



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 112

OFFICIAL REPORT
(HANSARD)

Thursday, October 25, 2012

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

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

Thursday, October 25, 2012

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

Prayers.

We must continue to work to improve the lives of people with autism and their families. Improving their lives improves our lives as well.

SENATORS' STATEMENTS

AUTISM AWARENESS MONTH

Hon. Jim Munson: Honourable senators, October is Autism Awareness Month, and I was reflecting on what a month it has been. As I mentioned yesterday, it was wonderful the day before to see so many members of Parliament supporting the bill on Autism Awareness Day that is about to be signed by the Governor General. This is about more than only awareness; there is a method behind all of this, and I hope we can move forward not only with symbols but also with concrete action.

Members of Parliament Mike Lake, Harold Albrecht, Libby Davies, Hedy Fry and many others have supported this bill.

To have Autism Awareness Month may be seen as a symbolic gesture, but it is not. Every gesture made in the interest of people with autism, however small it may seem, brings this country closer to effectively addressing the autism crisis.

I gained awareness of autism 10 years ago when I saw a protester with a sign who was carrying a heavy burden. He could not even make eye contact with his son. The boy was isolated, and they were isolated from the rest of the world. After that, for the past 10 years, along with all of you, I have been working hard to ensure that we pay more attention to autism.

The Social Affairs Committee conducted a study on autism, the report of which, *Pay Now or Pay Later*, was approved by everyone in the Senate. The title of the report came from the mouth of one of our witnesses who said that we will have to pay now or pay later, and we agreed with that.

The government has done a number of important things. Because of this bill and other work in the Senate, we now have a monitoring and surveillance system that I think will be very important, because the people at Health Canada will have to communicate what they know to the provinces. Maybe this is the first building block towards a national autism spectrum disorder strategy, a strategy that those in the autistic community in this country want. They think it is extremely important.

I am going to pursue the study of Aboriginal youth and adults who have autism, because we have a responsibility to do that.

When I launched that inquiry in 2007, 1 in 150 children was diagnosed with autism. Five years later, 1 in 88 children is diagnosed with it. Parliamentarians have a lot of work to do. This is Autism Awareness Month. We would all appreciate it if honourable senators would speak about autism when they are in their regions.

SPECIAL OLYMPICS CANADA

Hon. Vernon White: Honourable senators, I rise today to invite you to lace up and be a fan of Special Olympics Canada. As a former police officer, I can say that one of the proudest collective efforts made by police leaders across this country is the Law Enforcement Torch Run for Special Olympics.

Special Olympics Canada is dedicated to enriching, through sport, the lives of Canadians with an intellectual disability. Today more than 35,000 children, youth and adults with intellectual disabilities are registered in Special Olympics Canada programs in communities nationwide. For the past 25 years, police in Canada have raised in excess of \$40 million for Special Olympics Canada through the Law Enforcement Torch Run, which is an important community event that educates Canadians about Special Olympics athletes and their proud participation in sport.

Last year more than 12,000 men and women from the law enforcement community joined together to participate in torch runs and other charitable events across Canada, including polar plunges and truck convoys, all in support of Special Olympics.

Today, Thursday, October 25, athletes, law enforcement personnel and volunteers from across Canada have been participating in Be a fan Day. Events have been organized in more than 140 communities, and Special Olympics will be thanking law enforcement as their greatest champions.

Special Olympics Canada and the Canadian Association of Chiefs of Police have arranged for the delivery of a pair of red laces to all members of Parliament and senators. I invite you to wear them proudly today, reflecting your own support.

• (1340)

[Translation]

STATISTICS CANADA AND MINORITY FRANCOPHONE COMMUNITIES

Hon. Maria Chaput: Honourable senators, yesterday Statistics Canada released the census results in relation to Canada's linguistic landscape.

The report talks a great deal about the increasing use of languages other than French and English. It also talks about the decline of French. It makes for catchy headlines on the front page. Yesterday there were once again headlines such as "The assimilation of francophones outside Quebec continues." However, we must be careful about how these data are used.

We need to go beyond simply reading the numbers and instead figure out what they really mean. According to Statistics Canada, the decline in the relative size of francophone communities, for example, can largely be explained by the fact that “a large majority of these immigrants know only English.”

I would therefore like to focus on the extent of the decline of French in Canada, and specifically, the decline of French in predominantly English-speaking provinces.

In 2006, some 997,125 Canadians whose first official language was French lived outside Quebec. Today, that number is 1,007,580. That is a small increase, but an increase nonetheless. Considering the effects of urbanization and exogamy on the survival of minority francophone communities, it is reassuring to see that they have been able to maintain their numbers overall and even grow a little.

But the following statistic is striking. In 2006, those 997,125 Canadians accounted for 4.2 per cent of the total population. Now they number over one million, yet they account for only 4 per cent of the total population.

Francophone communities are not in decline; they are growing. However, it is their relative size that is shrinking. And the worst thing is that it is their relative size, and not their absolute size, that will determine whether these communities continue to receive services from federal institutions in their language.

To sum up, we now have more francophones living in predominantly English-speaking provinces than we did in 2001 or 2006, but they will receive fewer services in French.

It is up to us to consider the release of these data as the impetus for seeking solutions to very real injustices. Let us consider reviewing federal services to official language communities. Let us consider reviewing the immigration program in order to welcome enough francophone immigrants so that we maintain or increase the relative size of communities. And above all, let us not talk about a decline as though it were a fait accompli and we could do nothing about it, because we can.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Annaleise Carr, a well-known swimmer, and her team who have raised \$235,000 in support of Camp Trillium, Childhood Cancer Support Centre. They are the guests of the Honourable Senator Finley.

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

Hon. Senators: Hear, hear!

MS. ANNALEISE CARR

Hon. Doug Finley: Honourable senators, I rise to pay tribute to a truly remarkable young lady, Annaleise Carr. Her story is one of remarkable dedication, mind-numbing determination,

community spirit and the bravery to embrace and defeat a challenge that few of us could fully comprehend.

Annaleise is 14 years old and all of four foot ten. She was born to Jeff and Debbie Carr, proud parents and natives of my home county, Norfolk County.

On August 19 this year, Annaleise became the youngest person to swim Lake Ontario; but there is a lot more to this story. Annaleise has been swimming since the age of four. Last year, she participated in a marathon 10-kilometre swim from Pottahawk to Turkey Point, a test of endurance that would challenge even the most experienced swimmers. The swim raised \$10,000 for Camp Trillium, an organization providing support and recreational facilities for children with cancer.

Her concern with children suffering from health problems was not new. She dedicated her valedictory speak to Jordan Maggie who, despite crippling spinal problems and surgery that confined him to a wheelchair, persevered to graduate. She wanted to volunteer her time and energy to Camp Trillium but her young age made this problematic, so she found another way to help.

She decided to swim Lake Ontario to raise money. Her target was \$50,000. Doing such a swim was not an individual effort but required a huge team of 45 or so people. Dave Scott, general manager of the swim, recruited an unbelievable team, including trainers, pacers, athletes and medical personnel — too many to name in my brief statement, but totally vital to the effort.

Annaleise could have picked a shorter route to swim, some as much as 10 kilometres shorter. Instead, she picked the classic tough route of over 50 kilometres swum by her hero Marilyn Bell — the first female to swim the lake — a feat she accomplished in 1954. The training and preparations were intense, with hours of conditioning both physical and mental.

At 6:15 p.m. on Saturday, August 18, Annaleise stepped into the waters of Lake Ontario. The rules governing such a solo swim are clear and extreme. Should Annaleise even touch a support boat or any member of her team, the whole effort would immediately be declared void.

As the sun vanished below the horizon on Saturday evening, the water became colder and more turbulent. Her speed decreased and, within a few hours, she was facing a battle of incredible mental willpower, every bit as much as the physical war she had to fight. During the course of the evening, this brave young lady had not only to contend with the elements but also with various encounters in the shipping channel. She was almost run over by a 225-metre ship.

By 5 a.m. on Sunday, her support team was concerned about her condition. She was physically battered and emotionally stressed. As they fed her high-nutrition food, like hemp oil — if you can believe it — with the aid of a lacrosse stick, her team was beginning to despair. The rules did not allow her pacers, an important part of the swim, to enter the water until clear daylight, so they could only talk to her, at times cajoling and occasionally stern, but always encouraging.

[Senator Chaput]

Finally, at around 5:45 a.m., the first of her pace swimmers joined her in the water, but still clearly apart. The kilometres-per-hour pace had been reduced to virtually inches. With her pacers close by, Annaleise dug into an unimaginable reserve of grit, increased her pace and stroked bravely onward.

However, she faced yet another almighty challenge. As she approached the Canadian side, she encountered the considerable effects of the Humber River efflux. Strong currents and waves five and six feet high relentlessly challenged her.

With the team willing her on and helping in every way, this remarkable lady broke through these intimidating circumstances to touch the wall of Marilyn Bell Park at 6 p.m. on Sunday. After an endurance-searing 27 hours in Lake Ontario, Annaleise had become the youngest person ever to complete the journey.

When the donation period finally closed, she had not only surpassed her goal of raising \$50,000 for Camp Trillium, but, in fact, donations totalled a staggering \$235,000.

Honourable senators and all Canadians should rise to salute this remarkable person — an icon to her generation and indeed all generations.

Hon. Senators: Hear, hear!

• (1350)

UNIVERSITY OF ALBERTA

ABORIGINAL GATHERING PLACE

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to bring to your attention an important initiative being undertaken at the University of Alberta in Edmonton: a campaign to build a dedicated indigenous gathering place on campus. This indigenous gathering place will provide a space for Aboriginal students that supports social and educational activities in an environment that recognizes and celebrates First Nations' culture and history.

A gathering place is an important means of improving the quality of life and the educational experience of Aboriginal students at the University of Alberta. At the same time, the entire university community will benefit from the recognition of Aboriginal traditions as important ways of learning.

For many years, the campaign to raise funds to build this centre has been making slow but steady progress. In 2008, a visioning and programming study laid out a plan for the proposed gathering place. The university's senior administration, including the chancellor and the provost, took part in the study. A desirable location on campus was obtained and a conceptual design was produced by the university's chief architect. In addition, \$400,000 has been secured from the university's Faculties Development Council.

In a remarkable act of generosity, former chancellor Eric Newell and his wife, Kathy, committed a \$1-million personal donation towards the construction. However, the gathering place

will cost \$19 million. Thus far, the university's Office of Advancement has been unable to secure funding contributions from the provincial or federal governments.

Our provincial and federal governments are on the record regarding their steadfast support for Aboriginal post-secondary education. The time has come to turn words into action. There is precedent which confirms the positive impacts of gathering places on university campuses. They exist on almost every single post-secondary institution campus in British Columbia — all funded by the provincial government. They can also be found on the campuses of the University of Manitoba, funded by the provincial government; and McGill University, also funded by the provincial government.

The University of Alberta has a significant First Nations student population. Continuing to attract young Aboriginal people is essential to its continued success as a world-class educational institution. Ultimately, we want young Aboriginal people in Alberta to have the knowledge and skills to build great careers. An on-campus indigenous gathering place will be an important part of the university's continuing efforts to meet that objective.

I call on our provincial and federal governments to come to the table and work with the university to make this project a reality.

WOLF TRAX INNOVATIVE MICRONUTRIENTS

Hon. JoAnne L. Buth: Honourable senators, I rise today to congratulate the leaders of Wolf Trax Innovative Micronutrients, Mr. Kerry Green and Mr. Geoffrey Gyles, for receiving a \$10,000 Manning Innovation Award. They were recognized at the Ernest C. Manning Foundation's Thirty-first Annual National Innovation Awards Gala held last week, on October 17, 2012.

Beginning in the late 1990s, Mr. Green and Mr. Gyles came together to find solutions for some common challenges faced by farmers when applying micronutrients to their crops. By combining their backgrounds in science with common-sense know-how, the pair developed their innovative coating technology called DDP or dry dispersible powder. Using DDP means that farmers apply less fertilizer in a way that delivers efficient production with a smaller environmental footprint.

Kerry and Geoff are now a far distance from their start in a shared machine shed near Winnipeg. Wolf Trax now holds several patents in plant nutrition and their products can be found in North America and around the world. Of course, their products are used on traditional field crops like corn, soybeans, canola and wheat, but the reach of this Manitoban company is much greater. Wolf Trax products are now used on leading brands of carrots and lettuce that are distributed through grocery stores across Canada and the United States; on sugarcane for rum production in the Caribbean; on grapes for wine production in Germany; and in helping forage producers in the United Kingdom provide a balanced nutrition program for healthier livestock.

Honourable senators, the innovation continues. They are now working with leading human nutrition researchers to find ways to increase the nutrition in harvested grain and thereby improve human nutrition and health in developing countries around the world.

However, we all know it is not just innovation that makes a company successful. Kerry and Geoff gathered a dynamic team of professionals and built a thriving business. I met that team last week at the award ceremony. I saw how they support each other, and their pride in Wolf Trax was very obvious. It is the combination of innovation, drive, business skills, and finding and supporting exceptional people that builds success.

Research, innovation and technological development are key components of a strong knowledge economy and the creation of Canadian jobs. The National Innovation Awards Gala has supported this pursuit by recognizing almost 250 Canadian innovators with over \$4.5 million in financial support since 1981. Its generous commitment to innovation has ensured that individuals like Kerry and Geoff are recognized for their efforts on the global stage. I look forward to hearing about the continued success of Wolf Trax Micronutrients.

Honourable senators, please join me in congratulating these Canadian innovators.

GENERAL WALSH MEMORIAL SWORD AWARD

Hon. Rose-May Poirier: Honourable senators, every year the Royal Canadian Army Cadets plays an integral role in shaping Canada's youth to become citizens of the highest integrity in the community. It focuses on successful studies, being considerate of all persons and their property, and achieving the highest physical, mental, spiritual and moral standards as a Canadian citizen. With over 18,000 army cadets and 443 cadet corps across the country, our youth has an equal opportunity to fully develop its potential.

The Army Cadet League of Canada awards annually the General Walsh Memorial Award Sword as the most outstanding army cadet. The recipient for 2012, Cadet Master Warrant Officer Julie LeBlanc, from Moncton, New Brunswick, a member of the 506 Moncton RCACC, was named most outstanding army cadet in Canada. Having joined in 2006, she wasted no time in taking full advantage of the opportunities given to her.

[Translation]

Julie LeBlanc has distinguished herself in a number of activities — band, biathlon, marksmanship — and she qualified for an international expedition to Alaska with her leadership skills and excellent physical fitness.

She has excelled in the cadet program and was awarded the Major General Howard Award for her score in the National Star Certification Exam in 2010, the Lord Strathcona Medal, the Royal Canadian Legion Medal of Excellence and the ANAVET Medal.

An important prerequisite for the Army Cadet Program is cadet involvement in the community. Not only has she volunteered at Ronald McDonald House, but Cadet LeBlanc is also involved in two mentoring programs: one at her school and one with her city. With her level of commitment, those who know her say this exceptional and inspiring young woman has a wonderful future ahead of her thanks to the values she has learned in the Army Cadet League.

[Senator Buth]

[English]

By winning the General Walsh Memorial Award Sword, Julie will travel to Ottawa for Remembrance Day observance and will attend the ceremonies at the National War Memorial as part of the viceregal party. She will also have the opportunity to meet both the Governor General and the Chief of the Defence Staff at a luncheon for the Silver Cross Mother, hosted by the Governor General at Rideau Hall.

[Translation]

Julie's story is just one of many. The Army Cadets continue to train Canadian youth by instilling values that are essential to personal development and community involvement. Honourable senators, I invite you to join me in congratulating Julie on her national award and encouraging the Army Cadet League to continue developing our youth.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I call your attention to the presence in the gallery of Barry Firby and his daughter Renée, who come from Kenaston, Saskatchewan, and are guests of our colleague, the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

• (1400)

[Translation]

ROUTINE PROCEEDINGS

STUDY ON THE USE OF THE INTERNET, NEW MEDIA AND SOCIAL MEDIA AND THE RESPECT FOR CANADIANS' LANGUAGE RIGHTS

FIFTH REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to present, in both official languages, the fifth and final report of the Standing Senate Committee on Official Languages, entitled: *Internet, New Media and Social Media: Respect for Language Rights!*

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

[English]

CANADA POST CORPORATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-321, An Act to amend the Canada Post Corporation Act (library materials).

(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.)

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ANNUAL SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE, JULY 5-9, 2012—REPORT TABLED

Hon. Ghislain Maltais: Honourable senators, I have the honour to present, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the 21st Annual Session of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Monaco, Monaco, from July 5 to 9, 2012.

[English]

QUESTION PERIOD

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

BARRIERS TO POST-SECONDARY EDUCATION FOR FIRST NATIONS STUDENTS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Every year in the fall, I meet with student groups, organizations and people representing Canadian universities and colleges. These groups represent different interests and some have different visions for the future of our post-secondary education system. However, there is at least one issue on which everyone agrees, and it is a theme that is raised every fall, year after year — the barriers to post-secondary education faced by Aboriginal students and, above all, the

2 per cent funding cap on the Post-Secondary Student Support Program. This cap needs to be removed to ensure that every eligible First Nations and Inuit student can have access to post-secondary education. The 2 per cent cap means that fewer eligible applicants receive funding and have access to post-secondary education every year.

Between 2006 and 2011, a staggering 18,500 people were denied funding; that is roughly half of those who qualified. Why is the government not moving forward on this particular issue?

Hon. Marjory LeBreton (Leader of the Government): As the honourable senator knows, the government has worked very hard in cooperation with various Aboriginal communities and leaders to address the very serious issue of Aboriginal education. We have taken a great many steps, such as building over 30 new schools and completing 263 school infrastructure projects. We also recently announced additional measures, such as early literacy programming to further improve education outcomes.

That said, we know that to create better educational outcomes, students need more than just money. On that front, we are working, as I mentioned earlier, in partnership with First Nations to ensure that parents, students and educators from across Canada will have the opportunity to provide input on the development of the education legislation.

Of course, the honourable senator would know that Minister Duncan recently met with National Chief Atleo and confirmed the government's very definitive commitment to improving outcomes for First Nations students.

Senator Tardif: I understand that the government is working to improve access for Aboriginal students. However, my question was about the funding cap. All interested parties in Aboriginal education agree that lifting the funding cap is one concrete step that would have a significant positive impact. The problem is that funding has been unable to keep up with increasing living costs and tuition fees, so fewer eligible applicants receive funding every year. Inadequate funding is forcing Aboriginal communities that administer the program to make difficult decisions about who can pursue a post-secondary education. Some very qualified applicants are being denied access. Despite growing demand, the number of annual recipients has declined from 23,000 in the late 1990s to 19,000 in 2009. Will this government at least commit to reversing this disturbing trend by removing the 2 per cent cap?

Senator LeBreton: Far from reversing disturbing trends, I think I made it clear in my first answer that the government has expended and plans to expend considerable resources, not only within the purview of the Minister of Aboriginal Affairs but also in other areas of government, including HRSDC, as we work to improve the level of skills of our Aboriginal peoples. A considerable amount of money has been expended, and, as I mentioned, many more facilities are available. The government is firmly committed to providing opportunities for our First Nations post-secondary students to be properly educated so that they can take full advantage of the development, especially in the North, of our resources and have an opportunity to participate fully in the economy by having access to well-paying jobs for which skills are required.

I would argue very strenuously, honourable senators, that the government has taken many measures to increase resources and facilities to better address the issue of Aboriginal education.

Senator Tardif: The honourable senator indicates that many more facilities have been made available, but if students do not have the financing, they do not get in. They do not have the access. The structures are there, but if they cannot get in, they will be of no value to them.

Canada's Aboriginal population is growing six times faster than the non-Aboriginal population, and 48 per cent of those people are below the age of 24. This is a very serious problem. Will the government assume the responsibility needed to provide access to our Aboriginal students by removing that 2 per cent cap, for example?

Senator LeBreton: I think I have already answered the question. It was not only facilities; I did say financial resources. I mentioned other departments that are participating in this endeavour. We have worked very closely with the National Chief of the Assembly of First Nations plus other Aboriginal leaders, provinces and territories to improve the facilities and the resources, financial and otherwise, to better educate our Aboriginal population.

FOREIGN AFFAIRS

CANADIAN ELECTION OBSERVERS IN UKRAINE

Hon. Pierre De Bané: Honourable senators, following an invitation from the Government of Ukraine, Canada is providing some 500 election observers to monitor the Ukrainian parliamentary elections on October 28.

• (1410)

The Canadian delegation was established and organized by CANADEM, Canada democracy, a non-governmental organization that receives financial support from Canada. However, the makeup of the delegation is sparking accusations that the government is compromising Canada's international reputation by injecting domestic politics into the staffing of the delegation. It has been reported that applicants with known ties to political parties other than the one currently in power have been left out from the delegation.

An Hon. Senator: Oh, oh.

Senator De Bané: Has there been any intervention from the government with CANADEM, Canada democracy, to influence the makeup of the Canadian delegation?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the short answer is absolutely not. CANADEM is an arm's-length agency that oversees putting together these delegations. I think all of us in this chamber would celebrate the fact that one of our colleagues is heading up the delegation, in the person of Senator Raynell Andreychuk, who as we know is very well qualified. In addition to being of Ukrainian heritage, she has experience in the courts, in the diplomatic community, and also as a parliamentarian. I repeat: The delegation is put together by CANADEM.

I believe that some of the media reports are quite erroneous. My understanding is that a great number of people are part of this delegation and that there are representatives of all political parties in that delegation.

Senator De Bané: The Honourable Leader of the Government has, no doubt, given me the information that she has received, but I would like to give an example that speaks by itself.

Elinor Caplan, a former Liberal cabinet minister with previous experience and training in election monitoring, was asked by CANADEM to apply to this mission but was later notified that she was not retained. Honourable senators, Ms. Caplan claims that CANADEM left a message on her phone advising her that "at the direction of the government of Canada, we've been directed to remove you from the delegation."

Has the government been putting pressure on CANADEM to leave out and select applicants for political reasons, or is Ms. Caplan simply mistaken?

Senator LeBreton: I cannot comment on claims a person may or may not have made, and I will not do so. All I can say to honourable senators is that CANADEM is an arm's-length organization. They invite applications from hundreds of people. Many people apply to be part of these missions of electoral oversight. Whether people are ultimately chosen to be part of the delegation is a decision of CANADEM and not of the government.

NATIONAL DEFENCE

F-35 SECRETARIAT

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate, and it is with regard to the F-35 secretariat.

Lieutenant-General Yvan Blondin, Commander of the Royal Canadian Air Force, said there was no attempt by the secretariat to study the various options for replacing the F-18. We were told at the outset that this was a key part of the mandate of the secretariat. Can the minister advise the chamber whether the secretariat is studying other options for the replacement of the F-18?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the secretariat, which includes people like Denis Desautels, the former Auditor General of Canada, was given oversight of this particular file. I have no reason whatsoever to believe that they are not fully exercising all of the responsibilities that they have been given in terms of the oversight of this, but I will take the question as notice.

Senator Moore: Lockheed Martin, the sole-source supplier of the F-35, says it is still planning to deliver the aircraft at some point. Other aerospace industry companies have not been asked to provide information on their aircraft, so again I am wondering, how can the mandate of the secretariat be fulfilled when they are obviously not looking at the most important point that they were asked to do; that is, different options for the replacement?

Senator LeBreton: All I can do, honourable senators, is quote something that was stated by the Royal Canadian Air Force on October 22, a few days ago:

Work continues on the evaluation of options to sustain a fighter jet capability well into the 21st century.

The options analysis is a full evaluation of choices, not simply a refresh of the work that was done before.

Senator Moore: Today is the twenty-fifth. I think you misspoke and said the twenty-seventh.

Senator LeBreton: Twenty-second.

Senator Moore: Thank you. Could the minister please provide the chamber with the names of the persons on that secretariat? I remember that when it was all set up, one of the things that were supposed to happen was an independent cost estimate of the F-35 and its 25-year lifespan. That was due in June. I would like to know when we can expect that independent cost estimate report and the names of those on the secretariat.

Senator LeBreton: I believe the names on the secretariat were made public at the time, but I will be very happy to take the question as notice and provide a written response.

Senator Moore: With regard to the independent cost estimate report that is overdue? Thank you, minister.

I now have another question on another topic.

VETERANS AFFAIRS

SERVICES AND BENEFITS

Hon. Wilfred P. Moore: Minister, in your party's 2006 platform, it was stated, "to treat Canada's veterans with the respect and honour that they deserve." That was six years ago. To date, there is a litany of things here: 25 per cent of medically released soldiers do not have case management services; 20 per cent of at-risk veterans returning to civilian life have no case supervision; veterans' benefits have been unfairly denied; and a decorated veteran was fired from an appeals board because he sided with the veterans. Today we learn that funeral homes are paying to bury war veterans — this despite the fact that the Last Post Fund has been lobbying this government to raise the cap on funeral costs.

• (1420)

I think what is happening is that veterans and their families do not have money for their burials. Funeral homes are proceeding with the burial ceremonies; the veterans are being buried, and then the funeral homes are making applications to provinces or municipal units to recover some of the money for the burial costs. This is absolutely disgraceful.

The government in power for the past six years has basically failed. I want to know when the government will start treating veterans with the respect and honour they deserve.

Hon. Marjory LeBreton (Leader of the Government): I would absolutely disagree with what the senator has just stated, which will not come as a surprise. Since we formed the government, we have continuously worked to improve the lives of our veterans, for example, through the Veterans Independence Program.

Granted, there is always room for improvement. Veterans I talk to in the local legion are very happy with the services provided by Veterans Affairs. I will acknowledge that some cases have come to light, and the government has immediately moved to rectify wrongdoing or oversight, whether intended or otherwise.

With regard to funerals, honourable senators, the government does provide burial assistance to those veterans who need it the most, regardless of their rank in the Canadian Forces.

Senator Moore: I understand that some assistance may be provided, but that does not pay the full cost. Jean-Pierre Goyer, the executive director of the not-for-profit Last Post Fund, says that some funeral directors are not even calling them anymore; they are going directly to the various social services departments.

I would like to know whether the minister would be prepared to advance this cause with her cabinet colleagues in an effort to put more funding into the Last Post Fund so that these veterans can be treated with dignity in their ultimate last act.

Senator LeBreton: With regard to the Last Post Fund, the government is, in fact, consulting with and working with the administrators of the fund, and with others, to review the funeral and burial program that is in place. Of course, we are working with them to ensure that the program does meet the needs of veterans and their families. As I mentioned a moment ago, we will continue to work with veterans and their families and with the Last Post Fund to ensure that some of these concerns are addressed.

Senator Moore: I am encouraged to hear that from the minister, and I hope I can take that as an affirmative that she will continue to advance that cause on behalf of veterans. It certainly would be the right thing to do and it would be timely to have an announcement as we approach the Remembrance Day celebrations.

Senator LeBreton: The honourable senator read my answer correctly in terms of my absolute interest in this matter, not only as a member of the government but also personally. As I pointed out, the government continues to consult with the Last Post Fund. None of us in this place, nor any Canadian who has an ounce of common sense about them, would ever undermine or not fully support and thank our veterans for all the work they have done to ensure our safety and freedom.

Hon. Percy E. Downe: The answer is good. Unfortunately, it is the same answer we have received for the last four or five years. The then Minister of Veterans Affairs, Minister Blackburn, appeared before the Senate Subcommittee on Veterans Affairs and gave the very same answer; he indicated that he hoped to have an answer on increasing the assistance for the burial fund within three to four months. That was over four years ago.

Can we anticipate that veterans and their families will wait at least another four years, or will we have to settle for comforting words?

Senator LeBreton: The honourable senator knows as well as anyone that major initiatives have been taken on behalf of this government in support of our veterans. Considerable amounts of money have been expended. When there have been problems within the Department of Veterans Affairs, we have sought to right wrongs and correct these situations.

The fact is that the commitment we made to veterans when we first formed the government is one that we take very seriously. We have not in any way backed away from that commitment. Of course, there is more to be done; there always is. There are always cases that people are not aware of or that they cannot anticipate. I have put on the record in this place many times the long list of programs that this government has initiated to improve the lives of our veterans and to acknowledge their great service to our country.

Senator Downe: The problem is not the list. I have a list as well, which shows, for example, for the VIP program, the promise Prime Minister Harper made in writing to Joyce Carter, the spouse of a deceased veteran in Cape Breton. This was sent in writing and signed "Stephen Harper" at the bottom of the letter. I believe it is his signature, and she believes it to be true. The promise was simply not kept.

I have a list on Agent Orange outlining what the commitment was and what was actually done, and there is a dramatic difference. It goes on and on.

My particular question is the following: The then Minister of Veterans Affairs made a commitment to take the recommendation from the Department of Veterans Affairs and implement it within a number of months. That was years ago. I am assuming the department was not recommending that the assistance for funerals would be reduced. I am assuming the recommendation was that assistance be increased, but to date the government has not taken any action. When can veterans anticipate some action?

Senator LeBreton: Senator Downe has a very short memory. Agent Orange is an issue that lay dormant and was not acted upon at all by the previous government. Our government, under then Veterans Affairs Minister Greg Thompson, sought to put in place a program to address this issue, which had been going on for decades.

With all these commitments we have made to veterans, we have continuously worked to improve services to veterans. We have worked hard with National Defence and Veterans Affairs. We have a very committed minister at the present time in the person of Minister Blaney. We have worked hard to deal with a new cohort of veterans who are now part of the veterans community, those being people who have served in Afghanistan or in the Bosnian conflicts. To say that we have not fully committed ourselves to improving the lives of veterans is wrong; on the contrary, I would say we have made great strides compared to what the situation was when we came into office.

Senator Downe: The question is not who said what and who has which list. The question is, rather, what are the benefits that were promised to veterans and what has been delivered? The promise on Agent Orange is very clear. Prime Minister Harper made an announcement during the campaign, and Senator LeBreton was in the room with then candidate Greg Thompson when he made

the promise. Therefore, she is well aware of what he said and well aware of the shortfall on that, and veterans are well aware of that as well. We are all well aware of the VIP commitment that was not filled. Now we have this veterans' burial commitment. We have reassuring words; however, what the veterans want is what Senator Moore indicated — adequate funding to pay for their funerals.

I encounter veterans in Charlottetown. I ran into a veteran about a year ago who had just returned from a funeral of a comrade he served with in a peacekeeping operation. They all had to chip in money to help cover the cost of the funeral. That is simply unacceptable.

We should do what Minister Blackburn intended to do and what the department is recommending. It is not a great deal of money and it is not a matter of who did what for veterans and who did not. This is a serious problem, and it can be addressed with a small expenditure of funds. The Department of Veterans Affairs is recommending this. It should be done. Will it be done before Remembrance Day?

Senator LeBreton: I actually answered this question in my response to Senator Moore's question. We are working diligently within Veterans Affairs with the fund to ensure that this issue is addressed.

• (1430)

[Translation]

INTERNATIONAL TRADE

CANADA-EUROPE NEGOTIATIONS

Hon. Jean-Claude Rivest: Honourable senators, my question is for the minister and it is about the very important negotiations that are happening between Canada and Europe with regard to a free trade agreement.

It seems that the Canadian government may have changed its position on three key points that are of great interest to Quebec and other regions of Canada. Those three key points are access to government procurement, the cultural exception and the protection of supply management programs in the area of agriculture.

Can the minister reassure Canadians who are concerned about this issue that, in these negotiations, the Government of Canada has not changed its position on these three key points, which are very important to the economic life of Quebec and the rest of Canada?

Second, in the coming weeks, could the minister table in this chamber a general status update on these negotiations since this agreement will have such a significant impact on our country's economic future?

[English]

Hon. Marjory LeBreton (Leader of the Government): In terms of tabling documents with regard to negotiations, the honourable senator will know more than any senator here that negotiations

are negotiations, and they go on for some time. I do not know of any government that puts documents on the table that are basically working documents that may not even end up being what the final agreement looks like.

I cannot respond to speculation. People can speculate all they want. All I can say to honourable senators is that in all trade negotiations we promote Canadian interests in all sectors. As I have indicated many times, Canada will only sign an agreement if it is in the best interests of Canada.

ORDERS OF THE DAY

QUESTION OF PRIVILEGE

SPEAKER'S RULING RESERVED

Hon. Elizabeth (Beth) Marshall: Honourable senators, I rise on a question of privilege. It is with some regret that I rise today to bring to the Senate's attention a question of privilege pursuant to rule 13-5(a). I will say from the outset that the events that led to this question of privilege resulting from this morning's meeting of the National Finance Committee occurred at approximately 12 noon today. Therefore, I was unable to raise this matter by providing written notice as is required by rule 13-4.

At this morning's meeting of the Finance Committee, following testimony of the witness, I sought and was granted the floor to address the committee to discuss what course of action the committee might take in its study of Bill C-46, An Act to amend the Members of Parliament Retiring Allowances Act.

While I was indicating to the committee that I felt that it had completed its work and was about to move a motion to have the committee go to clause-by-clause consideration of the bill, Senator Day in his capacity as chair arbitrarily and unilaterally declared the meeting adjourned. When Senator Nancy Ruth sought procedural clarification, Senator Day refused, claiming the meeting was adjourned.

I view this not only as a breach of my privileges as they relate to freedom of speech, but it also impeded the work of our committee. I therefore ask that the Speaker review the transcript of this morning's meeting and find there to be a prima facie question of privilege. Should the Speaker find a prima facie breach of privilege, I am prepared to move the appropriate motion to refer the matter to the Rules Committee.

In order to accord such a question priority, the Speaker must find that it meets the test of rule 13-3(1). I will quickly address these criteria.

First, it must be raised at the earliest opportunity. As the meeting occurred only this morning, today's sitting is the earliest this matter could be raised.

Second, it must concern the privileges of the Senate, its committees or any senator. In this case, I suggest the matter concerns my privileges, that of Senator Nancy Ruth and the National Finance Committee.

Third, it must be raised to correct a grave and serious breach. I believe this, as any breach of privilege, is serious and grave, but I find this one to be particularly offensive as the actions of the chair of the committee prevented the committee from conducting its business.

Fourth, it must be raised to seek a genuine remedy for which no other process is reasonably available. In this case, the actions of the chair prohibited the committee from dealing with the matter, and I am, as stated, prepared to move the appropriate motion to refer the matter to the Rules Committee for a resolution.

I would also suggest that Senator Day knew what he was doing in this instance. Despite his party leader's words claiming that Liberals wholeheartedly support Bill C-46 and would like to pass it at the earliest opportunity, the actions of Liberal senators suggest something else entirely.

The Liberals failed to allow us to deal with the bill at second reading on Tuesday. When we did deal with the bill yesterday, Senator Mitchell spoke in opposition to the bill. Finally, when the matter of clause-by-clause consideration was about to be discussed in committee today, the Liberals resorted to arbitrarily shutting down the meeting instead of publically making their case for delay. I feel this is a serious matter that warrants the attention of the Speaker, and I look forward to His Honour's ruling.

Hon. Céline Hervieux-Payette: May I ask a question of the honourable senator? I attended the committee meeting, and the reality of what happened does not appear as it was mentioned by the honourable senator.

[Translation]

I would now like to explain what happened last night. The National Finance Committee sat until 9 p.m. I had to leave at 9 p.m., and I was not there when it was agreed to hear from Gregory Thomas of the Canadian Taxpayers Federation this morning.

Yesterday evening, we discussed the whole actuarial issue. To my knowledge, the executive committee decided to hear from the Chief Actuary next week. Then, since the meeting was over, the chair thanked the witnesses.

I am wondering where Senator Marshall got the idea that a motion can be moved to overturn the executive committee's decision to hear from a witness next Tuesday when the legislation will not come into effect until the beginning of 2013.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, the point raised by Senator Hervieux-Payette is serious, but that is not the issue. We decide to adjourn when someone speaks and proposes clause-by-clause consideration of the bill.

I encourage you to listen to the recording of the committee deliberations. Senator Marshall mentioned the minutes, but I suggest that you listen to the audio to get a better idea. I think that the images and audio will give the full picture.

The fact that we are under a bit of a time crunch does not justify having a committee chair adjourn while a senator is speaking and still has something to say about the items on the agenda. That is a serious attack on our privileges as senators.

[English]

Hon. Grant Mitchell: Honourable senators, I would like to provide more background. I was there. There is absolutely a tradition, and certainly a great deal of legitimacy, of not going to clause-by-clause consideration immediately after, even the same day as, the committee has received witnesses on any given bill, including the bill in question. That, of course, is because, first, it would be rude. The person has just given you the benefit of their advice, and spent the time to do that, and you have not even given them the courtesy of taking a day or two to consider it.

• (1440)

Second, it is not just a question of courtesy, but one of being practical and a legitimate process where we might just consider what they offered. We asked them to come and we obviously value their testimony, so we could work out of that testimony perhaps some amendments to enhance the bill in question. This is a case in point.

This witness is the President of the Canadian Taxpayers Federation, so clearly his orientation about these things would be very consistent, one would think, with the government's and so they would want to listen. They had suggested, among several other possibilities, that there should be much more rigorous and frequent reporting.

Right now, the Chief Actuary reports, I think, once every three years. This witness very legitimately suggested that a comprehensive report should be provided every year, just like CPP, just months after the year-end. Not only that, he suggested — and I would agree with this as well — that what people are receiving should be reported, if it is not already. I know in the Alberta case, one can go to some of the earliest pages in the public accounts every year and see what every single recipient of a pension is actually receiving.

Why would the government be concerned about taking an extra two or three days — this bill does not kick in until January 2013 — to listen to someone who comes from their side on this and who makes absolutely legitimate proposals like extra information? He also addressed the issue of why there is not a pool of funds. Why is our money not being invested, and why is the government's share not being invested? Because, of course, until that happens, the government's share that is not being invested is actually an unfunded pension liability. It is actually more debt, so the government is misleading Canadians about the actual level of debt.

These are all reasonable things that we could all agree on, could easily be put in the bill, could easily pass and could easily get it back to that side. They would want to pass it because, of course, they want to do what is right about these things. What is wrong with a little bit more information, and why could we not have three days? Why would that be an affront to the honourable senator's privilege to have three days?

I should also point out that she never gave us any warning or any suggestion that she was going to do this, and that would have been courtesy.

[Senator Carignan]

Hon. Wilfred P. Moore: Honourable senators, normally when clause-by-clause consideration is to take place, one gets a written notice saying that is part of the agenda. Maybe Your Honour's research could determine whether or not such notice was given of that situation.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to remind my honourable colleagues that Senate committees are masters of their own procedure. In fact, *Beauchesne's Parliamentary Rules & Forms*, Sixth Edition, Citation 760(3) reads:

The Speaker has ruled on many occasions that it is not competent for the Speaker to exercise procedural control over the committees. Committees are and must remain masters of their own procedure.

Furthermore, the same edition of *Beauchesne's*, on page 232, Citation 822 clearly states:

Procedural difficulties which arise in committees ought to be settled in the committee and not in the House.

Therefore, I contend that this is not a *prima facie* case for a question of privilege.

Hon. Terry Stratton: Honourable senators, I have heard this a few times over the years, and the thing that amazes me is that when someone has the floor in committee, the chair would just shut the committee down. I do not think that is at all logical, whatsoever. I think —

An Hon. Senator: Oh, oh.

Senator Stratton: The honourable senator can have another chance if they want that; but just let me have mine.

It would be polite to allow that senator to make their case. If senators did not want to do clause-by-clause consideration, then vote on it. That is the way we do things here; if not by consensus, we vote.

As for Senator Tardif standing up and saying the problem should be resolved in committee, if the committee has been adjourned, how can one resolve the issue? The committee has been adjourned. One cannot resolve it. This is indeed a question of privilege.

Hon. Anne C. Cools: Honourable senators, I rise to speak to Senator Marshall's question of privilege. I believe that we do have before us some matters of differences of opinions. That is crystal clear. I do not think that this house or His Honour will be able to resolve those differences of opinion because they are differences of opinion of a political nature, particularly of a political party nature.

I did not hear most of the original intervention, but I did hear statements from Senator Marshall about Liberals shutting down the meeting. I heard a few remarks like that. I do not think it would be desirable or wise or parliamentary to ask our Speaker to try to adjudicate a political problem, a party problem.

Your Honour, my first instinct on hearing this is that there is not a *prima facie* case here of privilege at all. There is something here, but I am not of the opinion that it is a matter of privilege.

Honourable senators, I would like to make one or two small points. I have known in my experience here in committees that unpredicted and unexpected motions to move to clause-by-clause consideration of bills have been unquestionably moved for the sole purpose of terminating debate. It would be interesting to see the agenda, which used to be circulated well in advance of meetings, to see if that agenda made notice of any indication of clause-by-clause consideration for that meeting.

Honourable senators, when a committee meeting moves to clause-by-clause consideration — and we must understand what clause by clause means. When a committee moves to that stage, it is important that every member of that committee and every other member of the Senate who may have an interest in the work of that committee have access to that information. Quite often, that is a privilege of senators that is violated, often violated, where some senators — I would never question motivation here, but I have seen motions for clause-by-clause moved without due and sensitive consideration to the other senators in this place to be able to partake in the committee debate.

I have some problems here, Your Honour, because Senator Carignan invited you to listen to the audio record of the committee. I would suggest, Your Honour, that you should not make it a habit or practice to examine the audio records of committee proceedings. I would suggest that that is not a desirable thing to do, and I would encourage you not to do it, because it may create a situation where someone may ask you to do it again. I would not call it precedent, but I do not believe that you should be doing it. It is eaves dropping.

Honourable senators, I would also like to speak to this matter about committees being masters of their own proceedings. Committees have no power to adjudicate a question of privilege and make a finding. For that matter, neither does the Speaker; the whole house has to so decide. It seems to me that if members of the committee are of the serious opinion that there has been breach of privilege within a committee, then that problem is best raised and debated in the committee and a recommendation put forth from the committee to this house for consideration.

It seems to me that the normal and proper way for committees to speak to the house is by its reports. That is what a report is about — a conversation from the committee to the house.

• (1450)

Honourable senators, questions of privilege are raised in committees all the time. I would not say that they are resolved, but quite often they are settled to the satisfaction of some or it is determined that the committee cannot proceed because they do not have the power, but the committee has the power to come to a conclusion that it should ask the Senate to look at it, to look at the matter.

I think it is improper for a single senator to be asking the Senate and the Speaker in particular to examine the proceedings of the committee. If the committee is of the opinion and agrees with

Senator Marshall that something wrong has occurred, then the committee should speak to the house about that matter by means of a report, a committee report. That report and the debate on that should be a full-bodied debate of all the members of the committee, fully canvassing all the opinions of the committee members.

Honourable senators, I tell Senator Marshall that if a report were to come from a committee saying that some transgression or some violation had occurred in the committee, I would submit to honourable senators that this house would receive that report with great interest and with great attention.

Honourable senators, I do not think we should go down this road at all, particularly when we were told that the notice of the committee meeting contained no reference whatsoever to clause-by-clause consideration. Trust me, honourable senators — I am not allowed to be on committees anymore — but I have sat through many committees, and I am very well acquainted with these processes. There is no question of privilege here. I hate to shock individuals, but a chairman does have the power and the right to put down the gavel and say, “Meeting adjourned.”

[Translation]

Hon. Maria Chaput: Honourable senators, I was at the committee meeting this morning. I am now a member of the Standing Senate Committee on National Finance. Last night, at a very late hour, I received the notice of this morning’s meeting on my tablet. Like many of my colleagues, I had to cancel an appointment at my office in order to attend the committee meeting.

In the notice I received, and in this morning’s information package, the agenda did not indicate that there would be a clause-by-clause review of the bill. It was not written. I was not expecting it.

We met with the witness, and when Senator Marshall asked, “What are the next steps?” or something like that, the chair replied, “There will be another meeting next Tuesday and we will hear from another witness.” or something to that effect.

At that point, or just after that, I believe, the chair adjourned the meeting. I am not sure. What was problematic was that the witness was still sitting there and we were talking about future meetings of the committee. That is a little confusing. In any event, the chair adjourned the meeting. And before or afterwards, I am not sure which, Senator Marshall wanted to move a motion. She asked for the clause-by-clause review.

It was quite unexpected. In my mind, we were going to hear from another witness next week. I had other questions. And then we would proceed with the clause-by-clause review. Was the clause-by-clause review on in the agenda? I did not see it this morning.

That is my version of what happened this morning. I do not believe there were any malicious intentions on either side. These things sometimes happen. Personally, I support the bill. I agree with what it will do in terms of pensions, yes, but I still have some questions.

Hon. Pierre Claude Nolin: Honourable senators, my short intervention will simply be to respond to Senator Cools' proposal.

While her proposal is a good one, unfortunately, it is not possible. That is not how the procedure works. Furthermore, I do not believe that this is the right place to make such a proposal; rather it should be made at the Standing Committee on Rules, Procedures and the Rights of Parliament. She could submit her proposal to the committee and the committee could decide whether to add it to the *Rules of the Senate* and then bring it back to this chamber.

This is a simple matter: Senator Marshall has the right to raise a question of privilege. You must rule on the merits of this request and its admissibility. You have everything you need to rule in favour of Senator Marshall.

[English]

Hon. Terry M. Mercer: Honourable senators, it is worth our having a debate about one of the points Senator Cools made. Every day we get the list of the scheduled meetings, and they are listed even in every Senate elevator. I read the agenda; I see who is coming to committees. If clause by clause were going to happen, you would know that it was going to be there. We all have the privilege of attending and speaking at any committee meeting we want, even though we may not be a member of the committee, and when it comes to voting, we cannot vote because we are not an official member of the committee. However, if you had an intervention you wanted to make, you could make representations.

I hoped to be at the committee meeting last night, but I could not be because of other commitments. However, I might go to the meeting when it gets to clause-by-clause consideration. Perhaps some members opposite who are somewhat unhappy with some of the contents of this bill and how it will affect them directly might want to appear as well at the clause-by-clause stage of this bill.

If there are privileges that could have been breached here, I would suggest it is, perhaps, those of all the members of this place who were not at the committee meeting this morning, if the committee went to clause by clause, because we would not have had the advantage of knowing the committee was going to do that so we could go there, have an intervention and give our opinion on the bill or on any clause therein.

Hon. Joseph A. Day: Honourable senators, it is with a bit of a heavy heart that I rise to meet the allegations and the statements made on this particular matter. The history of the Finance Committee has been one of accommodation and working well together over the many years that I have served and worked my way along to becoming chair.

It has been a privilege to have Senator Marshall attending our committee meetings because of this particular bill that we are dealing with. I have tried to accommodate her by speaking to her, as I did this morning, about where we were going and what we were planning, and this is long before the meeting this morning, honourable senators. Even though two of her colleagues are on the steering committee, I did personally tell her where we were going, and, as you will see a little later on, I told her again at the

meeting today. I had absolutely no notice that this would be happening here this afternoon. I had no notice, as chair of the meeting, after having spoken to Senator Marshall this morning, that she would be raising this issue of going to clause by clause, and I found that extremely disappointing from a colleague. I must tell you that.

Let me remind you of what we are dealing with here. We are dealing with a bill that arrived in this chamber on Tuesday. We agreed, because we know the pressure that the majority is under to get on with this particular matter, to handle it expeditiously, in very short time, because the next day — yesterday — we went to second reading on this bill. We did not have to do that. We accommodated the majority. The minority accommodated the majority in this chamber. The reason I am talking about “majority” and “minority” is because the government must learn in this chamber how to handle the majority power that it has. This Senate Chamber will not work if the government oppresses the minority. In legal terms, oppression of the minority has legal principles in order to ensure that that does not happen. Here we do it by accommodation and by tradition.

• (1500)

What we had, in this particular instance, is a bill that the government wanted to be moved through quickly. We are trying to accommodate that. After we spoke at second reading yesterday, with no adjournments and a day early, we went ahead last night and began our hearings on this particular matter. We had our first session, so we were just getting to know what is in the bill, with all of us trying to read it.

I had great difficulties — and I shared this with the members of the steering committee — finding any witnesses who had even read the legislation and understood it. Then we bring one of the witnesses from the government last night and she said, “I confess that if I had had more time to write this legislation, I never would have written it like this.” That is another example of what we were dealing with.

Senator Stratton: It was may have, not would have.

Senator Day: May I continue, Mr. Speaker?

Honourable senators, last evening was our first hearing. We agreed to have a hearing today, out of our normal time, to move this along again. Who did we hear from? We heard from the Canadian Taxpayers Federation at the request of the government members. We heard from the Canadian Taxpayers Federation today.

During the hearings last night and today, honourable senators, we had many questions that the witnesses said would be much better handled by the Chief Actuary. The Chief Actuary is mentioned many times in this legislation. We tried to get the Chief Actuary the day that we received this bill; we have been trying to line up the Chief Actuary. We have the Chief Actuary lined up for Tuesday morning. It has been agreed among the steering committee to proceed on Tuesday morning with the Chief Actuary, and we have another witness who will help us. We have agreed then not to ask for any other witnesses but to proceed with clause-by-clause consideration of the bill.

If that is not cooperating, honourable senators, I do not know what is. Let me say one other thing. The reason I spoke last is because I wanted to hear what points came up.

I have the notice of the meeting today. This notice, honourable senators, says, “National Finance, Thursday morning, October 25, at 10:30 a.m.; Room 9, Victoria Building; Bill C-46, An Act to amend the Members of Parliament Retiring Allowances Act; witness, Canadian Taxpayers Federation.” There is nothing else, honourable senators. That is the business of the day. That is the business we were doing.

Honourable senators, just to make sure as to what transpired, I also obtained a copy of the transcript of what took place today. I will just read the final part of the transcript.

Senator Marshall: What is our plan here now today?

The Chair: First, my plan was to thank the Canadian Taxpayers Federation for being here on very short notice.

We have confirmation of two witnesses for our Tuesday morning slot, one of them being the chief actuary. You have heard many people ask questions that would be better asked to the chief actuary. He has confirmed for Tuesday morning at 9:30.

We also have the Treasury Board coming back to help us with clause-by-clause consideration. They say they are the best rather than Justice to help us with clause-by-clause. My anticipation is that after a short break to allow honourable senators to gather their thoughts together, which is our usual process, we would do the clause-by-clause consideration on Tuesday and then report it back Tuesday afternoon.

Senator Marshall: Okay.

Senator L. Smith: Mr. Chair, I think the witness has finished. Is this internal business that we are doing right now?

The Chair: I have already thanked him. This meeting is now concluded. Thank you.

That is the end of the meeting, honourable senators, and I will file both of those documents. May I have permission to table these documents?

The Hon. the Speaker: That is not necessary. I have access to them anyway.

Senator Day: That is as objective as I can be in telling honourable senators what transpired this morning. Let me conclude by saying again how I began, how I regret very much that this was found necessary to be done.

Senator Marshall: Honourable senators, after I said “okay,” in recognition of what Senator Day had said, Senator Smith was quite concerned about the witness still being there. I had not finished what I wanted to say. He interjected and said, “but the witness is still here.” At that point, Senator Day took the opportunity to shut down the meeting. I did not have an

opportunity to continue on with my thoughts. That is why I would like Your Honour to also listen to the audio version of what transpired this morning.

The Hon. the Speaker: Honourable senators, let me thank all members for having spoken on this question of privilege. I will take it under advisement and move expeditiously to render a judgment on whether or not a *prima facie* case of privilege has been made out.

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Meredith, for the second reading of Bill C-293, An Act to amend the Corrections and Conditional Release Act (vexatious complainants).

Hon. George Baker: Honourable senators, this is a private member's bill from the House of Commons and not a government bill from the House of Commons. That is the first point that I would like to make. The bill before honourable senators is called An Act to amend the Corrections and Conditional Release Act (vexatious complainants).

• (1510)

Honourable senators, I will just read one sentence in the summary to give an overview of this bill:

... prohibit an offender from submitting any further complaint or grievance, except by leave of the Commissioner, when the offender has persistently filed complaints or grievances that are vexatious, frivolous or not made in good faith.

That is what the bill does.

Unfortunately, honourable senators, I believe there is a conflict. Senator Boisvenu introduced this bill; someone in the Senate has to introduce every bill that is passed in the House of Commons. It does not necessarily mean that the government senator introducing the bill is totally in favour of it, although the person puts forward the arguments that are made in the other place.

There is a high-profile coroner's inquest that is presently going on in Canada, which was in all of the newspapers this morning, concerning the very matter that this bill deals with. It concerns the case of Ashley Smith, a 19-year-old inmate who committed suicide while in solitary confinement. The press has carried the story. I will quote from this morning's edition of the *National Post*:

... Ms. Smith — who entered the youth correctional system for the offence of throwing apples and then racked up so many institutional charges she ended up with a hefty adult sentence to serve — was mostly confined for the last year of her life.

In other words, she was in solitary confinement for the last year of her life. The offence she committed outside the prison was throwing apples.

A coroner's inquest is under way concerning the subject matter of this bill that is before us. Let me quote Anne Mactavish, a Federal Court of Canada judge. This decision was released July 31 of this year, just a few months ago. It makes reference to this case. I will read from paragraph 61, which says:

Finally, a 2009 study by Michael Jackson and Graham Stewart —

These are university professors; we all know they are great authorities on the law.

— entitled *A Flawed Compass: A Human Rights Analysis of a Roadmap to Strengthening Public Safety* noted that “the importance of a fair, timely and responsive grievance system has been a theme of royal commissions, Parliamentary committees and government task forces.”

In other words, the subject of this bill has been the subject of government task forces, parliamentary committees and royal commissions. This private member's bill from the House of Commons seeks to correct all of the problems that were highlighted in these reviews.

Here is the point, in paragraph 62:

After reviewing the Reports of the Correctional Investigator and Justice Arbour discussed above, the authors of *A Flawed Compass* examined the tragic death of a young woman by the name of Ashley Smith while she was in the custody of the CSC. They describe Ms. Smith's experience with the CSC grievance process, —

That is the subject of this bill.

— noting that a grievance filed by Ms. Smith was not even opened by the CSC until some two months after her death.

Today we are dealing with a bill that takes away the right to register a grievance or a complaint while a person is in an institution if the person has been described as being vexatious or frivolous or the complaint is not made in good faith.

I would submit, honourable senators, that perhaps the Senate should really examine this bill very, very carefully and call as witnesses those people who are cited in the Federal Court of Canada decisions. I do not know whether the Correctional Service of Canada would wish to provide department witnesses with the coroner's inquest presently under way on the very subject matter that we are dealing with here in this bill.

There is no need for me to go on very long; I just want to present the other side of the story relating to this bill. The mover of the bill in the other place is a Ms. Roxanne James. She said before the committee in the other place:

Complaints could be simply “My light bulb is too hot,” “My potato is not the right size,” “My milk is too cold.” These are things that you would expect a child to complain

about, trying to get attention from a parent or a peer. Those are some of the examples. I actually have a specific example.

She then goes on:

I think it's important to reiterate . . . When you think about a complaint that your potato is too small, your milk or ice cream is too cold, or whatever, these are the complaints that Bill C-293 seeks to address, for obvious reasons.

She then says, regarding the potato example, for instance:

Again, the current system allows that inmate to actually control the entire system. If they don't like the answer, they don't like being told that their potato is not too small, they're going to appeal it and take it to the next level.

Those are the types of complaints this bill seeks to address.

She then goes on to explain the numbers of complaints that these people register.

That sounds interesting. If you file a complaint and it is vexatious or frivolous to that point, one would think the complaint would just be thrown out. The whole system of justice we live under in this country is that one cannot make frivolous and vexatious complaints before a court or an administrative tribunal without ending up paying costs.

I went to the testimony given by Don Head, the Commissioner of the Correctional Service of Canada. Here is the one example that he gave of what he regards as a frivolous grievance; he is the person who will decide now whom to label and whose grievances will not be heard again in the institution:

An individual complains about not getting access to a doctor in a timely way. We go back; we analyze that; we determine that, yes, there probably could have been something that could have been done differently; and we schedule that individual for the next time the doctor comes in. So for all intents and purposes, the issue is dealt with.

The way the law is currently written, that individual, even though the issue has now been resolved, can still file a grievance and just complain about the fact that it wasn't resolved in a timely way by our own admission and carry it on to the next several levels in the grievance system.

• (1520)

Senators, we have two completely different pictures of what a frivolous complaint is: one by the commissioner who will administer this law, and the other by the movers of the motion.

Do we need this legislation?

Some Hon. Senators: No.

Senator Baker: Every time a judge is appointed to the Supreme Court of Canada, as a matter of interest, I go over the judge's record of decisions and read some of the decisions that the judge has made over the years and come to a conclusion about how that judge will behave in the Supreme Court.

A moment ago I found, tucked away in my desk, a decision made by Justice Rothstein when he was a judge of the Federal Court of Canada, before he was appointed to the Supreme Court of Canada. It is on the very point we are talking about regarding a prisoner who made a frivolous complaint. The citation is 1996 Carswell NAT 1976. It answers the question of whether we really need this legislation.

At paragraph 12 he said:

While he has a right to do so, invoking the mechanism of the judicial system for such a trivial matter is close to absurd. There is significant public expenditure involved in a judicial review application, and it is quite apparent that this applicant has no regard for the burden he has placed on the legal system and the Canadian taxpayer. The court has an obligation in these circumstances to demonstrate to the applicant and to signal to potential litigants and counsel that invoking the mechanism of the judicial system for frivolous cases will not be costless. Costs of \$300 are awarded against the applicant. This amount is relatively low. Litigants and counsel should be forewarned that increased awards of costs, including costs against counsel personally, could be made in similar cases in the future.

That is the decision of Rothstein and that is what is determinative in cases where someone pursues a frivolous complaint.

I looked at some of the recent changes in the agreements that nurses have in various associations in Canada. I noted that of recent practically all the nurses associations have the matter of costs incorporated into their proceedings so that if members go ahead with a frivolous appeal, then they bear the brunt of the costs. It says that costs shall be paid if their appeal is frivolous in any way. That is the way the courts have behaved all along.

I give honourable senators the case of *Clarke v. Canada (Attorney General)*, 2005 FC 669, in which the judge awarded the Crown, against the prisoner, \$1,464.55. I suppose that if one were Conrad Black or Martha Stewart, one would not mind that, but there are other ways in our prison system that punishment can be imposed. As honourable senators are aware, remission of time spent, if one has been sentenced to less than two years in jail, is the key penalty for conduct that should not be going on.

This bill will establish in law a procedure for vexatious complainants. That is the term used in the rules of all the courts and administrative tribunals in the country when they go that extra step for vexatious proceedings. I know what the rules of court are. The people who will be appearing as witnesses in the committee will be reading the transcript of this sitting, and I want them to address this problem with this bill.

In all cases where someone is labelled a vexatious complainant, the decision cannot be made by a decision maker *ex parte*; in other words, by him or herself secretly. It has to be made *inter*

parte. The person has to be notified and the person has to be heard in order to have that label. This bill does not do that.

In a decision made in February of this year, *Raymond v. Brauer*, 2012 Carswell Nova Scotia 146, the Nova Scotia Court of Appeal determined that no proceeding concerning a vexatious litigant order can be held *ex parte*, and that is exactly what this bill seeks to do.

Honourable senators, I want to congratulate the government on assigning additional people to the Legal Affairs Committee. We have been joined by Senator White and Senator Dagenais, who are former police officers. They bring a certain expertise to the committee that is very valuable in our work.

Also recently appointed are Senator Ngo, a former citizenship judge, and Senator Paul McIntyre from the province of New Brunswick. Senator McIntyre was a criminal and civil law litigator and the chair of the New Brunswick Review Board, assigned under the Criminal Code. He has incredible knowledge of matters that come before the Legal and Constitutional Affairs Committee and will be of great assistance in enabling us to do our job properly.

As senators know, Senate committees are referenced weekly by our superior courts. The House of Commons committees are not, and there is a reason for that. I will mention what has been referred to in the past couple of weeks by our courts.

The Standing Senate Committee on Human Rights was referenced in a case called *John v. John*, 2012 Carswell Nova Scotia 672. The committee accomplished a great feat with the release of its most recent report concerning whether or not children should be heard in cases of family breakdown where there is a question of custody.

This decision came down on September 14, 2012 from Jollimore J. I will read for honourable senators a sentence from that decision. The judge goes into article 12 of the United Nations Convention on the Rights of the Child. She says at paragraph 9:

Canada signed the *Convention* on May 28, 1990 ratified it on December 13, 1991. It came into force in Canada on January 12, 1992. The *Convention* has not been incorporated into our domestic law (it hasn't been implemented by Parliament), but some (such as the Standing Senate Committee on Human Rights in its November 2005 Interim Report "Who's In Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children", Chair: The Honourable Raynell Andreychuk) have noted "a certain degree of openness by the Supreme Court of Canada to relying on the *Convention on the Rights of the Child* for interpretation purposes".

• (1530)

The courts in Nova Scotia and in the rest of Canada, by custom, do not today and have not respected the rights of the child under varying ages — in some courts it is 14 years while in other courts it is 15 years — to be heard when a custody battle is going on.

The United Nations Convention on the Rights of the Child says just the opposite. The judge quoted paragraph 1 of Article 12, which states:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child . . .

Guess what, honourable senators, the report of the Standing Senate Committee on Human Rights was held in this particular matter, and the children were heard. That is a substantial accomplishment by the committee.

On May 29, 2012, the Standing Senate Committee on Official Languages was noted in a decision in *Canada v. the CBC-Radio-Canada* by Luc Martineau at paragraph 26. The Special Senate Committee on Anti-terrorism, which considered Bill C-36, has been noted in several decisions. The Standing Senate Committee on Legal and Constitutional Affairs was also quoted two months ago in a decision of the Ontario Superior Court. In a decision heard June 18, 2012, in *Friends of the Canadian Wheat Board v. Canada*, the Agriculture and Forestry Committee was referenced at paragraph 56 as to the proceedings before that committee.

As well, Senator Runciman was noted by the New Brunswick Court of Appeal on September 6, 2012. The end of paragraph 21 states:

See, as well, Senator Runciman's observations on topic (Senate, *Proceedings of the Standing Committee on Legal and Constitutional Affairs* . . .

It then gives the session number. I will not go back and read what I heard Senator Runciman say in the committee report, but it is interesting that the Court of Appeal of the province of New Brunswick tells everybody who reads this in their judgment to read what Senator Runciman said.

There was a Federal Court decision just two months ago. A senator had made a remark during a committee hearing when evidence was being given by Mr. Jim Judd of CSIS. The senator remarked that she found that interviewing people in their workplace does not sound like a very good thing to do.

Paragraph 38 states:

The new workplace policy of CSIS was put in place after concerns had been expressed about CSIS's practices at a hearing before the Senate Special Committee on the Anti-terrorism Act in October of 2005.

The director goes on, then a senator speaks, and then Mr. Judd speaks. Paragraph 39 states:

A memorandum dated following the Senate committee meeting on November 23, 2005, signed by W.J. Hooper, Deputy Director of Operations, referred to Mr. Judd's appearance before the Senate Committee and stated that while unannounced workplace visits were a legitimate

investigative strategy, they raised potential controversy features. Accordingly, CSIS employees should exercise good judgment in using their technique and consider alternative interview venues.

A side remark was made by Senator Fraser that changed where CSIS conducts its interviews.

I have one from the Standing Senate Committee on Social Affairs, Science and Technology; and all of this relates to this bill. I am not outside the subject of this bill because it will be referred to committee.

The Federal Court decision in *Jabour v. Canada 2012* refers to the Honourable Diane Finley's appearance before the Standing Senate Committee on Social Affairs, Science and Technology, and it goes on to quote the exchanges that took place in the committee.

Honourable senators, some of us had the privilege of being with Senator Finley when traveling to a foreign nation. I have traveled to a great many foreign nations in the 40 years that I have been on Parliament Hill. I will tell honourable senators that he was incredible. He would give speeches in the morning, at noon hour and in the evening at various gatherings and venues, in which he outlined the Government of Canada. He gave impressive, off-the-cuff speeches, the likes of which I have never seen before. I would suggest that any committee that wants to be able to sit back and watch the proceeding should bring Senator Finley along and assign him the job of giving all the speeches. He did a great job.

Senator Nolin's report on drugs continues to captivate the courts in Canada. Reference was made by the Federal Court this year and also by the Court of Quebec. The Court of Quebec took him and the Senate committee to task, whereas the Federal Court more or less praised or sanctioned the findings of the committee report. The Nolin report continues to be referenced in court cases regularly.

In *R. v. Whatmore*, 281CCC3D95, the Alberta Provincial Court referenced Senator Donald Oliver's speech in the Senate.

The Ontario Court of Justice mentioned Senator Hervieux-Payette in the following way in regards to *R. v. A.M.* The judge said clearly that the people at the Canadian Foundation for Children, Youth and the Law feel that way; so does Senator Celine Hervieux-Payette, who recently tabled a bill that would repeal section 43. It was a private member's bill, yet it received reference in a court proceeding.

• (1540)

The Transport Committee was a big player in a court decision called *Payne v. City of Windsor*. I will conclude with this notation from the hearings of the Standing Senate Committee on Transport and Communications, at paragraph 51. As honourable senators can see, the Senate and the workings of the Senate fill a valuable place in Canadian jurisprudence.

Honourable senators, before I give this last illustration, I might also mention this: There is a clerk at the table by the name is Charles Robert. If honourable senators ever want to know anything about parliamentary privilege and the law, they should

read some of his writings that are available through the Library of Parliament. I want to make note of that because it is very interesting reading. In the past year the most recent one, which is fascinating, is called *Falling Short: How a Decision of the Northwest Territories Court of Appeal Allowed a Claim to Privilege to Trump Statute Law*. It is fascinating reading.

Getting back to my final point, sometimes our courts chastise us. They say that when we pass all these laws and do not explain what we are doing, when there is no question asked about a particular section in committee or a particular subject in the bill is not covered, then judges are left at a loss. At present they rely on the Senate because the House of Commons does not perform a proper legislative function.

Let me now read for honourable senators from a recent decision of the Ontario Court of Justice. It is 98, W.C.B. (2d) 563, *R. v. Ontario*, at paragraph 34. Here is what happens when we do not deal with legislation properly. The judge said:

... there appears to have been little judicial interpretation of any of these sections. ...

This is a new act of Parliament:

... that is of assistance to me in the particular circumstances I am asked to deal with in this application. (I should add that I asked the judicial articling student to look up the Parliamentary and Senate debates and committee reports to see if there was any discussion of this section; she reports that there was no specific commentary as to the Parliamentary intention.

As Senator Joyal and a lot of other prominent lawyers in this place would tell you, honourable senators, a key part of our courts being able to interpret our legislation properly is to know what the intention of the government was — what the intention of Parliament was — in passing a law.

I will leave that with honourable senators and just make the point that the Senate is doing a job that the House of Commons is not doing, and members of the Senate should be congratulated for it. However, we should be ever vigilant to ensure that we supply our courts with the necessary tools for them to do their job.

Hon. Gerald J. Comeau (The Hon. the Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

[Translation]

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): With your leave, honourable senators, I made a mistake earlier. When Motion No. 50 was called, I asked that it be deferred when it should not have been. I am sorry. There was a mix-up in the documentation: the motion did not have the same number in French and English. With your leave, I would like to revert to Motion No. 50.

The Hon. the Acting Speaker: Is leave granted?

[English]

Hon. Joseph A. Day: I sympathize with the honourable senator's difficulty. I suspect he wishes to revert in order to move that the matter be adopted. I was content to leave it adjourned because I have been so busy with Bill C-46. I have not had a chance to review this rather extraordinarily long motion and I would be content if the honourable senator would withdraw his request to revert, otherwise I will have to say no.

[Translation]

Senator Carignan: This may simply delay the pre-study, but it will not be long enough for us to forget about this.

The Hon. the Acting Speaker: Then is leave denied, honourable senators?

Hon. Senators: Yes.

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan, calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I know that Inquiry No. 40 is at day 15. This inquiry stands in the name of Senator Andreychuk, who unfortunately is not here today because she is on a mission outside the country. I know that she would like to speak to Senator Cowan's important inquiry and so I move adjournment of the debate for the remainder of her time.

(On motion of Senator Carignan, for Senator Andreychuk, debate adjourned.)

• (1550)

[English]

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE SENIOR MANAGEMENT AND OFFICIALS OF THE CANADIAN BROADCASTING CORPORATION—DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of June 29, 2012, moved:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view of the importance of

(a) Radio Canada International as the voice of Canada around the world; and

(b) short wave radio in oppressed regions worldwide that are denied access to the Internet.

He said: Honourable senators, I move this motion as a friend and supporter of Radio-Canada International but also as a friend and supporter of public broadcasting in Canada. It was in 1985, after the election of the Mulroney Progressive Conservative administration, that a group of Canadians from different walks of life, including Adrienne Clarkson; Peter C. Newman; Lois Wilson, the former moderator of the United Church of Canada; Keith Morrison; the Rev. David MacDonald; David Suzuki and others gathered to form the FRIENDS of Canadian Broadcasting to organize, advance and protect the role of public broadcasting in Canada, including Radio-Canada, CBC, TVO and others. It was a privilege to be a part of that group.

The fact that the Mulroney Progressive Conservative administration increased the amount of CBC TV networks, built a new state of the art broadcast headquarters in Toronto, made other investments in the CBC and Radio-Canada and began the important commitment to TV5 speaks to the broad and non-partisan place of public broadcasting in the mixed market economy and pluralist society that Canada has become.

[Translation]

I would like to congratulate Senator Andrée Champagne, who is part of this government, and Senator Marjorie LeBreton, who was the Deputy Chief of Staff to the Prime Minister at the time. Both have made a great contribution to this important area.

[English]

My concern is not that CBC senior management decided to reduce RCI's budget. I would have preferred that CBC had not received a 10 per cent cut. Facing a 10 per cent cut, however, it is understandable that CBC management sought economies in the corporation. My concern is that, when a 10 per cent cut in the core grant produces an 80 per cent cut in one service, a vital and important international service, someone has made a focused and direct choice to target one aspect of the network for effective shutdown. While the management and the board of the CBC are and should be at arm's length and while they make their own

choices, that does not mean that they are not accountable for the choices they make. One area of accountability should be facing questions from this chamber, as well as the other chamber of Parliament, when necessary.

When a shortwave service, which has been serving the Canadian ideal, Canada and the world, is closed after 67 years, this is not a trivial administrative decision. When a service that could reach around the world is cut to an Internet-based service that will be accessed by only a fraction of the world and only the wealthier fraction at that, this is not a trivial decision. When the separate programming base that produced a global Canadian program mix for RCI, which was shaped for an international audience, becomes a derivative, Internet-based, repeater station, that is also not a trivial decision.

Did anyone afford listeners or Canadians generally a policy paper or plan of action before the announcement was made? No. Were different options for RCI discussed internally? No. Was there a plan to see if different Canadian broadcasters might wish to collaborate on a reconfigured international service? No.

Acting as ruthlessly and capriciously as a private broadcaster that only matches mission with income and avoids more challenging missions might be the CBC's idea of the rational way ahead. However, if they are going to cut and slash as a private broadcaster might, why do we need a public broadcaster? If it is all about news, hockey and the bottom line, there are private broadcasters who can fill this role at an even greater savings to the Canadian taxpayer. That would not be what I would ever hope for. However, every time the CBC pretends to have no greater duty to its audience than a private broadcaster might, it is the CBC that validates the private option. I believe that a committee of this chamber or a Committee of the Whole, as is in the motion, might well call the CBC management before it to address a few questions that fly in the face of this CBC management decision. I will conclude with these brief questions.

Why has RCI been on the CBC's own cut agenda since 1991?

What are the foreign and trade policy impacts of denying China Radio International use of our transmitters, which will happen when Sackville is closed? What are the implications of that? When was the decision made to let them use our facilities and at what cost?

Will CBC management consult with the broader community, including the residents of Sackville, New Brunswick, with respect to the disposition of those transmitters?

Why did we have fewer program hours on our international shortwave service, long before the cuts, than the BBC, Voice of Russia, Deutsche Welle, Radio Cairo, All India Radio, NHK World Radio Japan, Radio France Internationale, Voice of Turkey, Radio Pyongyang, Radio Bulgaria, Radio Australia, Radio Tirana, Radio Romania International, Radio Exterior de España, RDP Internacional, Radio Havana and Radio Italia.

Shortwave service and listeners are increasing massively, according to the BBC. In China, production of shortwave radios cannot keep up with demand worldwide, Grundig's production cannot keep up either. Yet we are exiting this medium of transmission. Why?

There is no limit to who can listen to shortwave, yet world Internet usage, while growing, has no such potential or present reach. In Africa, less than 20 per cent have access to the Internet. In Asia, it is less than 30 per cent. In the Middle East, it is less than half. In developing countries, the percentage is even higher. When dictatorships do not like a message on the Internet, they simply block it, as RCI's message is now blocked in the People's Republic of China and was blocked by the former Egyptian regime before a form of democracy ensued in that country. Does the end of creative programming for the international community represent a CBC decision that the international world no longer matters to the CBC or to Canada?

Was there no middle ground, no more modest cutting scenario possible, aligned with the actual 10 per cent cut as opposed to the shutdown? Was an 80 per cent cut the only rational option?

Honourable senators, I commend the motion before you for your consideration and assessment and hopefully your engagement and debate.

I know that there are cultural and artistic aspects that I have not discussed but that others are planning to, with more expertise than I could bring to bear on that issue. I look forward to others participating either in the debate on this motion or before hearings that may occur based on its provision. It may well be that CBC management has decided to move on, to make RCI and its message of freedom, dissent, diversity, democratic debate and robust cultural creativity a thing of the past.

• (1600)

I would hope that when arrogance reflects no will to consult, no will to array options, no openness to look for less draconian

solutions when it crests on an issue like this, even within a proud, compelling and high-quality public broadcaster, which the CBC is, at least in this chamber there will be some will to ask some very tough questions.

Some Hon. Senators: Bravo!

(On motion of Senator Champagne, debate adjourned.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 30, 2012, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned to Tuesday, October 30, 2012, at 2 p.m.)

CONTENTS

Thursday, October 25, 2012

	PAGE		PAGE
SENATORS' STATEMENTS		Foreign Affairs	
Autism Awareness Month		Canadian Election Observers in Ukraine.	
Hon. Jim Munson	2679	Hon. Pierre De Bané	2684
Special Olympics Canada		Hon. Marjory LeBreton	2684
Hon. Vernon White	2679	National Defence	
Statistics Canada and Minority Francophone Communities		F-35 Secretariat.	
Hon. Maria Chaput	2679	Hon. Wilfred P. Moore.	2684
Visitors in the Gallery		Hon. Marjory LeBreton	2684
The Hon. the Speaker.	2680	Veterans Affairs	
Ms. Annaleise Carr		Services and Benefits.	
Hon. Doug Finley	2680	Hon. Wilfred P. Moore.	2685
University of Alberta		Hon. Marjory LeBreton	2685
Aboriginal Gathering Place.		Hon. Percy E. Downe.	2685
Hon. Claudette Tardif	2681	International Trade	
Wolf Trax Innovative Micronutrients		Canada-Europe Negotiations.	
Hon. JoAnne L. Buth.	2681	Hon. Jean-Claude Rivest.	2686
General Walsh Memorial Sword Award		Hon. Marjory LeBreton	2686
Hon. Rose-May Poirier.	2682		
Visitors in the Gallery		ORDERS OF THE DAY	
The Hon. the Speaker.	2682	Question of Privilege	
		Speaker's Ruling Reserved.	
ROUTINE PROCEEDINGS		Hon. Elizabeth (Beth) Marshall	2687
Study on the Use of the Internet, New Media and Social Media		Hon. Céline Hervieux-Payette	2687
and the Respect for Canadians' Language Rights		Hon. Claude Carignan	2687
Fifth Report of Official Languages Committee Tabled.		Hon. Grant Mitchell.	2688
Hon. Maria Chaput	2682	Hon. Wilfred P. Moore.	2688
Canada Post Corporation Act (Bill C-321)		Hon. Claudette Tardif	2688
Bill to Amend—First Reading.	2683	Hon. Terry Stratton	2688
Canada-Europe Parliamentary Association		Hon. Anne C. Cools.	2688
Annual Session of the Parliamentary Assembly of		Hon. Maria Chaput	2689
the Organization for Security and Co-operation in Europe,		Hon. Pierre Claude Nolin	2690
July 5-9, 2012—Report Tabled.		Hon. Terry M. Mercer	2690
Hon. Ghislain Maltais	2683	Hon. Joseph A. Day.	2690
		Corrections and Conditional Release Act (Bill C-293)	
QUESTION PERIOD		Bill to Amend—Second Reading.	
Aboriginal Affairs and Northern Development		Hon. George Baker	2691
Barriers to Post-Secondary Education for First Nations Students.		Referred to Committee	2695
Hon. Claudette Tardif	2683	Business of the Senate	
Hon. Marjory LeBreton	2683	Hon. Claude Carignan	2695
		Hon. Joseph A. Day.	2695
		Charter of Rights and Freedoms	
		Inquiry—Debate Continued.	
		Hon. Claude Carignan	2695
		The Senate	
		Motion to Resolve into Committee of the Whole to Receive	
		Senior Management and Officials of the Canadian	
		Broadcasting Corporation—Debate Adjourned.	
		Hon. Hugh Segal	2696
		Adjournment	
		Motion Adopted.	
		Hon. Claude Carignan	2697

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