



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Wednesday, December 14, 2011

The Honourable NOËL A. KINSELLA  
Speaker

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

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## THE SENATE

Wednesday, December 14, 2011

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

Prayers.

### SENATORS' STATEMENTS

#### THE SENATE

THE LATE MR. DENIS BOILEAU

**Hon. David Tkachuk:** Honourable senators, the Senate community is marking the passage of a valued employee and colleague. Let me express our deepest condolences to the family and friends of Mr. Denis Boileau, who died suddenly yesterday afternoon at the age of 55.

Denis worked for the Senate for over 12 years. He joined Printing Services as an operator and became supervisor in 2004.

Denis was an outstanding individual and dedicated worker who strove for quality in all that he did, displaying a fine and gentle sense of humour. With his positive, can-do attitude, he was able to inspire and bring out the best from his team to get things done. Senators and Senate staff were impressed with his professionalism, his dedication to the institution and his client service orientation. It was no surprise he was honoured almost every year by the Senate Employee Awards Program, as well as the Environmental Awards Program.

Denis was a committed team player who could always be counted upon to collaborate unconditionally with all organizational initiatives. For example, he played a leading role in the Friends of the Senate Program for many years by training students with physical or intellectual disabilities in skills and behaviours that will help them find work in the future.

One of them, Patrick Beauregard, eventually found employment with Building Services and worked under Denis' supervision.

Mr. Boileau is survived by his wife Diane; his sons, Mario and Patrice; his daughters-in-law, Catherine and Roxanne; and his granddaughters, Mélyka and Zoé.

Our thoughts and prayers are with them during this most difficult and sad time. I ask all honourable senators to rise for a moment of silence.

*Honourable senators then stood in silent tribute.*

#### HIS HIGHNESS PRINCE KARIM AGA KHAN

CONGRATULATIONS ON SEVENTY-FIFTH BIRTHDAY

**Hon. Mobina S.B. Jaffer:** Honourable senators, yesterday Ismaili Muslims around the world celebrated the seventy-fifth birthday of His Highness Prince Karim Aga Khan. The Aga Khan is the devoted spiritual leader and forty-ninth imam of the Shia Ismaili Muslims.

As a proud Ismaili Muslim, every morning I wake up knowing that I am a beneficiary of the Aga Khan's infinite knowledge, wisdom and guidance.

When my family and my community were exiled from Uganda, when we lost everything and feared for our lives, the Aga Khan protected us. He helped us rebuild our entire lives and seek refuge in this great country, Canada.

When I was a young woman and I faced societal pressures that told me that women could only be nurses and teachers and not lawyers or doctors, the Aga Khan taught me that your gender did not define who you are or which profession to pursue. He emphasized the importance of educating girls, and he continues to ensure that young girls around the world are afforded the same opportunities as young boys.

Honourable senators, the truth is that we are all beneficiaries of the Aga Khan's philanthropy. In 1967, the Aga Khan founded the Aga Khan Foundation, which is one of the largest private development agencies in the world. The Aga Khan Foundation and the other development agencies that operate in close conjunction provide long-term solutions to poverty, hunger, illiteracy and other problems that are plaguing the developing world.

In addition, they also have mandates that include the environment, education, culture, architecture, micro-finance and rural development.

Traditionally, one receives gifts on one's birthday.

Honourable senators, the greatest gift that we can offer His Highness Prince Karim Aga Khan is to renew our commitment to building a pluralistic society, one that is based on the values of justice, equality and tolerance. Together we must work to improve not only our own lives but also the lives of those who are the most vulnerable in society.

The Aga Khan has often described his vision of a world where difference is not seen as weakness but instead as a powerful force for good.

Honourable senators, I want to live in that world. The Aga Khan has given us all so much. Let us continue to work to make his vision a reality.

THE LATE TOM KENT, C.C.

**Hon. Hugh Segal:** Honourable senators, I rise today to pay tribute to a remarkable Canadian, Tom Kent, who died on November 15 at the age of 89. Before even coming to Canada after the Second World War, he served our national interests and our national security by being part of the remarkable crew of

individuals who worked at Bletchley Park to decipher the German enigma code, a feat essential to the preservation by the Allies of civilization against the Nazi threat. Both Tom and his wife, Phyllida, a mathematician, were part of that effort. As a journalist, Tom worked on ensuring that, through strategic misinformation, the enemy would never know for sure if their codes had been broken.

In Canada, he worked at the *Winnipeg Free Press* and became its editor-in-chief before joining Prime Minister Mike Pearson as a senior adviser. He was instrumental in the launch of not only universal health care on a national basis, but also the Canada Pension Plan as well. It was he who negotiated with the officials from Quebec to see a federal government embrace a confederal solution on pensions and a pension solution for all Canadians.

Tom Kent was the man Prime Minister Pearson selected to launch the war on poverty, which he did in a host of ways. His retirement from the public service liberated his editorial skills. He launched *Policy Options* magazine, which is still the flagship publication of the Institute for Research on Public Policy. He was its founding editor and died as a lifetime fellow of the institute.

His work on media and ownership concentration is well known to members of this place and to all Canadians.

• (1340)

Before, during and after his time in the federal government, Tom's work stands as a testament to what creativity, humility and collaboration can achieve in public policy. Even though he spent his entire public service life in this country supporting the Liberals — for which I forgive him — one need not agree with his every conclusion to know that he always had the courage to ask the right questions, and that we are deeply richer as Canadians, in so many ways, because of Tom Kent's devoted service to his country, our values and its people.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Trevor Holder, Minister of Wellness, Culture and Sport and Minister of Tourism and Parks of the Province of New Brunswick; and Brian Macdonald, MLA for Fredericton-Silverwood of the Province of New Brunswick.

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

## HOLLAND COLLEGE

### EARLY LEARNING CENTRE

**Hon. Catherine S. Callbeck:** Honourable senators, earlier this month, I was fortunate to attend the grand opening of Holland College's new Early Learning Centre. This new facility will allow Early Childhood Care and Education students at Holland College to train with a team of highly skilled early years educators.

In addition, it will serve as a centre of excellence to support the professional development of educators and help conduct research on early learning. The official opening was conducted by the Honourable Margaret Norrie McCain, who is nationally recognized for her work on behalf of children and families.

My home province of Prince Edward Island is one of the most successful in the country in terms of early childhood learning. A recent report by the late Dr. J. Fraser Mustard and the Honourable Margaret Norrie McCain entitled *The Early Years Study 3*, called attention to the province's achievements.

This study placed Prince Edward Island's early childhood education second in the country. The report grades all provinces on an index, a 15-point scale which measures the quality of programs and if public funding is being spent effectively. Quebec ranked first with 10 points; Prince Edward Island followed closely behind with 9.5.

*The Early Years Study 3* and many others like it explain the social, economic and scientific reasoning for public investments in young children. Three years ago, the Honourable Margaret Norrie McCain appeared before the Standing Senate Committee on Social Affairs, Science and Technology during hearings on child care and early learning. She noted that early childhood learning is vital. She said:

It is Tier 1 in human development, the years zero to 6, the critical years, the years that robust current neurobiological science tells us lay the foundation for life trajectories in learning, health and behaviour.

Honourable senators, each of us is well aware that Canadian and global economies are being driven by a need for knowledge and continuing skills development. There is a substantial body of research that tells us the importance of the early years for future health, behaviour and learning. Early learning and child care are vital for society as a whole. If we are to be successful as a country, we must give our children and youth the very best start possible so that they can make the most of their educations and their lives.

## THE HONOURABLE IRWIN COTLER, P.C., O.C.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak to the sad circumstance of a great Canadian, the Honourable Irwin Cotler, member of Parliament for the Liberal riding of Mount Royal in Montreal. I paraphrase from an article which appeared in the *National Post* yesterday by the distinguished journalist and professor, Andrew Cohen.

Moscow, December 1978. In the coldest winter in a century, we gather in our overcoats in a dim corridor of the Hotel Ukraina; it is safer to meet in the cavernous halls, we reckon, than in our rooms, which are said to be bugged.

We are there to meet Russian Jews desperate to emigrate. The regime has denied them exit visas. They are known as refuseniks.

In our anguished conversation, they mention the name of a Canadian Jew, more than once, with deep reverence. “Do you know Irwin Cotler?” they ask softly. “Have you met him?”

Irwin Cotler was teaching law at McGill University. We all knew him or knew of him as a champion of human rights. It was Cotler who embraced dissidents such as the imprisoned Natan Sharansky and would help free him.

Cotler’s commitment to Russian Jews is one of many in a dazzling career as lawyer, teacher, advocate, parliamentarian and cabinet minister. Cotler is an officer of the Order of Canada. He has received nine honorary degrees and a bushel of accolades. By any standard, he is an exemplar of excellence and rectitude.

But this is Canada, a big country with a strange and growing streak of smallness in its politics. And so it is that Irwin Cotler, 71, now faces . . . the Conservative Party and its politics of smear. . . . the Conservatives brazenly distributed a flyer to his constituents in 2009 claiming that he had attended “the anti-Semitic” human rights conference in 2001 in Durban, South Africa. Didn’t you know that Cotler is a closet anti-Semite?

More recently, the Conservatives have made telephone calls in his riding suggesting that Cotler is planning to retire, which will cause a by-election.

The Speaker in the other place, in an incredibly flawed decision, without reference to numerous parliamentary principles and precedents, ruled yesterday that this did not breach Mr. Cotler’s parliamentary privilege. The Speaker declared the action “reprehensible” but, amazingly, could not find a breach of privilege despite the fact that the calls asked for Conservative support in an imminent by-election, which, of course, is a lie — just another lie.

The Conservative Party immediately hid behind freedom of speech, as if freedom of speech was enshrined in our Constitution to provide a refuge for the scoundrels that abuse it. Allowing such practices only furthers the feelings of cynicism and contempt people feel toward politics and politicians. Mr. Cotler, of course, deserves much better, as do all Canadians.

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## ROUTINE PROCEEDINGS

### CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

PACIFIC NORTHWEST ECONOMIC REGION ANNUAL  
SUMMIT, JULY 16-20, 2010—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United

States Inter-Parliamentary Group, respecting its participation at the Pacific NorthWest Economic Region Twentieth Annual Summit, held in Calgary, Alberta, Canada, from July 16 to 20, 2010.

NATIONAL GOVERNORS’ ASSOCIATION WINTER  
MEETING, FEBRUARY 26-28, 2011—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group, respecting its participation at the National Governors’ Association Winter Meeting, held in Washington, D.C., United States of America, from February 26 to 28, 2011.

ANNUAL CONFERENCE OF THE MCGILL INSTITUTE  
FOR THE STUDY OF CANADA,  
MARCH 24-25, 2011—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group, respecting its participation at the Sixteenth Annual Conference of the McGill Institute for the Study of Canada, held in Montreal, Quebec, from March 24 to 25, 2011.

[*Translation*]

### CANADA-FRANCE INTERPARLIAMENTARY ASSOCIATION

ANNIVERSARY OF THE “GROUPE SÉNATORIAL  
FRANCE-CANADA”, NOVEMBER 9, 2011—  
REPORT TABLED

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-France Interparliamentary Association, respecting its participation at the 60th Anniversary of the “Groupe sénatorial France-Canada”, held in Paris, France, on November 9, 2011.

[*English*]

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO DEPOSIT REPORT ON STUDY OF ACCESSIBILITY  
OF POST-SECONDARY EDUCATION WITH CLERK  
DURING ADJOURNMENT OF THE SENATE

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science, and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate the final report relating to its study on the accessibility of post-secondary education in Canada, before December 31, 2011, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Senate.

[Translation]

## PARLAMERICAS

### MEETINGS OF THE EXECUTIVE COMMITTEE AND PLENARY ASSEMBLY, SEPTEMBER 7-10, 2011— REPORT TABLED

**Hon. Céline Hervieux-Payette:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canadian Section of ParlAmericas, respecting its participation at the 26th Meeting of the Executive Committee and the 8th Plenary Assembly of the Organization of American States, held in Asunción, Paraguay, from September 7 to 10, 2011.

• (1350)

### RECOGNITION OF SERVICE OF BOMBER COMMAND DURING WORLD WAR II

#### NOTICE OF INQUIRY

**Hon. Michael Meighen:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the unconscionable delay, despite the resolution of this Chamber passed unanimously on June 18, 2008, of the awarding of an appropriate theatre decoration for the brave Canadian flyers and crew who served in Bomber Command during World War II, without whose efforts, courage and sacrifice the war and its destruction would have continued for many more years.

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## QUESTION PERIOD

### COMMISSIONER OF LOBBYING

#### DISCLOSURE OF INFORMATION

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate. This week, the Commissioner of Lobbying indicated that she would like to see amendments to the Lobbying Act so that she could obtain the names of all political staff and public service employees, along with their positions, as well as information on all telephone conferences organized on issues of public interest by lobbying firms or their clients. Furthermore, the commissioner would like to be able to impose immediate sanctions in cases of administrative violations of the act, such as a delay in handing over communication reports.

Does the government plan on acting on the commissioner's requests?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the Lobbying Act was brought in by this government as a key component of the Federal Accountability Act, which we introduced when we formed government in 2006. The requirements under the act ensure Canadians have access to more information about activities between lobbyists and senior government officials; designated public office-holders are prohibited from registering and lobbying the government for five years after leaving office; and lobbyists must disclose their lobbying activities to the Office of the Commissioner of Lobbying. The commissioner is an independent Officer of Parliament with, we believe, the proper tools, rules and autonomy needed to do her job.

## AGRICULTURE AND AGRI-FOOD

### CANADIAN WHEAT BOARD

**Hon. Céline Hervieux-Payette:** As a self-proclaimed government of so-called law and order, accountability, transparency and good governance, I find it strange that the Prime Minister, ministers and Conservative members of Parliament met over 100 times with lobbyists who spared no expense to actively campaign for the destruction of the Canadian Wheat Board. It appears that the doors in Conservative offices are left wide open for lobbyists sympathetic to the government's ideology.

How could the leader's government pretend to be the government of all Canadians when her caucus refused to meet with grain farmers who visited my office when they flew to Ottawa to meet with her government at their own expense?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the Lobbying Act is clear; people who lobby the government for whatever issue are, by law, required to list that information. This is something new that has never happened in the past, and I would vehemently refute the claims of Senator Hervieux-Payette. Senators need only look at the extent of the list of witnesses who indicated to the Chair of the Standing Senate Committee on Agriculture and Forestry that they wished to be heard. Their view on the Wheat Board, whether it was for or against, did not factor into the fact that they were willingly and openly welcomed to make their views known. Therefore, I do not accept the premise of the honourable senator's remarks at all.

**Senator Hervieux-Payette:** I would like to ensure that the leader and I understand each other. My question was: Why did she not meet with the grain farmers who were against the legislation and who flew to Ottawa at their own expense, and with only those who supported this government legislation? I think if one wants to settle a question, one should hear both sides of the story.

Four people came to visit me. This is not a subject matter that people from Quebec would come to me on, but I made it a point to meet with them. I was never visited by any of those who are in favour of the legislation. Those people never contacted me. Therefore, I am asking, why would the government meet only with one side of the issue and not all sides?

**Senator LeBreton:** It is quite a stretch to suggest that the side of the story of the four people who met with Senator Hervieux-Payette was not actually presented to the government. The government was very well aware of all sides of the story. However, this goes back to the intent of the government, which was stated over and over again, election after election after election. There was no secret about it. The government was open, honest and upfront about the fact that it intended to give Western grain producers marketing choice. We made it clear that that is what we planned to do, and that is exactly what we intend to do. If farmers want to continue to use the Wheat Board to sell their wheat, they are free to do so as well.

**Hon. Donald Neil Plett:** Honourable senators, if I understood correctly, the senator opposite said we had not met with any Wheat Board people. In fact, I personally had nine of them in my office. We met at length with them. They gave us their side of the story. We had a good dialogue. I had a phone exchange with one of them as late as this morning.

I am not sure, therefore, what the honourable senator was referring to. Perhaps the leader could clarify what the honourable senator meant by us not meeting with the Wheat Board people when I had almost a dozen of them in my office.

**Senator LeBreton:** Far be it from me to try to clarify what might be on Senator Hervieux-Payette's mind.

Honourable senators, the fact is that we have now made the point that she is quite erroneous in her statements that people never met with the government on the Wheat Board legislation and that we only heard one side of the story; quite the contrary, we heard both sides.

In addition, with respect to any group who came to lobby the government, it is actually part of the public record, thanks to our open and transparent Lobbying Act under the Federal Accountability Act, which is the first time that has ever happened in the history of this country.

## HEALTH

### SODIUM LEVELS IN FOOD

**Hon. Art Eggleton:** Honourable senators, my question is to the Leader of the Government in the Senate.

A recent Health Canada report found there is virtually no awareness among Canadians of how much sodium they are consuming and how much they should be consuming. They are unaware that the most effective way of bringing down dietary sodium would be to lower consumption of high-sodium products such as processed foods, not merely by reducing the amount of table salt they use.

This is important, honourable senators, because there is a significant body of evidence linking high sodium intake to elevated blood pressure, which is the major cause of cardiovascular disease

and a risk factor for stroke and kidney disease. There is also evidence that suggests that a diet high in sodium is a risk factor for osteoporosis, stomach cancer and asthma.

Canadians are in the dark and need leadership from this government. Will the government move quickly to create a sodium education and awareness plan to inform Canadians how to live healthier by reducing sodium?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as I stated a few days ago, the government is very serious about the whole issue of sodium, and we are making every effort to help people reduce their consumption of salt.

Our approach, as I said in response to the honourable senator's question a few days ago, is a collaborative one. Joint efforts with provincial and territorial government, industry and stakeholders will provide Canadians with the information and the market choices they need to make healthy lifestyle decisions. This is but one component of what the government is doing on the overall issue of preventive health and lifestyle choices that we hope will lead to a reduction in chronic diseases and obesity down the road.

The government promotes healthy living through initiatives such as the Children's Fitness Tax Credit and Canada's Food Guide. The Minister of Health has also launched the Nutrition Facts Education Campaign. The honourable senator will acknowledge that education is the key to understanding the consequences of the content of food.

• (1400)

I also wish to point out to the honourable senator that Minister Aglukkaq discussed the issue of healthy lifestyle choices and obesity when she met last month with the provincial health ministers in Halifax. Earlier this year in partnership with the provinces and territories, the government launched a national dialogue on childhood healthy weight, because all of these health issues, including sodium intake and obesity, are important to the government. Minister Aglukkaq is working in a collaborative effort with her provincial and territorial counterparts.

**Senator Eggleton:** Honourable senators, I am sure the government is taking it seriously. I also hope that she recognizes that lifestyle choices affect health care costs, which are enormous in this country, for the provincial and federal governments; so any preventive actions should be taken.

The Health Canada report I referred to says that people are still not knowledgeable about what to do about these health issues. I dispute whether every effort is being made, as serious as the issue may be.

We found out recently that the government has backed away from a proposed federal-provincial sodium reduction plan, even though this government's own Health Canada officials had recommended it. The plan would be on a voluntary basis and would provide clear, measurable targets in all categories of food so that progress can be measured. If you cannot measure it, how do you know you are getting anywhere? The plan to reduce the



amount of sodium in processed food would be monitored by an organization independent of the food industry. A senior official familiar with the federal-provincial discussions is quoted by Postmedia News as saying:

One can speculate about why the federal government would not agree to releasing the report — especially after originally agreeing to partner on reducing sodium consumption in Canada — but the consensus opinion is that the federal government is not willing to regulate or take a strong approach with the food industry.

Honourable senators, the evidence is in and the plan is there. Why will the government not implement a structured voluntary plan to reduce sodium now that its own officials and the provinces are recommending it? Why not take that direction?

**Senator LeBreton:** Senator Eggleton, it is true that a report was forwarded to the minister from officials, but the minister did not feel that it was the best way to accomplish the results we want to see in overall sodium reduction. The minister wants to ensure that the plan for sodium reduction does not encourage companies to opt out all together, in which case we would be back to square one.

The government supports an approach that includes continued, positive engagement with industry, provincial and territorial governments, and other stakeholders, in particular in the health care field.

**Senator Eggleton:** If the federal government has decided to take a different approach to the issue, could the leader file with the house a copy of the plan so that honourable senators can understand fully the goals of the government with respect to sodium reduction and how it will measure the progress?

**Senator LeBreton:** I did not say that the government would go it alone. Rather, I said that the minister is working collaboratively with the provinces, territories, industry and other stakeholders. I mentioned a moment ago the initiatives taken to improve the education with regard to obesity. It is in the interests of all Canadians and provincial, territorial and federal health officials that they get this right. As I have said to the honourable senator, I am sure six times now, in the minister's view the best way to deal with this is to work collaboratively with her provincial counterparts, which she is doing.

**Senator Eggleton:** That is wonderful. Will the leader please file a plan — any plan — so that honourable senators might know how the government intends to proceed on this issue, including a time frame as to when the government will implement the plan?

**Senator LeBreton:** I will simply pass on the honourable senator's concerns to the minister. I believe that she has had very good meetings with her provincial counterparts. I will ask the minister to provide any further information that she may have to add to the information I have provided. I will do my best.

#### SOCIAL TRANSFERS

**Hon. Hugh Segal:** Honourable senators, on a supplementary question, taking into consideration that the Government of Canada and the provinces will begin negotiations on the new

health transfer over the next few months, could the minister inquire as to whether the social determinants of health, not only those raised by my good friend Senator Eggleton but also those such as poverty, substance abuse, alcoholism and lack of exercise, contribute very much to the cost of the health care system and, therefore, to the financial burden of the federal government and the provinces? Could the minister inquire as to whether officials, when preparing various negotiation options, might give some thought to including an incentive in the grant structure across the provinces so that those investing heavily in reducing the negative social determinants of health, such as poverty and obesity, might continue to do so? Will the provinces that try be rewarded and those provinces that do not might receive some measure of incentive to consider it. Could the minister ask whether that issue might be raised constructively by the Government of Canada in those negotiations?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the Honourable Senator Segal for the question. The incentive idea is certainly attractive, although I have not had any discussions about it, as the honourable senator would know. I will take the question as notice and ask for a report from the Minister of Health on what they might be doing overall with regard to the negotiations. The honourable senator will recall that Senator Keon, who had to retire because he had reached the mandatory retirement age, tried often in this chamber and in committee to impress upon all honourable senators the high cost of the health care system and how preventive health measures could reduce drastically those costs. I will be happy to take the question as notice.

#### SODIUM LEVELS IN FOOD

**Hon. Terry M. Mercer:** Honourable senators, when the Senate Special Committee on Aging filed its report, the leader was the Minister of State (Seniors). She responded positively on many issues, in particular to the issue of elder abuse. The government has embarked on a number of television advertisements directed at the issue of elder abuse. Perhaps something similar could be put in place to explain to Canadians the problems created by too much sodium in their diets. Such an easy answer might go a long way. Would it not be nice if I could rise here again and thank the leader for a good campaign? Perhaps she will mention the idea when she makes her other inquiries.

#### TREASURY BOARD SECRETARIAT

##### PUBLIC SERVICE JOBS IN ATLANTIC CANADA

**Hon. Terry M. Mercer:** My question, which might not be as nice as that, is for the Leader of the Government in the Senate. In order to bring the deficit under control, the cut-and-slash Conservatives are destroying the Public Service of Canada. The Honourable Senator Downe pointed out in late October that job cuts in Atlantic Canada are the most severe in the entire country. Figures released by Treasury Board show that Atlantic Canada has lost over 400 federal public service jobs in the last two years. The rest of the country seems to be enjoying job growth with over 8,000 new jobs nationwide, 5,000 of which are in the Ottawa area alone.

• (1410)

Let us take a look at some of the cuts. Veterans Affairs will be facing cuts of \$226 million and as many as 800 jobs could be lost in Charlottetown. Service Canada is downsizing its 120 current sites in Atlantic Canada to 22. There will be 60 jobs lost in Glace Bay, Nova Scotia; 40 in Sydney, Nova Scotia; and 30 in Montague, Prince Edward Island. ACOA has announced that 42 jobs will be lost in Atlantic Canada.

Would the Leader of the Government in the Senate please tell us why the cut-and-slash Conservatives decided to turn their backs on job creation in regions that need it the most?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question and for the compliment on the elder abuse campaign. Minister Alice Wong is now continuing on with that campaign and it has actually been very successful. I will pass on Senator Mercer's suggestion with regard to the public awareness campaign. As I indicated to Senator Eggleton, we are already conducting public awareness campaigns with regard to obesity and other health-related issues.

With regard to the so-called cuts to which the honourable senator referred, at the moment the government is going through an exercise of assessing the needs of all departments and agencies of government with a view to reducing our deficit. Our work is not completed. We are still in the process and have not even finished yet. We will be making recommendations to the Minister of Finance. The positions that the senator referred to are part of ongoing work within departments and agencies that are working to streamline their operations.

With regard to Service Canada, they are moving to a technology-based system rather than a paper-based system. Veterans Affairs is undergoing the same change. Obviously, as the government goes through all of these changes, there will be some movement of jobs. As the President of the Treasury Board has said, most will be through attrition.

In any event, Senator Mercer's question is a little premature because we have not even completed our work. How he would know the number of jobs to be cut, when even though I am on the committee and do not know myself, shows he has powers I did not know he had.

**Senator Mercer:** There are a number of people around the country who have underestimated me before, so the leader is in good company.

However, they are not "so-called" cuts. It is not "so-called" unemployment for the people affected and it is not "so-called" inability to pay their mortgage or to provide a happy Christmas for their family.

Honourable senators, we know this government likes to keep things nice and tight. Canada already has a centralized public service, with 41.9 per cent of the Public Service of Canada is in

the Ottawa-Gatineau area. When comparing Canada to other countries, we find that in the United States 15 per cent of their public service is in the Washington area; in France, 21.5 per cent is in the Paris area; and in the U.K., 16.6 per cent is in London.

Could the leader tell us why the government is intent on doing away with decentralization, which is an important economic development tool for the regions of the country that need it most, like Atlantic Canada?

**Senator LeBreton:** Again, I find myself wondering where the honourable senator is getting information. I have seen no evidence that the government is moving away from decentralization. I think just the opposite. We are very cognizant of the importance of the various agencies of government that operate not only here in the National Capital Region, but all over the country, whether it is Veterans Affairs in Prince Edward Island or the National Energy Board in Calgary.

The fact is we are going through an exercise that is necessary. The review that I am part of is an opportunity to modernize how the government does business. In times of economic recovery, we do have some tough questions to ask, such as: Why does this service or program cost as much as it does? Is there some way to find efficiencies in this program? Are there some savings we can realize? Those are the types of questions that any prudent and responsible government should be asking itself.

I would certainly hope that other governments in Canada are asking the same questions of themselves and it is to be hoped that governments around the world, as they deal with this global economic condition, will do the same.

**Hon. Percy E. Downe:** Honourable senators, I have a supplementary question.

Senator Mercer is getting the information from material tabled by the Leader of the Government, in September of this year, here in the Senate. That is public information and I urge senators to check the record.

That information indicated that the Treasury Board, for the three previous years when the government was expanding federal government employment across Canada, which was prior to the cuts currently under way for consideration, it reduced federal government employment in Atlantic Canada by over 400 positions, relocating many of those positions to Ottawa.

Why, when the government was expanding in Ottawa by thousands of jobs, and expanding across Canada, were federal government positions being eliminated in Atlantic Canada?

**Senator LeBreton:** A few minutes ago the government was being accused of not being accountable and now the honourable senator is using an accountable answer to ask a question. I am fully aware of the questions placed on the Order Paper and the detailed answer the government provided to Senator Downe.

[ Senator Mercer ]

As I said earlier, many of the changes in employment and the various agencies of government is through attrition. There will be some positions that are removed. As we move to a more streamlined, automated, service-based system, it is obvious that it will have an effect on public servants.

The process of dealing with the public service is an ongoing one. I was specifically dealing with the process we are going through right now but, as indicated by the department in that long answer to Senator Downe, these changes will continue to take place because it is necessary that this be done. That is especially so because this government has made a commitment, as we go through this deficit-reduction period, not to reduce health care and education payments to provinces.

**Senator Downe:** Honourable senators, I believe the minister is a little confused. It was not a written question and it was not a long answer, but it was a very revealing answer.

The question Atlantic Canadians are asking is why did they suffer a disproportionate amount of the cuts prior to the reviews currently under way, where federal government positions are being reduced by the current government? Why, when the government was expanding, did Atlantic Canada lose positions? Why, when thousands of positions were being created in Ottawa, were Atlantic Canadians losing positions? In Prince Edward Island, in the three-year period covered in that answer, there were 119 federal positions eliminated while thousands of jobs were created in Canada.

Quite rightly, the government can decide how they will reduce the size of the public service, but it should not do it with regional bias so that the regions of Canada suffer and the central area of Ottawa and the National Capital Region continue to expand.

**Senator LeBreton:** Honourable senators, I would dispute that claim. The fact is there will be savings found throughout the government with regard to the public service and with regard to government programs. There is no and there will be no regional bias. It is quite incorrect to suggest that the government has a regional bias against any part of the country, and most particularly against Atlantic Canada.

**Senator Downe:** Those are not my comments. Those are the facts tabled by the leader here in September showing the regional bias against Atlantic Canada.

## VETERANS AFFAIRS

### VETERANS' BENEFITS

**Hon. Percy E. Downe:** Honourable senators, the federal government has announced a reduction of \$226 million to the budget of Veterans Affairs Canada.

• (1420)

Could the minister inquire whether the government will follow the example of the United States government and the government of the United Kingdom, both of which have announced that, in their efforts to reduce the deficit, they will not cut the budgets of their veterans affairs departments, affecting veterans and their families?

**Hon. Marjory LeBreton (Leader of the Government):** The government has been very clear. We value our veterans. It is fair to say that the record of the government with regard to veterans has been stellar. There are no cuts to veterans' benefits. We are determined to serve our veterans better, and we have been doing so. That is why we are looking for ways to improve our service delivery.

Close to 30 per cent of Veterans Affairs employees are eligible to retire over the next five years. Consequently, we believe we can manage these changes through attrition and good human resources planning and staffing. I repeat that the government has been very clear: There are no cuts of benefits to veterans and their families.

[Translation]

## DELAYED ANSWER TO ORAL QUESTIONS

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Fraser on October 26, 2011, concerning the Treasury Board, the Auditor General of Canada; and the answer to the oral question asked by the Honourable Senator Cowan on October 26, 2011, concerning the Treasury Board, the Auditor General of Canada.

## AUDITOR GENERAL OF CANADA

### BILINGUAL CAPACITY

*(Response to questions raised by Hon. James S. Cowan and Hon. Joan Fraser on October 26, 2011)*

On November 1, 2011, honourable senators had the opportunity, through the Senate Committee of the Whole, to hear from and pose questions to two officials who were members of the Selection Committee for the new Auditor General.

These individuals responded respectfully and fully to all questions put to them by the Honourable Senators, including on the issue of the desired linguistic profile for the Government's nominee.

Given the appearance by these individuals before the Committee, the Minister respectfully submits that the Government has fully responded to the questions raised by the Honourable Senators.

[English]

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

FALL MEETINGS OF THE ORGANIZATION  
FOR SECURITY AND CO-OPERATION IN EUROPE  
PARLIAMENTARY ASSEMBLY,  
OCTOBER 7-10, 2011—REPORT TABLED

Leave having been given to revert to Tabling of Reports of Inter-parliamentary Delegations:

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, respecting its participation at the Tenth Fall Meetings of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Dubrovnik, Croatia, from October 7 to 10, 2011.

ANNUAL SESSION OF THE ORGANIZATION  
FOR SECURITY AND CO-OPERATION IN EUROPE  
PARLIAMENTARY ASSEMBLY,  
JULY 6-10, 2011—REPORT TABLED

**Hon. Consiglio Di Nino:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association, respecting its participation at the Twentieth Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Belgrade, Serbia, from July 6 to 10, 2011.

[Translation]

## POINT OF ORDER

SPEAKER'S RULING RESERVED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I wish to raise a point of order concerning a breach of privilege of the Speaker of the House of Commons. The Honourable Senator Moore made a statement earlier that undermined or called into question a ruling by the Speaker of the House of Commons. Such statements constitute a breach of privilege of the Speaker of the House of Commons. It is our duty in the Senate to respect our Speaker as well as the Speaker of the other place. Citation 71(1) in *Beauchesne* clearly states that the authority of the rulings made by the Speakers in both chambers must not be attacked or called into question.

[English]

**The Hon. the Speaker:** Honourable senators, I will check the Hansard for today and report back.

[Translation]

## ORDERS OF THE DAY

### MARKETING FREEDOM FOR GRAIN FARMERS BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Patterson, for the third reading of Bill C-18, An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts.

**Hon. Céline Hervieux-Payette:** Honourable senators, I rise to speak on behalf of all Canadians, not just those living in Western Canada. I live in Quebec and, like many consumers, I eat wheat-based products every day, although I do not eat barley-based products as often. However, it must be pointed out that wheat is an essential food and that it is part of the diet of all Canadians, no matter the province they live in.

Bread, pasta, pastries — although not too often — and cereal are part of my daily diet. Cereals fill a large section in supermarkets. Just like everyone here, I sometimes have crepes. I make very good ones. My point is that when we talk about the Canadian Wheat Board, we should also talk about the end products, what the grain is used for and where the products are found.

I would even like to talk about the fact that Canadian students — who eat as much Kraft dinner today as they did a few years ago because it is easy on their budget — are affected by decisions that we believe only concern producers.

I have some statistics about agri-food production in Canada. We should know that it represents eight per cent of gross domestic product. We are talking about very significant amounts. We should also know what action has been taken since the government came to power and what direction we are going in with respect to governance as it applies to basic commodities. We are talking about natural resources and, in this case, renewable resources.

Over the past 10 years, agri-food products in Canada have increased by 50 per cent. For example, I am thinking of the Catelli pasta plant that closed in Montreal. Today, each of you likely has occasion to buy pasta that, in general, is imported from Italy but is made with durum wheat from Western Canada. We cannot say that we really did some brainstorming and created value-added jobs based on commodities that we produce in Canada, which travel thousands of kilometres round trip to finally return to us in a different form. It is rather extraordinary that, as a government, we have not succeeded in creating a policy that would allow for the processing of our raw materials.

Over the past few years, Canada has dropped from being the third-largest exporter of manufactured food to the seventh-largest, and it has now been surpassed by Brazil, China and Argentina. In short, we have fallen four places and we have been going in the wrong direction since 2005; we are regressing.

I would now like to talk about the world population forecasts, and I would like to quote from a study that was conducted in co-operation with the federal government but that was paid for by various stakeholders across the country, including the Canadian Agri-Food Policy Institute. This study was published in February 2011, and the information can be found on the Internet site on which the report is posted. The report states that the global population is expected to reach 9 billion in 2050 and, as a result, global food demand is expected to rise by 70 per cent. Producers who see the direction that the market is taking have two things to think about: how they can make a profit from raw materials and how they can make a profit from finished products.

There is some bad news, though: research and development in this area has fallen by 8 per cent over the past 10 years. When I refer to agri-food, I am referring to pasta, cereals, pastry and all products that use flour as a raw material. Canada's situation does not even allow us to compete with any of the other G7 or G8 countries because we now rank 19th in the world.

Canada is made up of some very vast spaces. This country has an industry that is significant but it does not necessarily make good decisions. There is little research and little processing, and we export less than before. I do not think this is the story we are getting. In the meantime, it seems as though the Minister of Agriculture should have focused on actions that would have allowed for processing.

• (1430)

Since 2008, the minister has been fighting to bring in new legislation, but he forgot that 12.5 per cent of Canadian workers work in the agri-food sector. There are many jobs related to this sector and there could be more.

I would like to share some rather sad stories. During question period we heard about salt and sugar, and that is something I would like to talk about as well. These two food products are dominated by multinational companies that have virtually no competition.

When these megacorporations expand their operations across the globe, we know what happens. For example, we see it in the oil industry. We know that when there are few players, the multinational corporations — and certainly not consumers — benefit the most.

Senators must know that flour, which is used in manufacturing all of these foods, is consumed by the rich and the poor alike. It is part of the diets of low-income individuals because it has nutritional value in terms of proteins.

Instead of devoting his energy to the Canadian Wheat Board issue, I would like the Minister of Agriculture to focus on new industries, the 50 per cent more products Canada is importing.

Earlier, during question period, I spoke of the many visits by corporations that contacted the government. I made a list. There are some key players including the Grain Growers of Canada and a multinational called Viterra, as well as Cargill, which is known in the industry.

When I say 100 meetings with the government, I am talking about two direct visits to the Prime Minister's Office and more than 50 to the office of the Minister of Agriculture, Mr. Ritz. One of the Minister of Transport's political advisors was visited as well. The same goes for the political advisors to the Prime Minister, Minister Peter Van Loan and Minister Stockwell Day.

Our current negotiators with the European Union were visited by representatives of the Grain Growers of Canada; Minister of State Rob Merrifield was also visited. Minister of State Ted Menzies was visited a number of times by the Grain Growers of Canada, Cargill and Viterra.

Other members of Parliament were also visited: David Anderson, Garry Breitkreuz, Rob Anders, Kelly Block, my friend Randy Hoback, Larry Miller, and Léon Benoit.

I do not have the staff to do extensive research, but when I see the number of visits, I wonder if we were provided with as much information on this as the government. To my great surprise, not a single member of the Grain Growers of Canada ever came knocking on my door. I did not see any representatives of Cargill either, nor did I see anyone from Viterra.

They had a specific target: the government, a government that is so transparent that it passes on the information to the rest of us. When the information comes out, we would like it to be the same across the board, for all the opposition parties to receive the same number of visits, and for all our assistants to be contacted in the same way.

We did not receive the same information. The government might regret the fact that we are not major supporters, but that is probably because we were not as well informed. I look at how this situation evolved, the ruling by a Federal Court judge and the decision by the Canadian Wheat Board to file an injunction to prevent the adverse effects of the bill.

Let us not forget one thing: we are talking about a sector of strategic importance to Canada's future. We are talking about a sector over which we want to maintain economic control.

I would like to remind honourable senators what a poor farmer trying to export looks like. As we speak, Senator Ringuette is in Lebanon, trying to help a potato farmer. After months and months of imprisonment in a country that is not even the one the potatoes were exported to and where the charges — which we think are absurd — were laid, do all the wheat farmers now have to pack their bags too and travel all over the world to sell their wheat?

That seems a little complicated to me. I believe that since we are competing with Russia and other major international exporters, including the Europeans, who are heavily subsidized, it is in our best interest to maintain an organization that, for all practical

purposes, serves the interests of the group. Since I am from Quebec, I can tell you about the UPA, the farmers' union. On the one hand, this government says it will maintain supply management — for poultry, eggs and milk — and on the other hand, it wants to liberalize the wheat industry.

If we take a closer look at the issue and focus on the rationale for all this, I do not think we can have any faith in the government's policy. I repeat: I did not see any market studies that prove that the farmers in question will fare any better. More importantly, I did not see the studies conducted by the government to show how these products can have any added value once the multinationals get their hands on the commodity.

Based on my review of the file, I conclude that this policy will be very bad for Canadian consumers. We hope the government will come to its senses, forget about all the lobbying and reverse its decision, in the interest of Canadians and Western farmers.

[English]

**Hon. Joseph A. Day:** Honourable senators, I thought I would join in the debate with respect to this particular bill, Bill C-18, primarily because of the number of letters that I have received and the number of farmers and producers who have come to my office to explain their position to me and to ask me to do what I could do. What I can do is to join in the debate and go on record explaining their position and my interpretation of what has transpired.

In essence, I would be content in this matter, and I believe most of the producers would be content, if they were given an opportunity to express what they would like to see as the legislation, what they would like to be operating under. We would all be happy if the vote that was supposed to take place under the existing legislation had taken place and the farmers and producers had decided they did not wish to continue, reflecting the words that are being expressed now by the proponents of the bill. In that case, we would all be content and probably would not be debating this matter to this extent.

• (1440)

That is not the case, and therefore this is necessary. In fact, it is very important in our parliamentary system because of what has transpired and, as you heard in the Honourable Senator Baker's discussion yesterday, because of the fundamental legal issue that is involved here.

I will begin by congratulating Senator Peterson and all those who have spoken on this issue who have attempted to objectively outline the issue and have not relied on subjective matters or tried and true expressions. Each one of these matters is in its own right different and should be analyzed in that regard.

Honourable senators, I confess to being a fan of market forces and generally a supporter of market forces to achieve the best results for our economy and for our people. However, I want to tell you that I am not one who slavishly sticks to a market

economy above all else, and I do believe there is a role for government to play in relation to balancing market forces. We have all seen that over many years, in fact centuries.

At one time it was illegal for two or more individuals to get together to withhold their services to try to raise their salary, until we recognized that we needed some balance with the rich landholders and corporate entities. We passed legislation over 100 years ago to allow for collective bargaining and labour laws.

That was one recognition that market forces by themselves do not work, that we needed some balancing of the power. Honourable senators, we have seen that in many other situations along the way in the last 100 years as well. In anti-competitive legislation, when corporations got too large, such that the balance was lost between the corporate entity, the employer, and the employee, we passed anti-competitive legislation. That was again a recognition that market forces by themselves do not work. If a monopoly on one side gets too strong, there is a loss of the balance and we start to have problems, so we passed legislation. We have an entire hierarchy in that regard, and any time there is a takeover or there is too much market concentration, a review panel decides whether this is good for the country, good for our economy.

In my part of the world, in New Brunswick, we are a small economy and a small number of producers. Because the producers and the region recognized the importance of this, we moved towards cooperatives that would help producers work together and share equipment so they do not all have to buy the same equipment, and they can share marketing ideas. My colleague, Senator Hervieux-Payette, just pointed out that a potato farmer — one potato farmer who is an expert producer of potatoes in one of the best potato producing areas of the world, New Brunswick and Prince Edward Island — is off trying to be an international marketer because he is trying to do this all on his own. That is a recipe for disaster, honourable senators, and that we have seen in this instance.

We support supply management. We support forest product marketing boards in our province to help the producers of forest products work together to deal with a concentration of industry from the point of view of buyers. We can see that in potatoes back home, and we can see it in forest products. When only a few companies are operating, they can dictate the price and when the delivery is to take place, and there is no opportunity for individuals to deal or to make a bargain with the buyer. You have to take what is being offered. However, if you can guarantee that you will get a supply to a company, the company then has less risk. The company knows that it will be getting a supply of product, and therefore there is less risk. Therefore, they can pay less and they can guarantee they will buy all the product that is coming.

That, Honourable senators, is the concept behind the Canadian Wheat Board. It is to let the producers do what they do best, while ensuring that those producers will get a fair price for their product and will have a place to sell their product. That is what Parts III and IV of the Canadian Wheat Board legislation

[ Senator Hervieux-Payette ]

provide. The Wheat Board must purchase the wheat that is produced in Manitoba, Saskatchewan and Northern British Columbia, those areas that are within the jurisdiction of the Wheat Board. If you are a producer there you have a place to take your product, and they have a mandate to try to bring the best price possible for that. They will get better prices because they can guarantee volume to the secondary producers, the companies that buy the wheat to make spaghetti and other pasta products and so on.

That, honourable senators, was the original concept of the Canadian Wheat Board. It was initially an agency of the federal government. Then in 1998, at the request of the producers and at the request of the local people, the Wheat Board said, "We do not want to be an agency of a department located in Ottawa, we would like to be more masters of our own fate." In 1998 the government acquiesced and allowed for the board of directors to be elected by the producers; the majority of the board would be chosen by the producers.

Honourable senators, that was a very significant development in relation to the Canadian Wheat Board and a very significant evolution of the Wheat Board. As we have seen, section 47.1, which was passed at that time, was a very significant development.

It is important to keep in mind that the Wheat Board does not cost the Canadian taxpayers one cent. It does not cost the Canadian taxpayers money because it is a self-governance, or shared governance, agency that looks after its own expenses. The government's decision to change this, to change the format and to change something that is working cannot be because the board is costing the government too much money. We will take that one out of the mix.

By eliminating the Wheat Board, honourable senators, we are opening up these individual farmers to be operating at the mercy of the larger multinational buyers of their product. They are going to have to become like our potato farmer in New Brunswick. They are going to have to become marketers facing international marketing issues; they will have to develop all those skills, and that will result in either fewer sales or somehow a concentration of production of the farms. Something will have to happen, because the initial transition will just not be advantageous to the farmer-producer.

As a reminder of what can happen, all we have to do is look at what happened with respect to the Canadian Wheat Board when oats were arbitrarily removed from the Canadian Wheat Board. This had an immense impact on the Wheat Board creating a \$10-million deficit in the amount of money that was available to help all farmers.

• (1450)

This occurred in 1989. In that same year, we saw the results of a reduction of U.S. government subsidies for oat production. The U.S. government was subsidizing oat production in the U.S. to try to compete with the marketing board's values here in Canada. They reduced that subsidy in the U.S. and, as a consequence, the price fell out of oats. It led U.S. farmers to drop their oat acreage by 75 per cent, the lowest since 1865. As a result, we saw an

opening for more Canadian oats. However, since the price was so low, a good number of farmers in Canada just gave up producing as well. They could not make any money. The Canadian Wheat Board was no longer there to promote. Not only did the Wheat Board handle the sales, but they also handled promotion, and they were gone from that point of view. This led the Canadian share of the U.S. market to decline, and the Europeans, who were still being heavily subsidized, to capturing most of the market.

I will read a quotation from a brochure that was produced at or around the time there was a vote going on for Wheat Board directors. I think it is instructive.

At the Leslieville, Alberta Pool elevator, oat prices immediately dropped from the CWB's initial price of \$140.90 per tonne in June of 1989, (with a later final payment of around \$45 per tonne from the CWB) to \$67.02 . . .

Therefore, from \$140 to \$67 on the new private market by September of that year.

By February of 1991 oats had dropped to only \$51.34 a tonne. This is a disaster that played out across the prairies. The background to this disaster is instructive for farmers contemplating how they will vote in the current CWB directors' election.

I think that is instructive. When you start playing around with an established market, a lot of things can happen; and the one who usually suffers is the farmer, who is your neighbour, and the farmer-producer.

Before making such big changes, we should know what we are doing. I asked the Wheat Board directors who came to visit me whether the government has done any economic analysis of this change. They indicated that none had been forthcoming.

Honourable senators, the minister was very clear in 2010. He said:

Until farmers make that change, I am not prepared to work arbitrarily. They are absolutely right to believe in democracy. I do, too.

That was in 2010. This is 2011.

I wonder if I might have five minutes to finish up, honourable senators.

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

**Hon. Senators:** Agreed.

**Senator Day:** Thank you.

The point is that we have a marketing scheme that is well developed, works well, achieves the results we would like to believe are important to us to maintain security of supply and security of quality of the product, to keep producers operating and receiving a fair amount, and to let the producers control that marketing agency. All those elements are there. The minister says

he would not do anything without letting the farmers and the producers have a say. That was in 2010. This is 2011. They are now making these changes, and the consequences could be very grave indeed.

I submit to honourable senators that from all that has been said, it is clear, from a legal point of view, that the minister has flouted the rule of law. The minister promised to do something that he did not do and will not do. The producers, on their own, held a vote. It was 62 per cent in favour of continuing with respect to wheat, and that is being ignored.

Honourable senators, I say the solution to this matter is clearly in the hands of the government: Do what is in the current act. Let the producers have a say. If the producers say, "We do not want this any longer; we want to go the way the Conservative government is suggesting," we here will all be very content.

**Hon. Grant Mitchell:** Honourable senators, I welcome the opportunity to have one final say on this bill. I would like to summarize some of the issues as I see them and then finish with some what I think will be unfortunate predictions.

The first issue is what is at stake in this change. My colleague Senator Day has laid out very well the single most significant advantage of the Canadian Wheat Board for Western Canadian farmers, and that is leverage. Western Canadian wheat farmers face what can only be described as a massive multinational oligopoly.

To give an example, one firm, Cargill, has annual revenues, I think, internationally, worldwide, of \$106 billion. One can only imagine how it would be that a single farmer with a crop worth \$80,000 or \$90,000 would have any leverage in the face of a company that has revenues of \$106 billion, not to mention all its resources. That is just one of the three, four, or five major multinational corporations that farmers will be facing in that kind of disproportionate magnitude — very, very small against immensely, infinitely large — so leverage is the key element.

It has often been argued, and it is argued by the other side, that of course farmers need to have the right to choose to market as they would like to be able to market. The Canadian Wheat Board, for which the majority of its board has been elected, has been very responsive to farmers' demands in that regard. In fact, over the years they have put together a basket of pricing and marketing mechanisms that directly reflect what might otherwise be available for a farmer in the open market, except that they also give the farmer in the open market leverage because they back them in so many different ways.

A farmer selling wheat can do a basis payment contract, a fixed price contract, a delivery exchange contract, an early payment option, a daily price contract, or a producer direct sale contract. There are six different ways farmers can market their wheat that are absolutely reflective of the ways they might be able to market their wheat within a free market, except that, of course, the free market will not really be free because it will be smaller farmers — no matter how big they are, they will be relatively smaller — facing an oligopoly.

[ Senator Day ]

History tells us there is often a role for government and for collective action to protect and enhance the interests of different social or economic groups and farming groups against oligopoly and monopoly. In our history in Canada, we have had tremendous success in the development of telephone companies, for example, where there was not sufficient competition to make it work properly for the consumer. Therefore, government steps in, builds and nurtures that, until there comes a time — and it happened in the last several decades — when governments begin to sell off those kinds of assets.

In fact, when I was in the Alberta legislature, I voted to privatize the AGT, Alberta Government Telephones. It was time. I also voted to privatize liquor in Alberta. I will chide Senator Plett here, who is the great free-market defender. However, he does not think we should privatize liquor stores in Alberta. The next thing you know, as I said to him, he will want to privatize Tim Hortons because that coffee is so darn good. Let us talk free markets, but the honourable senator wants to control what you can drink. On the other hand, he does not want to have any control over the malt that will make that drink. It seems like an internal contradiction. I do not know how that happened.

• (1500)

We are talking about leverage. The Canadian Wheat Board has given farmers leverage in the market and the opportunity to reflect that market in the many different ways they can buy wheat. It sounds perfect to me, but that is not the way the ideology of the government has seen it, and they have pushed ahead. I would say — and I do not want to be too aggressive about this — they have bullied ahead in many different ways. They have bullied ahead: Listen to what the Prime Minister said with respect to the train that is barreling down the railway track and those farmers had better get out of the way, or to what Minister Ritz said, that sure, it is the birthday of the Canadian Wheat Board, and he will go over and blow out the candles. Wow.

We talk about the problem of bullying in our society. When the highest levels are doing it, that sends a message, does it not? It does. It starts at the top.

Not only can the Canadian Wheat Board get price advantage because of leverage, but they also get economies of scale and supply-chain efficiencies. There are many of those, and I do not have enough time to go into them in the 12 and a half minutes that I have left. Because they have leverage when it comes to transportation, because they have leverage when it comes to port delivery, because they have leverage when it comes to getting rail cars, they have leverage in getting efficiencies and getting deals from the terminals, from the train companies, and so on.

In fact, in 2009, I think in one set of efficiencies that came to \$23 million. Several years before that, the Canadian Wheat Board was able to negotiate with the train companies because they had abused the transportation system. They got a \$15-million settlement from CN that went back to the farmers.

How will farmers organize to do that? They will certainly not get help from the government to do that, and the Canadian Wheat Board advocacy role will be gone.



What I would argue, as I said the other night to some discontentment on the other side, is that the government is exceptionally good at creating a deficit-creation program.

One thing I did not mention as an implication of doing away with the Canadian Wheat Board is that there will be pressure on government resources and revenues because there will be immense, increasing, enhanced pressure to subsidize farmers, who will lose price advantage in the wheat market, period. It will happen.

Huge advantages for the farmers will all be lost, with nothing to fill the void. Farmers will be at the mercy of one of the most powerful oligopolies in markets today around the world. There they are.

The second issue, and of course the government is sensitive about this idea that the Canadian Wheat Board will not be there to help the farmers. They say, "No problem, it will be there." In fact, it is one thing to say it, but just read the bill. The bill itself is an admission that the government knows the Canadian Wheat Board will fail because they want to control the board. Why would they? Why would they care? Because they need to control the contingency fund.

Why would they? Why would they care? Because they want that money to help them pay for the unravelling of the Canadian Wheat Board. You can imagine, there will be some layoffs, many, so there might be severance packages. Probably contracts will be broken, so there will probably be some penalties.

They want to increase that contingency from \$60 million — the first time they have ever allowed that to happen — to \$200 million. That is a clear red flag that they know that the Canadian Wheat Board will fail.

However, the \$200 million will give them the chance to roll it down. It will also give them the money to manage it and keep it going, they think, long enough to get past any kind of link between the failure of the Canadian Wheat Board and the implementation of this piece of legislation. That is probably, in their estimation, to get them past the next election.

As sure as I am standing here the Canadian Wheat Board will fail. I do not have to guess. The government agrees with me. We actually agree on this. They are taking steps in their legislation to ensure they can control and handle it. I wonder if they will privatize the liquor stores in Manitoba if they can keep the contingency fund.

Secondly, why would we expect that it could survive? The fact is, as I have said, it will face a huge oligopoly, but it is also true that the Canadian Wheat Board does not have the physical plant with which to compete in any way, shape or form.

When Air Canada was privatized it took billions of dollars of government assistance. When CN was privatized it had billions of dollars in capital of government assistance. Over the 50 years or more of the Canadian Wheat Board, the Canadian Wheat Board put all of what would have been profit, some of which could have gone back into developing transportation systems and

granaries and elevators and terminals, back to farmers. They could do that because they had legislation that required that their competition allow the Canadian Wheat Board to use their facilities.

That provision, that legislation, is gone. The money that has gone back to farmers is gone to farmers. There is no physical plant for the Canadian Wheat Board to be able to compete. In fact, they will be left with begging Cargill and the others for the use of their transportation systems, their grain elevators and their terminals.

I cannot imagine why Cargill, with that kind of power, would ever condescend to assist the Canadian Wheat Board in utilizing those facilities. Why would they do that? If the government actually thinks they would do that, then this should not be Mr. Harper's government. This should be Pollyanna's government.

The fact of the matter is, speaking of competition, if you had to know that there is a competitive disadvantage in doing away with the Canadian Wheat Board, you do not have to hear me say it. Just read what the U.S. Wheat Associates have said over and over again. They have said to their negotiators under WTO that the single greatest advantage it could give them is to do away with organizations like the Canadian Wheat Board.

It might be that there would be some reason why a government would want to do that if they thought they would negotiate some advantage in return. I have asked and asked and asked. What advantage did we get in return? Nothing. We did not get entrance into the Pacific Rim trade deal. No, we had to risk our supply management. That will be the next thing. We did not get anything for it.

We have these hard-nosed, ideological negotiators who just gave it away. They opened their pockets, dumped it on the floor and said, "Take it. We will give you all the advantage that we can."

I rest my case just on this single point that the government knows it will fail. They have proven that. They have put their legislative money where their mouth is, as it were. Structurally, the economic imperatives of this are so evident, so self-explanatory, that they cannot compete. The Canadian Wheat Board will die. Now, for the government, it is merely political management. They will manage it as long as they can to get out past an election, probably, so it does not hurt them, they think.

The other thing that will be lost is the question of transportation, which dovetails, as they say, further with the question of competition. We have a problem with competition in transportation for grain in this country. We have two major railroads, CN and CP. If you want to send something on CN and CP to exactly the same point and at the same time, you will find the contract is different by only pennies. There is no competition.

Fractions of cents, my colleague says. I am going to miss him. He is very insightful. Fractions of cents.

The fact is that that is because there is insufficient competition. Perhaps the government could have thought ahead and said what was said to major, controlling monopolistic cellular companies: If you are going function in our economy, in that industry, you have to open up your telephone lines to smaller companies that do not have those resources so that they can compete and create greater competition.

The government did not bother to put that in this, where short-line railway companies could have access to CN and CP rails. That would have been an advantage at least, to give some better competition.

For a government that says it believes in competition, you would think it would at least do that. Instead it kills the Canadian Wheat Board and does not do anything about the fact that our farmers will be even more vulnerable to the lack of competition in the train industry.

Why is that? Farmers will now lose sidings, sidings that gave many communities and farms access to the external transportation system, which they will not have. They will lose short-line railroads, which gave them choice. They will lose access to producer-pay cars, which the Canadian Wheat Board advocated for and organized for them. They will lose competitive advantage in that way as well.

• (1510)

The other thing we will lose is the Port of Churchill. I say so often that I can hardly think of a single thing that the government has ever done right, but I do agree that they are very good at politics. About 90 per cent of what goes through the Port of Churchill is Canadian Wheat Board grain. That will not happen because Cargill has its own facilities and they are not in Churchill. What will happen is that Churchill will die. The Government has taken \$5 million to Churchill to make a transition, as they say. I wonder if they will reimburse that from the contingency fund; they probably will. The only transition they will make is for the failure of the Churchill port to take longer than it otherwise would have taken, probably until after the next election. Five million dollars is about \$1.25 million a year, probably enough to get it past the next election. Then Churchill will die.

What will also be lost is the advocacy role of the Canadian Wheat Board, which had the farmers —

**The Hon. the Speaker:** I am sorry to advise the honourable senator that his time has expired.

**Senator Mitchell:** May I have five minutes?

**Some Hon. Senators:** Agreed.

**Senator Mitchell:** Thank you. I appreciate it. Merry Christmas.

**An Hon. Senator:** Churchill is in Manitoba.

**Senator Mitchell:** Churchill is in Manitoba, yes.

Churchill is in Manitoba, Senator Plett. They probably have government liquor stores. You bet they do. They create jobs up there.

The advocacy question is that they advocate on the trade issues of farmers. An unfortunate irony of ironies, there will be more trade issues because there will be more independent trucks, which more American farmers will see and they will be provoked to raise trade questions. There will more of that and less support for farmers to fight it.

There will be less access and coordination of producer-pay cars. That program will probably die. There will be more problems of railcar allocation and there will not be a Canadian Wheat Board there to fight it. There will be less possibility for a group like the Canadian Wheat Board to protect the Canadian wheat brand. The quality is the next thing that could fail. There are economic and marketing reasons why that could happen with the big firms.

There will be no one to be an advocate with a focus on research, on where research should go to improve our products and our products' viability in markets.

The final issue is democracy. That is an underlying issue.

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

**Senator Mitchell:** I am sorry, I know they are sensitive about that, because they talk a lot about democracy. They talk a lot about democracy, but the proof is in the pudding. There was no vote. The law says there should be a vote. The only vote was done by the Canadian Wheat Board and 62 per cent said yes to it. That is the same percentage of Canadians who voted against this government. That is an interesting coincidence.

That is critical. There is no respect for the democratic process. We are not saying that we or the government should make the decision about the Canadian Wheat Board. We are saying the farmers should be allowed to make that decision. Let us have a plebiscite.

Of course, corollary to that is that the rule of law is critical in our nation and society, one would think, and this is as key and core to the rule of law as any issue. Of any law that the government has broken in the last four or five years, and there have been a number of those, this is a key and fundamental issue with respect to rule of law. They are playing with fire when they deny the rule of law in this particular case.

I will finish with a series of predictions. Honourable senators can hold me accountable, although the government has not had much experience with accountability, so it will be interesting to see.

The Canadian Wheat Board will die. As they said on *Monty Python*, "That parrot is dead." It will die.

Subsidies to farmers will increase because prices will drop.

The transport costs will go up because competitiveness in transport, as limited as it is, will go down.

[ Senator Mitchell ]

Trade cases will expand with the U.S. because the trade will become more evident to the U.S. It will expand and the trade advantage for Canadian farmers with the U.S. and internationally will be reduced.

All of this will be the casualty, the collateral damage of a very critical element of what is happening in politics today. In this case, it is the convergence of ideology trumping common sense and, in many respects, trumping democracy. That will be a fundamental, elemental legacy that this government will leave farmers and all Canadians, as unfortunate, as sad and as tragic as it is.

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

(On motion of Senator Banks, debate adjourned.)

### POINT OF ORDER

**Hon. Grant Mitchell:** Honourable senators, could I impose upon your patience to, in a sense, revert to a previous debate on Bill C-13. When I spoke the other evening, I made a reference to Senator Eaton's family firm, a reference for which I am not proud and about which I would like to apologize to her. In the heat of the moment, I said something I should not have, and I apologize. I am very sorry.

### SAFE STREETS AND COMMUNITIES BILL

#### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Stewart Olsen, for the second reading of Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

**Hon. Tommy Banks:** Honourable senators, I will not have the privilege of voting on Bill C-10, which I very much regret. I know it would not have made any difference. Nonetheless, you should know that I would have voted against it.

**Senator Comeau:** Absolutely, we know that.

**Senator Banks:** I know you know that, Senator Comeau. Thank you.

I wish to place on the record the reasons for which I would do so. There are many good provisions in this bill, but they are far outweighed by the bad ones.

I would vote against it because it is not susceptible of mere amendment or correction. That is because the parts of it having to do with law enforcement and sentencing are based on a wrong

premise. They are based on the premise that most crime is a problem of law enforcement and that the solution, therefore, to most crime is more and stronger law enforcement and more and stronger prison terms. However, that is not the solution to most crimes.

That is like thinking that the solution to most cancers is more and stronger pain suppression. That is not the solution to most cancers. There are cancers that we have not yet learned how to treat properly and for which our only recourse is pain suppression, but that is not true of most forms of cancer. There are crimes and criminals about which we cannot seem to do anything and for which we have no recourse other than to imprison. There are people for whom we must simply throw away the key; but that is not true of most criminals.

The truth, the facts, the results of research and the science in this question are all counterintuitive. It would seem to us logically and on our natural intuitive first responses to crime and to criminals that punishment is the answer. That is a normal human reaction. It seems patently evident that if we put people in prison then they certainly will not offend against us while they are in there, and that the longer we keep them there the more likely they are to learn their lesson and the less likely they are to reoffend.

That is an entirely understandable, intuitive and human reaction.

It also assuages our sense of outrage by the application of a little bit of revenge, a little retribution.

Revenge and retribution are also entirely human, understandable and intuitive and sometimes, as in the case of people like Paul Bernardo and the late Clifford Olson, most of us believe that they should never be released from prison.

However, most people, the vast majority of people in our prisons, are not like Clifford Olson or Paul Bernardo. Most of the people in our prisons will get out. The longer, harsher sentences only mean that they will stay a little longer and get out a little later, and our intuitive thought is that staying there a bit longer will lessen their attraction to a life of crime.

We also have natural reactions when we read or hear that a conviction for a particular kind of crime has led to a sentence the nature of which we simply cannot understand.

How, we ask, could a judge have possibly arrived at the conclusion that this is an appropriate sentence for that crime? Usually the short answer to that question is given when the layers are pulled back and examined and the circumstances and situations become known, when we hear or read the evidence — when, in other words, we know the facts.

• (1520)

Most of our public outrage comes without the advantage of knowing those facts, without hearing that evidence first-hand because we are not there in the courtroom hearing and seeing what the jury and the judge hear and see. That is why we have

juries and judges, to pay the kind of attention and devote the kind of time that the rest of us cannot to the consideration of facts and evidence in a trial.

Judges are not perfect. Juries are not perfect. However, they are fundamental to our system of law, and when we abrogate — as this bill seeks to do, and others before it have done — the discretion of judges and of juries when it comes to sentencing, we are abrogating justice. We are merely changing the law, but we are short-changing justice.

If we end up having, in the Criminal Code, a series of tables — for crime A, the punishment is found in Table 2 — we will not need judges at all when it comes to sentencing. A clerk can just run his finger down the page, push a button on a calculator — crime A results in punishment No. 4, and Bob's your uncle. Next!

**Senator Mitchell:** They could get an iPad.

**Senator Banks:** An iPad would do it very nicely.

Judicial discretion — we do not need that. It is a thing of the past. Just refer to this handy-dandy chart and calculate your sentence. Common sense, careful thought and consideration — never mind all that; just enter the code for the crime in this little machine and it will digitally display the appropriate sentence in bright, large, easy-to-read LED letters. It is so simple even a child can use it.

Honourable senators, our intuitive concept of the effect upon crime and criminals of longer and harsher sentences is wrong. This is not merely an opinion. It is a demonstrable, provable, mortal fact that it is wrong.

I know the minister said we do not govern by statistics, which is saying we do not want to pay any attention to the facts, but we should pay attention to the facts. An examination of statistics — not concepts, ideas, reactions or theories, but statistical facts — from any jurisdiction will show irrefutably that longer prison sentences result in higher rates of recidivism. That is a statistical fact. It is cause and effect, plain and simple.

It is a counterintuitive fact, I recognize, but the fact is that the longer we keep people in prison, the more likely they are to reoffend when they are released. There is no evidence to contravene that; it is incontrovertible. That is not a theory; it is not wishful thinking; it is not Pollyanna-like viewing through some rose-coloured glasses. It is a simple and incontrovertible fact.

In this country and in other countries, longer prison sentences, very much including minimum sentences, do not result in less crime; they result in more crime. We have had evidence presented here, and the committee will hear evidence on end from our American friends who are saying, "We tried that. It does not work. Please do not go there."

Longer and harsher prison sentences, and particularly minimum sentences, result in more efficient crime perpetrated by better-trained, better-connected and more resentful criminals. Longer, harsher sentences are not the solution to anything. Longer, harsher sentences are part of the problem.

[ Senator Banks ]

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

**Senator Banks:** I commend your attention, honourable senators, to this report. Senator Nolin referred to it yesterday in his very kind remarks upon my retirement. This is one of the best of the best reports — and the Senate has done many good reports; this is one of the best of them. It is in five volumes. It is 900 pages long, and it is the result of 18 months of careful study in a committee of both sides of the house, led by Senator Nolin, the Special Committee on Illegal Drugs.

During the 18 months or so of making this report, its members, of whom I had the honour to be one, heard evidence from distinguished penologists from different countries and jurisdictions in this country, in the United States and elsewhere in Europe. We learned facts about imprisonment and its effects upon crime and criminals that most of us had never heard before. We had never heard anybody present or explain those facts, and they were counterintuitive to what some of us believed. It removed the scales from our eyes. It showed us that our intuitive human views of crime and punishment were wrong.

I invite honourable senators to get this report, to read it and to read in it the testimony given by Tim Boekhout Van Solinge, who is a lecturer and researcher in criminology; of Neil Boyd, Professor of Criminology; of Francoise Dubois-Arber of the Swiss Federal Commission for Drug Issues; of Steven Van Hoogstraten, Director of International Criminal Affairs and Drug Policy; of Georges Dulex, Head of the Canton of Zurich Criminal Police; of Serge Brochu, Director of the International Centre for Comparative Criminology; of Professor Peter Cohen of the University of Amsterdam; of Jean-Michel Coste, Director of the French Monitoring Centre for Drugs and Addictions; and many, many other witnesses before that committee on questions of penology, among other things.

In fact, honourable senators, I invite you to read every eye-opening word of Senator Nolin's report. All of us learned, including from hearing from what the United States' Drug Czar told us; what policemen from across the world told us; what doctors, researchers, statisticians and scientists told us; and what convicted criminals told us. What they told us was that retributive punishment does not work; that longer and harsher prison sentences do not work for those criminals who will be released into society; that the vast majority of people that we are putting in jail are the low-hanging fruit, while the people who actually deserve to be imprisoned are not; that longer and harsher sentences are a guaranteed barrier to reclamation and a guarantor of increased incidence of repeat offences.

Please ask Queen's University Professor Nicholas Bala. Ask Judge John Creuzot of the Dallas County Court, who, when asked the question, what is wrong with mandatory minimums, replied:

Nothing, if you don't mind spending a lot of money locking people up and seeing your crime rate go up. Nothing wrong with it at all.

Ask right-wing Texas Republican Jerry Madden. He said:

It's a very expensive thing to build new prisons . . . but if you don't build 'em, people will come up with very creative things to do to keep the community safe, and yet still do the incarceration that's necessary.

Or ask Tracy Valazquez, Executive Director of the Justice Policy Institute in Washington. She said:

If passed, C-10 will take Canadian justice policies 180 degrees in the wrong direction, and Canadian citizens will bear the costs.

Look, please, at the Simon Fraser University report by Alana Cook and Ronald Roesch, who examined data from other places in the world that have already put into place some of the things that are proposed in this bill. According to their report, many of the changes that we have already and wrongly made in the Criminal Code, and many more that are proposed in the present bill, have the effect of increasing prison terms. However, two meta-analyses of studies show that longer prison terms result in criminals being more likely to reoffend upon their release.

Will somebody please explain how that is fighting crime? These things are not guessing. They are not supposition. They are not looking through bleeding-heart, rose-coloured glasses. These things are incontrovertible, unquestionable, demonstrable facts, honourable senators.

The one thing this place has as its great advantage is to be able to deal with the truth and with facts, notwithstanding what people down the hall say. We used to do that here a lot, and we should do it in the case of this bill.

Our American cousins, who were unaware of these facts at the time, embarked down this road — down the road of “We'll show 'em. We'll impose longer and harsher prison sentences.” They went down that intuitive road several years ago. They have found that it was the wrong road. They have found that it does not work and are trying to deal with the then unforeseen and disastrous consequences of having gone down that ill-considered road. They are trying to repair their system of law enforcement and imprisonment. They have tried that road, the road that is set out in this bill and its predecessors, and it has failed them. Despite the indisputable facts and despite the experience of our neighbours and despite the unquestioned success of other practices, policies and attitudes in systems other than ours, we are setting off down the same road.

• (1530)

Honourable senators, I request five minutes to finish my remarks.

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

**Hon. Senators:** Agreed.

**Senator Banks:** Honourable senators, it does not work; it is the wrong road. The inevitable consequences cannot be characterized any longer as unforeseen because we are looking them straight in the eye, and yet we are inexplicably determined to touch that hot stove, that wet paint. Despite the sign that reads, “Danger Do Not Go Down This Road,” we are going down that road. Protestations that this bill and its ill-advised antecedents are different from the U.S. road are simply groundless — they are one and the same. This bill takes us even further down that road. We have already started down it, despite the best advice from people who know the facts and have the experience, knowledge and expertise.

We seem bent on doing the wrong thing because it is popular on its surface, plays well to the maddening crowd and caters to an uninformed and ideologically based view. That is also intuitive, but it is an intuition that seems to be right. Do not look at the facts too carefully and follow an ideological point of view that plays well and you will get votes. Never mind that we are proposing a solution that does not work, the people love it. We have heard the minister say over and over again that the people voted in the last election for a government that promised to lead them down that road, and that this government has a mandate to take the people down that road. The tragedy is that the government is determined on this course despite knowing better; and the minister does know better because the evidence and experience of other jurisdictions is irrefutably plain and true.

Honourable senators, sometimes the right thing is not popular and can be a hard sell. Sometimes in this place, we have the luxury of a degree of independence from retail politics. In this place, whether we like it or not, at least for the moment we do not need votes. Whether we like it or not, the Constitution of Canada, as it stands and until it is changed, says that we are not susceptible to being voted out of office. Some may not like that and want change, but until it is changed, that is the way it is, and that is the way it has been for 144 years. That is the way it is today as we deal with Bill C-10.

More time and attention than on any other question were spent making sure that was so during the Confederation debates; and that is why we are here, honourable senators. In our examination and consideration of this bill, if we apply the facts, care, science and objectivity, as I have no doubt the committee will do, then we will see that the bill is wrong in its proposed sentencing provisions. The very intuitive premise upon which it is based is wrong. It is our bounden duty, honourable senators, to apply those criteria in our considerations. We cannot escape that responsibility. I have to believe that having done so, we will find that the sentencing provisions in this bill are wrong.

**Hon. Daniel Lang:** Honourable senators, I would like to take a few moments to speak to the general philosophy of Bill C-10. The principles in the bill should not be a surprise to anyone in this chamber. As stated earlier this week, seven of the nine parts of this bill have been discussed in-depth in either the other place or the Senate over the past five years. It has been said by some that the bill is being rushed through Parliament. Honourable senators, I would submit that this allegation does not bear up to scrutiny. There have been three elections fought on these issues, and there

have been countless hours of parliamentary debate for the past five years on the merits of most parts of this bill. I want to point out that Canadians are not buying the allegations that the bill is being rushed through Parliament. No, Canadians are asking why it is taking so long.

It is no secret that over the years, many Canadians have lost confidence in the judicial system. Year after year, we have witnessed countless sentences for violent crimes, drug offences and sexual assaults being brought down by the courts that bear no relationship to the seriousness of the crime. One only has to listen to Senator Boisvenu's experience with the judicial system, which caused so much heartfelt grief to him and his family — truly a travesty of justice. Unfortunately, the honourable senator's story has become more and more common over the years as our judicial system, in many cases, has turned its back on the victims and their rights.

The bill before honourable senators brings in minimum and mandatory sentencing so that across the country not only will the courts have a consistent benchmark to consider but they will also have to take into consideration how serious Canadians view the crimes that criminals commit. Canadians expect to see some consequences when crimes are found to be premeditated and committed in such a manner that it has gone against the public good.

This brings me to the matter of incarceration. Yes, there will be longer incarceration periods for violent, repeat criminals. Yes, there will be longer incarceration periods for convicted drug traffickers. Yes, there will be longer incarceration periods for sexual predators. I ask honourable senators: Why should there not be? Canadians expect criminals to pay a serious consequence for their actions. The public expects their Parliament to pass laws that ensure our streets and our homes are safe for our families. Yet at the same time, Canadians believe and are prepared to pay when there is hope for rehabilitation of the offender.

Earlier this week, we referred to a multitude of programs where the taxpayer has invested and will invest almost \$1 billion to assist in the rehabilitation of young offenders, to help steer Aboriginal people away from crime, and to invest in the prevention and treatment of the scourge that drug use is to society.

It is my hope that with the passage of this bill we can have some effect on the revolving courthouse door that our present legislation has helped to create. I would ask all honourable senators to refer to Senator Runciman's speech at second reading. He said: "The average suspect had a 13-year criminal history and an average of seven previous convictions."

Think about it, honourable senators. Such a professional criminal has had a minimum of seven different court proceedings; has utilized, in one manner or another, a minimum of 14 lawyers; and has involved a minimum of seven judges and countless support staff. Honourable senators, no wonder our courts are clogged and not working the way they should. My hope is that in 10 years, this statistic will change dramatically. I am hoping that that statistic might read like this: An average suspect, with a 13-year criminal history, will have no more than a maximum of two convictions.

[ Senator Lang ]

• (1540)

Not only will this allow the courts to deal with their caseloads, but my hope is that more and more of those individuals who would commit themselves to a life of crime will have second thoughts and move elsewhere in our society.

Also, honourable senators, it is important to stress that the bill before us is the result of countless hours of consultation with the provinces and territories. Between the two levels of government — the provinces and territories and federal government — there has been common and consistent support to make the communities in our country safer. There has also been common cause from the provinces and territories to further strengthen our justice system.

I want to take a minute to comment on the next step of the review of this bill as it goes to committee. I notice that the Leader of the Opposition in the Senate and others stressed the importance of the review and the fact that it will be open and that there will be many witnesses. I want to point out and stress that, of the nine parts of this bill, seven have already been before either this house or the other place. As a member of that committee, I feel that we can look back at the testimony given to us as a committee and review many aspects of it so that we do not have to go through the same process. That is not to say we are not going to have witnesses, but I feel that we do not have to repeat what we have already heard.

I want to say this in closing: Yes, the bill does bring in change; and yes, there is a new culture for change. It brings in accountability to our court system and sets the benchmark for the consequences and accountability of criminals who prey on their fellow Canadians. Just as importantly, honourable senators, it brings in a philosophy that says the rights of the victim come first.

Honourable senators, I do not believe Canadians want to wait another five years for this bill to pass. I would ask for your cooperation.

**Senator Banks:** Will the senator accept a question?

**Senator Lang:** Yes.

**Senator Banks:** Thank you, Senator Lang.

Would the senator correct me in case I am reading this bill wrongly? Under the definition of trafficking contained in this bill, the conviction for which leaves one susceptible to a prison sentence, if I were to offer a 292 to you when you have a headache, it seems to me I could be caught trafficking. Never mind the likelihood of my being arrested and charged for that. We are passing laws here, not passing suggestions that people who enforce the law might do this or might do that. We are not passing the discretion for them to do that; we are passing a law which, if I understand it, includes the definition that I have just described. Does the senator think that if he offered me a 292 because I had a headache that he should be susceptible to a prison sentence?

**Senator Lang:** Honourable senators, I am not a lawyer and will not pretend to be one. I would make this point in respect of the question of trafficking: It has to be proven. One has to go through

the procedure and provide the evidence to prove that one has the intent of trafficking. From that perspective, I think that Senator Banks would be safe and, if he wants a 292, I have one in the office.

**Senator Banks:** Well, 292s contain codeine, so I never use them. I am not a lawyer, either, as the honourable senator well knows since I have put my legal foot in my illegal mouth many times. However, if I understand the definition correctly, it is not even necessary, if you offered me a 292, that I accept it. The fact of your having offered it to me, according to the definition that I understand to be in the bill, constitutes trafficking, period. I am wondering whether you think that is justifiable in respect of being susceptible to a prison sentence.

**Senator Lang:** Honourable senators, all I can say is that I do not read that section the same way Senator Banks does, nor do I interpret it the same way. At the end of the day, common sense does apply, and I would like to think we would all accept that as well.

**Hon. Elizabeth Hubley:** Honourable senators, I rise today to share my concerns about the mandatory minimum sentencing provided in Bill C-10. Like so many Canadians, I am deeply troubled by this legislation and the impact it will have on the future of our country. In particular, I am concerned about the state of our correctional system and its ability to cope with the coming tidal wave of new inmates.

On Prince Edward Island, the youth correctional centre will be renovated to house female inmates from the island. What impact will this have on our young offenders' programming or our ability to meet their needs? They will be greatly diminished, I would suggest. This was done to accommodate the expected increase in inmates in the Charlottetown and Summerside areas. All this was done without the needed resources from the government.

I fear that we will soon find ourselves with prisons that are not just overcrowded, but are bursting at the seams, with offenders being released from pressure-cooker jails without having received appropriate treatment and being at greater risk of reoffending. Ultimately, I am afraid that this strictly punitive approach to addressing crime will not only fail but will backfire at a huge cost to the provinces and territories.

The Canadian correctional system is in crisis. Our prisons are currently overcrowded and understaffed. Drugs and disease circulate freely. Mental illness and addiction are the elephants in the room. Poverty, low levels of education and histories of abuse are the all-too-common patterns shared by the majority of offenders. To think the worst is yet to come.

Many of our prisoners are already double-bunked and housed in conditions that contravene United Nations standards. Others sleep on temporary mattresses on the floor. The really unlucky ones, in British Columbia, sleep in tents. In fact, our prisons are beyond overcrowded.

When a Canadian can be put into segregation and still be double-bunked, it is a sign of a serious problem. These sorts of conditions are known to result in chronic stress, which, in turn,

triggers violence and instability. Furthermore, according to the Office of the Correctional Investigator, sharing such a confined space contributes to a higher rate of disease transmission and infection. Even with increases in spending and the creation of new prison beds scheduled to take place over the next couple of years, the system is not able to appropriately house prisoners. With this legislation, the situation will only get worse.

One of the most disturbing aspects of Bill C-10 is the emphasis on mandatory minimum sentencing. This will undoubtedly lead to more people in prison and longer sentences.

• (1550)

Unfortunately, as any criminologist will tell you, prison is not a panacea. In fact, it is not particularly effective in doing anything other than protecting the public from dangerous offenders, who make up only 1.5 per cent of our prison population. For the remaining 98.5 per cent of offenders, jail is not a permanent home. They will complete their sentences and return to their communities. Bored, unskilled, drug addicted, mentally ill prisoners who lack education and employment opportunities need programs. They need treatment, counseling, and the tools to help them reintegrate into society when their prison term is complete.

While serving their debt to society in prison is punitive, incarceration cannot only be about punishment; it must also be about rehabilitation and reducing recidivism. Without appropriate programs and services to help offenders reintegrate into society, they will remain at great risk of reoffending. Moreover, we need to know that they are making progress, that they are learning to become better citizens, and that when they return to our communities they will be able to handle the challenges they face. Howard Sapers, the Correctional Investigator wrote in his most recent report:

From research and experience, we know that when correctional programs are properly targeted and sequenced, well-implemented and delivered to meet earliest parole eligibility dates they can reduce recidivism, save money in the long run and enhance public safety. According to CSC research, on average, every dollar spent on correctional programming returns four dollars in saved incarceration costs.

The evidence speaks for itself. Programs and services are not frills or being soft on crime. These are archaic concepts. No, programs and services are the backbone of the system and the only hope we have of ensuring that prisoners do not leave jail at a greater risk of reoffending. Even now while times for access to these services are too long, many offenders leave prison without even having participated. Women and Aboriginals in particular need greater access to programs that better address their particular needs, programming to support the family structure, and programs that respect their cultural expectations.

With mandatory minimum sentencing provisions in Bill C-10, there will be even more competition in our jails for these scarce resources. Further to this, I am particularly concerned about the provision in this bill that would replace the principle that the

correctional services use the least restrictive measures consistent with the protection of the public, staff members and offenders with the principle that measures are limited to what is necessary and proportionate. This change would give prison guards far more power to use force than they currently possess. It seems to me that this is the government's answer to overcrowded and understaffed prisons. Rather than deal with violent and mentally ill prisoners by hiring more skilled workers and increasing access to programs and services, this government appears to prefer to respond with a more violent, coercive and intimidating approach.

While increases in the prison population will strain infrastructure and services, it will also come at an incredible cost to the provinces and territories, a cost that many have indicated they are unable to pay. In my own province of Prince Edward Island, we are already seeing increases of up to 30 per cent in the number of inmates being admitted to our jails as a result of legislation already passed by this government. The numbers are growing faster than our ability to accommodate them. In order to just keep up, the province would need to triple its corrections budget. During this time of economic difficulty, this is incredibly challenging.

In addition to Prince Edward Island, New Brunswick, Quebec, Ontario and British Columbia have all spoken out against this bill. Quebec's justice minister, Jean-Marc Fournier, has openly said that Quebec simply will not pay, while Ontario's Premier Dalton McGuinty has made it clear that if the federal government wants to push forward with this legislation it must come up with the money.

Before this legislation goes any further, I call on the government to hold meaningful consultations with the provinces and territories. Many of the proposed mandatory minimum sentences are under two years long, making them a provincial responsibility. This legislation will therefore have a profound effect on their correctional systems, and it is irresponsible and inconsiderate to shut the provinces and territories out of this process. They need to be heard and they need transitional funding.

Honourable senators, Bill C-10 is the wrong approach to dealing with crime. For decades the United States took the same approach, emphasizing mandatory minimums and extensive incarceration at the expense of prevention and rehabilitation. Today, most states are admitting failure and are now backing away from this type of legislation. We should too, before it is too late.

Our prisons are already overcrowded, expensive and ineffective. Senator Tkachuk shared with us last evening how incredibly old some of our institutions are. Rather than trying to renovate some of these dinosaurs, take an incredible step forward in leadership, tear one down and build a rehabilitation centre. Be innovative, resourceful, creative and demand new solutions. Our streets and communities are the safest they have been in 40 years.

Honourable senators, I shared with you my concerns about Bill C-10, the impact it will have on the sentencing provisions and on an already strained system both federally and provincially. I believe these impacts deserve our careful consideration if we want to ensure that Canadians who are incarcerated will be rehabilitated and our crime rate will continue to fall.

[ Senator Hubley ]

[*Translation*]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I rise today to speak to Bill C-10, the government's omnibus crime bill. It is a very controversial measure, as we have heard, because of its purpose and the method used by the government to ram it through Parliament.

As we have heard, Bill C-10 incorporates nine measures that were being studied by Parliament before the spring election. The government combined all these elements, which were covered by rather lengthy bills, in a brick of a bill that is more than 100 pages in length, its omnibus crime bill, in order to pass these measures post-haste.

Honourable senators, Canadians expect Parliament to carefully study all bills that are introduced. Unfortunately, the government seriously impeded the other chamber from doing so. As my colleague, Senator Cowan, said in his speech yesterday, I hope that this chamber will have the time required to scrutinize this bill in a responsible manner.

[*English*]

Honourable senators, there is an utter absence of evidence-based reasoning in the Conservative government's entire approach to criminal justice. For years now, this government has been spreading fear and anxiety about the safety of our society. Truly, they would have us believe that there is mass chaos in the streets. I regret to inform the other side that this is not the case. This year, Statistics Canada reported that police-reported crime, which is statistically representative of the overall volume of crime, has been in continuous decline for 20 years through to 2010. In fact, last year, crime was at its lowest level since 1973.

• (1600)

Looking specifically at violent crime, we are now seeing the lowest levels since 1999. Last year, the Violent Crime Severity Index was down 6 per cent — four straight years of decline — and now the largest drop in more than a decade.

Among the specific violent crimes that have declined are attempted murder, down 14 per cent; homicide, down 10 per cent, and this is a 44-year low; robbery, down 7 per cent; serious assault, down 5 per cent; and youth crime, always one of the most worrisome indices, is 11 per cent lower than it was a decade ago.

Like many of the government's crime bills previously studied in this chamber, this omnibus bill takes the misguided approach of putting more people in jail for longer periods. Good public policy is based on evidence. I am in favour of evidence-based public policy. Honourable senators, this is not evidence-based public policy.

Comparable justice policy methodologies were enacted decades ago in jurisdictions around the world — most notably, the United States, Britain, and Australia — and have been unequivocally discredited and abandoned. Why? It is because these policies had



a disastrous impact in terms of public safety and economic and social costs on the states that employed them, bankrupting public coffers and, indeed, rendering communities less safe.

Policy-makers, judges, and criminologists in those countries who once looked to Canada as the model of an effective and balanced criminal justice system are bewildered by our sudden shift to an imprisonment-focused approach.

If one were to approach an average Canadian on the street in Halifax, Rimouski, Thunder Bay or Lethbridge, or any other corner of this country, and one asked that Canadian, “Are you in favour of safe streets and communities?” of course that Canadian would answer “yes.” Thus we, as legislators, are tasked with determining how to achieve that end.

The problem, honourable senators, is that with Bill C-10, neither our streets nor our communities will be safer. In fact, as you have heard in the remarks of many of my colleagues yesterday and today, this bill could very well make things worse.

The United States, after several decades with “lock ‘em up and throw away the key” policies, has a recidivism rate reaching as high as 70 per cent in the state of California. A study by the Pew Center on the States found that state and federal spending on corrections in the United States has grown 400 per cent in the past 20 years, from nearly \$12 billion to \$60 billion.

Honourable senators, when we learn from the mistakes of others, we can avoid making those same mistakes ourselves.

What is the actual cost of Bill C-10 for Canadians? We do not know. The government has consistently refused to supply Parliament with a detailed cost analysis of any of their crime bills, this one included. What we do know is that the Parliamentary Budget Officer — a Conservative-appointed, independent officer of Parliament — has stated that this government is responsible for a total obfuscation of the financial implications for provinces and territories. The budget officer found that the bill’s estimated cost, according to the Conservatives, was backed up by no methodology and no supporting information.

Honourable senators, when we are saddled with the largest national debt in our history, and the Minister of Finance has recently admitted that he will not be able to meet his deficit-reduction targets, how can we contemplate, never mind afford, this kind of reckless spending on policies that have proven themselves ineffective and dangerous?

I do not need to remind you how many provincial governments have stated publicly that they cannot and will not pay for the implementation of this bill. Every province has its own unique situation, the parameters of which create new and compelling reasons why the Conservative government’s approach to this legislation, and to justice policy in general, is so very flawed.

In my own home city of Edmonton, the municipal government has serious concerns with respect to the costs that will be downloaded on to the city when this legislation is passed. Unfortunately, the federal government has yet to respond to

these concerns in any constructive way. On November 29, Mayor Stephen Mandel asked the federal government to stop building prison cells in Edmonton due to the unmanageable costs the municipal government, especially the police service, would be forced to absorb. As Mayor Mandel said:

We believe we have more than our fair share of prisoners in our city. We don’t want any more. If the federal government wants to expand prisons, do it elsewhere.

The mayor is absolutely correct. In addition to our 298-inmate maximum security prisons, we also sustain the Edmonton Institution for Women, an Aboriginal-focused institution, a downtown minimum security facility, and another Aboriginal facility built for women. The government has already legislated a new 96-bed maximum security facility and 44 more inmate spots at the Edmonton Institution for Women. Now, with this bill, the number of local inmates stands to grow further.

As has been pointed out ad nauseam, crime, both petty and serious, has been falling nationwide for decades. While there is no doubt that many types of convicts do need to be incarcerated, there is reason to believe that this Conservative initiative to build more and bigger prisons will, in fact, result in our community being less safe, all while leaving the economic costs and social consequences for the local government in Edmonton and other municipalities to deal with.

We have talked about the cost of these policies, but I would like to delve further into their failure to enhance public safety. History has proven that mandatory minimum sentences — and Senator Banks has spoken eloquently to this — leave fewer tools for prosecutors to use when laying charges and strip judges of the discretion to take mitigating factors into account during sentencing. Statistics show that in the jurisdictions where these policies have been in play, the mentally ill, whose plight was so aptly presented in Senator Cordy’s eloquent and impassioned speech last evening, those struggling with addictions, the poorly educated, and racial minorities crowd the prison system. The most marginalized and most vulnerable are already disproportionately represented in our correctional system, and these “tough on crime” policies will affect these groups most harshly.

Shawn Atleo, Grand Chief of the Assembly of First Nations, stated recently that Canada’s Aboriginal children are more likely to go to jail than to graduate from high school.

• (1610)

Correctional investigator, Howard Sapers, showed in his 2009 report that the rate of Aboriginal incarceration is nine times higher than for non-Aboriginals. In 2007-08, Statistics Canada revealed that Aboriginal people accounted for 22 per cent of our prison population, despite only making up 3 per cent of the actual population. Persons of Aboriginal descent now account for more than one in five new admissions to federal corrections institutes. Among female inmates, this overrepresentation is even more stark. One in every three women inmates is Aboriginal.

Bill C-10 does not so much as acknowledge this glaring disproportionality, let alone offer sentencing solutions that might alleviate it.

The territory of Nunavut has the highest crime rate in the country, according to Statistics Canada. Recently Nunavut deputy justice minister, Janet Slaughter, said that while other provinces can expect to see an increase in their prison population in the area of 15 per cent as a result of Bill C-10, these numbers would be much higher in her territory.

Where will all these new prisoners go? Nunavut's only prison, the Baffin Correctional Centre, is already plagued by chronic overcrowding, and a new 40-person facility is set to fill up immediately when it opens in early 2012. Last year, Nunavut's fire marshal said that the Baffin centre is so overcrowded, rundown and badly built that sending inmates there amounts to criminal negligence. The territory cannot deal with the additional burden that Bill C-10 will create.

Honourable senators, the root of most crime in Nunavut, as in many other jurisdictions, is people with addictions, histories of abuse and mental health problems who need treatment. These issues will not be cured by incarceration.

Iqaluit mayor, Madeleine Redfern, has been pleading with the government to assist with funding for a permanent addictions treatment centre, but to no avail. Instead, the Conservative government will hand off the additional burden of more inmates without the tools or support necessary to address the root causes of their problems.

Could I ask for five more minutes?

**The Hon. the Speaker** *pro tempore*: Is leave granted for an additional five minutes?

**Hon. Senators**: Agreed.

**Senator Tardif**: Thank you. The government has decided to ignore the overwhelming evidence and even the growing number of conservatives around the world who are speaking out against this failed and discredited approach to criminal justice that characterizes Bill C-10. This is all while data show that Canadians currently enjoy, for the most part, the greatest level of safety in our history, with violent and other crime rates in sharp decline.

Honourable senators, no one denies that there is crime that takes place in Canada, but I stand in favour of crime prevention. I stand shoulder to shoulder with victims of crime.

I stand in favour of putting more resources into the root causes of crime, to make things better and safer for every man, woman and child in this country. Effectively, this means that I cannot stand in favour of Bill C-10.

The government's obsession with punishment is misdirected. If it really wants to make our communities safer and make the justice system more responsive to victims of crime, then it needs to abandon the tough-on-crime rhetoric, the counterproductive mandatory minimum sentences and the costly prison expansion plan, and instead concentrate on fixing the real problems afflicting our justice system right now.

[ Senator Tardif ]

[*Translation*]

Honourable senators, our justice system is already in crisis, and prosecutors and judges are overworked. According to the Canadian Association of Crown Counsel, if the government does not provide the additional resources that will be required as a result of the added pressure the bill will place on the system, public safety will be seriously compromised.

What additional resources are set out in Bill C-10 to assist our overtaxed justice system? There are none. The government simply expects prosecutors and judges to do more with less, while asking the Department of Justice, including its prosecutors, to reduce its current budget by 10 per cent.

Bill C-10 will result in more court time since offenders facing mandatory minimum prison sentences tend to choose a trial over pleading guilty in the provinces and territories that are already so busy that they do not have time for more trials.

If the justice system is overtaxed, we can expect more recourse to the Charter to stay proceedings because, under the Charter, litigants have the right to have their case heard within a reasonable period of time. We can also expect an increase in plea bargaining since offenders are less likely to plead guilty to charges that carry mandatory minimum sentences.

I repeat: since the waiting list for court time is long, prosecutors will have no choice but to charge offenders with crimes that are not punishable by mandatory minimum sentences.

How can we say that the increasing number of out-of-court settlements caused by long waiting lists for court time and the fact that offenders plead guilty to less serious charges improve public safety or help victims of crime?

Honourable senators, clearly such is not the case. According to the President of the Ontario Crown Attorneys' Association, if the justice system does not receive financial support, most new criminal laws will be of no use.

[*English*]

Last week Senator Boisvenu spoke at length about Bill C-10 and community stewardship of the rights of victims. He even implied that members of our caucus were more concerned with the welfare of criminals than victims. To be quite frank, honourable senators, I am surprised at my colleague's insinuation, especially when there are so few improvements for victims of crime in this piece of legislation.

I am certainly not an expert in this particular area of justice policy, but the former Federal Ombudsman for Victims of Crime, Steve Sullivan, certainly is, and he has been a vocal advocate for victims of crime for decades. He has stated that this bill will likely make things worse, not better, for victims of crime.

I see my time is up, honourable senators. I will simply say that one cannot justify bad policy through the repetition of a mantra about a mandate. Safe streets and safe communities are the shared aspiration of all Canadians and the common objective of all parliamentarians and parties.

No political party can claim that it alone speaks or cares for the safety of all Canadians.

(On motion of Senator Dyck, debate adjourned.)

### BUSINESS OF THE SENATE

**Hon. Wilfred P. Moore:** Honourable senators, I want to make a few remarks for the Speaker's consideration with regard to the question of privilege raised earlier today by Senator Carignan.

**The Hon. the Speaker *pro tempore*:** It is not in order to be raising that matter now. They should have been made at the time that it was raised by the Honourable Senator Carignan.

**Senator Moore:** The Speaker said that he will read Hansard and report. He gave no one an opportunity to interject.

• (1620)

[*Translation*]

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, when His Honour deems that he has heard enough arguments — it is up to him — he can end the debate on the point of privilege. Our colleague Senator Moore did not ask to speak to debate the question of privilege and that is when he should have done so, not afterward. The point of order is considered debated.

[*English*]

**The Hon. the Speaker *pro tempore*:** In the *Rules of the Senate*, it says one of the rare areas where the Speaker does have discretion is that the Speaker, on a point of privilege, can make a determination that he has heard enough debate or enough evidence from honourable senators. He then can say, "I have heard enough. I will now reserve and come back with my decision at a later time."

His Honour did indicate that he had heard enough and that he would reserve and come back at a later date and give a decision, based upon what he had heard, and he has that right.

**Senator Moore:** I agree with your comments, but he did not say anything about having heard enough; he just said, "I will read

Hansard and I will give my decision." He just cut off debate, and that is what he did. There was no opportunity for me. He made his decision.

I know that is right, but how do I get my remarks before him now? I do not get to do it if I follow what you are suggesting, and I do not think that is correct.

**The Hon. the Speaker *pro tempore*:** That is the way the rules are now, honourable senator. We could change the rules, but the Speaker does have the right to say, "I have heard enough; I will now go back and consult the record in Hansard and come back to the chamber with the results of my study and decision."

He has that right, honourable senator.

[*Translation*]

### PUBLIC SECTOR INTEGRITY COMMISSIONER

#### MOTION TO APPROVE APPOINTMENT ADOPTED

**Hon. Claude Carignan (Deputy Leader of the Government),** pursuant to notice of December 8, 2011, moved:

That, in accordance with Subsection 39.(1) of the *Public Servants Disclosure Protection Act*, S.C. 2005, c. 46, the Senate approve the appointment of Mario Dion as Public Sector Integrity Commissioner.

He said: Honourable senators, I have been informed that the other place has proceeded to adopt the motion to approve the appointment of Mario Dion. If honourable senators are ready for the question, we may proceed right now.

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

**Hon. Senators:** Agreed.

(Motion agreed to, on division.)

(The Senate adjourned until Thursday, December 15, 2011, at 1:30 p.m.)

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