



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 108

OFFICIAL REPORT
(HANSARD)

Wednesday, October 17, 2012

The Honourable NOËL A. KINSELLA
Speaker

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Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Wednesday, October 17, 2012

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Ernest C. Manning Innovation Award recipients for this year.

The recipients include Geoffrey Auchinleck, the 2012 Encana Principal Award winner; Terrence Bigsby, a 2012 Innovation Award winner; Kerry Green, a 2012 Innovation Award winner; Geoffrey Gyles, also a 2012 Innovation Award winner; Dr. Roger Lecomte, a David E. Mitchell Award of Distinction winner; Dr. Réjean Fontaine, also a David E. Mitchell Award of Distinction winner; Carlos Daniel Xu, a 2012 Young Canadian Award winner; Adelina Corina Cozma, a 2012 Young Canadian Award winner; Eric LeGresley, a 2012 Young Canadian Award winner; and Kelcie Miller-Anderson, a 2012 Young Canadian Award winner.

On behalf of all honourable senators, we welcome these distinguished scholars to the Senate of Canada.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

MR. BILL BISHOP

Hon. John D. Wallace: Honourable senators, last month something occurred in my hometown of Rothesay, New Brunswick, that was truly exceptional, and I would like to take a moment to share it.

Located on the hillside in Rothesay overlooking the stunningly beautiful Kennebecasis River lies a very challenging, national-calibre golf course, the Riverside Golf and Country Club. In 1992, the Riverside course played host to the Canadian Amateur Golf Championship, and much to the delight of all New Brunswickers at the time, the winner of that Canadian championship was local resident Darren Ritchie. To say that Darren Ritchie's victory was hard fought is by no means an overstatement as he had to overcome a three-stroke deficit entering the last round to defeat the eventual runner-up by two strokes. That runner-up player who shot a final round 75 was none other than then Ontario resident and later Masters champion Mike Weir.

Honourable senators, I say that was back in 1992, so let us now fast-forward to last month at that same Riverside golf course. Playing with club members Bill Bartlett, Derek Koval and Brian Moores, highly respected Rothesay Mayor Bill Bishop sank a 15-foot putt on the eighteenth hole to complete what would be

considered by any golfing standard an incredible round of 69. Anyone familiar with golf certainly appreciates that shooting a round of 69 on any course is an outstanding accomplishment. However, I suspect that some honourable senators are at least now wondering why in this particular case I would refer to it as being incredible.

Honourable senators, earlier this year, on July 5, Mayor Bill Bishop celebrated his eightieth birthday. Just think of that: shooting a round of 69 on a national-calibre course at age 80. Without a doubt, and by any comparison whatsoever, that remarkable accomplishment is truly incredible.

Mayor Bill, on behalf of all postwar baby boomers I want to congratulate you and thank you for reassuring all of us that age 80 is indeed the new 60, or even the new 50, and that for each of us the best years in life may yet still be to come.

MR. WALTER RIEHL

Hon. Catherine S. Callbeck: Honourable senators, last week I had the privilege of attending the Mayor's Medal of Honour Ceremony held in the council chamber at City Hall in Summerside, Prince Edward Island.

This great honour was established by Mayor Basil Stewart in 2003. It recognizes residents or former residents who have made outstanding contributions to the social, economic or cultural life of Summerside and area, or who have achieved recognition for their accomplishments and achievements at the provincial, Atlantic, national or international level.

This year's recipient, Mr. Walter Riehl, easily meets both these criteria.

In 1943, Mr. Riehl accepted a summer job in Ontario with Curran & Briggs, a large heavy construction company. After graduation from high school, he was employed by the company on a full-time basis. In 1957, he moved to Prince Edward Island, where he became branch manager of the PEI operations. By 1966, he had become general manager, and by 1990 he purchased the company and took over as president.

• (1340)

His contributions and his leadership in the business community have brought him well-deserved praise. He has been inducted into the P.E.I. Business Hall of Fame. He has been made a life member of the Greater Summerside and Area Chamber of Commerce and the Rotary Club of Summerside, and was made an honorary life member of the P.E.I. Road Builders and Heavy Construction Association.

His service to his fellow Islanders has always been exemplary. He is the past director and president of the Prince County Hospital Foundation where he played a vital role in its \$13-million charitable campaign. He is a major contributor to the hospital

foundation, the Holland College Foundation, and the Rotary Foundation. He is a founding member of the St. Eleanors Lions Club. Mr. Riehl has also received the prestigious Harry T. Holman Award for his work on behalf of the Prince County Hospital.

Honourable senators, Mr. Walter Riehl has worked tirelessly both in business and in the community to make the city of Summerside and Prince Edward Island a better place to live. I invite honourable senators to join with me in extending congratulations to this exceptional Islander.

THE HONOURABLE ROBERT W. PETERSON

TRIBUTE ON RETIREMENT

Hon. Gerry St. Germain: Honourable senators, I rise today to say a few words about my good friend, Senator Robert Peterson. Bob is retiring from this place tomorrow, I understand, and unfortunately I cannot be here tomorrow. Therefore, I just want to say a few words about a colleague, a great Saskatchewan gentleman, a great businessman and just generally a great Canadian and a friend.

In spite of the fact that we are on opposing teams, we were able to rise above partisanship on many, many occasions to serve our Canadian Aboriginal community. Senator Peterson, you always exercised great judgment on the Aboriginal Committee. We were able to work with others from both sides — I see faces around here from both sides that we were able to work with — to make a difference for a group of people who really, really need Canadian attention.

I want to thank you for your dedication, your loyalty and the integrity that you brought to the committee. As you retire from this place, may God continue to bless you with good health and happiness.

Senator White just said to me, “Gerry, you cannot always stay young, but you can always stay immature.” God bless you.

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Art Eggleton: Honourable senators, today marks the UN-designated International Day for the Eradication of Poverty. In Canada, a staggering one in 10 Canadians lives in poverty this day, one in four being a child.

For the poor — our fellow citizens — every day is a battle with insufficient income, unaffordable housing, inadequate clothing and unsatisfactory nutrition. Every day brings wrenching decisions of whether to buy groceries or pay the rent, or whether to buy shoes for the kids or make a mortgage payment. Just struggling to get by, these families cannot even dream about getting ahead.

If the number of Canadians still fighting to make ends meet is not disturbing enough, the costs associated with poverty certainly are. Estimates currently say that poverty costs Canada about

\$30 billion a year, \$7.5 billion alone in health care costs directly attributable to poverty. That means between \$2,000 and \$3,000 for every single household in this chamber, in this country.

Imagine what eliminating poverty would mean to our fiscal situation, for our ability to pay for education, for innovation, for health care, and for our capacity to care for the elderly. If we are looking to fill the many unfilled jobs that we need to fill, we can better utilize the segments of the population that are poor.

Finding a way out of poverty for Aboriginal peoples, for example, or for single mothers, recent immigrants, visible minorities and the disabled — all overrepresented in poverty — and helping them to fill the jobs that need to be filled in the future will give more people a way out of poverty and will save the billions of dollars that poverty is costing us all.

The jarring juxtaposition of poverty in a land of plenty is one that Canadians have lived with for too long, honourable senators; it is a movie we have seen too many times. However, wishing will not make it go away. It is not enough to raise the alarm. We must rouse ourselves to action, because we know what to do. This Senate chamber and the House of Commons have both produced reports on poverty that show us how to deal with the issue.

The good will on all sides of Parliament through the new All-Party Anti-Poverty Caucus — Senator Meredith and I are two of the people involved — shows that party lines should not be a barrier, so let us get on with it.

DIAMOND JUBILEE MEDAL RECIPIENTS

Hon. Pamela Wallin: Honourable senators, I rise today to speak about service to country and the willingness of some to risk all, to do so voluntarily, in order to save and serve others. In this Diamond Jubilee of her reign, a special medal honours Her Majesty's own service, with which we in turn honour the significant contributions and achievements of Canadians at home and abroad.

It is the privilege of all members of Parliament, senators included, to present these to worthy Canadians. It was recently my personal privilege to do so in my hometown of Wadena, Saskatchewan. Saskatchewan MLA and cabinet Minister June Draude and I honoured the military service of veterans who served during World War II, the Korean War and the war in Afghanistan. Those men and women answered the call of their country and secured our freedom from fear and want, an achievement that continues to define Canada and shape our value system.

They served in the Canadian Army, the Royal Canadian Navy and the Royal Canadian Air Force. There was also an Army reservist who served nearly a year in Afghanistan. As we know, reservists comprised up to one-quarter of all of our troops during the Afghan combat mission.

The medal presentation ceremony on September 30 at the Wadena Community Legion Hall brought together members from legions in Wynyard, Branch 101; Quill Lake, Branch 37; Kelvington, Branch 19; Foam Lake, Branch 16; and Wadena, Branch 62, of which I am a proud member.

I ask the indulgence of honourable senators to name those who received Queen's Diamond Jubilee medals. They are, from Wadena: Allan Cherney, John Evans Colville, Ronald Dickson, Thelma Holmstrom, Ed Leach, Fred Slowski, Mike Sowa and Bill Wallin. From Kelvington: Leslie Beard, Frank Blosser, Anthony Bohaychuk, George Demmans, Clarence Gronsdahl, Glen Nordmarken, Boyd Pladson, Francis Shirley and Mike Tokarchuk. From Wynyard: Leo Eberts, Michael Hlady, Barry Needham and John Upisiuk. From Foam Lake: Wasyl Chaykoski, Arthur Ross, John Scratton and Walter Tarnowetski. From Quill Lake: Robert Govan, Keith Graham, George Keller and James Marshall. From Elfros: John Bencharski. From Watson: Tom Morton. From Leslie: Victor Gislason and Elmer Olafson.

Our gratitude and profound thanks go out to them for their service to country.

THE LATE MR. BUDD LYNCH

Hon. Francis William Mahovich: Honourable senators, Budd Lynch, a veteran radio broadcaster who spent more than 60 years working for the Detroit Red Wings and who became the team's public voice, died on Tuesday, October 9, at the age of 95. Budd, the hockey's club public address announcer, died following a brief illness at a Detroit-area rehabilitation centre. At 63 years, he was the longest-tenured employee in team history — longer than Gordie Howe.

He began his broadcasting career in 1936 at a Hamilton, Ontario, radio station shortly after graduating from high school. He switched stations the following year and volunteered in 1939 in the Canadian Army. Budd served as a major in the Essex Scottish Regiment during World War II, losing his right arm and shoulder in a rocket attack following the D-Day invasion at Normandy.

He worked with the British Broadcasting Corporation through the end of the war and later was hired by CKLW in Windsor, where he was sports director and did play-by-play of the Windsor Spitfires games. Beginning in the 1949-50 National Hockey League season, Lynch began calling televised Red Wings games for WWJ in Detroit. He did play-by-play during four Stanley Cup championship campaigns in that decade.

Lynch became the play-by-play announcer of the Red Wings on the radio starting in 1960 and held the job for the next 15 years. Budd Lynch was to Detroit what Foster Hewitt was to the Toronto Maple Leafs and René Lecavalier was to the Montreal Canadiens.

He later served as the team's director of publicity and the public address announcer at the Joe Louis Arena.

• (1350)

Budd was honoured in 1985 by the NHL Broadcasters Association with the Foster Hewitt Memorial Award at the Hockey Hall of Fame and was enshrined nine years later in the Michigan Sports Hall of Fame. He was given the Ty Tyson Award for Excellence in Broadcasting in 2005 by the Detroit Sports Broadcasters Association.

[Senator Wallin]

Lynch is survived by his daughters Janis, Valerie, Mary, Francey, Patricia and Lori. We express our condolences.

[Translation]

INTERNATIONAL DAY OF THE GIRL CHILD

Hon. Suzanne Fortin-Duplessis: Honourable senators, on Thursday, October 11, I had the distinct pleasure of attending a press conference at the Collège de Champigny in Quebec City to mark the very first International Day of the Girl Child, adopted by the United Nations following a Canadian initiative based on the outstanding work done by Minister Rona Ambrose.

The purpose of the press conference was to introduce the web series *Vixit*, which I sponsor. It was an honour and a real joy for me to announce the production of the web series *Vixit*. The *Vixit* project aims to make our world a better place, which can be achieved in part by supporting and promoting a better understanding of the particular problems facing young girls. The first season of nine short videos will be available beginning on October 11, 2013, and the last, in October 2014.

The videos will each be between five and nine minutes in length, and will showcase young people, their passion and their creativity. A total of 18 themes will be explored, including bullying, sexuality, self-respect and respect for others, and social networks in order to educate young girls and tweens between the ages of 9 to 14. *Vixit*, a Latin word meaning "she has lived," is based on girls' real-life stories as told to screenwriters and authors. The web series can be shown in classrooms and will be available online.

Honourable senators, there is a growing recognition in Canada and around the world that support for girls and their basic human rights is key for healthy communities. Improving girls' lives has a ripple effect. What is good for them is good for all of us. I am delighted for all the young girls who will benefit from the *Vixit* project now and in the future, and I am proud to be part of it. When we break down the barriers that are standing in the way of women and girls, incredible opportunities arise.

[English]

In closing, I would also like to mention that throughout the launching ceremony, Mr. Réjean Savard, the project's passionate founder, wore the Queen Elizabeth II Diamond Jubilee Medal with visible pride.

Thank you very much.

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Don Meredith: Honourable senators, I rise today to acknowledge the International Day for the Eradication of Poverty. This year's theme, "Working together out of poverty," highlights the need for developed and developing countries to work together to fight poverty.

In celebration of this day, Dignity for All: The Campaign for a Poverty-Free Canada has released the *Poverty Trends Scorecard—Canada 2012*, a report that highlights the need for continued federal investments to assist those struggling to make ends meet.

While Canada is a land of wealth and opportunity, the findings of this report are mixed. The good news is poverty rates for most groups in Canada are back to their pre-recession levels after increasing with the recession. There has also been a decline in poverty rates among children and seniors over the past 15 years, thanks in part to federal investments in income security programs targeted towards these groups.

The bad news, honourable senators, is the report suggests that poverty and disadvantage are becoming increasingly concentrated among unattached working-age individuals, young adults, lone-parent families, Aboriginal people, recent immigrants, and persons with disabilities.

The All-Party Anti-Poverty Caucus, of which I am a proud member, along with my colleague across the aisle, Senator Art Eggleton, kicked off today with a press conference highlighting the need to do more. The caucus is a strong supporter of the Dignity for All campaign and is encouraging parliamentarians to show their support for eliminating poverty by wearing an “End Poverty” button and attending the panel discussion this evening at 6:30 p.m. at the Government Conference Centre.

As individuals, we have all found success in this country. It is important that we do everything in our power to ensure that disadvantaged Canadians can access the resources and supports they need to succeed.

Honourable senators, as individuals all over the world celebrate the International Day for the Eradication of Poverty, I ask my colleagues in this place to join me in showing their support for the elimination of poverty here in Canada and around the world.

SMALL BUSINESS WEEK

Hon. Rose-May Poirier: Honourable senators, from October 14 to October 20, we recognize the importance of small business in Canada with Small Business Week. Since the foundation of our country in 1867, small businesses have been and will always be an important economic player in every region in Canada. Whether in British Columbia or New Brunswick, they all play a vital role in our communities, provinces and country.

According to Statistics Canada, over 5.1 million Canadians, representing 48 per cent of the private sector workforce, are employed by small businesses. Furthermore, in 2009, facing economic uncertainty, small businesses overcame adversity and accounted for 86 per cent of Canadian exports. Although exports accounted for 30 per cent of the GDP in 2009 instead of its usual 40 per cent, small business exports were unchanged. This demonstrated Canada’s solid economic foundation and that small businesses are the backbone of this country.

[*Translation*]

Small businesses’ most important contribution is in the communities. In New Brunswick, small businesses play a key role both as employers and as citizens of our communities. Communities and their residents benefit from small businesses’ contribution to the economy and commitment to the community.

For example, back home in Kent County, New Brunswick, W.M. Arseneau in Rogersville, a heavy equipment supplier for the construction and forestry sector, is not only one of the largest employers in the region providing a service that is vital to the community’s development, but it also gives back to the community through sponsorships and donations.

Babin Paving in St-Louis-de-Kent is a local business that is committed to community development. For years, Babin Paving has also been contributing to various community projects through donations and sponsorships.

Those are just two examples among many. W. M. Arseneau and Babin Paving are a crucial part of regional development as employers and as good citizens who are involved in the community. In Kent County and across Canada, small businesses contribute to developing and maintaining our communities.

[*English*]

Small businesses in Canada will continue to grow and provide not only job creation but also the essential community involvement, especially to our youth.

Honourable senators, let us recognize the invaluable work done by Canadian small businesses and encourage them in their ongoing activities in developing our communities while exporting Canada to the rest of the world.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Reinhold and Kathy Jahn, and their children Klohe and Matias from Surrey, British Columbia. They are the guests of the Honourable Senator St. Germain.

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

Hon. Senators: Hear, hear!

• (1400)

[*Translation*]

ROUTINE PROCEEDINGS

STATUTORY INSTRUMENTS ACT

BILL TO AMEND—FIRST READING

Hon. Claude Carignan (Deputy Leader of the Government) presented Bill S-12, An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations.

(Bill read first time.)

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

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

[English]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING AND REGIONAL POLICY FORUM
OF THE COUNCIL OF STATE GOVERNMENT'S
EASTERN REGIONAL CONFERENCE,
JULY 20-23, 2012—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 to the Fifty-second Annual Meeting and Regional Policy Forum of the Council of State Government's Eastern Regional Conference, held in Atlantic City, New Jersey, United States of America, from July 20 to 23, 2012.

ANNUAL MEETING OF THE COUNCIL OF STATE
GOVERNMENT'S MIDWESTERN LEGISLATIVE
CONFERENCE, JULY 15-18, 2012—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 to the Sixty-seventh Annual Meeting of the Council of State Government's Midwestern Legislative Conference, held in Cleveland, Ohio, United States of America, from July 15 to 18, 2012.

FOOD SAFETY SYSTEM

NOTICE OF INQUIRY

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

I will call the attention of the Senate to the current state of the food safety system in Canada, the faith Canadians have in that system, and the negative impact of changes made by the federal government on that system.

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

ERADICATION OF POVERTY

Hon. Art Eggleton: Honourable senators, as both Senator Meredith and I pointed out, today is the UN-designated International Day for the Eradication of Poverty, and in that connection I have a question for the Leader of the Government in the Senate.

The House of Commons has twice adopted motions calling for action on poverty. The first time was in 1989. At that time, the House of Commons committed to ending child poverty by the year 2000. Unfortunately, Canada did not meet that target. There are double-digit rates of child poverty still occurring in most provinces.

In 2009, the House of Commons adopted a motion unanimously that said the "Government of Canada . . . respecting provincial and territorial jurisdiction, develop an immediate plan to eliminate poverty in Canada for all." In light of this commitment, has the government mapped and catalogued the poverty reduction initiatives that have taken place across Canada in recent years so they can find out what these initiatives have in common, where there are gaps and how the federal initiative can support them to meet that commitment made by the House of Commons in 2009?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. Obviously his statement and that of my honourable friend Senator Meredith are statements with which we can all agree. As Senator Meredith pointed out, we in Canada have made great strides, although there is still a great deal of work to be done.

As the honourable senator knows, it is a whole-of-government approach. Many departments are involved in the issue of reducing levels of poverty, whether it is Aboriginal Affairs, whether it is CIDA and Foreign Affairs with regard to poverty around the world, whether it is HRSDC in terms of job retraining and child poverty, or whether it is housing and homelessness, where the government has taken considerable measures. I could go through each and every one of these departments.

I anticipated this question. I can stand here and put it all on the record, and I would be happy to do so if the honourable senator insists. The fact is, through the many levels of government, with regard to all areas dealing with the issue of poverty and homelessness and people who are not properly trained for the workplace and for available jobs, the government has made great strides and will continue to do so.

Senator Eggleton: As the leader points out, there is still more work to be done. Of course, the House of Commons — and the members of the leader's party supported this motion as well because it passed unanimously — talked about developing an immediate plan to eliminate poverty in Canada for all. That is a big undertaking, one that requires preparation work. The leader points out that there are many different departments, which is true, but such a plan needs to be mapped and catalogued. There must be a determination as to what is happening in the provinces, what is already happening at the federal level, where the gaps are — as the leader points out, there is more to be done — and how federal initiatives can support them. I am looking for a progress report on how this motion is being implemented.

Senator LeBreton: Honourable senators, the government is not only dealing with this as an ongoing important issue, but we actually have a plan. We have taken action, so I will just put a few of these items on the record.

With regard to poverty, as we all know, the best way to fight poverty is for people to have meaningful employment. Of course, over 820,000 jobs have been created since July 2009, 90 per cent of them full time and about 80 per cent provided by the private sector.

We introduced the Working Income Tax Benefit to help make work pay. It helped 1.5 million Canadians in 2011.

We increased the amount families in the two lowest personal income tax brackets can earn before paying taxes. Due to our actions on taxes, a typical family now has \$3,000 more in their pockets and 1 million low-income Canadians no longer pay income tax at all.

We enhanced the National Child Benefit and Child Tax Benefit. We brought in the Universal Child Care Benefit, \$100 per month to children under age 6, helping 2 million children. The honourable senator mentioned single-parent families. Budget 2010 allowed single parents to keep more of this benefit after tax. The child tax credit is available for every child under age 18, which provides more money to over 3 million children and removes 180,000 low-income Canadians from paying tax.

As mentioned by the honourable senator, this motion passed unanimously in the House of Commons. It was interesting when we brought in these measures that the senators' colleagues in the other place voted against each and every one of them.

Senator Eggleton: That is not true at all. How does one interpret these omnibus bills, which are terrible things to cope with?

At any rate, the leader missed the point of my question. It was not to get a long list of things that the government has done; it was to ask about how they will do the rest of the job. How will they do the preparation work? Maybe the leader would consider providing us a report on that.

On a supplemental question, I also point out, talking about the UN-designated day, that UNICEF recently released a report on child poverty in Canada and said that Canada ranked 24 out of 35 countries — down towards the bottom part of the list, in other words — with 13.3 per cent of Canadian children living in poverty. The report pulled no punches and said that the child poverty rate “shows up in stunted individual potential, higher social cost and dimmed economic prosperity for all.” That is from UNICEF.

• (1410)

This reminds me of a resolution that was in the report *In From the Margins: A Call to Action on Poverty, Housing and Homelessness*, which was unanimously adopted by this chamber. Recommendation No. 34 of that report called for an increase of the Canada Child Tax Benefit to \$5,000 to help in the reduction and eradication of child poverty.

Will the government implement that recommendation adopted by this chamber?

Senator LeBreton: Honourable senators, I did not miss the point of Senator Eggleton's question. He indicated that we had signed on to a plan and had not implemented it, and I was pointing out a few areas, and I could add a great many more, where we are continuing our work, whether in Aboriginal Affairs, housing or Foreign Affairs, and the major steps we have taken to assist people around the world.

With regard to recommendations and motions and events in the Senate, this government, as past governments, is always very mindful and takes all recommendations of the Senate very seriously. Some are acted upon and some are not, and some are rejected and some are not.

The fact of the matter is I stand here very confident in the record the government has followed with regard to child poverty, with regard to changing the lives of our people who live in the Aboriginal communities for the better. All of these things, of course, take much hard work and time, but I would argue strenuously that we are moving in the proper direction on all fronts.

AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY— FOOD SAFETY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate as well. Since her government came to power, Canadians have learned that they can no longer have full confidence in the safety of the food they eat. In 2008, 23 Canadians died and hundreds more were sick after consuming listeria-tainted meat. Now of course we know that many Canadians have become sick from E. coli poisoning from tainted beef in the biggest beef recall in Canadian history, extending not only throughout Canada but to the U.S. and as far as Hong Kong.

The minister supposedly in charge, Agriculture Minister Gerry Ritz, declared back on September 25, “We have actually done a tremendous job” containing the E. coli outbreak.

Here in the chamber, the leader, as the spokesman for the government, has repeatedly answered our questions with responses such as “the Canadian Food Inspection Agency has acted quickly and properly” and also the Canadian Food Inspection Agency has been “using their resources to full value in trying to deal with this serious situation.” In fact, the U.S. government acted much faster than this government did in protecting its citizens from XL's tainted beef.

The E. coli problem was first discovered by the U.S. officials on September 3, and on September 13 the United States Food Safety and Inspection Service delisted the XL facility, preventing it from exporting further tainted beef to the U.S. The Conservative government waited a further three days before issuing health hazard alerts to Canadians, two weeks after E. coli was first detected.

Last weekend, we learned that CFIA is to be audited this month — not the mandatory audit by the Auditor General of Canada that we on this side have proposed and your side has rejected, but rather by the U.S. Department of Agriculture.

Is the leader not embarrassed as the spokesperson for the government in this place that increasingly Canadians feel more confident in the U.S. government's ability to protect their food than in their own government?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. With regard to the Auditor General, Senator Cowan well knows the Auditor General has the capacity to audit agencies whenever he sees fit. The Auditor General can act on his own.

To set the record straight with regard to the guidelines that Senator Cowan suggested, the Canadian Food Inspection Agency acted to contain the contaminated products beginning on September 4 and has been acting every day since. The CFIA has a timeline of events of its investigation into XL Foods on its website, and I would invite honourable senators to go there. It is extensive and it reports on a daily basis what CFIA is doing. They are working in concert with the Alberta government and with the Public Health Agency of Canada and of course with their own people in CFIA. There are many pages of information on the CFIA website.

The XL plant, as CFIA has said, will not be allowed to reopen until they have certified it as safe. Obviously, the safety of our food and consumer confidence are important, and that is why the government will continue supporting CFIA's work ensuring that all safety issues at the plant are met and that the beef industry in this country, which is an incredible industry, is not harmed any further.

Senator Cowan: Honourable senators, the fact of the matter is that the U.S. government acted more quickly than the Canadian government to deal with this issue. It is the sad fact, minister, that Canadians are now noting that it is the American government that is dealing with this issue and that is apparently more concerned about the reputation and the safety of their citizens than this government appears to be for the safety of its own citizens, and it is a sad comment, I suggest, that Canadians increasingly have to look to a foreign government, to the U.S. government, to protect the safety of the food we put on the table for our families. That is not only a safety issue for Canadians and Americans, but it is also of great concern to this industry, which, as the leader pointed out, is a vital industry to this country and has, deservedly over the years, acquired a great reputation worldwide. That reputation, I suggest, is being damaged by the failure of the government repeatedly to deal with this matter in an expeditious way and to be able to demonstrate competence and diligence in dealing with a crisis of this magnitude.

Senator LeBreton: Honourable senators, I would obviously disagree, and again I must put on the record that the Canadian Food Inspection Agency has been seized with this issue since September 4 and, as a Canadian agency, has been acting properly and judiciously, as they should.

Again, with regard to what our government is doing and has done in order to improve and enhance consumer confidence in the safety of our food, as honourable senators know, in the most recent budget an additional investment of over \$50 million over two years was made to enhance food safety, building upon the \$100 million that we put in last year's budget. We have invested in the Food and

Consumer Safety Action Plan to give CFIA the power to do more inspections on imports. As I have said before, we have hired over 700 new food inspectors, including 170 meat inspectors. We have invested in inspection modernization to allow CFIA to change how inspectors work. We are moving forward with all 57 recommendations that were made as a result of the Weatherill report after the listeriosis food scare and the unfortunate consequences that followed; and we have also introduced important legislation that is before us today: Bill S-11, which will make the system for CFIA even stronger and provide them with the ability to move even faster.

• (1420)

Senator Cowan: Is it not a fact that this problem with the XL plant was identified by U.S. authorities on September 3? Let us accept for the moment that the government was on the case on September 4, the day after the U.S. discovered it. Why is it that the government did not issue any kind of health hazard report to Canadian citizens until September 16?

Senator LeBreton: Honourable senators, the Minister of Agriculture has outlined this process very clearly. The CFIA moved in there on September 4, went through all the procedures that it has at its disposal and took all necessary measures. These are all listed on that timeline I mentioned, and I invite honourable senators to check on their website. One will see that when they listed this on the website, they were dealing with information they had when they were in the plant. As they found out more information, they would update or correct some previous information that they had on their website.

If the honourable senator wants an answer to that question, I suggest that he go to the CFIA website.

Hon. Wilfred P. Moore: Honourable senators, my question is also directed to the Leader of the Government in the Senate. She just mentioned in response to Senator Cowan's question — and she continues to say this — that the government has hired 700 new inspectors at the Canadian Food Inspection Agency. However, the President of the Agriculture Union says the number of those who went into the meat slaughter plant is zero. The leader is saying it is 170; he says it is 0. Could she please explain that?

Senator LeBreton: I can only answer for the government, not for what unions say or do not say.

Senator Moore: We know that the XL plant processes one third of all the meats processed in Canada. Can we assume that one third of the 700 hires went to that plant?

Senator LeBreton: Honourable senators, the issue with regard to CFIA and their work at the XL plant in Brooks, Alberta, is well documented. They are working extremely hard in dealing with this issue.

Obviously the primary focus of the government is consumer confidence in the safety of our food. That is the goal we are working toward; that is the goal we hope to achieve quickly. CFIA has the resources, and with this bill before us today it will have even more resources. Hopefully the bill will pass quickly when it gets to the other place so they can take even further steps than they are taking now.

Senator Moore: Honourable senators, how many meat inspectors are now employed at the XL plant?

Senator LeBreton: I would have to take that question as notice, honourable senators. Obviously, with the increased resources and the increased number of food inspectors that CFIA has within the facility, there are meat inspectors there who are hopefully handling the job well as we move forward.

Senator Moore: Honourable senators, obviously there are not enough inspectors and they are not doing their jobs properly.

In 2009-10, an audit of the Compliance Verification System for meat took place at CFIA. The report was released in February 2011. This report stated that quality verifications are not being delivered as planned. In other words, there could be no determination of how well inspection processes are working and that analysis of verification data is not undertaken below national standards.

This would indicate that CFIA might have had no idea as to exactly how its inspections were working. Can the Leader of the Government update this chamber as to what actions this government has taken to rectify this situation in the year and a half since this audit took place?

Senator LeBreton: First, the honourable senator makes assumptions that I think are unfair. The fact is the government has put considerable resources into food inspection and food safety: a huge increase over what was the case when we formed the government. There are more food inspectors and more meat inspectors.

It is quite incorrect for the senator to assume that the CFIA personnel who work at the XL plant in Brooks, Alberta, were not doing their jobs. I do not think that is the case. I do not think it is fair for us to stand here and judge people who are working very hard in these various plants. I would not assume that at all.

The fact is the government, through the CFIA, is doing everything humanly possible to ensure that the plant in Brooks, Alberta, is certified and is able to get back into production, that people are able to get back to work and that we can continue to support Canada's well-known and well-respected beef industry.

Senator Moore: Honourable senators, the United States is sending inspectors to the XL Foods plant in Alberta to conduct its own audit of whether the plant is in compliance with international standards. Indeed, this report will play a role in whether XL Foods reopens.

In the last report issued by the U.S. Department of Agriculture in 2010 regarding its 2009 on-site inspections, it was found that the CFIA had several problems, such as inspectors routinely not following procedures for monitoring sanitation controls and a lack of supervisory reviews to identify weaknesses in inspection performances.

Can the Leader of the Government in the Senate assure this chamber and Canadians that the USDA will not be issuing a failing grade to this Conservative government's food safety regime?

Senator LeBreton: Honourable senators, I cannot answer for other levels of government. I can only assure this chamber that the Canadian Food Inspection Agency has been working extremely judiciously on this problem since September 4. They are in there, they are working and the inspections are ongoing. The responsibility and primary concern of the government is consumer protection and food safety. All of these things that the CFIA is doing are the proper way to proceed. Again, I invite honourable senators to go on their website where they will see that for themselves.

Today I would urge honourable senators to pass Bill S-11, which will further strengthen the Canadian Food Inspection Agency.

Senator Moore: Honourable senators, that is just grist for the mill. I expect the honourable leader would have read the final audit report dated October 28, 2010, that the Americans filed with CFIA. It points out the shortcomings which, from what I can gather and from this experience, the XL Foods plant continue to this day.

The government has been negotiating with the United States in the Beyond the Border deal announced last December to end the border inspections of meat. We know it was the Americans who discovered the E.-coli-tainted meat in this latest Conservative food recall. Negotiating away this secondary safety check is another sign of the government being soft on food safety.

Can the leader assure Canadians that in the wake of this latest Conservative food safety disaster, the secondary border inspection will not be removed?

Senator LeBreton: Honourable senators, again, those are the senator's words. I totally disagree with him that the Canadian government would do anything to compromise the quality and safety of Canadian products. As I pointed out to senators a moment ago, the CFIA is working extremely hard; its inspectors are in the XL plant in Brooks, Alberta. They are going through all the safety issues, every one of them, to ensure that this plant meets all the criteria before it is allowed to reopen.

Senator Moore: Honourable senators, I bet those inspectors are there now. I do not know why they were not there from the time the U.S. report was issued in 2010.

• (1430)

I would like to know if any meat was shipped out of the XL Foods plant after September 4, 2012.

Senator LeBreton: Again, the honourable senator completely undermines the Canadian Food Inspection Agency. He draws the assumption that somehow or other meat was being produced at the XL Foods plant without any food inspectors. I think that is bizarre, to say the least.

The fact is — and it is all on the record — the Canadian Food Inspection Agency moved in there on September 4. They are going through everything. They have been working extremely hard with the XL Foods plant management and workers to ensure that all measures at the plant meet all the safety requirements before the plant is allowed to reopen.

Hon. Grant Mitchell: Honourable senators, we know that on Minister Ritz' watch 22 people died from listeriosis. We know that it is on his watch that, by yesterday's count, at least 15 people are sick from E. coli. One begins to wonder what exactly he has done that would establish that he is competent enough to continue to manage this file.

Could the leader tell us whether, if this happened a third time, the Prime Minister would take it under his responsibility to hold Minister Ritz accountable, take responsibility for the problem, and fire him?

Senator LeBreton: That question hardly deserves an answer. Minister Ritz is a solid, hard-working Minister of Agriculture.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Minister Ritz has answered every question that was asked of him in the other place. He has worked very hard with the Canadian Food Inspection Agency to ensure that the plant meets all the requirements before being reopened.

An Hon. Senator: Right on!

Hon. Jane Cordy: Senator Moore asked a question, but the leader did not answer it, or I did not hear the answer. He asked the leader whether any meat was shipped out of the XL Foods plant after September 4. Would the leader answer that, please?

Senator LeBreton: Honourable senators, I will take that question as notice. As we know, a lot of product was recalled. I know that products were recalled; I do not know when that was shipped. However, I am sure that CFIA, with their work at the XL Foods plant, will be able to let me know that. If I am able to provide an answer, I will.

ORDERS OF THE DAY

SAFE FOOD FOR CANADIANS BILL

THIRD READING

Hon. Donald Neil Plett moved third reading of Bill S-11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed, as amended.

He said: Honourable senators, I am pleased to speak today to Bill S-11, the safe food for Canadians bill. The objective of this very important piece of legislation is to strengthen our ability to protect Canada's food supply and to keep Canadian families safe and healthy.

Food safety is one of our government's highest priorities, and I think that all honourable senators, including Senator Mitchell, would agree that food safety is a subject that concerns all parliamentarians, regardless of party lines.

In fact, it was Senator Mitchell's Liberal government that brought forward legislation on two separate occasions with some similar provisions. Previous efforts in legislative renewal attempted to cover statutes related to animal health and plant protection, as well as food.

I was especially heartened by the fact that there was only one substantive amendment that was carried over by the Standing Senate Committee on Agriculture and Forestry on Bill S-11 — that the minister should undertake a periodic assessment of the Canadian Food Inspection Agency's resources allocated to the bill's administration and enforcement. I believe this shows how this proposed legislation is fundamentally sound and comprehensive, and that we should move forward with its passage.

The importance of food safety is something we can all agree upon.

It is my sincere hope that all honourable senators will stand and vote in favour of Bill S-11, the safe food for Canadians bill.

Existing food safety legislation has served Canada well, and I am proud to say that our system is one of the best in the world. In fact, a report on OECD countries recognized Canada's "superior" food system. However, the time has come for legislation that oversees food safety to be modernized and strengthened to meet the needs and realities of the 21st century.

Bill S-11, the safe food for Canadians bill, will help to reduce regulatory duplication and overlap through increased coordination and cooperation.

Currently, food safety in Canada is regulated under five different statutes: the Food and Drugs Act, the Meat Inspection Act, the Canada Agricultural Products Act, the Fish Inspection Act, and the Consumer Packaging and Labelling Act.

The Food and Drugs Act is the responsibility of the Minister of Health and is enforced by the CFIA. Bill S-11 will consolidate the remaining food safety authorities and bring them together under one umbrella.

Currently, our approach to inspection and enforcement activities differs from one type of food to another. Bill S-11 will modernize and consolidate our inspection and enforcement authorities under the Canada Agricultural Products Act, the Meat Inspection Act, the Fish Inspection Act and the related provision of the Consumer Packaging and Labelling Act to meet present and future needs. This legislation will establish much-needed standardization and uniformity in the way the CFIA carries out its inspection and enforcement duties.

Another objective of the bill is to enhance food safety oversight, including new prohibitions targeting such unsafe practices as tampering, hoaxes, and deceptive practices.

The Canadian industry has long requested a provision prohibiting a person from tampering with, threatening to tamper with, or falsely claiming to tamper with food commodities. The CFIA also needs the authority to directly address those who perpetrate hoaxes on the public. Hoaxes generate unnecessary public fear around certain products and can be economically devastating for the producer of the food commodity that is targeted by the hoax.

As well, Bill S-11 will enhance international market opportunities by further aligning Canada's food safety system to those of our key trading partners. This legislation will provide stronger import controls on foods coming into Canada. Specific authorities will allow for the licensing of all food importers. Rather than only being able to prohibit the sale of imported products that pose a risk, provisions of this legislation will allow Canada to prohibit unsafe food commodities before they even enter the country. By making importers more responsible for the safety of food commodities they bring into our country, we continue to promote a level playing field between importers and domestic producers.

Another key area of the safe food for Canadians bill is certification. The authority to provide export certification for all food may bolster the competitiveness of Canadian companies internationally. This will be especially important in situations where certain countries require all imported products to be certified by the exporting country.

Bill S-11 will also strengthen the ability to trace and recall foods. This new legislation will provide the CFIA with strengthened authorities related to tracing and recalling, and the appropriate tools to take action on risky food commodities when needed. Authority to allow the creation of tracing systems, along with a requirement to maintain records, is critical in an age of global supply chains. The technology is readily available to provide effective traceability.

• (1440)

For example, clause 27 of Bill S-11 would require organizations under investigation by the CFIA to hand over important information in a timely manner and in a usable format. Under current law, all the CFIA can do is request information. When and how this information is delivered is up to the organization under investigation. Clause 27 would have been very helpful during the recent XL beef recall. It would have ensured — vote for it, Senator Mitchell — that the CFIA received the necessary information faster.

Some members opposite have accused our government, and specifically our Prime Minister and the Minister of Agriculture, of incompetence, speaking specifically of the 2008 listeriosis crisis and the XL beef recall. I find it troubling that some members would want to politicize these two very, very serious issues, and I would like to make the following comments in this regard.

In August of 2008 — listen, Senator Mitchell; you will learn something — many Canadians fell victim to a listeriosis outbreak. In swift response, Senator Mitchell, by September of that same year, during the crisis, our Prime Minister and our government ordered an independent investigation of our entire food safety system. That investigation produced 57 comprehensive recommendations on how

to strengthen the food safety system in Canada. Our government immediately went to work. With the passing of Bill S-11, we will have addressed all 57 recommendations. As part of our government's response to the Weatherill report, an expert committee was established. That committee, along with CFIA, will complete and review the XL recall and that report will be public. We invested \$75 million to strengthen our food safety systems. Those investments allowed us to hire more inspectors and to improve our ability to prevent, protect and respond to food-borne illness outbreaks. Over the next two budgets, our government committed an additional \$113 million to strengthen our food safety system.

Recognizing the challenges and opportunities of the current environment, our government's 2011 Budget committed \$100 million over five years for the CFIA to modernize its food inspection system — a budget, honourable senators, that the same Liberal senators who are now criticizing our government voted against.

An Hon. Senator: That is right!

Senator Plett: As a matter of fact, going back even a little further, when the Harper government took office in 2006, we committed almost a half a billion dollars to the Food and Consumer Safety Action Plan. Of that investment, the CFIA received more than \$220 million to enhance its inspection of high-risk sectors, track imports and boost recall capacity — something, again, that Liberal senators opposed. Included in our Economic Action Plan of 2012, we once again committed funding for our food safety system, this time adding \$51.2 million. Again, Liberal senators voted against.

The safe food for Canadians bill has received high praise from industry, including by the Food & Consumer Products of Canada, which stated that “These changes will further enhance Canada's reputation as a global food and beverage product safety leader”; and by Bob Kingston, president of the Agriculture Union at the Public Service Alliance of Canada, who stated on Bill S-11 that the government is “basically taking the best of each piece and putting it under one roof.”

From an industry perspective, consolidated food inspection authorities currently in the Meat Inspection Act, the Canada Agricultural Products Act, the Fish Inspection Act and the Consumer Packaging and Labelling Act would reduce regulatory burden, improve market access opportunities and enable innovation. It stands to reason that industry will be better able to work with a single set of rules as opposed to four. They will also be able to apply for a single licence to produce food as opposed to several licences or registrations for various commodities.

Honourable senators, I believe that we all share a common desire to improve food safety in Canada. It is our duty as parliamentarians to make this happen. It is a core part of our government's strategy and I also believe the strategy of the majority of the Liberal senators. We must adjust to the impacts of globalization on food products, advances in science and the expectations of Canadians. Consumers both here and in other countries should always feel confident that both imports and exports are safe.

To do this we need to pass this legislation without further amendments, update our regulations and modernize how we deliver our inspection service. This legislation is critical to our shared goal of making one of the world's best food safety systems even better. This is an ambitious agenda and we can do this only by working together.

Before I conclude, honourable senators, I would like to pay special tribute to the Standing Senate Committee on Agriculture and Forestry. Except for one sticking point, I believe the committee was in agreement with the entire piece of legislation. My friend the agriculture critic, Senator Peterson, regularly said so.

I would also like to pay special tribute to the Liberal agriculture critic, Senator Bob Peterson, with whom I have had the distinct pleasure and privilege of working on two very important pieces of agricultural legislation that have gone through the Senate. While one was somewhat more divisive than the other, Senator Peterson was always a gentleman and a real pleasure to work with.

Hon. Senators: Hear, hear!

Senator Plett: As Senator St. Germain pointed out, Senator Peterson will be retiring from the upper chamber on Friday, after serving in the Senate since 2005. I know that there will be many tributes paid to him tomorrow, but, rather than waiting, I will take my opportunity to pay tribute to him while I am speaking on Bill S-11.

The province of Saskatchewan should be proud of Bob Peterson. I wish I could say the same about the province of Alberta and some of its senators. He has represented his province and his party professionally and with integrity. Take note. He will be truly missed by this chamber. Having been in the Senate for just over three years myself, and having spent all of that time on the Standing Senate Committee on Agriculture and Forestry, I have always wondered why Senator Peterson was not a full-time member of that committee. He would have been a great addition to the committee. However, I am grateful that I had the opportunity at least twice to work directly with him.

Now, before I start singing kumbaya, let me get back to Bill S-11. Honourable senators, it has been stated previously by members of the industry, members and leaders of the inspectors union, members of the CFIA, previous governments, members opposite at committee, by our Prime Minister and our government that this is inherently good legislation and good policy. I ask all senators on both sides of this chamber to keep in mind that passing something under division is not supporting legislation. Therefore, I ask all members of this chamber to unanimously vote in favour and endorse Bill S-11, the safe food for Canadians bill.

Hon. Robert W. Peterson: Thank you very much, honourable senators, and thank you, Senator Plett, for all those kind words. I am not sure whether I should continue or not, but I think I will. I truly appreciated everything that the honourable senator said.

• (1450)

Honourable senators, we are dealing here with a matter of confidence. It is the confidence of Canadian citizens in our food safety standards. There is no question that Canada desperately

needs a food safety bill, particularly in view of recent events at the XL plant in Alberta, but it has to be a bill that has sufficient authority and powers to provide this confidence to the citizens of Canada.

If one studies the chronological history of what happened, it is very evident that self-regulation left a lot to be desired. On September 4, E. coli was detected by the U.S. Department of Agriculture at the border. On September 12, tainted meat shipments to the United States were halted, but this same tainted meat was distributed to Canadian outlets for another two weeks.

The Canadian Food Inspection Agency claims that they were on top of this issue. Yet, on October 6, they admitted that they failed to notice during routine inspections that the plant at the centre of Canada's largest ever food recall had not properly implemented its own plan to control food safety risks.

The CFIA said that a letter was sent to XL Foods on September 6 and again on September 7th giving the company until September 8 to provide distribution and testing results. It was not until September 10 and 11 that the company complied and, even then, the CFIA said that it was not usable in a form that they could easily work with.

The head of the CFIA said the agency does not have the power to compel the speedy delivery of information from processing plants. It is inconceivable to me that the Minister of Agriculture, in the face of a developing crisis, could not have picked up the phone and demanded this information immediately or forced closure of the plant.

Now, a full month after the E. coli was first detected, the owners, in the hope of getting their plant restarted, have finally accepted full responsibility for the recall. They went on to say that XL Foods will invest whatever is needed to ensure that food safety gaps at the plant will never occur again.

Would Canadians not have more confidence if the oversight to carry this out was done by an independent third party rather than the same people — i.e., the Minister of Agriculture, the CFIA and the industry itself — who were in charge when the crisis occurred? We think so and that is why we made every effort to have the Auditor General included in the amendment. We feel that it is paramount that Canadians have full confidence in our food safety system. We also have to recognize that, if there is a loss of confidence by the consumers, the cattle industry will suffer as well.

MOTION IN AMENDMENT

Hon. Robert W. Peterson: Therefore, honourable senators, I move:

That this motion be not now adopted but that it be amended as follows:

That Bill S-11 be amended in clause 103, on page 43, by adding after line 14 the following:

[Senator Plett]

“(2) To assist the Agency in carrying out its responsibilities under subsection (1) in respect of the *Safe Food for Canadians Act*, the Auditor General of Canada shall, at least once every five years, conduct a resources audit to examine the resources the Agency has and the resources it needs to carry out its food inspection obligations.

(2.1) The Agency may determine the scope of the resources audit, but the resulting report must include

- (a) a review of the compliance verification system, including its design and implementation;
- (b) an analysis and assessment of the number, capacity and training of inspectors, including how many plants an inspector should be responsible for and the appropriateness of rotation of inspectors;
- (c) an analysis and assessment of the financial resources available to inspectors;
- (d) an analysis and assessment of the materials, equipment and support services available to inspectors; and
- (e) recommendations regarding required changes and implementation strategies.

(2.2) The Agency and its auditor shall provide the Auditor General of Canada with any records, accounts, statements or other information that, in the opinion of the Auditor General of Canada, are necessary to conduct the resources audit.

(2.3) Immediately after the Agency receives a resources audit report, the President must submit a copy of it to the Minister and to the Minister of Health, and the Minister must cause a copy of the report to be tabled in each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”.

• (1500)

The Hon. the Speaker: Honourable senators, we now have before us the question in amendment, and debate can proceed on either the motion in amendment or the main motion.

Hon. Donald Neil Plett: Honourable senators, this amendment was discussed at length in the committee meetings. At those meetings I brought forward an amendment as well, so I would like to read that amendment from the committee and then speak to Senator Peterson’s amendment. My amendment at committee was as follows:

That Bill S-11, Clause 68, be amended by replacing lines 22 to 25 on page 30 with the following:

68. (1) Five years after the coming into force of this section, and every five years after that, the Minister must undertake a review of the provisions and operation of this Act, including an assessment of the resources allocated to its administration and enforcement.

Senator Peterson’s proposed amendment obligating the Auditor General of Canada to audit the Canadian Food Inspection Agency in relation to the safe food for Canadians bill every five years is, in my opinion, contrary to the Auditor General’s mandate. As such, I feel that my amendment covers the substance of the amendment made by Senator Peterson.

Honourable senators, there is only one other example outside of financial administration legislation of an act that compels the Auditor General to conduct an audit of a government department or agency. That is the Department of Human Resources and Skills Development Act, and the Auditor General shall conduct an audit of the Canada Employment Insurance Commission every year. Normally, the Auditor General selects targets for audits independently and is not compelled by Parliament to audit certain targets. By obligating the Auditor General to complete an audit, Parliament would be impeding his or her independence.

The Auditor General already has a broad mandate and authority from Parliament to do whatever audits of departments or agencies he or she sees fit. Parliament is already free to request audits from the Auditor General. Parliament recently removed the Auditor General’s oversight of the CFIA in Bill C-38, the Budget Implementation Act of 2012. In fact, as I stated in my speech earlier, in 2008, during the listeriosis crisis, our government ordered an independent investigation of the entire food system, and, as such, they are also free to ask the Auditor General to do such an investigation.

Setting a precedent in legislation of requiring the Auditor General to conduct a resource review every five years could, and in my humble opinion would, be seen as being too prescriptive on the Auditor General’s already broad mandate and thereby requiring the Auditor General to distort from what he or she sees as the appropriate risk oversight on the government at large.

The Office of the Auditor General focuses on performance audits. They may not be best suited to undertake a resource audit of this nature, especially as it relates to future resources needed. As such, I believe no further amendments are needed to Bill S-11, and I ask all honourable senators to vote against the amendment and pass Bill S-11 as amended in committee.

Thank you very much.

Hon. Pierrette Ringuette: Would the honourable senator accept a question?

Senator Plett: Yes.

Senator Ringuette: I have before me the first omnibus budget bill that we on this side voted against in June. Among the over 500 pages of this bill, on page 187, Canadian Food Inspection Agency Act, this omnibus bill removed from the authority of the Auditor General of Canada the request from the Canadian Food Inspection Agency to provide information about the agency’s performance with respect to the objective established in the corporate business plan.

That is one of the issues about having omnibus budget bills. The other issue is removing from the Auditor General the responsibility that is normal and should be natural with regard to

priority government entities. This amendment is certainly giving back that responsibility so that Canadians will feel a little better about the food — especially the Canadian supply — that they have.

Coming back to the issue of the Auditor General, surely the honourable senator and his colleagues would now understand the problem with putting such important issues in an omnibus budget bill, with the fallout that can occur and has occurred since then, and would welcome the current amendment from my colleague Senator Peterson.

Senator Plett: Honourable senators, I suppose that hidden in there somewhere was a question. I have a new appreciation for our leader in Question Period when there are statements made without questions. I will reply by simply stating that that budget bill was passed.

Hon. James S. Cowan (Leader of the Opposition): I am sure Senator Plett would agree with me that what we are trying to do is protect food safety in this country. I am sure that is an objective we all share. We also agree that this bill goes some way to achieving that objective. However, the suggestion that has been made in the form of the amendment proposed by Senator Peterson is an improvement. It is designed specifically, I would suggest, to instill further confidence in Canadians with respect to food safety.

Would the honourable senator not agree with me that it is very odd to expect Canadians to have that confidence if you have the minister signing a report on his own performance? How can that enhance the confidence Canadians are entitled to have in the work of the department and the safety of food in Canada?

Senator Plett: I thank the senator for the question. Of course, most of us hope that in five years we will have the same agriculture minister so that he might do that. However, I do not think there is a guarantee of that being the case, so it may be a different Minister of Agriculture who would sign off on something.

• (1510)

My point, honourable senators, is that the Auditor General has the wherewithal to do an audit if he or she determines to do one; and the government has the right to ask for that audit if it is deemed necessary. However, to take away the independence of the Auditor General and to tell the Auditor General what departments he or she is to audit takes away from the independence.

With regard to Canadians feeling safe, a number of witnesses raised various issues and we addressed them. This particular amendment was not among them, other than from the members opposite. I do not believe that Canadians have that same concern to make it necessary to have this in there.

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, with respect to the honourable senator's comments, I remember that in committee, a witness told us that any audit should be done by a

[Senator Ringuette]

third party that is completely independent from the department or the Canadian Food Inspection Agency. That can be found in the transcripts of the testimony. Thank you.

The Hon. the Speaker: Other comments or questions?

[*English*]

Hon. Wilfred P. Moore: Would the honourable senator accept a question?

Senator Plett: Yes.

Senator Moore: Save the sovereignty of our nation, honourable senators, I cannot think of another issue that would be a greater priority than food safety. I wonder if the honourable senator agrees and, if he agrees, how would that jibe with the suggestion and remarks made by Senator Ringuette?

Senator Plett: Honourable senators, I am not sure what the question was, but I certainly agree and I made it quite clear a number of times in my comments how seriously we take food safety. I have the fullest confidence, as I hope everyone has, in the Auditor General. If he determines that there should be an audit, we would not stand in the way of it. I am not suggesting that we do, but I am simply suggesting that we do not tell the Auditor General how to do his work.

Senator Moore: Honourable senators, that may well be, but I cannot stop thinking about the importance of food safety in our country. I do not know why that little amendment would have been put in an omnibus bill. It seems that, if the Auditor General is required to do an audit of any particular item or sector of our economy or government service, then food safety would have to be the top one. I do not know why we would play with that and take that out of there.

I would like the honourable senator to reconsider his proposal, because what Senator Ringuette has brought forward should be put back in the bill.

Senator Plett: Honourable senators, I do not consider this amendment a "little thing," as the senator suggested. I consider it to have a fair bit of substance.

Some Hon. Senators: Exactly.

Senator Plett: Senator Ringuette's suggestion has something to do with the budget, which is not before us today. Bill S-11 is before us today. If the honourable senator wants the house to deal with the budget bill, then bring that up.

Senator Moore: Are you hiding behind the budget bill to get away from food safety?

Senator Plett: No.

Hon. Joseph A. Day: Honourable senators, I would like to follow up on this point as well. It is important for the record to be clear that when Bill C-38, the first omnibus budget implementation bill, was dealt with by the Standing Senate Committee on National Finance, we expressed concerns with respect to this clause that takes away a mandatory requirement. There are many mandatory

requirements for the Auditor General. The Auditor General is required to do certain things, in addition to the discretionary work performed by the Auditor General and the more than 500 people who work in the Office of the Auditor General.

This amendment to the Canadian Food Inspection Agency Act, which has been brought to our attention by the Honourable Senator Ringuette, was of concern because one of the mandatory requirements that helped to give us confidence and helped the CFIA to do its work by having that information available was removed in Bill C-38. We have before us a very reasonable suggestion by Senator Peterson in this amendment to reintroduce some confidence that the Auditor General would not have the discretion to do this from time to time but would have an obligation on a periodic basis to do the very thing that we are concerned about.

Honourable senators, this is the difference between the Auditor General or the minister or the minister's department having the discretion to get around to doing this and the confidence that Canadians want to see by having it in the legislation and knowing that it will be done.

Would the senator comment, please?

Senator Plett: Honourable senators, I will comment for sure just to say again that I have confidence in our Auditor General such that if he sees the need to audit the CFIA, then he has the right to do so. I have confidence that he will do that should he see fit. I do not agree with making it mandatory.

The Hon. the Speaker: Is there further debate?

Senator Peterson: I just want to clarify one thing. We are not telling the Auditor General what to do.

The Hon. the Speaker: The honourable senator's time is up. I recognize Senator Baker.

Hon. George Baker: Honourable senators, I have an observation. The amendment brought forward was an amendment to the bill presented before the Senate. In that sense, it adds a review to the bill, which was not there prior to the amendment moved by Senator Plett.

However, I could not help but think, as the discussion has been going back and forth, that normally when we put in a review after five years, it is a review by a third party. It is a review normally done by a Senate or House of Commons committee.

In respect of the legality of the amendment approved at committee, and I am sure that Professor Oliver would agree, if it were ever litigated, surely one of the sides would say that when the minister grades the minister's department and the minister's actions, then surely there is not only a reasonable apprehension of bias in the review but a real apprehension of bias, which would make the report unlawful. It would be akin to asking a student to grade his term paper and, at the end of the year, asking him to produce his own report card.

Senator Plett: I will answer by saying only that had I been given the opportunity to do that, I would have done much better.

The Hon. the Speaker: The honourable senator's time has expired. Are honourable senators ready for the question?

• (1520)

Some Hon. Senators: Question.

Senator Peterson: I wish to ask Senator Baker —

The Hon. the Speaker: If an honourable senator wishes to make a comment or ask a question on what Senator Baker has said, I will allow that.

Senator Peterson: First, would he agree that the minister conducting oversight of his own department with an audit review would be a blatant conflict of interest?

Second, if the Auditor General is to be the third party here and the CFIA provides all the documentation, will the Auditor General merely look at it to confirm whether there are sufficient resources and sufficient personnel to carry out their duties?

Senator Baker: I agree.

Hon. Lillian Eva Dyck: Will the honourable senator accept another question?

Senator Baker: Yes.

Senator Dyck: It was suggested that it would be a mistake to prescribe the duties of the Auditor General and make him less independent. Is public food safety not more important than limiting or prescribing the duties of the Auditor General?

Senator Baker: Absolutely. I agree.

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

Some Hon. Senators: Question.

The Hon. the Speaker: The question before the house is the motion in amendment of the Honourable Senator Peterson, seconded by the honourable Senator Munson:

That Bill S-11 be amended in clause 103, on page 43, by adding after line 14 the following—

Shall I dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: All those in favour of the motion in amendment will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in amendment will signify by saying "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. The whips have agreed to a 30-minute bell.

This being a Wednesday, I must remind honourable senators that with the rule change, when we are still on Government Business, the four o'clock rule does not automatically apply. We are on Government Business and a 30-minute bell has been agreed to. The vote will take place at 3:55 p.m.

• (1550)

Honourable senators, the question before the house is as follows: It was moved by the Honourable Senator Peterson, seconded by the Honourable Senator Munson:

That Bill S-11 be amended in clause 103, on page 43, by adding after line 14 the following:

“(2) To assist the Agency in carrying out its responsibilities —

Shall I dispense, honourable senators?

Hon. Senators: Agreed.

Motion in amendment negatived on the following division:

YEAS THE HONOURABLE SENATORS

Baker	Hubley
Callbeck	Jaffer
Campbell	Joyal
Chaput	Mahovlich
Charette-Poulin	Massicotte
Cordy	McCoy
Cowan	Merchant
Dallaire	Mitchell
Dawson	Moore
Day	Munson
De Bané	Peterson
Downe	Ringuette
Dyck	Rivest
Eggleton	Robichaud
Fraser	Smith (<i>Cobourg</i>)
Furey	Tardif
Harb	Zimmer—35
Hervieux-Payette	

NAYS THE HONOURABLE SENATORS

Andreychuk	McInnis
Ataullahjan	McIntyre
Bellemare	Meredith
Boisvenu	Mockler
Braley	Nancy Ruth
Brazeau	Ngo
Brown	Nolin
Buth	Ogilvie

Carignan	Oliver
Champagne	Patterson
Comeau	Plett
Dagenais	Poirier
Demers	Raine
Doyle	Rivard
Duffy	Runciman
Eaton	Segal
Enverga	Seidman
Finley	Seth
Fortin-Duplessis	Smith (<i>Sauvel</i>)
Frum	St. Germain
Gerstein	Stewart Olsen
Greene	Stratton
Housakos	Tkachuk
Johnson	Unger
Lang	Verner
LeBreton	Wallace
MacDonald	Wallin
Maltais	White—57
Marshall	

ABSTENTIONS

Nil

The Hon. the Speaker: Accordingly, the motion in amendment is defeated.

Honourable senators, the question now before the house is the motion of the Honourable Senator Plett, seconded by the Honourable Senator Mockler:

That Bill S-11, amended at report stage, be read the third time.

Those in favour of the motion will signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the notion will signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

Carried, on division.

(Motion agreed to and bill, as amended, read third time and passed, on division.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, it being past 4 p.m. and the Senate having come to the end of Government Business, pursuant to the order adopted on October 18, 2011, I declare the Senate continued until Thursday, October 18, 2012, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned to Thursday, October 18, 2012, at 1:30 p.m.)

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