of the selection committee, we were enabled to do our work, and we did so.

Senator St. Germain: There was no outside influence in any way, shape or form that would have impinged on your decision-making process.

Ms. d'Auray: No. I am trying to understand the nature of the question, but we were free to undertake the selection process with all of the elements and freedom that a selection committee has.

Senator St. Germain: I compliment you on your decision because I think you made it in the best interests of Canada. It is a great day for Canada; we will have another bilingual person within a year, if the wisdom of Parliament is set to select this gentleman as our next Auditor General. Thank you.

The Chair: Honourable Senator Downe, you have about one minute.

Senator Downe: Great.

How did the selection committee communicate with the Prime Minister's Office?

Ms. d'Auray: I will turn to my colleague, Ms. Hassard, because she provided the secretariat. I can affirm that the President of the selection committee, the President of the Treasury Board, communicated the decision and the recommendation of the selection committee to the Prime Minister. That communication was done in writing and officially.

Senator Downe: Do you have anything else to add?

Ms. Hassard: I would add that it was through the usual channels.

Senator Downe: You indicated in your opening comments that the selection committee basically took the template of 10 years ago — the same position, different individuals — and recommended Sheila Fraser to the government of the day as she met all the competency requirements. Why was there need this time for a search firm? What was the bill for the head-hunting firm?

Ms. Hassard: I should clarify that I did not mean we did an identical governance model for this search. Then, there was a selection committee chaired by the President of the Treasury Board; we had a selection committee chaired by the President of the Treasury Board. In 2000, a consultative committee in effect acted as the search firm. They had people from the Canadian Institute of Chartered Accountants and other people in that field. We felt we had that on the selection committee and that using a search firm would be much more efficient and get us a more comprehensive and exhaustive result.

The Chair: Honourable senators, according to the order of the house, the time for this portion of the hearing has expired.

Senator Downe: No transparency.

The Chair: I know that honourable senators will join me in thanking Ms. Hassard and Ms. d'Auray for their presence here today.

[*Translation*]

I would now ask Mr. Ferguson to enter.

(Pursuant to Order of the Senate, Mr. Michael Ferguson was escorted to a seat in the Senate Chamber.)

The Chair: Welcome, Mr. Ferguson. I would like to thank you for being here and I invite you to make your opening remarks, which will then be followed by questions from the senators.

You have the floor.

Michael Ferguson: Thank you. I am very honoured to be here today as the nominee for the position of Auditor General of Canada.

Canada's Auditor General plays a very important role in the accountability structure of Canadian democracy. I was chosen after a rigorous selection process put in place by the government, and I would like to reassure the committee that after having been New Brunswick's Auditor General for five years, I know full well that this position is that of an officer of Parliament. Even though, legally, the Government of Canada makes the selection, both houses of Parliament must approve the appointment.

If I am appointed, my allegiance will be to Parliament and to the code of ethics of my profession as a chartered accountant. I firmly believe that the person occupying this position must be completely independent and objective. Parliament gives the government the authority to carry out certain functions and provides the budget allocations to do so. The primary role of the Auditor General is to provide Parliament with the information needed to fulfill its role of monitoring that spending.

• (1630)

Parliament created the office and position of Auditor General through legislation that establishes the authority, tasks and functions of the role. Under that act, the primary role of the Auditor General is to examine the government's financial statements and to provide Parliament with the information needed to help keep the government accountable for its management. My interpretation of the Auditor General Act is that the Auditor General must table his report in the House of Commons through the public accounts committee.

[*English*]

The Auditor General provides information gathered through a rigorous and objective process to Parliament so that Parliament in turn can hold government accountable for its delivery of services to Canadians. The Auditor General also provides insight into how the government can provide those services efficiently and with due regard to economy.

The Auditor General helps to ensure that sound accounting practices are followed in the government's financial statements and that robust financial controls are in place across government to ensure the responsible use of public funds.

It is important that the findings and recommendations of the Auditor General be evidence-based rather than expressive of opinions or emotions. It is not the auditor's function to debate policy.

My definition of the success of this role would be consistent with the strategic outcome and expected results that have been itemized in performance reports issued by the Office of the Auditor General of Canada in the past — that is, contributing to a well-managed and accountable government for Canadians by helping to keep Parliament well informed and engaged. This is achieved by performing work that is relevant to Parliament, the citizens of the country and other stakeholders of the office.

The Office of the Auditor General of Canada has experienced many well-noted achievements in the past. I especially want to acknowledge the superb work accomplished by Ms. Sheila Fraser during her term as Auditor General. It is not easy to have to follow someone of her standing in this role. She conducted herself with dignity, integrity, professionalism and excellence.

My goal will be to build on her excellent work, just as Ms. Fraser was able to build on the exemplary contribution made in the position by Mr. Denis Desautels. There is a tradition of excellence in the office, and I commit to striving to uphold the standards set by those two remarkable public servants.

As far as my personal experiences are concerned, I served five years as comptroller and the past year as Deputy Minister of Finance and secretary to board of management inside the New Brunswick government.

I also served five years, between 2005 and 2010, as the Auditor General for the province, reporting to the New Brunswick legislature. I believe that this experience gives me insight into how government operates from the inside, as well as experience in objectively auditing government. I am not new to the government auditing world.

In order for this committee to be comfortable with how I will approach the role, I am fortunate to have been the Auditor General of New Brunswick for five years, so my approach and performance is a matter of public record.

I am also in my third term serving on the Public Sector Accounting Board, the organization that establishes accounting standards for Canadian governments, and I served one year as president of the New Brunswick Institute of Chartered Accountants.

[*Translation*]

I am not unknown to the Office of the Auditor General of Canada. I worked with some of its employees when I was the Auditor General of New Brunswick. I have also had the opportunity to work with the current Interim Auditor General, John Wiersema, in other professional sectors, particularly, on the Public Sector Accounting Board.

If my appointment is approved, I will have the opportunity to join a highly respected organization, which, in my opinion, seems to be very well managed. I do not plan to make any significant changes to how the office operates. In fact, from an operational standpoint, I believe that my main duty will be to stay the course.

I have already spoken about two of the most important values of the Office of the Auditor General: independence and objectivity. The Auditor General must act independently and objectively using the safeguards and mechanisms set out in the Auditor General Act. Integrity, prudence, diligence, objectivity and independence are also part of the professional requirements of my work as a chartered accountant.

I would now like to address one of the challenges that I will have to face if my appointment is accepted. I am not yet bilingual. I come from a bilingual province where equality of both official languages is always one of the main considerations in policy development. However, I have not yet reached a sufficient level of proficiency in French. I am aware that, in order to show proper respect for Parliament and the people of Canada, I will have to improve my French language skills. I am committed to doing so. My skills have already been assessed and I have taken measures to improve.

In closing, I would like to reiterate that the Auditor General must be extra cautious with regard to protecting the independence and objectivity of the position, and I clearly understand that this is a position as an officer of Parliament. I am here to answer your questions. I am prepared to provide information about myself as part of the review of my appointment. I sincerely hope that, once the process is complete, you will be able to approve my appointment.

Thank you, honourable senators. I am now ready to answer your questions.

[*English*]

The Chair: Thank you very much for your opening statement. I now turn to the Honourable Senator Tardif to commence.

[*Translation*]

Senator Tardif: Mr. Ferguson, during your appearance yesterday before the Standing Committee on Public Accounts, you indicated that you are not fluent in French and that you cannot even conduct a conversation in French — and you reiterated that today in this chamber. Can you tell us, Mr. Ferguson, whether the search firm mentioned anything about language criteria?

[*English*]

Mr. Ferguson: Yes, it did.

[*Translation*]

Senator Tardif: What exactly did they tell you?

[*English*]

Mr. Ferguson: They asked me what my level of proficiency in French is.

[*Translation*]

Senator Tardif: And what did you say?

[*English*]

Mr. Ferguson: I said that I have some ability to read but that I am not bilingual.

[*Translation*]

Senator Tardif: When you were interviewed by the selection committee, did the language criterion enter into the discussion?

[*English*]

Mr. Ferguson: When I was in front of the selection committee they also asked me what my proficiency in French is.

[*Translation*]

Senator Tardif: Were you asked any questions in French?

[*English*]

Mr. Ferguson: I do not recall any being addressed to me in French.

[*Translation*]

Senator Tardif: Were you asked to summarize a paragraph, for example, that you read in French? Did you have to prove that you could understand the language without an interpreter?

[*English*]

Mr. Ferguson: Not when I met with the committee, but I was subsequently tested twice at the request of the committee.

[*Translation*]

Senator Tardif: What were the results of these tests you had to take?

[*English*]

Mr. Ferguson: That I had the ability to learn a language, that I had above average ability to learn the language, but that I was still going to require a number of hours to get to the level of proficiency that I should have.

[Translation]

Senator Tardif: Your potential to learn the language was assessed, but your current language skills were not. For instance, in the federal public service, level “A” is the beginner level. Were you given an “A” for comprehension, an “A” for oral interaction, or were you not given this type of test?

• (1640)

[English]

Mr. Ferguson: I did have that assessment. I had both assessments. One was for my ability to learn the language, and the other was for my level at the time. The assessment, I believe, was done in February. I do not remember the exact letters that were assigned to me at that time.

[Translation]

Senator Tardif: You do not remember taking a test. You do not remember the results of the testing, whether you obtained an “A,” “B” or “C.” People normally remember that kind of thing.

[English]

Mr. Ferguson: What I do remember was that at the time, I believe, they said that it would take me about 1,200 hours. That was in February. Since then, I have been working away at it to try to reduce that amount of time.

[Translation]

Senator Tardif: One thousand, two hundred hours to reach what level? A beginner level?

[English]

Mr. Ferguson: I believe it was level C-B-C.

[Translation]

Senator Tardif: So are you telling us that you are committed to achieving a certain level if you are appointed Auditor General? Normally, based on Treasury Board guidelines, a superior level of comprehension is a CCC level, and all senior officials within the federal government are expected to achieve that. Are you committed to achieving that level, a CCC?

[English]

Mr. Ferguson: The level that was indicated that I need to reach was C-B-C and, yes, I have committed to attain that level.

[Translation]

Senator Tardif: If you cannot reach that level within a year, as you said, would you be willing to consider resigning at that point?

[English]

Mr. Ferguson: I am certainly not going to commit to that. I am going to commit to putting my effort into learning and reaching the level as quickly as I can.

[Translation]

Senator Tardif: I have here the Treasury Board Policy on Official Languages for Human Resources Management. It states that for executives, a superior level of bilingual proficiency is required so that they can carry out their duties and fulfill their obligation to create a work environment conducive to the effective use of both official languages in regions designated as bilingual for language-of-work purposes. This includes the supervision of employees, a significant role in the institution’s relationship with other federal institutions, significant functions related to representing the institution to the public or employees of the institution, and so on.

How will you carry out each of these activities in the other official language, French in your case?

[English]

Mr. Ferguson: The Office of the Auditor General is an office that is well managed and well structured. It has the capacities, abilities and structures within the office to be able to make sure that any employee has the ability to work in their language of choice, as per the policies.

[Translation]

Senator Tardif: If I understand correctly, Canadians will be served for one year by an auditor general who is in language training and whose number one priority will be to learn French. In the meantime, if I wanted to have a conversation with you, we would need an interpreter. Is that correct?

[English]

Mr. Ferguson: I would not be able to hold a conversation with you right now in French.

[Translation]

Senator Tardif: How are you able to fulfill your duties, then? Why are you moving forward with your candidacy when you do not meet the requirements, Mr. Ferguson?

[English]

Mr. Ferguson: I was asked to put my name forward. I was asked to submit a resumé. I believe very much that I can fulfill the mandate of the position.

It will be my personal priority to learn French and to improve my French, but I will also have the work priorities to ensure that the office is functioning as it should and fulfilling its mandate.

[Translation]

Senator Tardif: Right now, you are not able to communicate with the public and your employees. And we must not forget that there are 7 million Canadians whose first official language is French. I do not understand, Mr. Ferguson, how you can meet the requirements of the position as posted by the Treasury Board.

[English]

Mr. Ferguson: The first thing that I will do, in the short term, is to continue to work on the pronunciation of the French language, so that I can deliver prepared remarks in French. I will continue to work on my proficiency in the language so that I can get to a point of proficiency as quickly as possible.

[Translation]

Senator Tardif: Mr. Ferguson, you have been a member of the New Brunswick public service for 25 years and you have not yet attained this level of proficiency. How can we now believe that you will attain this proficiency within one year?

[English]

Mr. Ferguson: I am not a complete beginner. I have been assessed. I have been assessed at what level I am. I have been assessed with above-average ability to learn the language, and it will be my number one personal priority.

Senator Marshall: Thank you, Mr. Ferguson, for being here today. Can you give us some additional information on your professional background? You mentioned that you were Auditor General, Comptroller General, and Deputy Minister of Finance. Can you tell us in what order you fulfilled those positions? Were you Auditor General first?

Mr. Ferguson: No, I spent five years as comptroller, between 2000 and 2005. From 2005 to 2010, I was Auditor General for the Province of New Brunswick. For the past year, I have fulfilled the role of Deputy Minister of Finance and secretary to the Board of Management.

Senator Marshall: Thank you. Who does the position of comptroller report to? Is that sort of a semi-independent position?

Mr. Ferguson: At the time, it reported directly to the Minister of Finance.

Senator Marshall: Then you moved to the Auditor General's position for five years. Why was it five years? Is it a five-year term?

Mr. Ferguson: No, it was a ten-year term. I was in the role when the current premier asked me if I would take on the role of Deputy Minister of Finance, and I agreed to do that. It was entirely my choice whether or not to do that because, as Auditor General, I had tenure in the position and I could have stayed for the other five years of that mandate.

Senator Marshall: You are currently the Deputy Minister of Finance in the province of New Brunswick.

Mr. Ferguson: That is right.

Senator Marshall: Have you spent your entire career in the provincial government?

Mr. Ferguson: No, at the beginning of my career, I spent approximately five years with a chartered accounting firm.

Senator Marshall: Was most of your career spent within the government? Was it within the Department of Finance?

Mr. Ferguson: Within the public service, yes.

Senator Marshall: One of the issues I found out about today is that you were the president of the New Brunswick Institute of Chartered Accountants, which I think would be very valuable. When were you president of the New Brunswick institute?

Mr. Ferguson: That would have been two years ago, for one year.

Senator Marshall: You indicated that you are on the Public Sector Accounting and Auditing Board of the Institute of Chartered Accountants.

Mr. Ferguson: Yes.

Senator Marshall: How long have you been on that board?

Mr. Ferguson: This is my third term on that board. Each term is three years, but in between my first and second term, I think it was, I was off the board for a couple of years.

• (1650)

Senator Marshall: After going through your professional background, why do you think you were nominated for the position? What do you see as your strengths and weaknesses?

Mr. Ferguson: I think my primary weakness is well known. I think my strengths are that I have very much an understanding of how government works, both from the inside and from the outside. I have experience in the standards-setting process of establishing accounting standards for all governments across Canada. I have been an auditor general. I have contacts in the auditor general community across the country.

I would just point to the various roles and the variety in my background and experience.

Senator Marshall: One of the issues I have always felt very strongly about, and I would like your opinion on it, is that quite often the auditors general in the various provinces are people who spent their entire career within that office or within auditing and who have actually never been audited themselves. I see you have a good combination. You have audited and you have been the auditee, so you have seen both sides of the fence.

Could you express your views on that? I would be interested in hearing what your experiences have been and what they have taught you that you can bring to your new role, if you are successful.

Mr. Ferguson: In the human resources world, there is a concept referred to as 360-degree feedback, and I think that is what I have in terms of being an auditor general. When I was comptroller, I was on the receiving end of recommendations from auditors that had to be implemented. When I became Auditor General,

one of the things I tried to impress on staff in the audit office was that when we make a recommendation, we need to make sure that we can also describe how that recommendation would be implemented, because I had been on the receiving end of those recommendations.

Then moving back inside government into the role of deputy minister of finance taught me that there are always things that can be improved inside a government and that sometimes you just need to make sure you are looking deep enough and you will always find things that can be improved. From the point of view of an auditor, that gives me some insight into the depth of questioning we need to ask in order to get to the real issues.

Senator Marshall: I was reading the material on the Auditor General's office. It is a broad organization in that quite a number of organizations on the national stage are audited, not just the federal government; you will be involved in the territories, agencies of the Crown, Crown corporations. I think at certain times in the history of the office there have been joint audits with provincial auditors general.

To be Auditor General or deputy minister of finance in a province like New Brunswick and then to move to a position on the national stage that has a much higher profile, is very politically sensitive, is really on the political stage, what do you see as the biggest challenges? Bear in mind, in addition to all these roles and responsibilities, the office is also much bigger. I think that the Auditor General's office, if I remember correctly, has about 650 employees. Could you give us your impressions of the transition and the higher level of responsibility of that position?

Mr. Ferguson: As you have said, honourable senator, the position has much more profile, and that challenge is compounded by the fact that the individual who has been filling the role for the past 10 years has done so at an extraordinarily high level of achievement. Following her will also be very difficult.

On the positive side, or to make that transition easier, the office is a well-functioning office, and audits are done according to rigorous processes. Those rigorous processes exist within the audit office of the federal government.

In terms of the size of the office and the 650 employees, right now in the department of finance in New Brunswick I am directly responsible for approximately 210 employees, but we also operate a shared-services organization that manages approximately 600 employees.

When you get to those levels of numbers, again, the way that you have to manage that is through structures and processes. Once you get beyond about 10 direct reports, everything else in the management has to be done through structure and processes. Whether you are managing 200, 600 or 1,000 people, it is a matter of whether you have the right processes in place that are operating appropriately.

Senator Marshall: Regarding the responsibilities of the office, we have also heard some discussions with regard to French-language training. You will really have to hit the ground running. Are you ready for that challenge?

[Mr. Ferguson]

Mr. Ferguson: I certainly believe I am, yes.

Senator Marshall: I will use that ugly phrase, "value-for-money audits." I do not think value-for-money audits are conducted now. I think the term is "performance audits." Have you done those in New Brunswick?

Mr. Ferguson: Yes. When I was comptroller, I was responsible for internal audit, and when I was Auditor General, we did performance audits or value-for-money audits as well. I have done them both from an internal auditor perspective and from an external auditor perspective.

[Translation]

Senator Fraser: The Chair is trying to give me a message.

Mr. Ferguson, welcome to the Senate. When you were approached, when you thought about applying, had you seen the notice of vacancy and the selection criteria that were published at the time?

[English]

Mr. Ferguson: No, I had not. I was approached by the search firm and asked to submit my resumé to the search firm.

[Translation]

Senator Fraser: That is very good, but I imagine that usually when someone is thinking about applying for a job, they inquire about the nature of the position and the relevant criteria. You did not bother to do that?

[English]

Mr. Ferguson: Yes. I had a discussion with them about the position, but it was not that I had read something or seen a notice or an advertisement. I had a conversation with the search firm when they called me to ask if I would submit my name.

[Translation]

Senator Fraser: At what point did you learn that the notice and the criteria stated, in black and white, that proficiency in both official languages was essential?

[English]

Mr. Ferguson: In that initial phone call, they asked me what my proficiency was in French and I told them.

[Translation]

Senator Fraser: But did you pursue the matter by asking what level of proficiency was required?

[English]

Mr. Ferguson: I am going by memory here, but my recollection is that they told me that the position had to be bilingual but there could be some time for a candidate to achieve that proficiency once appointed.

[*Translation*]

Senator Fraser: As I was just saying, that is not what is written, but it is very interesting, and I understand: if that is what you were told, then that is what you were told. However, as an auditor, one of the first things one does when one audits a government project or contract is to look at the criteria. If one of the criteria is deemed essential, then what does “essential” mean to you? How do you interpret the word?

• (1700)

[*English*]

Mr. Ferguson: In any audit, interpreting the word “essential” is a hypothetical question. I would have to identify what it was that we were auditing. “Essential” is obviously a strong word, but you would have to look at the circumstances around the use of that word to know exactly what its meaning was. Sometimes the context in which a word is used is as important as a single word itself.

[*Translation*]

Senator Fraser: It is not unusual to receive reports from the Office of the Auditor General that say that a given criterion was not met or something essential was not complied with.

In any event, I find it very interesting that you were told there was some flexibility when, upon reading the wording, one would not think so. But it is not your fault if that is what you were told.

Senator Tardif mentioned that you worked for 25 years for the Government of New Brunswick, the only officially bilingual province in Canada. In climbing the ranks to a very high level, you did not think it was necessary to become bilingual yourself. Why not?

[*English*]

Mr. Ferguson: I have worked at improving my level of French. I am not bilingual, but I am also not a beginner. I do have some capabilities in the language, and I will continue to build on that.

[*Translation*]

Senator Fraser: Mr. Ferguson, I fully believe in your goodwill. Those of us who have studied other languages know that even if someone is seen to have an above-average aptitude for learning languages, it is not that simple.

You told us that you do not remember the results of your language testing. Could you find that information and provide us with the results in the coming days?

[*English*]

Mr. Ferguson: Yes, I certainly could look into it.

[*Translation*]

Senator Fraser: It would be interesting for us to see. I would like to touch on one more subject, if I may. While improving your comprehension and ability to speak French, what will you do if an

employee comes to you with a confidential or personal matter and the employee needs to speak in French because his English is not as strong as he would like? Will you ask that an interpreter be present?

[*English*]

Mr. Ferguson: One of the first things that I will undertake when I get to the office is to identify those types of risks. Where there can be that risk, as you describe, I will sort out what the mitigating procedures would be to deal with that to ensure everyone can operate in the way they need to.

[*Translation*]

Senator Fraser: But in the circumstance I described, what do you see as a potential solution?

[*English*]

Mr. Ferguson: The first thing I will do is assess to what degree the risk exists within the organization. I would have to do that first before determining the mitigating procedures to deal with it.

[*Translation*]

Senator Fraser: You see it as a risk for an employee to ask to work in his own language and write an important report to his superior in that language? That is a risk? The word seems a bit strange to me in that context.

[*English*]

Mr. Ferguson: The risk is what you have described. It is the risk that a particular employee in the office needs to talk to me in French and that I would not be able to do it. That is what I am describing as a risk. I am not describing that it is a risk if someone wants to talk in French. I am describing that the risk is that they want to talk in French and I would not be able to do so. That is the risk I am talking about.

One of the first things I would do when I get to the office is identify to what extent that type of a situation might occur. We can then ensure that before it comes up, I have sorted out how it would be dealt with.

[*Translation*]

Senator Fraser: My last question is on the same topic. In Fredericton, New Brunswick, did you ever encounter a situation like the one I just described? If so, what did you do?

[*English*]

Mr. Ferguson: No, it has not happened.

Senator Fraser: Thank you.

Senator Nancy Ruth: Welcome, Mr. Ferguson.

As you have said, there are obligations of the Auditor General to deal with matters other than straight fiscal ones, but in general to audit. I am very interested in the auditing of the federal government’s commitment to gender-based analysis.

In 1995, the federal government made a commitment to implement gender-based analysis in all departments and agencies of government. As you know, gender-based analysis is an analytical tool. It assesses how a spending initiative or a policy proposal will affect women and how it will affect men. It shows whether and how the impacts will differ.

With this information, the federal government can ensure it undertakes spending and programs in ways that provide equal benefit — a key phrase — to men and women. The Canadian Charter of Rights and Freedoms guarantees equal benefit to men and women, and substantive equality. Substantive equality is the key there. Equal treatment or formal equality often does not result in equal benefit to women and men.

The Auditor General, as she then was, Sheila Fraser, commenced a study of the federal government's implementation of gender-based analysis in the spring of 2008. It was reported to Parliament in the spring of 2009.

The Auditor General found that there is no government-wide policy requiring that departments and agencies perform gender-based analysis. Additionally, of the few departments that do gender-based analysis, there is limited evidence to show how it is used in designing public policy. This government has responded with an action plan to improve the implementation of gender-based analysis.

I would like to ask about a particular observation made by Sheila Fraser. She said that central agencies — Treasury Board, Privy Council Office and the Department of Finance — have a challenge function in ensuring that departments and agencies perform gender-based analysis and take it into account adequately. These departments told the Auditor General that they did perform this challenge function, but they had no written record of these discussions, apart from what might be in cabinet documents. Of course, these are not within the reach of the Auditor General.

The Auditor General, Sheila Fraser, said:

In my view, . . . documentation of relevant analysis is fundamental to the management process. Without it, government cannot demonstrate due diligence.

• (1710)

What would you do to improve documentation of the performance of the challenge function critical to gender-based analysis?

Mr. Ferguson: Thank you for the question. I think fundamentally in the situation that you described, I would have to go back and understand the scope of the audit, the audit work that was done, the recommendations that were made and the subsequent follow-up work that has been done to ensure that the recommendations have been implemented. As part of the audit follow-up process for making sure that departments are complying or implementing the recommendations of the Auditor General, that would be a normal function.

Whatever those recommendations were, it would certainly be my expectation that part of the office's normal approach to audits would be to ensure that departments are following up and implementing the recommendations as they were made by the office. I would not change any of those recommendations; I will stand behind any recommendation that the office has made in the past.

Senator Nancy Ruth: I am very glad to hear that. I look forward to what you come up with. I think Ms. Fraser did five ministries of the government, and I would encourage you to do the rest, sir.

Senator Dawson: I will try to lighten up the atmosphere. Senator Marshall talked about having the Auditor General up and running the first day; he will have to run with his interpreter and his French teacher because I think it will be a problem. We cannot underestimate it, Mr. Ferguson.

Before you came in, Senator Joyal, who by far is the best constitutionalist in this room, clearly indicated that the law was not respected. We are not blaming you. The process did not respect the law, and that will affect your credibility.

Three of the four political parties in both houses clearly seem to oppose your nomination. You have been an auditor general and you know how important the credibility of the post is. You talked about objectivity. I understand that. You talked about neutrality. I respect that. What about respect if your credibility is affected by the weakness of the process that brought you here? Do you think that weakens your position in the future?

Mr. Ferguson: I will not try to speculate on that outcome. As of right now, the vote has not been taken. Until that happens, I will not speculate on that.

Senator Dawson: What about the legality of it, if you feel or are told that there is a legal question on the bilingualism criteria? I will give you an example. Let us say, theoretically, because the government has a majority and they can impose you on Parliament, if you went to a committee or to an organization and they had criteria like the criteria we had — bilingualism, proficiency in both languages — as Auditor General, how would you interpret those words? Would you interpret them in the way they have been interpreted in bringing you here today? Again, you are not the guilty party here; the people who brought you here did not respect the process.

How will you act as Auditor General when you are in a room and something like that happens? Will you say I will interpret it as liberally as possible, try to be nice and give the person a chance? That is not what the Auditor General is supposed to do. He is supposed to be by the book. How can you be by the book if you came in outside the book?

Mr. Ferguson: Fundamentally, my answer is going to be that I put my resumé into a process. I was not an auditor of the process; I was asked to put my name into the process, so I cannot comment on the situation you have described because I do not know that those are the facts.

Senator Dawson: The reality of the legal aspect I guess will be hard for you. I think the questions you have had in both chambers are a clear indication that the opposition in both chambers has strong reservations, at the least.

[Senator Nancy Ruth]

Do you not feel that at this time, since you still have your job, you could, after the vote, arrive at the conclusion if you are not being supported? You were an auditor general that had the support of both sides of the chamber in New Brunswick and you knew how important it was to have that credibility. You knew you could communicate with the people of New Brunswick, but now you know you cannot communicate with seven million Canadians. Since it is one of your jobs to be able to communicate with people, how will you feel if you cannot do it?

Mr. Ferguson: I have committed to improve my level of proficiency in French. That is my commitment. I think I bring a lot of other skill sets to this position, and I think that I am well qualified for the position. I have a weakness that I have acknowledged and one that I intend to work on and try to remove.

Senator Dawson: Can you answer the question that was asked before: By when — one year, two years, three years — and can you attain it? Some people obviously do not have the capacity to learn two languages. If you arrive at a point where you have not respected your commitment that you have taken here today, when and how will you evaluate it, and then what will you do?

Mr. Ferguson: I have been evaluated as having above average ability to learn the second language. I am committed to learning the second language and I will learn it as quickly as I can.

Senator Brown: Mr. Ferguson, I am very pleased to have you here today. I know that it is true that your most important quality for the position of Auditor General would be the number of years and the practising of the profession by yourself, auditing for provinces and working with the government as well.

What I want to ask you is are we not using the same numerical symbols when we talk about figures in French and in English? My wife does not allow me to have much over \$20 bills, but I have a \$5 bill here and it has French on the end of it and it has “Bank of Canada” in both languages. It has one symbol, though; it only has 5 on the numerical side of the bill. On the hologram on the other side, it also has 5 on it, but it does not have any other symbol.

I was looking at the French side of the \$20 bill. It seems to have only the 20 symbol on it as well. Again, in the hologram, it has the 20.

It seems to me that your most important quality must be your ability to put figures together in terms of numbers and decide whether those numbers were properly given, whether they were properly calculated and whether they were added or subtracted right. When you put together the final audit, would you be putting that out in a long string of words, in either English or French, or would you use the symbols from 1 to 10 and all of the permutations you would have? Could you answer that for me, please?

Mr. Ferguson: The way I will answer it is to say that I believe that I bring a varied level of experience. I have looked at many complex issues, both as auditor and in having to implement things as comptroller or as deputy minister of finance. I am well aware of such issues as actuarial valuations for underfunded pension liabilities.

I am on the board of the New Brunswick Investment Management Corporation, which is responsible for the investments of the province’s pension assets. I am on the board of the Atlantic Lottery Corporation. I am on the board of the New Brunswick Credit Union Deposit Insurance Corporation, which is responsible for protecting deposits in all of the province’s credit unions and caisses populaires.

• (1720)

The way I will answer your question is to say that I think I do bring a varied, deep and broad skill set to this job without, in any way, trying to diminish the fact that I do have a language weakness that I need to improve upon.

Senator Brown: I just wanted to say thank you.

I appreciate the fact that you do have a background in figures and you are able to calculate the cost of things and put it on paper. I wish you the very best of luck going forward with your second language training.

In the past I found myself in a funny position because I left Canada to go to the United States for college, and part of the reason for that was I was not very good in French in grades 10, 11 and 12. Now I find myself trying to change the Constitution of the country, so I have sympathy.

[*Translation*]

Senator Dallaire: Hello, Mr. Ferguson and welcome to the Committee of the Whole, which I hope will be useful to you in the future.

I believe that the duties of an auditor general go much further than simply being good with numbers, contrary to Senator Brown’s belief that your role is limited to managing numbers. To my knowledge, the Auditor General is a person who analyzes not just the numbers but the entire process in which resources are used, in order to ensure that procedures are being followed. I also believe that another role of the Auditor General is to help managers in various government organizations become more productive.

In this context, I am convinced that your professional experience would allow you to fulfil the role of Auditor General in a manner that is beyond reproach.

However, my question pertains to the Auditor General’s role as a public servant. I had the pleasure of serving our country up to the level of assistant deputy minister. Until 1968, francophones in our country, unless they were perfectly bilingual — and I mean perfectly bilingual — had absolutely no chance of advancing to management positions, and even less chance of becoming senior managers.

That is why Canada, a democratic country with a long history, created a law so that it would have two official languages that would be recognized as equal and so that people in positions of authority and responsibility would be required to be able to work in both official languages.

When I decided to enter the Armed Forces, my father, who was a career soldier, told me before I left:

[English]

“Roméo, if you want a career in the forces as an officer, you had better change your name from Dallaire to Dallard,” because in 1964 you would go nowhere. By assimilation and a lot of extra work, I learned English and I achieved that rank because I mastered English, among the other qualities.

How is it, sir, that in a bilingual province, where you have achieved the level of deputy minister, that you were able to achieve that without that essential criterion, which is a fundamental law of our nation? Your province has even gone to the other element of rendering bilingual, that you did not go on formal training and did not achieve the linguistic skills required for that level of responsibility established by law in this country?

Mr. Ferguson: As I have said before, I do have some French language training; I am not a complete beginner.

In terms of my role in the province of New Brunswick, I have attained some positions with a lot of responsibility. I have performed the role of Auditor General. I am now Deputy Minister of Finance and secretary to the board of management. I think the record will show that I have performed those functions quite well and have been successful.

Senator Dallaire: I wonder if when you are looking at the criteria of your personal staff, whether or not you will demand that your personal staff be fully and effectively bilingual in order to ensure that the written correspondence generated by you or required from your office be done in the best possible linguistic criteria established. Will you insist or require that your staff be fully bilingual?

Mr. Ferguson: I am sure that the Office of the Auditor General of Canada very much has the capacity to do what you have just described and produce material of high quality in both official languages.

Senator Dallaire: Yes, sir. There is a responsibility of leadership by example, and part of that responsibility is meeting the criteria of your responsibilities. I have absolutely no question about your technical skills, your ability and your pedigree in meeting that.

Many of my colleagues have been general officers who have been excellent, superb and far superior to me as well. However, a number of them never reached in the latter part, certainly in the last decade, the rank of senior general officer at the ADM level or equivalent, or even as Chief of Defence Staff, without meeting those stringent, established rules of bilingualism. The era in which the soldier will die in the language of the officer is over. The officer will give the orders for those troops to commit themselves in the language of the troops, not in the language of the officers, as we have done in wars previous.

That is what is going on when we put people at risk. Why is it acceptable, sir, that you — because I am sure there are other competent persons, as well — should be the exception to that rule at this time?

[Senator Dallaire]

Mr. Ferguson: My commitment is to improve my proficiency. I am committed to that. I will work on that. That is my number one personal priority, so that I can overcome the weakness that I have acknowledged that I have.

Senator Dallaire: Thank you very much for your frank responses, sir.

[Translation]

The Chair: Honourable senators, I know that you will join me in thanking Mr. Ferguson. Thank you very much.

Hon. Senators: Hear, hear!

The Chair: Is it agreed, honourable senators, that the Committee of the Whole now rise and that I report to the Senate that we have heard from the witnesses?

Hon. Senators: Agreed.

• (1730)

[English]

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF COMMITTEE OF THE WHOLE

Hon. Donald H. Oliver: Honourable senators, the Committee of the Whole, authorized by the Senate to hear from Ms. Patricia Hassard, Ms. Michelle d’Auray and Mr. Michael Ferguson respecting the appointment of the Auditor General of Canada, reports that it has heard from the said witnesses.

The Hon. the Speaker: Honourable senators, continuing Orders of the Day.

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and Communications, (*budget—study on the Canadian airline industry—power to hire staff and power to travel*) presented in the Senate on October 27, 2011.

Hon. Dennis Dawson moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR— SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources, (*budget—study on the energy sector—power to hire staff and power to travel*) presented in the Senate on October 27, 2011.

Hon. W. David Angus moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

NATIONAL SECURITY AND DEFENCE

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON NATIONAL SECURITY AND DEFENCE POLICIES, PRACTICES, CIRCUMSTANCES AND CAPABILITIES— SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Canada's National Security and Defence, (*budget—study on National Security and Defence Policies—power to hire staff and power to travel*) presented in the Senate on October 27, 2011.

Hon. Daniel Lang moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET AND AUTHORIZATION TO TRAVEL— STUDY ON SERVICES AND BENEFITS FOR MEMBERS AND VETERANS OF ARMED FORCES AND CURRENT AND FORMER MEMBERS OF THE RCMP, COMMEMORATIVE ACTIVITIES AND CHARTER— THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on National Security and Defence, (*budget—study on Veterans Affairs—power to travel*) presented in the Senate on October 27, 2011.

Hon. Daniel Lang moved the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

USE OF LANDMINES AND CLUSTER MUNITIONS

INQUIRY—ORDER RESET

On Inquiry No. 8 by the Honourable Senator Hubley:

That she will call the attention of the Senate to the use of landmines and cluster munitions.

Hon. Elizabeth Hubley: Honourable senators, I am still completing my remarks on this inquiry and ask to rewind the clock.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(Order reset.)

VOLUNTEERISM IN CANADA

INQUIRY—ORDER RESET

On Inquiry No. 9 by the Honourable Senator Mercer:

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

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I intend to speak to this item, but I have not had an opportunity to complete my preparation. I move the adjournment in my name for the balance of my time.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(Order reset.)

STATE OF BANDS OF CANADIAN FORCES

INQUIRY—ORDER RESET

On Inquiry No. 12 by the Honourable Senator Banks:

That he will call the attention of the Senate to the state of the bands of the Canadian Forces.

Hon. Tommy Banks: Honourable senators, there are still details that I am lacking for my remarks on this inquiry. I move the adjournment in my name.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

(Order reset.)

(The Senate adjourned until Wednesday, November 2, 2011, at 1:30 p.m.)

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

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

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Kevin MacLeod

THE MINISTRY

(In order of precedence)

(November 1, 2011)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Peter Gordon MacKay	Minister of National Defence
The Hon. Vic Toews	Minister of Public Safety
The Hon. Rona Ambrose	Minister of Public Works and Government Services
	Minister of State (Status of Women)
The Hon. Diane Finley	Minister of Human Resources and Skills Development
The Hon. Beverley J. Oda	Minister of International Cooperation
The Hon. John Baird	Minister of Foreign Affairs
The Hon. Tony Clement	President of the Treasury Board
	Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Peter Van Loan	Leader of the Government in the House of Commons
The Hon. Jason Kenney	Minister of Citizenship, Immigration and Multiculturalism
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food
	Minister for the Canadian Wheat Board
The Hon. Christian Paradis	Minister of Industry and Minister of State (Agriculture)
The Hon. James Moore	Minister of Canadian Heritage and Official Languages
The Hon. Denis Lebel	Minister of Transport, Infrastructure and Communities
	Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Leona Aglukkaq	Minister of Health
	Minister of the Canadian Northern Economic Development Agency
The Hon. Keith Ashfield	Minister of Fisheries and Oceans and Minister for the Atlantic Gateway
The Hon. Peter Kent	Minister of the Environment
The Hon. Lisa Raitt	Minister of Labour
The Hon. Gail Shea	Minister of National Revenue
The Hon. John Duncan	Minister of Aboriginal Affairs and Northern Development
The Hon. Steven Blaney	Minister of Veterans Affairs
The Hon. Edward Fast	Minister of International Trade
	Minister for the Asia-Pacific Gateway
The Hon. Joe Oliver	Minister of Natural Resources
The Hon. Peter Penashue	Minister of Intergovernmental Affairs
	President of the Queen's Privy Council for Canada
The Hon. Julian Fantino	Associate Minister of National Defence
The Hon. Bernard Valcourt	Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie)
The Hon. Gordon O'Connor	Minister of State and Chief Government Whip
The Hon. Maxime Bernier	Minister of State (Small Business and Tourism)
The Hon. Diane Ablonczy	Minister of State of Foreign Affairs (Americas and Consular Affairs)
	Minister of State (Western Economic Diversification)
The Hon. Lynne Yelich	Minister of State (Transport)
The Hon. Steven John Fletcher	Minister of State (Science and Technology)
The Hon. Gary Goodyear	(Federal Economic Development Agency for Southern Ontario)
	Minister of State (Finance)
The Hon. Ted Menzies	Minister of State (Democratic Reform)
The Hon. Tim Uppal	Minister of State (Seniors)
The Hon. Alice Wong	Minister of State (Sport)
The Hon. Bal Gosal	

SENATORS OF CANADA

ACCORDING TO SENIORITY

(November 1, 2011)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	South Shore	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Rose-Marie Losier-Cool	Tracadie	Tracadie-Sheila, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.

Senator	Designation	Post Office Address
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A. A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Bert Brown	Alberta	Kathryn, Alta.
Fred J. Dickson	Nova Scotia	Halifax, N.S.
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothsay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Gatineau, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Michael Douglas Finley	Ontario—South Coast	Simcoe, Ont.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman (Ripley)	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
David Braley	Ontario	Burlington, Ont.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(November 1, 2011)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Braley, David	Ontario	Burlington, Ont.	Conservative
Brazeau, Patrick	Repentigny	Gatineau, Que.	Conservative
Brown, Bert	Alberta	Kathryn, Alta.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude	Mille Isles	Saint-Eustache, Que.	Conservative
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Dickson, Fred J.	Nova Scotia	Halifax, N.S.	Conservative
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Conservative
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Finley, Michael Douglas	Ontario—South Coast	Simcoe, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Tracadie-Sheila, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Manning, Fabian	Newfoundland and Labrador	St. Brides's, Nfld. & Lab.	Conservative
Marshall, Elizabeth (Beth)	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Conservative
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oliver, Donald H.	South Shore	Halifax, N.S.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seidman (Ripley), Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Sauvel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothesay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Conservative
Watt, Charlie	Inkerman	Kuuujuaq, Que.	Liberal
Zimmer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (November 1, 2011)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools	Toronto Centre-York	Toronto
2 Colin Kenny	Rideau	Ottawa
3 Consiglio Di Nino	Ontario	Downsview
4 Michael Arthur Meighen	St. Marys	Toronto
5 Marjory LeBreton, P.C.	Ontario	Manotick
6 Marie-P. Poulin	Northern Ontario	Ottawa
7 Francis William Mahovlich	Toronto	Toronto
8 Vivienne Poy	Toronto	Toronto
9 David P. Smith, P.C.	Cobourg	Toronto
10 Mac Harb	Ontario	Ottawa
11 Jim Munson	Ottawa/Rideau Canal	Ottawa
12 Art Eggleton, P.C.	Ontario	Toronto
13 Nancy Ruth	Cluny	Toronto
14 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
15 Nicole Eaton	Ontario	Caledon
16 Irving Gerstein	Ontario	Toronto
17 Michael Douglas Finley	Ontario—South Coast	Simcoe
18 Linda Frum	Ontario	Toronto
19 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
20 David Braley	Ontario	Burlington
22 Salma Ataullahjan	Toronto—Ontario	Toronto
24 Don Meredith	Ontario	Richmond Hill
23		
24		

 SENATORS BY PROVINCE AND TERRITORY

 QUEBEC—24

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

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

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

NEW BRUNSWICK—10

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

PRINCE EDWARD ISLAND—4

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

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Janis G. Johnson	Manitoba	Gimli
2 Terrance R. Stratton	Red River	St. Norbert
3 Maria Chaput	Manitoba	Sainte-Anne
4 Rod A. A. Zimmer	Manitoba	Winnipeg
5 Donald Neil Plett	Landmark	Landmark
6

BRITISH COLUMBIA—6

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

SASKATCHEWAN—6

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

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
2 Tommy Banks	Alberta	Edmonton
3 Claudette Tardif	Alberta	Edmonton
4 Grant Mitchell	Alberta	Edmonton
5 Elaine McCoy	Alberta	Calgary
6 Bert Brown	Alberta	Kathryn

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 George Furey	Newfoundland and Labrador	St. John's
3 George S. Baker, P.C.	Newfoundland and Labrador	Gander
4 Elizabeth (Beth) Marshall	Newfoundland and Labrador	Paradise
5 Fabian Manning	Newfoundland and Labrador	St. Bride's
6	Newfoundland and Labrador	

NORTHWEST TERRITORIES—1

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

NUNAVUT—1

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

YUKON—1

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

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