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OFFICIAL REPORT
(HANSARD)

Tuesday, June 19, 2012

The Honourable NOËL A. KINSELLA
Speaker

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Tuesday, June 19, 2012

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE ETHEL COCHRANE

The Hon. the Speaker *pro tempore*: Honourable senators, I have received a notice from the Leader of the Government who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Cochrane, who will be retiring from the Senate on September 23, 2012.

I remind senators that pursuant to our rules each senator will be allowed only three minutes and may speak only once.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, today we bid farewell to our dear colleague, Senator Ethel Cochrane, who retires from the Senate of Canada in September, before the resumption of Parliament for the fall session.

For 25 years and 10 months, Ethel has proudly and ably represented her province of Newfoundland and Labrador in this place. While Senator Cochrane is a soft-spoken, kind-hearted woman, she is also fierce in her dedication and loyalty. We shall miss her common-sense wisdom, generosity and joyful spirit.

I had the honour of being in the office of the former Prime Minister, the Right Honourable Brian Mulroney, when Ethel was summoned to this place in November 1986, and I do remember those phone calls. Three women were appointed to the Senate on the same date, and while each was unique, it was particularly gratifying that this accomplished woman from rural Newfoundland was chosen to be the very first female to represent Newfoundland and Labrador in the Senate of Canada.

As Senator Cochrane knows better than most — and she has reminded us many times — there is a great deal more to Newfoundland and Labrador than St. John's, as outstanding a city as that is. She has championed the interests and concerns of rural communities in her province both in Parliament and as well as a member of the Conservative Party caucus. She has a long record of hard work in this chamber and has served on many standing committees over the years, including Fisheries and Oceans; Social Affairs, Science and Technology; Transport and Communications; and Energy, the Environment and Natural Resources; and of course she had leadership roles on many of them.

As a former teacher and school principal — maybe that is what it was; we all knew she was a principal and teacher and we would all remember our own dealings with school teachers and

principals — Senator Cochrane has particularly focused on the importance of education and literacy in her work as a senator. The education and training she received as a young woman clearly made a lasting impact on her life, and Senator Cochrane has been an advocate for ensuring that others, from small children to adult learners, understand the importance of having strong literacy skills.

She worked tirelessly on behalf of the youth of our country, and for several years now she has joined with Senator Munson and Senator Mercer in welcoming children to the Senate for events celebrating National Child Day.

On another important subject, Senator Cochrane also joined with Senator Mercer to champion a private bill that passed in 2008 to officially recognize National Blood Donor Week, which, incidentally, was celebrated last week. I know that the honourable senator is quite proud to have been part of that life-saving effort.

I do not think Senator Cochrane will mind very much my mentioning that later this year, in November, she and her husband Jim will celebrate their fifty-fifth anniversary. What a fantastic milestone to reach. Although I am personally sad to see Senator Ethel Cochrane leave, I am quite certain that she is looking forward to spending more time with her large and loving family.

Senator Cochrane, as you take leave of this place, on behalf of all honourable senators, especially your Conservative caucus colleagues, I wish you, your husband Jim and your family nothing but the very best and a well earned and happy retirement.

Although, knowing you, I am sure you will be embarking on yet another endeavour. May good health and happiness be with you always.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, before calling on the Leader of the Opposition I would like to draw your attention to the presence in the gallery of James Cochrane; James Cochrane, Jr.; other members of Senator Cochrane's family; and friends Nicole Power and Jeanette Downey. Welcome to the Senate of Canada, and on behalf of all senators, we extend to you a warm welcome.

TRIBUTES

THE HONOURABLE ETHEL COCHRANE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, on behalf of all of us on this side of the house, I want to add my voice to that of Senator LeBreton in paying tribute to Senator Cochrane as she prepares to retire from the Senate.

One of the greatest strengths of this chamber is the depth and range of experience of many of those who serve here. I know there are some people who think of the Senate as a unique preserve of, let us face it, older white men — politicians especially — born to privilege. I would like to introduce them to Senator Cochrane.

Senator Cochrane was born and raised in Lourdes, a small outpost community on the Port au Port Peninsula on the west coast of Newfoundland. As she has described it, in those days, a woman in her community had two choices if they had aspirations to pursue a profession: become a nurse or become a teacher. There was one problem for Senator Cochrane to become a nurse — she could not stand the sight of blood. Therefore, her mother gently suggested that she follow the latter course, which she did.

• (1410)

Senator Cochrane began teaching at 16, an age when most Canadians are still students. Married at 19, she had six children before she reached the age of 30. Many people would find that challenging enough, but not Ethel Cochrane. As soon as her children were all in school, she picked up and went back to school herself. She earned two bachelor's degrees and a master's degree. She returned to teaching, always, as she said, encouraging her students to dig for the answers, to set goals and to push boundaries.

I think it is fair to say that Senator Cochrane never asked more of her students than she has of herself. Push boundaries? Yes, she did. As Senator LeBreton noted, she was appointed to the Senate by Prime Minister Mulroney in November 1986, the first woman appointed to this chamber from her Province of Newfoundland and Labrador.

Honourable senators, the high energy, determination and organization that propelled Senator Cochrane to take on all those challenges earlier in life — and succeed in them — she then brought to the service of her whole province, and indeed to Canadians, when she came to this place.

I mentioned that Senator Cochrane chose the profession of education because she could not stand the sight of blood. Perhaps because of that she has steadfastly refused through almost 25 years here to accept the adage that politics is a blood sport. For Senator Cochrane, politics is the highest form of public service, an opportunity to make a difference. Indeed, it is very much like teaching, but on a much larger scale.

Senator Cochrane has been a strong advocate for the twin causes of literacy and education. She has spoken on these topics, in her words, “to give voice” to those many — too many — Canadians who struggle to acquire basic literacy skills and those Canadians who devote their lives to helping them. It is not surprising that Senator Cochrane would use her position here to speak for those who are not normally heard.

Senator Cochrane knows very concretely the critical importance of education in enabling individuals to transform their dreams into reality, whether one is born in the biggest, most urban city in the country or in a fishing outpost on a small peninsula attached to Newfoundland by a thin strip of land.

Senator Cochrane also knows from hard experience the challenges that continue to face women across Canada. She has spoken of being infuriated at the statistics of the continuing gender gap that exists and the fact that so many employers fail even to recognize this as a reality. She said, “If you empower a woman, you empower other women, children, families, communities, businesses — it impacts everyone and provides amazing results.”

Certainly, honourable senators, Ethel Cochrane has proven that to be the case. She has managed quietly, politely and with wit to be an especially effective advocate for the people of Newfoundland and Labrador, and indeed all Canadians.

Senator Cochrane, we belong to different political parties and we have always sat on opposite sides of this chamber, but I can truly say it has been a pleasure to serve here with you. On behalf of all your friends on this side, I wish you, Jim and your family happy years of retirement in your beloved Newfoundland and Labrador.

Hon. Senators: Hear, hear!

Hon. Ethel Cochrane: Honourable senators, I rise today to say thank you to all of you: my friends on both sides of this house, and everyone beyond the chamber who has contributed to my time in this incredible place. I would like to thank both the Leader of the Government, Marjory, and of course the Leader of the Opposition, Jim, for their kind words and recollections.

I would also like to say a special thank you to my fellow Atlantic Canadian, a dear colleague from New Brunswick, the Speaker of the Senate, the Honourable Senator Noël A. Kinsella. In my estimation, he is a man of remarkable faith and intellect, and a true statesman. I have known him in many roles over the years and I thank him, as well as his wife, Ann, for their great friendship and the fun that we have shared.

I would also like to express my sincere gratitude to the Right Honourable Brian Mulroney, who quite literally changed my life with the invitation to come to Ottawa. I will be forever grateful for this opportunity.

I am especially proud to have served as Newfoundland and Labrador's first female senator.

Hon. Senators: Hear, hear!

Senator Cochrane: I was appointed on the same day as the late Honourable Eileen Rossiter from Prince Edward Island and the Honourable Mira Spivak from Manitoba. When we arrived on Parliament Hill, we were photographed together in front of the statue of Cairine Wilson, Canada's first woman senator. It was significant at that time that three women were appointed together, as women were still a relative rarity in this place. I know on the Conservative side, there was one woman.

While progress on that front may have been slower than I would have liked, I am pleased with the gains we have made. Today, 37 per cent of the seats here are occupied by women, and that is fantastic.

Hon. Senators: Hear, hear!

Senator Cochrane: I am also thrilled that my province is one of a growing number that has a woman serving as premier. In that way, it feels like it is a good time for me to leave.

As each of us can attest, the experiences that we are afforded in this place are simply unparalleled. We are blessed with the opportunity and the mandate to represent Canadians right across this lovely land. I have been fortunate to meet with people of all ages and all walks of life, especially students. Each has had stories to share and they have enriched my life with their openness, their respect and their friendship. Through these experiences I have developed a far greater understanding of my fellow Canadians than I ever thought possible.

Along the way, I also developed a newfound appreciation for our parliamentary system.

As a result of all this, my love for my country has deepened and matured. When I came to the Senate, I arrived as a teacher of 22 years, just like Senator LeBreton said. However, as I stand before honourable senators today, I feel like I have been a student for the last 25 years. Fundamentally, I believe that is what each of us must be, as senators. We must have a love of learning and a desire to engage with people and the world around us. We must constantly grow and change, all the while remaining cautious and curious, respectful and thoughtful.

My career as a parliamentarian is one I have relished and savoured. It has been a supreme honour and a privilege to serve my community and the people of Canada in this way. Indeed, it has been the highlight of my professional life to serve alongside so many deeply committed and caring Canadians, and I thank honourable senators for that.

• (1420)

As we all know, no one person can do it alone. I know that I certainly would not have been here without the love and support of my family. I want to thank my husband, Jim, who is in the gallery, for always being there.

Hon. Senators: Hear, hear!

Senator Cochrane: He was always there for me, willing to drop his commitments and interests to pick me up at the airport at all hours of the day and night, driving an hour and a half each way just so that I could come home.

I would also like to thank my six children and 12 grandchildren. Some are here today with us. In the gallery with Jim are our daughters, Denise and Rhonda; our sons, Jim and Mike; Rhonda's partner, Seldon; and our granddaughters. We have Kayla and Hollie from St. John's, Newfoundland, and we have Madison from Prince Edward Island. I would also like to thank my Ottawa girls — my staff — for their loyalty and their dedication. I thank Elissar Kourie, my recent assistant, my long-serving policy adviser, Nicole Power, and my former executive assistant, Jeanette Downey, as well as the others who have worked in my office over the years.

Finally, I would like to extend my gratitude to all of the staff who work in the Senate administration. Oftentimes these are the people who are behind the scenes and do not always get the recognition

they deserve. To the members of the Protective Service, the cleaners, the drivers, the mail clerks, the parliamentary reporters, interpreters and everyone in between, I say this: Not only is your work crucial to the success of everything that we do here, but you help to make this a terrific place to work. I thank you for that.

In closing, honourable senators, I would like to leave you with a quote. This is my teaching career coming out. I believe this has a powerful message for us all. It comes from my favourite saint, St. Anthony. He said: "Actions speak louder than words. Let your words teach and your actions speak."

Honourable senators, may we all continue to improve the lives of our families, our communities and our beloved Canada with our words and our actions.

Hon. Senators: Hear, hear!

[Translation]

BANFF WORLD MEDIA FESTIVAL

Hon. Maria Chaput: Honourable senators, on Monday, June 11, 2012, at the Banff World Media Festival, the series *La ruée vers l'or* won the Banff Francophone Grand Prize.

According to the press release I received:

The festival celebrates the very best in international content production in television and digital media. The Competition includes 21 genre-based categories and 5 interactive categories, and the Banff Francophone Grand Prize honours programs that are originally produced in the French language, from anywhere in the world.

La ruée vers l'or is produced by teams from Les Productions Rivard in Winnipeg and the Slalom Productions in Ottawa. The series was broadcast on TFO in 2011 and on TVA this spring.

I want extend my sincere congratulations to both production teams. I want to sincerely thank Les Productions Rivard, from Winnipeg, Manitoba, for their excellent work. Thank you to producer and executive director, Louis Paquin, and congratulations to the entire team in Manitoba.

[English]

ROUTINE PROCEEDINGS

CRIMINAL CODE

BILL TO AMEND—THIRD REPORT OF SPECIAL COMMITTEE ON ANTI-TERRORISM PRESENTED

Hon. Hugh Segal, Chair of the Special Senate Committee on Anti-terrorism, presented the following report:

Tuesday, June 19, 2012 [Translation]

The Special Senate Committee on Anti-Terrorism has the honour to present its

THIRD REPORT

Your committee, to which was referred Bill S-9, An Act to amend the Criminal Code, has, in obedience to the order of reference of Thursday, May 17, 2012, examined the said Bill and now reports the same with the following amendment:

Clause 5, page 4:

(a) Replace line 7 with the following:

“damage to property or the environment, makes a device or pos-”;

(b) Replace line 10 with the following:

“al or a device or commits an act against a”; and

(c) Replace line 19 with the following:

“device or commits an act against a nuclear”.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

HUGH SEGAL
Chair

(For text of observations, see today's Journals of the Senate, p. 1433.)

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

(On motion of Senator Segal, report placed on the Orders of the Day for consideration two days hence.)

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC CONFERENCE OF THE ORGANIZATION
FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY,
MAY 12-14, 2012—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 Economic Conference of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Batumi, Georgia, from May 12 to 14, 2012.

QUESTION PERIOD

CANADIAN HERITAGE

LIBRARY AND ARCHIVES CANADA

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

I have carefully read the response to the oral question asked in the Senate on May 10, 2012, by Senator Claudette Tardif, regarding the National Archival Development Program, which was cancelled. As the minister mentions in response to the senator, Library and Archives Canada will adapt its services and technology and increase its digital services and programming to improve and expand access to Canada's documentary and cultural heritage, which is a commendable initiative.

Nonetheless, once again, the people in charge did not plan and reflect before cutting the program in question. How can we consider expanding access to a country's documentary heritage and in the same breath cancel the modest funding of the community groups that in fact contribute to building and providing content to our archives?

They are the ones who collect the documents, the writings, and the photos in their regions. How will they do that without any financial support? What will our archives amount to without the vital contribution of the documents that are collected in the regions?

• (1430)

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as was indicated last night, Library and Archives Canada has been provided the funding necessary to deliver on its mandate. Library and Archives Canada is an arm's-length organization. Any decisions made with regard to the dispensing of funds — the approval of programs, of course — is made by that agency and not directly by the government or the Minister of Canadian Heritage.

[Translation]

Senator Chaput: Honourable senators, does the federal government not have a leadership responsibility? Does it not have a responsibility to ensure that, when departments make budget cuts, it is not to the detriment of the smallest and most vulnerable?

For 26 years, 800 local and regional projects have received support through this fund, in amounts ranging from \$5,000 to \$50,000. Can the leader ask the minister to intervene with Library and Archives Canada to ensure that this fund is not subject to cuts?

[English]

Senator LeBreton: Honourable senators, as I have indicated many times in this place, there are various government departments and agencies. They are provided funding through the budgetary process. These organizations then have a responsibility to review all projects that are presented to them and ensure that approved projects receive proper funding.

It would be quite improper for any member of the government to interfere with the process of an arm's-length organization such as Library and Archives Canada. As I have indicated here before, many people would certainly be squawking a great deal if we were ever to do so.

[Translation]

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

As Senator Chaput mentioned, the leader indicated yesterday that a written response to my question about the National Archival Development Program was tabled in the Senate last week.

However, I would like to point out that this response did not even mention the program in question. Instead, it spoke about a new age of technology, as Senator Chaput said, without taking into consideration the work required to make archival documents accessible. It is the local archives that find the documents in our communities and preserve and organize them to make the rich history of our country available online.

Why does Library and Archives Canada not consider this program to be fundamental when the government boasts that it promotes history?

[English]

Senator LeBreton: Honourable senators, again, it is the same with many programs that are funded over the years. Other programs receive funding and programs from the past do not receive funding. This is the normal course of events that takes place when funding envelopes are managed by arm's-length organizations such as Library and Archives Canada.

As Leader of the Government in the Senate, it is not for me to suggest that the government or any member of the government should intervene and influence the arm's-length process of any agency such as Library and Archives Canada, which has expanded its services through the new technology.

Again, I can only stress to the Honourable Senator Tardif, as I did to the Honourable Senator Chaput, that this organization has been provided the necessary funding to deliver on its mandate, and it is an arm's-length organization. It is up to the people

assessing applications to make decisions on behalf of their organizations and ensure that everyone gets a fair hearing. At the end of the day, this is a decision of these arm's-length organizations.

CBC/RADIO CANADA—
NORTHERN AND REMOTE SERVICE

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

CBC Radio-Canada is struggling to deal with the devastating budget cuts recently announced by the Conservative government, in spite of an earlier promise by the Minister of Canadian Heritage himself to maintain or increase its funding. Our public broadcaster is facing dwindling financial support from this government. We know how important this public institution is to this country to keep us together on a daily basis.

Would the Leader of the Government in the Senate please advise us as to how these cuts will affect our northern services and our regional communities that rely so heavily on the services of CBC Radio-Canada?

Hon. Marjory LeBreton (Leader of the Government): Again, honourable senators, the answer is similar to the answer that I gave to the Honourable Senators Chaput and Tardif.

The CBC receives an incredible sum of money every year from the Canadian taxpayer — almost \$1 billion.

An Hon. Senator: Too much.

Senator LeBreton: Everyone in the government, including the CBC, must do their part in managing their expenditures. Of course, the CBC, within its \$1-billion envelope, has the necessary funds to implement their plans for the year 2015. Far be it from you or me to suggest to the CBC the best manner in which they dispense with the \$1 billion. However, they have adequate funds to provide the necessary services that they provide to Canadians. Obviously, again, they are an arm's-length organization, and the decisions there are not the government's.

[Translation]

Senator Charette-Poulin: Honourable senators, when we look at CBC Radio-Canada's organization chart, we see that about 17 different companies — almost 20 — come under the umbrella of this government institution. We cannot say that \$1 billion is not enough or too much; the country that this institution serves is simply immense, as the minister is well aware.

One of the services shown on the organizational chart is Radio-Canada International. For years, Radio-Canada International has been Canada's voice on the airwaves throughout the world. Just this weekend, we learned in the newspapers that, from now on, Radio-Canada International will be offering services only via the Internet because its budget alone has been cut from \$12.3 million to \$2.3 million.

Can the minister tell us how we will replace Canada's voice that goes out to the entire world?

[English]

Senator LeBreton: Honourable senators, obviously this was a decision made by the CBC. It is fair to say that Canadians from around the world rely on the Internet and not shortwave for their information. This was a decision made by the CBC and, again, \$1 billion is a lot of money.

Honourable senators, it is a little hard for me to stand here and listen to the Honourable Senator Charette-Poulin when her own government cut CBC funding by \$414 million, which cost 4,000 jobs. The Minister of Canadian Heritage indicated he would always ensure funding for the CBC; to the tune of \$1 billion a year, I think he has kept his word.

• (1440)

CBC/RADIO CANADA—
RADIO CANADA INTERNATIONAL

Hon. Hugh Segal: Honourable senators, my question is for the Leader of the Government in the Senate, accepting her point that the CBC board makes its own independent decisions. In my view, the board made the utterly reprehensible decision to remove Radio Canada International from the airwaves. This means that in those parts of the world where the Internet is blocked, such as the People's Republic of China, Iran and North Korea, there is no way for RCI's messages of freedom and opportunity to get there. I do not blame the government for this; I blame the board of the Canadian Broadcasting Corporation and its senior management, who cut far away from home rather than cutting here because it was more convenient for them to do so.

Can the minister advise honourable senators how that board can be summoned before the bar of the Senate to answer for those decisions?

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government): The honourable senator quite rightly states that this does not fall within my purview as Leader of the Government in the Senate. However, I am very happy to ensure that the honourable senator's comments in the chamber today will be forwarded to CBC's board of directors.

Hon. Terry M. Mercer: Who appointed that board?

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I was caught up as always in Senator Segal's oratory. Would the minister know who appointed that reprehensible group to the board of directors of the CBC?

Senator LeBreton: Honourable senators, I am not familiar with the present board of the CBC. Some members of the board are order-in-council appointments made on the recommendation of the Minister of Canadian Heritage and I believe some are recommended by industry. Senator Downe can say because he has had experience in this area.

NATIONAL DEFENCE

F-35 AIRCRAFT PURCHASE

Hon. Francis William Mahovlich: Honourable senators, my question is for the Leader of the Government in the Senate.

The other day I was on Sparks Street, where I happened to go into a poster shop to buy some ancient maps. As I was leaving, the proprietor called to me and asked, "Why are we spending all that money on those F-35s?" I said, "Well, I will ask the Leader of the Government in the Senate."

Why are we spending all this money and whom do we fear?

An Hon. Senator: Do you not know why?

Senator Mahovlich: The only fears we have are the polar bears; and Senator Patterson can tell you about that. Also, the F-35s cannot get under the polar bears' radar. Honourable senators will remember the tsunami. The animals were up on high ground when the tsunami hit, but the human beings were standing there in two feet of water scratching their heads wondering how the animals figured it out. It is a God-given thing; they have the instinct. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, in all seriousness, at the end of the day everyone in this country supports the fact that our military requires proper equipment.

Obviously, the CF-18s are reaching the end of their life. Anyone who suggests that there is no need for new fighter aircraft obviously did not see the importance of Canada in Kosovo, in Libya and in Afghanistan. Anyone who would suggest that we do not need fighter aircraft would not have supported the Spitfires, Hurricanes and Lancasters in the Second World War.

What polar bears have to do with all of this, I do not know. However, it is obvious that we need surveillance aircraft because we have a vast northern frontier; and our northern sovereignty is very important to Canadians. I think the honourable senator would agree, upon reflection, that it is necessary for the government and the public to wholeheartedly support providing the proper equipment to our Armed Forces.

PUBLIC WORKS AND GOVERNMENT SERVICES

NATIONAL FIGHTER PROCUREMENT SECRETARIAT

Hon. Francis William Mahovlich: The government could not tell Canadians when its next-generation fighter-jet secretariat will be up and running. Despite what the Minister of Public Works told the House of Commons, it could not say who or what body will be independently verifying fresh costing figures for the F-35 fighter jet. The government also could not say when that costing data would be available to Parliament.

The Minister of Public Works and Government Services Canada, Rona Ambrose, told the House of Commons on Tuesday that the government would not table cost estimates

from the Department of National Defence in the house until they are independently validated and verified and that they will ensure that they get those numbers right. However, the government was unable to say later who or what body would do the verification. The Minister of National Defence, Peter MacKay, told reporters after Question Period that he was not sure and that they would have to ask Minister Ambrose. However, Minister Ambrose's office said that the answer would come only when the new fighter-jet secretariat, established within Public Works to oversee the procurement process, was up and running.

To get off the ground, the secretariat needs to establish its terms of reference, which will dictate how it will operate and what it will do. When will those terms of reference be finalized?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the government is responding to the Auditor General's report on the F-35s. The government put forward a seven-point plan, including the secretariat, which is now operational. I note that no contracts have been signed to purchase the aircraft. In the interest of the taxpayers, as indicated by Minister Ambrose, the secretariat will look at the full scope. The independent review will not be denied any information that is already out there. Of course, there is a lot of misinformation that they will have to wade through.

The purpose of the independent review is to validate the Canadian cost estimates, not to be confused with figures that are floating around in the media from the United States. The arm's-length secretariat will ensure due diligence, oversight and transparency and will be informed by the independent advice of the former Auditor General, Denis Desautels.

Honourable senators, in the interests of the taxpayer, the government will not purchase new fighter aircraft until it has received the conclusions of the new secretariat. All costs will be independently validated.

INTERNATIONAL TRADE

TRANS-PACIFIC PARTNERSHIP

Hon. Robert W. Peterson: Honourable senators, my question is to the Leader of the Government in the Senate.

The Prime Minister announced that Canada will be entering the Trans-Pacific Partnership. We were probably forced to make some concessions to get this deal. Could the leader confirm that supply management is not a casualty of this deal?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, since taking office, the government has negotiated several free trade agreements with several countries around the world — a record number of free trade agreements. Supply management has not been affected by any of those trade agreements signed by the government. As I have said to the honourable senator before in this place, it is important that Canada be at the table; and I am delighted by the announcement

today. However, the government will negotiate and will not sign anything that is not in the interest of all sectors of the Canadian economy.

• (1450)

Senator Peterson: Honourable senators, I was not referring to previous deals; I was referring to this deal, the Trans-Pacific Partnership. The leader has confirmed that it was not a casualty of that.

It should also be noted that the Prime Minister's Chief of Staff negotiated this deal and not the Minister of International Trade. In view of this, can the leader guarantee that there will be accountability to Parliament and Canadians on this important file that will affect the way Canada does international business?

Senator LeBreton: Honourable senators, I was bemused by the media speculation about the involvement of the Chief of Staff to the Prime Minister.

This government operates as a team. Minister Fast has done some excellent work on behalf of the government. All ministers do. However, to suggest that Percy Downe, when he was Chief of Staff to Prime Minister Jean Chrétien, was not involved in any files would be like suggesting that Derek Burney, when he was Chief of Staff for Prime Minister Brian Mulroney, would somehow or other have had to remove himself from being part of the team and working on behalf of the government. That is a ludicrous story and a ludicrous suggestion.

Again, the Prime Minister has just announced our participation in TPP. I reiterate that Canada and our negotiators will negotiate and will not agree to any agreement that is not in the interests of all of Canada.

Senator Peterson: Honourable senators, the Chief of Staff was there and negotiated this deal. Can the leader confirm if the minister was present when this deal was negotiated?

Senator LeBreton: Frankly, honourable senators, I do not know who was there, and nor does the honourable senator. We are just relying on media stories.

The fact is that all members of the government, all of the ministers and, I am sure, the various chiefs of staff participate in these discussions. The question is just based on a news story. Why would any Prime Minister's Chief of Staff, whether it was Percy Downe under Mr. Chrétien or Derek Burney under Mr. Mulroney, not be working on the file? It does not make any sense to suggest that they would not be.

Senator Angus: Are you working on the file?

Hon. Percy E. Downe: No, not today.

Honourable senators, could the Leader of the Government in the Senate confirm the reports today that all the member countries have to approve Canada's participation? If New Zealand requests, for example, that supply management be on the table, what would the position of the Government of Canada be? Would we agree to that, or would we conclude negotiations at that point?

Senator LeBreton: Honourable senators, the announcement was just made. Obviously it is in Canada's interest to be at the table. I can just imagine what the honourable senator would be saying if Canada were not invited to the table.

The announcement just came out. Let us give it a little time to get all of the details. Of course, all countries, including New Zealand, have been part of the agreement, I would think — although I am not absolutely sure — in order for Canada to be invited to participate. I will be happy, honourable senators, to provide further information as to what the announcement the Prime Minister made in Los Cabos today actually entailed.

Senator Downe: Thank you. I look forward to receiving that information. It will save me writing a long written question in the Senate.

PARLIAMENT OF CANADA

SENATORS' EMAIL INFORMATION ON PARLIAMENTARY WEBSITE

Hon. Terry M. Mercer: Honourable senators, I had a disturbing inquiry this afternoon that I hope is inaccurate. It appears that, if one were to go to the Parliament of Canada website today, one would find that the email addresses of all of us here in this chamber have been removed from the Parliament of Canada website. I find that curious. I do not want to attribute that there is any wrongdoing going on here, but it seems rather ironic. These next two weeks are critical in our debates of major issues such as the budget and other bills that the government has determined are a priority.

I would ask that the Leader of the Government in the Senate — and I do not expect her to have the answer right now — perhaps could go away and come back to report to us at a future time as to why our email addresses have been removed from that website when it is a critical time and Canadians do want to contact us and, indeed, have been contacting us and expressing their outrage at certain parts of the budget implementation bill.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank the Honourable Senator Mercer for that question. Far be it for me to give a lesson on how Parliament is established. Parliament is a legislative body. I, as the Leader of the Government in the Senate, have absolutely nothing to do with the actions of the Parliament of Canada, other than I am a member of Parliament, a senator.

I would suggest that the honourable senator address his inquiry to the Speakers of both Houses and perhaps the Clerks of both Houses. I have no idea why this would be so. I know I am getting emails. Somehow or other my email is still up and operating. I would suggest that the Honourable Senator Mercer address this question to the proper authorities.

Senator Mercer: Honourable senators, as the leader knows, when I stand up in Question Period, I am allowed to ask questions of the minister of the Crown, and she happens to be the only Minister of the Crown here.

However, I do see that the Speaker is in his seat and the Clerk was in his seat when I asked the initial question. Via asking my question of the leader, I have raised the issue for all of us to be concerned, and I am sure that either the Speaker or the Clerk will be getting back to us at the appropriate time.

Senator LeBreton: I thank the honourable senator. As a Minister of the Crown, I will simply ask that the Speaker and the Clerk to take note of the matter that has been raised in this chamber. I would be as curious as the honourable senator is as to what the answer is.

ORDERS OF THE DAY

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— REPORT OF COMMITTEE OF THE WHOLE— MOTION IN AMENDMENT

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Eaton, for the adoption of the first report of the Committee of the Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012;

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

(a) by adding the following new recommendation number 4:

“4. Replace the French text of rule 4-11(3), at page 42 of the First Appendix of the report (page 458 of the *Journals of the Senate*), with the following:

“Rappels au Règlement et questions de privilège non permis au cours des affaires courantes et la période des questions

4-11. (3) Les rappels au Règlement et les questions de privilège sont irrecevables au cours des affaires courantes et de la période des questions.”; and

(b) by renumbering current recommendations 4 to 16 in the report as recommendations 5 to 17.

Hon. Anne C. Cools: Honourable senators, I rise to speak to you today on Senator Carignan's amendment. Today, in a special way, I want to honour all of those members of Parliament and senators who have worked so hard over the years in this place, but

in particular those who were broken or damaged or wounded or injured by the proceedings in the houses. I shall tell you why as I come to it later on.

In particular, as I have been working on these notes for the last few days, two men came to mind. I would like to say a bit about those men, very little. One was Senator Charbonneau, who was the Speaker of the Senate during the GST debates; the other was the Right Honourable Brian Mulroney, who was the Prime Minister at that time. I have had the distinct pleasure of knowing both of those men and knowing that both of them were very fine gentlemen. It is no secret here that when conflict arose between Mr. Mulroney and the then Minister of Justice Allan Rock, that I rose here in the Senate as a Liberal senator and made a speech about it.

• (1500)

I was one of the few members who would even touch the issue. I was thinking a few weeks ago, as I attended the Speaker's annual remembrance of members ceremony, what a wonderful thing he was doing to honour so many past members. I thought that we should one day do something in honour of Mr. Mulroney.

This is just a passing thought. Many would say, and have said, much about Mr. Mulroney. However, this record has shown on more than one occasion that my personal opinion has always been that perhaps Mr. Mulroney has done some foolish things in his life, but I have never doubted for a moment that he committed no crime. I would like to say that because it is very important.

The second man is Senator Charbonneau, who was the Senate Speaker during the GST debates. I took a lot of persecution at the time, honourable senators, from the Liberal caucus for daring to raise these names and speak about them in this place.

I speak about Senator Charbonneau because I want to particularly speak to Senator Tardif's invocation of the GST debates. I am sure that all senators know that I was an active player in those debates. The anger and the rage at Senator Charbonneau took years to subside in this place. However, when the Liberals eventually regained power in 1993, there were vigorous debates in the Liberal caucus, and those who wanted to abandon the pursuit to destruction of Senator Charbonneau prevailed.

I would also like to say to honourable senators that during those exchanges, the names of two Conservative senators came up frequently — one is still serving in this place and one recently retired — in those basically secret caucus discussions. Those two names were Senator Lowell Murray and Senator Marjory LeBreton. This is the kind of thing one may only read in memoirs, but I just wanted to say to honourable senators that there is not any senator who went through those GST debates that was not damaged in the process.

Honourable senators, recently I have been talking about our parliamentary privileges; well, when a house wants to take a decision using its privileges to pursue a man to destruction, it is a deadly and serious matter, and I am glad that we did not. I am prepared to say that after all these years that Senator Charbonneau was a fine man, a nice man, a kind man and a veteran. He served in World War II. He served Canada. I saw him totally destroyed because he took advice, not from seasoned

practitioners experienced on the floor of this house but from lawyers. He had several of them; he told me that himself. I want to remind honourable senators that the art of politics is really the art of managing human relations in respect of ideas and decisions. This subject has been on my mind a little while so I wanted to say this. I shall proceed; it took more time than I thought.

What did you say, Senator Stratton?

Senator Stratton: Well done, keep going.

Senator Cools: Thank you.

Honourable senators, on June 12 last, in her remarks responding to my assertions that rule 59(10) has been totally repealed and that the new rules will enlarge the Senate Speaker's powers and privileges in respect of his granting permission to other senators to speak, Senator Tardif invoked the GST debates. I would like to read from her speech and then I will let the record speak for itself.

Honourable senators, in her speech Senator Tardif identified me by name twice. I shall show that her statements are totally specious, and far from defeating mine, they, in fact, prove my assertions.

At page 2080 of Senate Debates she began:

Honourable senators . . . in the amendment that I put forward I have taken into consideration the last amendment that Senator Cools presented . . . The amendment that I proposed . . . does . . . preserve the rights of senators to raise questions of privilege without notice. That is already in the amendment before you . . .

My amendment was to preserve the ancient privilege of senators to move a motion for a question of privilege with no notice for that. We have to understand, honourable senators, that this no notice motion for a question of privilege is not the same as no notice for a prima facie ruling of the Senate Speaker. They are two different animals. I shall try for the last time to explain.

Honourable senators, seeking a prima facie ruling from a Senate Speaker with or without notice — it does not matter — is a situation where there is no debate. There is no question or motion before the house. It is a private process in which senators are supplicants, mendicants to a Senate Speaker in a private dyadic conversation; an exchange. The supplicant prays that the Senate Speaker will rule prima facie. At this time, there is no question of privilege before the house and there is no motion before the house.

Honourable senators, a question of privilege is only before the house when a motion so moved and duly seconded is moved by a senator. There has not been a debate in this Senate on a question of privilege for years. There has not been one, and it has been so long that senators have forgotten what a question of privilege is. It is not a complaint; it is not a private exchange between a good Senate Speaker and senators. It is a situation where the individual senator, by virtue of ancient privileges, moves a motion without notice directly to the house to engage all senators in debate without the Senate Speaker.

[Senator Cools]

There is much confusion, honourable senators, about the term “prima facie.” The term prima facie used to be used alongside of the term “bona fide” — and I am speaking without my notes — in all the old debates. Prima facie has always meant that the member’s, the complainant’s matter must affect the Senate or senators. It must also be recently or suddenly arising, and it must need urgent and immediate Senate interposition, meaning a motion.

Honourable senators will find the term “prima facie” used; lawyers use it all the time, members and senators used to use it all the time. Prima facie — or proof, in other words — is genuine proof that those three things, once they are there, are proof that a matter of privilege is involved. At some point in time, this prima facie concept was transformed into a need for a Speaker’s ruling, which is what Senator Robertson did. However, let us understand that the process created was very new to the Senate in 1991, and it still remains very new.

• (1510)

In that Senate prima facie process, Your Honour, no motion is before the house until or if the Speaker makes a finding. At that point then, the senator complaining sheds his role as a supplicant, repossesses his full and ancient privileges as a member of Parliament by rule 59(10), and moves a motion with no notice. Remember, honourable senators, every question must begin and originate in a motion. At that point, a question is before the Senate.

That is the last time I will try to explain this.

Let us understand, honourable senators, that these new rules are repealing rule 59(10) and that motion is the single most important motion for the Senate to defend itself or to defend its members. It is a power that every high court has — the power to defend itself — because it is that power that creates Senate independence.

I will move rapidly now. In the same vein, I want to quote Senator Tardif. She said:

I wanted as well to make a few points regarding Senator Cools’ statements . . . However, in regard to her comment that it appears we are giving the Speaker greater privileges and a greater role, I have had the opportunity to look at the *Debates of the Senate* relating to the amendment that we have moved on questions of privilege.

A careful examination of the Senate Debates, even prior to 1991, shows that senators had a general expectation that the Speaker would have an important role to play when serious questions of privilege were raised. That was even the case under . . . the old rule 33 and the old rule 46 which indicated an expectation that the Speaker would rule and establish a prima facie case of privilege.

She then went on, honourable senators, to quote two senators, Senator Frith and Senator MacEachen, both of whom I knew very, very well — I could say I was very close to them. She quoted Senator Frith saying on September 25, 1990, during the GST debates, on page 2239:

. . . Your Honour has a duty to decide when you have heard enough on this point of privilege to make up your mind as to whether a *prima facie* case is made.

She quoted Senator MacEachen saying something similar. Then, she turned around and, speaking about them, she said on page 2080:

. . . in view of what was said by these distinguished parliamentarians more than 20 years ago, I think we can see that there was an expectation with regard to how questions of privilege have traditionally been dealt with in the Senate, particularly the view that the Speaker does have a role to play in a decision about whether a prima facie case has been made.

It is true. If honourable senators go through all the old debates, you will find senators and members in the other place as well using that term “prima facie,” but it was never referring to a ruling of the Speaker pursuant to a rule or an order of either house. This is not that subtle a thing to understand, but it is an important matter.

When Senator Tardif moved into the GST, I want honourable senators to know she has —

The Hon. the Speaker: An additional 15 minutes are granted to the honourable senator.

Senator Cools: Thank you.

Senator Tardif traversed into very serious territory. It was my intention to show that her statements are misinterpretations and misunderstandings, and actually create misleading thoughts in the minds of senators listening.

Honourable senators, I will fast-track and let Senator Frith answer Senator Tardif’s specious words.

Honourable senators, let us fast-forward. Remember Senate Speaker Senator Charbonneau had assumed unto himself this new power of ruling prima facie raised by Senator Ottenheimer. Conservative senators were running willy-nilly with questions of privilege day after day after day. Senator Charbonneau would not rule prima facie, so those statements from Senators Frith and MacEachen were trying to get him to rule.

Finally, Senator Frith sheds all that. I shall read what he had to say at page 2312 of Senate Debates on October 3 to answer Senator Tardif. One must understand the atmosphere. In a filibuster like that, it is an art as to who can get the floor, because whoever gets the floor has the microphone. At that time, Senator Frith got the floor and holding it stated the following:

Rule 33 says the following:

When a matter or question directly concerning the privileges of the Senate, of any committee thereof, or of any senator, has arisen, . . . a motion calling upon the Senate to take action thereon may be moved without notice and, until decided, shall, unless the debate be adjourned, suspend the consideration of other motions and of the Orders of the Day.

He added:

That does not say, “or if the Speaker finds a *prima facie* case . . .

In my submission, that is the rule governing the procedure for points and questions of privilege in the Senate. The whole concept of a role for the Speaker is foreign to this place and is a role that takes place in the other House. It is clear that the Rules Committee has decided, and the Senate has agreed and has had it as part of its rules for a long time, that questions of privilege are dealt with in the Senate in accordance with Rule 33. They are dealt with by senators and I do not believe that the Speaker should be called upon to talk about *prima facie* cases, as he is called upon in the House of Commons and in some other legislatures. . . . The Senate has dealt with these situations not through Beauchesne, not through anybody else’s customs, but through our own black and white rules.

Honourable senators, I was there, shoulder to shoulder with these men, these Liberal senators. As a matter of fact, these two chose me personally to be a part of the Senate Banking Committee, bringing in the report to the Senate on September 25. That is what caused the filibuster, because the Conservative senators were then trying to block the report from being moved, presented or debated because they were trying to give Prime Minister Mulroney time to get 23 senators appointed to the Senate, including the eight divisionals under the British North America Act, 1867, section 26.

I am speaking without making any judgments today, because I went through this, and honourable senators have never seen in their lives anyone keep members in their seats like Prime Minister Brian Mulroney did. Honourable senators have never seen anyone loved by his followers like Mr. Brian Mulroney was. His senators were in their seats like glue. This is to be admired and respected. As a Liberal, I disagreed, but I respected them. I respected them.

To come to my conclusion, Senator Charbonneau believed that he was helping his side and his prime minister. He joined the filibuster and used that *prima facie* power not to rule. As Conservative senator after Conservative senator rose with questions of privilege he would not rule.

Honourable senators, I come to a conclusion. I have had to abandon most of what I had to say. These matters are far more complex than we understand.

However, I want to tell honourable senators that by October 4, Senator Charbonneau had locked Liberal senators out of the chamber. He took the authority himself to stop the division bells from ringing. It was a sad thing — a terrible thing. Even now, I can still feel a lot of sorrow about it. He even called in Senate security to police senators.

Let us understand, honourable senators, right or wrong, both sides thought they were right. Both sides felt very committed and I respect all those senators. That is why, Senator LeBreton, your

[Senator Cools]

pleasant nature and name came up as many Liberal senators wanted to abandon that nasty hunt for Senator Charbonneau. I am very glad that we did, but he did not leave this place a happy man.

• (1520)

I would like to close by quoting Liberal Senator Frith from October 4, after Liberal senators were locked out from the 5:30 p.m. vote. Maybe one of these days I will write about it; I do not know. There is so much.

Senator Frith said, on page 2345, talking about Senator Charbonneau:

Let us make it clear. Let us have no misunderstanding about this. There is no limit whatever to the powers of Senator Charbonneau as he sees them. So that no matter what happens in here now, there is no point in raising a point of order. What is to stop them if the rules do not apply? The very rules that are supposed to be here to protect us he totally ignores!

The Hon. the Speaker: I regret to advise the honourable senator that the 15 minutes and the extra 5 minutes have been exhausted.

Continuing debate?

Some Hon. Senators: Question.

The Hon. the Speaker: Are honourable senators ready for the question? It was moved by the Honourable Senator Oliver, seconded by the Honourable Senator Eaton:

That the first report of the Committee of the Whole be adopted and, on a motion in amendment of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall, that the report not now be adopted but that it be amended

(a) by adding the following new recommendation number 4:

Shall I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment by Honourable Senator Carignan, seconded by the Honourable Senator Marshall.

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

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, now the question before the house is the motion as amended.

Are you ready for the question?

Hon. Senators: Question.

MOTION IN AMENDMENT

Hon. Anne C. Cools: Honourable senators, I wish to speak to the main motion. I would like to move an amendment to the main motion if I could just give the pages a moment to distribute that.

The Hon. the Speaker: I would ask the pages not to distribute the document until we have a motion.

Senator Cools: Honourable senators, I move:

“the Senate declines to proceed with further consideration of the First Report of the Committee of the Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012, and the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Revised Rules of the Senate*), presented in the Senate on November 16, 2011, for the reasons that:

(a) the motion is inconsistent with the law and custom of Parliament and would have considerable impact on the privileges of the Senate and those of all Senators;

(b) the motion arises from actions in excess of the delegated authority of the Standing Committee on Rules, Procedures and the Rights of Parliament under sub-paragraph 86(1)(d)(i) of the Rules, since the substantive changes in the mass repeal and replacement of all the Rules of the Senate were made by a committee that met primarily in camera, while empowered only to propose amendments to the Rules of the Senate from time to time on its own initiative, whereas the repeal and replacement of all the Rules of the Senate cannot be such an amendment to the Rules of the Senate and are therefore a departure from the Committee’s custodial responsibility to the Senate and all Senators; and

(c) the Committee of the Whole did not proceed in a flexible and appropriate manner to ensure due consultation of all Senators before being asked to decide on the work itself, and thereby failed to address the concerns raised by the Speaker’s Ruling of April 25, 2012, specifically, whether the First Report of the Standing Committee on Rules, Procedures and the Rights of Parliament was too far-reaching and exceeded the Committee’s authority.”

Honourable senators, my seconder is Senator Mitchell.

The Hon. the Speaker: It is moved by Senator Cools, seconded by Senator Mitchell, that the motion for the adoption of the first report — shall I dispense?

Senator Carignan: Dispense.

Senator Joyal: Dispense.

The Hon. the Speaker: We have a question before the house. On debate, Senator Cools.

Senator Cools: I will be very brief, honourable senators. I will go to the first question, which I have spoken enough on so that I can be very brief. Our Senate rules that have come to us are an entailed inheritance, a patrimony from the pre-Confederation legislative assemblies and councils and from our forefathers. Many of our rules were given under the hand and scripted by those forefathers themselves.

On the question of the Rules Committee exceeding its delegated authority, I deeply regret that the Committee of the Whole did not see fit to consider this matter. Senator Tardif’s preoccupation was that senators have an expectation for the important role of the Senate Speaker in *prima facie* rulings on privilege. I would also say that senators would have a general expectation that the Speaker’s ruling would have been taken seriously and attended to in the Committee of the Whole.

Honourable senators, I would move on to the other point because the question as to whether or not the Rules Committee exercised proper authority in bringing forward these rules remains open and unanswered. I think that that is undesirable. Perhaps I could put one quotation from Senate Speaker Senator Noël Kinsella’s ruling on the record very quickly. I shall quote from Senate Debates of April 25, page 1682:

The finding is that there could be a procedural issue involved here.

It continues:

The consideration of matters in Committee of the Whole is more flexible and appropriate to fully explore and debate these proposals that are before us than the restrictive nature of the formal debate in the Senate itself. This suggestion would serve the dual purpose of providing all honourable senators with an opportunity to clarify the purposes and principles behind the work of the report and express themselves on it before being asked to decide on the work itself.

Honourable senators, at no time was any question before the Committee of the Whole other than the decision on the rules themselves.

The second part of my motion addresses the question of the delegated authority. I would like to cite Jowitt’s *Dictionary of English Law* on the subject of delegated authority. I have already placed references on the record here that a committee cannot delegated its own authority, its mandate. However, I would like to record here Mr. Jowitt, a very distinguished mind of a long time ago. He cites in Latin. I know that some honourable senators do not want to hear Latin anymore. I do not know how I shall say “Magna Carta”; I really do not know. I see Senator Smith shrugging, but the legal principles have always been expressed in Latin: *delegata potestas non potest delegari* — a delegated power cannot be delegated. The Speaker’s concerns remain unanswered, honourable senators, whether or not the Rules Committee

exceeded its authority in bringing forth its First Report. It would have been nicer and cleaner if the Senate Speaker's questions had been addressed and clearly answered.

Honourable senators, I would like to move now, very quickly, to some very unusual oddities that have happened with this report. The first one, I would like to say that, if it stays as a practice, will create great grief and chaos in this place, especially for the government. In particular, I speak of the fact that Senator Carignan simply assumes sponsorship, ownership of the Rules Committee Chairman Senator Smith's motion and Senator Smith's committee report. This is strictly forbidden, under the whole notion of law, which is called coexisting motions or coexisting questions. The proper way to deal with any situation like that is for one motion to be cleared away before the second motion on the matter can be moved — not after, but before. I have often cited here the October 2, 2001 precedent of Senator Lynch-Staunton and Senator Carstairs on the Royal Assent bill, Bill S-34.

• (1530)

I hope honourable senators now understand that the problem is this: If Senator Carignan's actions stand as a precedent, any day now any two senators can go through the entire Order Paper and simply take over, take ownership of other senators' motions without the authority of the house. I do not know what the limit is because, theoretically, then the other senator could take it back. Since these motions are duly put and seconded, they would be before the house and in possession of the house. I think at some point in time this action should be brought forward to ensure that this action is not a precedent. Thus, it will not hurt the government's or any other private member's motion later on.

Another unusual practice is that it is quite novel for two reports to be the subject of any one motion. Again, the same concept, no coexistence of motions. The Senate presently has an odd situation here where this one motion before us is adopting two reports from two different committees. It is also odd because Senator Kinsella's suggestion, had it been dealt with, would never have created this problem because the Committee of the Whole would have been asked only to study the single question as to whether or not there was an excess of authority by the Rules Committee. However, I put a question to honourable senators: Can we have two bills in one report? Can we have three bills? Here we have two reports in one motion. What is the limit? Can we do ten? Can a committee decide that there are four bills before it and that it will report all four with one report all by one motion, is this an omnibus report?

Honourable senators, there are strict constitutional rules to protect the individual interests of every single senator in every single motion moved in this place — what Mr. Bourinot used to call the "single voice" of the individual senator.

The final thing that I want to raise is that this report — again, another oddity — had three different sponsors in its life in the Senate. I have always understood, and I think I may have said this before, that committee chairmen simply cannot abandon the defence and explanation of their reports as occurred here with the Rules Committee chairman. Such abandonment is considered to be a disavowal of the report and a hint or signal to cease and desist from its consideration.

[Senator Cools]

Honourable senators, some of these questions remain quite muddled and unclear. I can say that the Senate has never expected that one Senate committee should review the conclusions of another Senate committee, because no Senate committee is supposed to act as an appeal on another Senate committee's findings. It is a different proposition if the Senate wants a particular question answered like a point of law, as in the case of Senator Kinsella's ruling. That question alone may be referred to another committee, or its subject matter. The Senate does not take kindly to having its reports of its Senate committees readopted or not readopted in other Senate committees because the notion is that every single senator here has equal privileges. Even the Senate Speaker is one among equals, having no more privileges than any others. No senator can sit in appeal over the findings of another senator.

Honourable senators, the Senate is not in the habit of asking one of its committee to do an appeal on another committee. Had this Committee of the Whole proceeded differently, this dilemma would never have arisen. Even now, as we are about to vote on two reports, if they had been considered individually, if the Committee of the Whole's report had been considered and voted on and then the Rules Committee report had come forward for a different vote, it would be a different proposition.

Now I know, honourable senators, that in today's climate it is easy to dismiss a lot of these questions and to be thought of as some kind of legalistic nitpicker. I would submit that the only thing that ever stands between civility and chaos are our rules. Those of us who saw that during the GST debate understand that too well. There are not many of us left. We understand what can arise when rules are usurped.

Honourable senators, there is something very wrong when a measure begins here and its proponents will accept very little change. If they accept change, it is from one of them, their group. Well, you could call it parliamentary apartheid, if you want; however, I believe it is wrong. It is very wrong. I will say more than that. A lot of these practices are unconscionable.

I thank honourable senators. I stand by what I have said. It is a sad day that Senator Tardif went to the GST debates — a sad, terrible day. In addition, it also establishes the current problem of the day, namely that political party leadership will not stay close to the ideas and the principles of their previous leaders. It was Senator Tardif's duty to uphold Liberal leaders Senator Frith and Senator MacEachen because on whichever side senators were fighting they were equally convinced that they were right. I have had many conversations with many of the big players in the GST debates.

Honourable senators, in a way, I have said what I wanted to say, but I am deeply sorry that Senator Tardif brought up the GST debates. This Rules Committee report is a proposition of a few senators that began as a proposition from a Senate staffer. I sincerely believe that you could win the arguments on reason and law rather than force. I recommend it to you. Reasoned argument is a solid base upon which to stand.

Honourable senators, I cite as my authorities no other than the giants of this country. I am old enough to know people who knew some of them. I knew people who knew people who knew Sir John A. Macdonald. I knew people who knew people who

knew Sir Wilfrid Laurier. At one point, Mackenzie King had a government leader in this place named George McIlraith. He is dead now; I went to his funeral. Every time he was in town, after coming back from Florida, he was in my office. He would always give me great advice, such as what Mr. King said, and he would tell me to go to a particular debate in a particular year. I am close to the history of this country.

Honourable senators, I call you “colleagues.” You can always win because you have the numbers but it would be nice to win the argument. It would have been very easy for you to hear my single voice, which you did not. You may vote me down. I have nothing in this place but the record. I will always use it.

Honourable senators, thank you very much. I will say “bonne chance.” I live near the river. When you see an individual on a boat headed towards shoals and dangerous waters you say, “Don’t go there. Stop!” They keep on going. “Don’t go there. Stop!” They keep on going. There comes a point when you have to say, “Bon voyage, bonne chance.” Your new rules will bite you so badly you will not even know what is happening.

• (1540)

I will tell you something: You are young, Senator Carignan, and being in opposition seems far away to you. I swear to God that I have seen senators come and go. I love you dearly; I love you all. It is my nature. You could have given me that one rule, rule 59(10). You could have. Thank you so much.

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

Some Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Cools, seconded by the Honourable Senator Mitchell, that the motion for the adoption of the first report of the Committee of the Whole be not now adopted but that it be amended by deleting all the words after the word —

Some Hon. Senators: Dispense.

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

Some Hon. Senators: No.

Senator Cools: On division. You should ask the others. You should really ask them.

The Hon. the Speaker: I will put the question formally. Those in favour of the motion, will please say “yea.”

Senator Cools: Yea.

The Hon. the Speaker: Those opposed to the motion, will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: The “nays” have it.

Senator Cools: On division.

The Hon. the Speaker: On division.

The question before the house is the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Eaton, as amended, for the adoption of the first report of the Committee of the Whole, as adopted.

Are honourable senators ready for the question?

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

The Hon. the Speaker: Carried.

(Motion, as amended, agreed to and report adopted.)

POINT OF ORDER

Hon. Terry Stratton: Honourable senators, I would like to say a few words of thanks at the conclusion of this long, long journey that we have taken.

I would first like to thank the Speaker for coming up with a solution to the problem we had and allow the Committee of the Whole to deal with it, thereby allowing all senators to participate and gain a better understanding of what we are dealing with in rewriting the existing rules, trying desperately hard not to change rules. Changes came about, for the most part, in this chamber.

I would also like to thank all the senators in this chamber for their forbearance, understanding and patience with what has just taken place. It is critical for us at times to have that patience with a situation to properly and appropriately deal with it.

I would like to thank Senator Fraser and Senator Carignan for their work throughout this entire endeavor. Yes, I was the wagon master, but they dealt with the issues as they should be dealt with. As a result, we will all agree a couple of years from now that this was well worth doing.

I would also like to say a particular thank you to Mr. Charles Robert and Mr. Till Heyde for their work on this endeavor. Although Charles was behind this for quite a while, so was I from a long way back. Thank you, gentlemen, for that. Mr. Sebastien Spano, from the Library of Parliament, gave us sage advice throughout all of this; thank you, Sebastien.

I would like to thank Senator Cools for finally dealing with the last set of rules and how they came about. There was a very high level of passion as a result of the GST debate. As she stated clearly, everyone bore the scars of that event. Although I was not here, I recall it vividly while it was taking place.

For example, the committee reported on June 11, 1991. Remember that they were revising rules in 1991 that were first established in 1906. The committee tabled the report in the Senate on June 11 and on June 18 that same year the report was adopted by the Senate. On June 19 — the day after — the rule changes took effect.

Honourable senators have to agree that we have had a fulsome discussion and that we have allowed everyone, thanks to the Speaker, to have their input. It will take the summer, until September 15, for these rules that take effect on September 17, to allow the administration to appropriately deal with all of this. We have had a fulsome debate and I thank you all.

Hon. Joan Fraser: Honourable senators, I would draw to the Senate's attention that in Senator Stratton's excellent and heartfelt remarks, he omitted two names. The first was his own. He did wonderful and critical constructive work throughout this long procedure. The second was the name of former Speaker Molgat, our late colleague, who launched this whole process. I thought the record should show that, Your Honour.

The Hon. the Speaker: I will accept the Honourable Senator Stratton's intervention as a point of order under that rubric.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, earlier this afternoon a question was raised about web addresses, and inquiries have been made. I am able to advise the house that web addresses were never removed from the parliamentary website and that currently they are all up on the site.

[Translation]

PREVENTION AND ELIMINATION OF MASS ATROCITIES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I moved adjournment on this debate yesterday. I believe that honourable senators were ready and that Senator Dallaire was prepared to say a few words to wrap up debate on this inquiry.

Given the agreements made with members of the Special Committee on Anti-terrorism, I would like to withdraw my name from the list of speakers and enable this motion to proceed.

[English]

The Hon. the Speaker: Honourable senators, it is my obligation to advise the chamber that should Senator Dallaire speak, it will have the effect of closing the debate.

Hon. Roméo Antonius Dallaire: Honourable senators, that is my intent.

[Translation]

Honourable senators, thank you for allowing me to conclude this debate and thus be able to take action on this matter. I will be ready to give my presentation tomorrow.

Nevertheless, I would like to emphasize that the goal is for the Senate to call the government's attention to the fact that our country is not ready and willing to prevent genocide and mass atrocities.

I would like to come back tomorrow to speak for the rest of my time and close the debate on this inquiry.

[English]

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

Hon. Senators: Agreed.

(On motion of Senator Dallaire, debate adjourned.)

• (1550)

[Translation]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

Hon. Claude Carignan (Deputy Leader of the Government), in the name of Senator Gerstein, pursuant to notice of June 13, 2012, moved:

That, notwithstanding the orders of the Senate adopted on Tuesday, January 31, 2012, and Tuesday, May 15, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be further extended from June 21, 2012, to June 29, 2012.

He said: Honourable senators, I would like to move this motion, which will probably have to be put off to another time, in the name of Senator Gerstein. To keep the committee's mandate alive, I move the motion in his name and, probably in the next few days, Senator Gerstein will move another motion for the same purpose, but for a longer period.

(Motion agreed to.)

(The Senate adjourned until Wednesday, June 20, 2012, at 1:30 p.m.)

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