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(HANSARD)

Tuesday, November 27, 2012

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Tuesday, November 27, 2012

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

Prayers.

SENATORS' STATEMENTS

MR. MARK CARNEY

CONGRATULATIONS ON APPOINTMENT AS GOVERNOR OF THE BANK OF ENGLAND

Hon. Nick G. Sibbeston: Honourable senators, in the last 24 hours there has been much ado about the announcement that Mark Carney is to become the Governor of the Bank of England. Mr. Carney was born in the Northwest Territories and lived for many years in Fort Smith and Yellowknife. My wife and I were friends with his parents and often saw him as a young man.

I am not surprised by his success. He comes from a very good family. His father, Bob Carney, worked as a civil servant for the Government of the Northwest Territories in the field of education and was instrumental in helping set up the first Aboriginal-run school in Canada at Rae-Edzo, which is now Behchoko. He was very instrumental in helping Aboriginal people in that period. He later became a professor at the University of Alberta at Edmonton.

On a personal note, the elder Mr. Carney gave me my first summer job when I was at university. It is nice to be able to repay him for that today by honouring his son.

Mark eventually left the North and went on to a stellar academic career at Oxford University and held senior positions at Goldman Sachs and the Department of Finance, and finally became the Governor of the Bank of Canada. I ran into him last spring at a hockey game here in the city, and we had a nice conversation about my friendship with his parents. It is clear that he still remembers and values his northern roots.

Mark Carney's departure is a great loss for Canada but an even greater gain for England. I am certain that he will excel as he always has. I wish him all the best in his new challenge.

[*Translation*]

LES SŒURS AUGUSTINES HOSPITALIÈRES DE LA MISÉRICORDE DE JÉSUS

Hon. Josée Verner: Honourable senators, I rise today to share with you a major historic project that is currently being carried out in Quebec City to preserve the invaluable history and heritage of the sœurs Augustines hospitalières de la Miséricorde de Jésus.

The purpose of this project, entitled the Augustinian Graven in Our Memories project, is to bring together the religious artifacts of 11 other Quebec monasteries in this community at the

Hôtel-Dieu de Québec monastery in order to make them accessible to the public. The project involves restoring the building so that it can still be used for religious purposes, while also housing a museum, an archives centre, a retreat centre and a space for cultural and social activities.

Honourable senators, the history of the sisters of the Augustinian Order is closely related to that of New France and French Canada. On August 16, 1637, King Louis XIII of France adopted a charter, which will be on display at the monastery, authorizing this religious community to establish the first hospital in New France and North America. On August 1, 1639, three sisters of the Augustinian Order arrived in Quebec City to implement this project, which was important to the young French colony's survival and growth. In 1644, they chose the current site of the Hôtel-Dieu de Québec for the construction of the hospital, which was run by the community until 1962. The current monastery was built in 1695, and both it and the hospital were designated a national historic site of Canada in 1936.

Over the course of their history, the sisters of the Augustinian Order also founded 11 other hospitals in the Quebec City region and the eastern part of the province.

Honourable senators, the Augustinian Graven in Our Memories project, whose cost is estimated at \$36 million, was announced in 2005, when a Quebec parliamentary commission was held on the preservation of Quebec's religious heritage.

In October 2009, I announced a joint investment of \$30 million by the Government of Canada and the Government of Quebec to carry out this project, \$15 million of which was provided by the federal government through the Building Canada Fund-Quebec. Quebec City also provided \$6 million to complete the funding package.

On November 16, I had the pleasure of visiting the monastery with the Prime Minister of Canada in order to see how the meticulous restoration work is progressing. The project is scheduled to be completed by the fall of 2014.

And so, starting in the spring of 2015, I invite all honourable senators and all Canadians to visit this symbolic site in old Quebec City, which will honour the work and devotion of the sisters of the Augustinian Order, who have dedicated their lives to easing human suffering in Canada and North America for over 370 years.

[*English*]

THE HONOURABLE CATHERINE S. CALLBECK

THE POLITICS OF PRINCIPLE

Hon Elizabeth Hubley: Honourable senators, I am pleased to rise today to congratulate a fellow senator and friend.

Senator Catherine Callbeck, who is often referred to as a trailblazer for having broken down many barriers when it comes to women in politics, has received the rare honour of having a comprehensive biography published about her life.

This past weekend a book launch was held in Prince Edward Island for the book published by Wayne MacKinnon, an Island historian and political scientist. The book, titled *The Politics of Principle*, details Senator Callbeck's career from her first public involvement as a volunteer in her local community through to her election as Canada's first female premier and her service in the Senate of Canada.

Many of you may know much about the senator's public life, but I encourage you to pick up a copy of the book to learn about her early life, as the book discusses the family and community influences that have made her what she is today. The book will be available at Indigo and Coles stores.

Congratulations, Senator Callbeck.

PARLIAMENTARY CONFERENCE ON THE WORLD TRADE ORGANIZATION

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to the 2012 Parliamentary Conference on the World Trade Organization that was held in Geneva earlier this month. The event was co-organized by the IPU and the European Parliament. This annual gathering allows parliamentarians to engage in trade issues, and our presence in the WTO ensures more legitimacy and democracy.

As Pascal Lamy, Director-General of the WTO, said at our conference:

The link between the House of Parliament [the IPU] and the House of Trade [the WTO] is extremely important to the WTO for one simple reason which is that we believe we are accountable to parliamentarians.

He went on to say:

We believe that this accountability and your own engagement and involvement in our trade issues are a good way to strengthen the multilateral trading system and providing legitimacy for what we do.

I had the honour to serve once again as the chairman of this global conference in Geneva. The theme was "Back to basics: Connecting politics and trade."

• (1410)

More than 250 parliamentarians from nearly 70 countries, including China, Germany, France, India and Brazil, and parliamentary experts specializing in trade issues attended this highly successful two-day conference.

The conference was designed, among other things, to provide strong political leadership on trade and economic policy. We met with fellow parliamentarians, academics, WTO officials,

[Senator Hubley]

ambassadors and government negotiators. Together, we debated trade as a tool of economic growth, job creation and poverty alleviation.

Honourable senators, this annual conference demonstrates the important role legislators can and must play in the formulation of integrated and coherent national trade, industry, labour market and social policies. As Mr. Lamy said, one of the objectives is also to enhance external transparency of the WTO and to hold this intergovernmental organization accountable to legislators.

The conference culminated in the adoption of an outcome document on what is needed to achieve a fair and balanced multilateral trading system. The 12-point document stresses the importance of an enduring value of multilateralism. One of the key points read, in part:

We reaffirm our commitment to a universal, rules-based, open, non-discriminatory and fair multilateral trading system that can effectively contribute to economic growth, sustainable development and employment generation.

The signatories of this document also reiterated our concerns at the lack of progress in the Doha Round of trade negotiations and insisted on the need for a political response to the situation. We believe that a balanced, ambitious, comprehensive and development-oriented outcome of the round is a goal that should be actively pursued for the benefit of all parties.

Honourable senators, Director-General Lamy suggested there have been "signs of momentum" and that the main players were demonstrating a "collective desire to re-engage." This is good news for the Doha negotiations.

Honourable senators, as chairman of the conference, I believe it is important for the WTO to have a parliamentary dimension where we, as parliamentarians, can ensure parliamentary oversight. The WTO can benefit from the unique perspective that parliamentarians of the world can bring to it.

ROUTINE PROCEEDINGS

COMMONWEALTH PARLIAMENTARY ASSOCIATION

EXCO MEETING, DECEMBER 8-9, 2011—
REPORT TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the EXCO Meeting, held in London, United Kingdom, from December 8 to 9, 2011.

MID-YEAR EXCO MEETING,
APRIL 16-21, 2012—REPORT TABLED

Hon. David P. Smith: Honourable senators, I also have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Mid-Year EXCO Meeting, held in Nuku'alofa, Tonga, from April 16 to 21, 2012.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CURRENT STATE OF SAFETY ELEMENTS OF BULK TRANSPORT OF HYDROCARBON PRODUCTS

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the current state of the safety elements of the bulk transport of hydrocarbon products in Canada. In particular, the committee shall be authorized to:

Examine the life cycle of hydrocarbon transmission pipelines across Canada, including but not limited to pipeline design, construction, operation, spill response and abandonment;

Examine the federal and provincial/territorial roles in hydrocarbon transmission pipeline oversight, including but not limited to legislation and regulations, standards, integrity management systems, monitoring, compliance and verification activities and incident response plans;

Examine the federal and provincial/territorial roles in ensuring the safety of the movement of hydrocarbon products via marine tanker vessels, including but not limited to legislation and regulations, standards, inspection and enforcement measures, risk management systems and incident response plans;

Examine the federal and provincial/territorial roles in ensuring the safety of rail transportation of hydrocarbon products, including but not limited to legislation and regulations, standards, inspection and enforcement measures, risk managements systems and incident response plans;

Examine and compare domestic and international regulatory regimes, standards, and best practices relating to the safe transport of hydrocarbons by transmission pipelines, marine tanker vessels and railcars, and

Recommend specific measures to enhance the safety elements of the bulk transport of hydrocarbon products in Canada.

That the committee submit its final report no later than June 30, 2013 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*Translation*]

PARLAMERICAS

MEETING OF THE BOARD OF DIRECTORS,
MAY 11-12, 2012—REPORT TABLED

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

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian section of ParlAmericas, respecting its participation at the 28th meeting of the Board of Directors, held in Valparaiso, Chile, on May 11 and 12, 2012.

[*English*]

EXECUTIVE COMMITTEE MEETING AND PLENARY
ASSEMBLY, AUGUST 29-SEPTEMBER 1, 2012—
REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I also have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation at the Twenty-ninth Executive Committee Meeting and the Ninth Plenary Assembly, held in Panama City, Panama, from August 29 to September 1, 2012.

QUESTION PERIOD

INDUSTRY

2011 NATIONAL HOUSEHOLD SURVEY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate and has to do with the National Household Survey that replaced the mandatory long form census.

On October 5, 2011, more than a year ago, I asked the leader a question regarding the response rate to this household survey conducted during 2011. The leader took that question as notice. I have not received an answer, so I wanted to return to the issue today, if I might, honourable senators.

There were reports in July last year that the response rate to the voluntary household survey was around 69 per cent, and that was later revised to a little over 68 per cent. However, some census workers reported that respondents were not fully completing the surveys, some with fewer than 10 out of 84 questions completed. I think we all agree that this completion rate would affect the utility and accuracy of the survey.

My question then, and remains now, is can the leader provide some information as to how many surveys of those 69 per cent were fully completed. The leader took that question, I will remind her, as notice and she said:

However, I am quite sure that if people were filling out the long-form census, then they would not fill out two or three questions and send in the form. They would fill out the whole form.

My question is a repeat of the question I asked a year ago, and that is: Can the leader provide any information as to the extent to which those households completed the complete survey, if I can put it that way?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

• (1420)

Statistics Canada has posted the final response rates for the 2011 National Household Survey at the national, provincial, territorial and local levels. The final weighted response rate for the National Household Survey was 78.3 per cent nationally, and this is completely comparable to response rates from other voluntary surveys conducted in the past by Statistics Canada.

Senator Cowan: Honourable senators, there were reports in September, indeed on September 24, indicating that in 12 per cent of communities, the response rate was less than 50 per cent. Many of those communities are the very kinds of communities for which organizations and governments rely on and have relied on census information are most concerned; that is, at-risk communities, Aboriginal communities, communities of older persons or the poor and less-well-off in our society. Those are, as I am sure the leader would agree, critical communities and critical parts of our demographic that we need to know more about in order to make appropriate decisions regarding hospitals, schools, health care and many other kinds of things.

Does it not concern the leader that for almost 12 per cent of those types of communities, the response rate for completed surveys was less than 50 per cent?

Senator LeBreton: Honourable senators, all I can report is what Statistics Canada has said publicly, and that is that the National Household Survey is yielding and will yield useful and usable data that will meet the needs of users.

With regard to the methodology or the response rate, I would encourage any senator or anyone who has a question to direct it to Statistics Canada. All I can report is that Statistics Canada has given us the response rate and has said publicly that this is useful and usable information that will meet the needs of users.

Senator Cowan: Honourable senators, I am not disputing it is useful information. The question is: How useful is the information? I think the information that was provided under the mandatory long-form survey was reliable because it was mandatory and because there were complete answers. What this information seems to indicate to me is that because it is voluntary,

there might have been the same response rate, but the response rate of completed surveys and completed surveys from the most vulnerable portions of our society is not as complete as it should be.

I will provide a quote from the former Chief Statistician, when this issue was being discussed before and the government had made its decision to move away from the mandatory survey to the voluntary household survey. He said:

The reason we take the census is not to get the data for the whole of Toronto. The point is to get small area data.

My whole point was, and still is, that some data will be good, and some will be bad. We won't know which is which.

That is the point, honourable senators. The point is that without completed surveys from larger sections of our society, particularly those sections that I am sure the leader will agree we need to have more information about, then the decision makers, including governments, will not have the raw data they need to make the best decisions they can. I wonder whether the leader does not share my concern.

Senator LeBreton: Actually, I do not, especially when Statistics Canada has said themselves that it is useful and usable material. The response rate was very good. It was on par with what was the case before. We did have evidence previously that even with the mandatory long form, there were whole communities that refused to respond.

The census and census data; the short form, which every Canadian fills out; and the long form, which is voluntary, have had a high response rate. I can only rely on what Statistics Canada says themselves, that this is useful and usable material.

HEALTH

NATIONAL FOOD STRATEGY

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. It is about hunger in this country.

Hunger in Canada is not something we often think about. We think of hunger at times in terms of famine in far-off lands like those of West Africa, where 23 million people, primarily in Mali and Niger, recently faced a food crisis. However, there is a sobering reality and that is that close to 900,000 Canadians are assisted by food banks each month.

Honourable senators and the leader may recall that the government shrugged off the conclusions reached by the United Nations Special Rapporteur on the Right to Food, Olivier De Schutter, who conducted an official investigation into food security in Canada last May. To remind honourable senators, he found that Canada is ignoring hunger within its own borders and that 800,000 households lack the wherewithal to ensure there is proper food on the table each and every day. There were a number of recommendations in his report, such as increased affordable housing, increased social investment in the North,

ensuring adequate pensions for the most vulnerable seniors, investing in supportive quality social assistance programs, and acting to address the decline in well-paying jobs.

How is the government responding to these recommendations? What specifically is being done to combat hunger in Canada?

Hon. Marjory LeBreton (Leader of the Government): First, honourable senators, the UN Rapporteur who came to the country did not — as I think any reasonable person would know — reflect the reality in Canada.

Obviously, the situation with some people in the country is not a good one. The use of food banks is something that is of great concern. However, as I have outlined many times, honourable senators, the many programs the government has undertaken on the child poverty issue through programs to assist families. Even though Canada's record is one of the best in the world, there are still some people who fall below the line that is acceptable and the government will continue to work with the provinces in that regard.

Of course, as honourable senators know, massive sums of money are transferred to the provinces and the territories with regard to a lot of the social assistance that is required to help these families. It is not correct to say that any government, most particularly this government, is not doing everything possible to alleviate this problem.

Senator Munson: Honourable senators, here is the reality in Canada. These figures come from Hunger Count 2012: 93,000 people each month access a food bank for the first time; 11 per cent of people assisted are Aboriginal; 52 per cent of households helped receive social assistance; 18 per cent of income is from current or recent employment; 14 per cent receive disability-related income supports; 14 per cent of food banks ran out of food during the survey period; and 55 per cent of food banks needed to cut back on the amount of food provided to each household.

Last Friday, we held a National Child Day event here with Senator Martin and Senator Mercer, and we had a spokesperson from the food bank. Here is another reality check, honourable senators: once again, 900,000 Canadians are using food banks on a monthly basis, of which 38 per cent are children and youth. In a country as wealthy as Canada, this is unacceptable. Would the leader not agree that this is unacceptable?

Some Hon. Senators: Hear, hear.

Senator LeBreton: Honourable senators, I personally participate in my own community by donating money to food banks. They provide a great service to those in need in various communities.

However, the government works extremely hard with our provincial and territorial counterparts for programs we have put in place to address the issue of child poverty. Of course, as I have said — and I hope the honourable senator agrees — the best way to alleviate poverty or child poverty is to provide good-paying jobs for the parents of these children.

As a result of the actions of this government, over 820,000 jobs have been created since July 2009.

• (1430)

We introduced the Working Income Tax Benefit, and it helped 1.5 million Canadians in 2011.

We invested significant funds in training to get Canadians back to work in 2009-10 helping over 1.2 million people.

We increased the amount families and the two lowest personal income tax brackets can earn before paying taxes. A typical family now has \$3,000 more in its pockets. Over 1 million low-income Canadians do not pay income taxes at all anymore.

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

We obviously continue to work with our provincial counterparts and assist the social and private sectors, which are in the best position to tackle local challenges such as homelessness, unemployment and poverty. All of us individually do our part in this regard and so does the government.

Senator Munson: The leader has her statistics, and I have mine. These are real people. These are children. These are 900,000 Canadians. The leader can recite her statistics, and perhaps her government is doing some good work in some fields. I will acknowledge that, but let us take a look at these statistics. It is still a reality check.

People are going hungry in this country; children are going hungry in this country. A recent report from Toronto's medical officer of health stated:

Children who live in food-insecure households are more likely to have growth and developmental problems, be susceptible to illness and perform poorly in school, compared to children who are food-secure.

Adequate nutrition is also key to youth mental health. Psychiatrists even advise that the first two mental health questions asked of youth ought to be "How did you sleep last night? Have you eaten today?"

Honourable senators, I do not have a question at the end of this supplementary, but the leader has heard these two questions, and, as my colleague would say, they speak for themselves.

Senator LeBreton: The statistics that I stated regarding the over 820,000 jobs that were created are about real people, too. The government's various programs and various measures make it easier for low-income Canadians to keep their hard-earned money, if they have the ability to earn their own income. We also have employment insurance programs and programs to help families with disabled children. However, when I cite these

statistics and the honourable senator says he was talking about real people, I am talking about real people, too. These are real people who have benefited from the programs of the government.

Obviously, there is always more to be done. Not only the government but also the various agencies and the various levels of government work extremely hard, as we see in our own community here, to ensure that no one goes hungry.

VETERANS AFFAIRS

RESERVISTS—VETERANS OMBUDSMAN

Hon. Wilfred P. Moore: Honourable senators, my question is also for the Leader of the Government in the Senate. Today we learned that another ombudsman is running into roadblocks while trying to obtain information from the government. The subject that the military ombudsman is looking for relates to the part-time reservists who suffered dismemberment while in the service of Canada. I know it has been demonstrated in the past that it is not easy for the government to divulge information to anyone, let alone matters that pertain to our veterans. It confounds me as to why the military ombudsman would have to be frustrated and stonewalled when he is seeking information that relates to those who have suffered horrific injuries in service of our country. We should all be on the same page in this situation.

Why does the government find it so difficult to use common sense, do the right thing, and give the information to the military ombudsman?

Hon. Marjory LeBreton (Leader of the Government): First of all, honourable senators, obviously, reservists play an important and vital role in the Canadian Armed Forces, and the government is fully committed to ensuring fair and equitable treatment of all members, including the reservists. As Minister MacKay has said on many occasions, the department has taken action on 10 of the 12 recommendations made by the ombudsman. The honourable senator is quite incorrect when he says we are not responding to the ombudsman. We obviously are. We are continuing to work on the remaining two recommendations.

With regard to the access of the military ombudsman, the Department of National Defence maintains a productive and transparent relationship with the ombudsman. Obviously, the government and the Department of National Defence respect the work of the ombudsman. National Defence will continue to cooperate with his office within his mandate and within the law.

Senator Moore: I do not know where to start. This is so bad. We have the Minister of National Defence and the Treasury Board declaring that the records are secret because they are deemed to be of cabinet confidence, a designation that surprised everyone.

The ombudsman is trying to work for the good of the veterans. He is not trying to embarrass the government. He is merely trying to make life better for those who have served, have suffered injury and are looking for a better deal, which was promised by the Department of National Defence.

Citing cabinet confidence in a case like this is tantamount to telling the ombudsman to mind his own business, which, by the way, is exactly what he is trying to do.

[Senator LeBreton]

Why does the government choose time and again to put its interests ahead of those who have served our country? I do not understand it.

Senator LeBreton: The honourable senator obviously did not listen to my answer when I said the ombudsman had made 12 recommendations to the government. We have already taken action on 10 and are working on the remaining two. As well, the Department of National Defence will continue to cooperate and work with the ombudsman. We do thank him for his great work on behalf of veterans. We will continue to cooperate with his office within his mandate and within the law.

Senator Moore: I do not understand why this information is of cabinet confidence. This is a matter to help the vets. DND is supposed to be looking after that. They are supposed to be working this out with Treasury Board. For the love of me, I do not know why this would be considered to be a cabinet confidence. It is not a state secret. The people have served, they have suffered injury and they are looking for a deal promised to them. Why can the government not sit down and work this out, remove that label and let the military ombudsman do his job?

Senator LeBreton: As I just said, honourable senators, the ombudsman is doing excellent work, and the government is cooperating and will cooperate within his mandate and within the law.

Senator Moore: That is what the leader is saying, but that is not what is happening in reality. It is not unlike the situation where the Parliamentary Budget Officer has to go to court to get the information he needs to fulfill his mandate. There is a pattern here, honourable senators, and I do not think it is good for Canada. It is not good for our veterans. I want to know why this issue is considered to be of cabinet confidence.

Senator LeBreton: I know Senator Moore will not accept my answer, but I repeat that the ombudsman and the Department of National Defence are working in the interests of our veterans and our reservists, and the Department of National Defence will continue to work closely and cooperate with the ombudsman within his mandate and within the law.

• (1440)

NATURAL RESOURCES

PROPOSED PIPELINE PROJECTS

Hon. Grant Mitchell: Honourable senators, there is one unrelenting fact about this government's inability to really produce and manage this economy adequately and properly. After seven years in power, this government, in energy-rich Canada, has been unable to see a pipeline built that could diversify our energy markets. Imagine that. After seven years, they cannot deliver. Excuses and spin — but leadership is not about excuses and spin; it is about results.

Now the business community is on to them and is making the point that one of the reasons why they have been so incompetent in getting that pipeline is because they are not taking an active role at the national level in mediating interprovincial disputes.

Murray Edwards, Chairman of Canadian Natural Resources Limited, a hugely influential oil person, says that “The federal government, I believe, can be the honest broker, the independent party that can arbitrate” between the competing interests among provinces, notably British Columbia and Alberta.

Why is it that great leaders would be after that and trying to fix that in a leadership role in an instant, but this Prime Minister simply shirks his responsibility and runs from what he needs to do, and from what everyone in the business community knows he needs to do?

Hon. Marjory LeBreton (Leader of the Government): As the Prime Minister said himself, honourable senators, obviously the decisions with regard to the construction of pipelines will be subject to independent, comprehensive evaluations conducted by scientists. That is the process that the government is committed to. There are, obviously, a lot of people with a lot of points of view on this, but the fact of the matter is that we will rely on science before any decision is made.

Senator Mitchell: Honourable senators, he will let scientists make this decision, but not allow scientists to make decisions about climate change.

The fact of the matter is that scientists will not make that decision; it will be a political decision. Right now, it is bogged down in a dispute between two politicians: the premiers of B.C. and Alberta.

Why is it that when the business communities from Alberta and the energy business community are calling for assistance, begging for leadership from the Prime Minister, this vaunted leader, he will not at least meet with the two of these premiers at the same time, sit down and see if he can work something out so we can make some progress in building infrastructure in the country? What is the matter? Is the man incompetent?

Senator LeBreton: There is good news in this, honourable senators. For the first time — I think the second time in the Senate — Senator Mitchell is actually speaking on behalf of the people of Alberta, which is a nice change.

Some Hon. Senators: Hear, hear!

Senator LeBreton: Of course the Prime Minister knows — and obviously Senator Mitchell would know or should know, because he was the leader of a political party and leader of the opposition in the province of Alberta — that the construction of pipelines is a process that involves Aboriginals, the provinces, and business and has environmental impacts. As the Prime Minister and the Minister of Natural Resources have said, all of these processes are under way, but we will rely ultimately on the recommendations of the scientists before proceeding.

Senator Mitchell: The leader did not quite finish the list. It involves Aboriginals, provinces and individual Canadians, but it also involves the federal government and the Prime Minister — except in this case it does not happen to involve the Prime Minister. He should get after it and provide some leadership.

Here is another point. Mr. Edwards said that decisions on building new pipelines and the oil sands development they would enable are “going to come from all Canadians,” and that the federal government could provide “a more national view. . .” He underlines what emerged from the group that he was speaking with, namely, that Canada must view access to energy markets as a national priority.

How could it be that a government that would seemingly understand that this is a national priority would have a Prime Minister who will not meet with the premiers of B.C. and Alberta and would not even meet with the national premiers when they met last week in Halifax, despite the fact that they asked the Prime Minister of this country to come and meet with them? How will this work? Will it just be a series of 13 separate groups in this country living together and not married in any way? Or, could the Prime Minister actually see his role in bringing people together, bringing provinces and territories together, to do something great about developing a national energy strategy in this country?

Senator LeBreton: The fact is that the Prime Minister, right in this very city, met with the Premier of Alberta last Monday, I believe it was. He has met many times with the Premier of British Columbia. In fact he has had 250 meetings and phone calls with premiers. The Premier of Saskatchewan did not go and meet with the premiers at their Halifax meeting. The fact is there has been a lot of good, quality, solid work done in meetings between the Prime Minister and the various premiers of the provinces and territories.

With regard to the Prime Minister’s energy bona fides, the Prime Minister has spoken about this not only here in Canada but around the world and has been very clear about Canada’s potential as an energy superpower. That is why Minister Fast and other ministers are opening up trade agreements, so we are not reliant on the U.S. exclusively.

Again, honourable senators, I can guarantee that if the Prime Minister were to step over the good work that is being done by the scientists on this, Senator Mitchell would be the first one on his feet screaming his lungs out.

Senator Mitchell: Can honourable senators imagine these meetings, and the Prime Minister saying, “Premier Clark, could you please tell the Premier of Alberta, Premier Redford, the next time that you see her, that that is what I think about this issue?” A couple of weeks later, he would meet with Premier Redford and say, “Premier Redford, could you please tell Premier Clark, the next time that you see her or talk to her, what I think about this issue? You know what? I really think you two should get together.”

What kind of leadership is that? Can the man not just ask the two of them to come to Ottawa — or maybe he could go to Edmonton, or Calgary, or Vancouver, or somewhere in between for that matter — and just sit down and arbitrate? It is not me asking; it is one of most significant and powerful energy industrialists in this country, Murray Edwards, asking, “Can you not provide some national leadership?” It is urgent and important and you have gone AWOL, Mr. Harper.

Senator LeBreton: He absolutely has not gone AWOL. Honourable senators, I do believe that the Premier of Alberta, Premier Alison Redford, and the Premier of British Columbia, Christy Clark, are very well aware of each other's views and of the Prime Minister's views. I do not think there is any conflict there.

Senator Mitchell: How do you define "conflict"? They are not getting along. They need someone to arbitrate.

Senator LeBreton: I am almost tempted to call that a sexist comment.

The fact of the matter is that we have a very strong person as Premier of Alberta; we have Christy Clark as the Premier of British Columbia. Obviously, they represent the interests of their provinces. In the Prime Minister's dealings with them, they were very well aware of the federal government's position, as they are of each other's positions. I do not think there is any great secret about of how all of them interact with each other.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Jaffer on June 7, 2012, concerning human trafficking.

PUBLIC SAFETY

HUMAN TRAFFICKING—VICTIM SERVICES

(*Response to question raised by Hon. Mobina S.B. Jaffer on June 7, 2012*)

On June 6, 2012 the Government launched Canada's National Action Plan to Combat Human Trafficking.

Canada's National Action Plan, with participation from 18 federal departments, is a comprehensive blueprint to guide the Government of Canada's fight against the serious crime of human trafficking.

The National Action Plan will:

- Launch Canada's first integrated law enforcement team dedicated to combating human trafficking.
- Increase front-line training to identify and respond to human trafficking and enhance prevention in vulnerable communities.
- Provide more support for victims of this crime, both Canadians and newcomers.
- Strengthen coordination with domestic and international partners who contribute to Canada's efforts to combat human trafficking.

These new measures totalling \$25 million over four years build on and strengthen Canada's significant work to date to prevent, detect and prosecute human trafficking, such as targeted training for law enforcement officials and front-line service providers, and enhanced public awareness measures.

The Federal Victim Strategy (FVS), created in 2007, was allocated \$52 million over four years (\$13 M per year) for programs for victims of crime. These funds were added to existing federal funding for victims of approximately \$5 million per year. Additional funding was provided in 2012 for child advocacy centres and culturally sensitive victim services for missing and murdered aboriginal women. All these funds together form the FVS, with the objective of giving victims a more effective voice in the criminal justice system.

Currently, the Victims Fund makes funding available to projects that improve services to victims of human trafficking and will, beginning in 2013-2014, have up to \$500,000 specifically designated for such projects.

[*English*]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

Leave having been given to revert to Government Business, Bills, Second Reading, Order No. 2:

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator MacDonald, for the second reading of Bill C-36, An Act to amend the Criminal Code (elder abuse).

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to speak on Bill C-36, An Act to amend the Criminal Code (elder abuse). The government has titled this legislation protecting Canada's seniors act. Bill C-36 received unanimous consent in the other place.

● (1450)

As we all share the same objective, the safety and well-being of our mothers and fathers, aunts and uncles, grandparents and great grandparents, neighbours and mentors, we all accept that if we work together, we can ensure that human rights are equally and universally respected.

As my honourable colleague, Senator Dagenais, noted in his speech last week, this bill consists of a single substantive clause that would add a seventh aggravating factor to be considered during sentencing, that is, the age and personal circumstances of the victim. This seems a good and reasonable amendment to the Criminal Code, and I support the motion to send the bill to committee for further study.

If only protecting Canada's seniors were that simple, honourable senators. Elder abuse is a complex and serious problem, and it demands a correspondingly comprehensive and purposeful public policy response.

Honourable senators, I want to acknowledge the dedication of one of our colleagues to this issue. As honourable senators know, Senator LeBreton served as Canada's Minister of State for Seniors from 2007 to 2010. During her mandate, the Government of Canada created the National Seniors Council. In 2008, the government launched the Federal Elder Abuse Initiative, a \$13-million, multi-departmental, three-year initiative to help seniors and others recognize the signs and symptoms of elder abuse and to provide information on available supports. These are all valuable efforts to address a problem that continues to worsen in Canada. I want to thank Senator LeBreton for her work as the minister of state and for her continued advocacy on behalf of Canadian seniors.

Elder abuse takes place mostly in a family context: 70 per cent of violent elder abuse is committed by a family member or a friend of the victim. When we talk about elder abuse, we are often talking about a form of family violence. Family violence includes forms of violence that take place within the family, from wife assault to childhood sexual abuse to the abuse and neglect of elderly people. The person who abuses may be an intimate partner, an adult child, a family member, a caregiver or another trusted person.

Regardless of the form of abuse or the relationship between the abuser and the victim, there is one central shared characteristic. I know that all honourable senators agree that family violence is an abuse of power. More specifically, elder abuse is an abuse of power.

It is important that we recognize in our discussions on elder abuse that elder abuse is not merely a function of age. Abuse of elderly persons can be a misleading term. Bill C-36 recognizes this reality. It considers "other personal circumstances, including their health and financial situation."

Elderly people are abused because they are ill, isolated, frail, dependent on others for care or dependent on others because they are poor. So far, the government policy has been to identify the risk and raise awareness of elder abuse. Honourable senators, more needs to be done.

An effective policy response must provide a safety net for vulnerable elderly people. It must give tools to people. It is not enough to talk about the problem. It is not enough to raise awareness of the issue. It is not enough to punish perpetrators more severely. There needs to be a safety net that will stop elder abuse from ever happening in the first place.

Creating a safety net does not mean tilting at windmills; it means recognizing that sexism, racism, ageism, discrimination based on disability, exclusion, poverty and neglect are incubators of abuse. They are indeed complex issues, but there is an opportunity for our government to play a very important role.

In Canada, there needs to be a place for everyone. Everyone must be included. No one gets left behind.

[*Translation*]

Last week, Senator Dagenais highlighted the federal funding recently provided for elder abuse awareness campaigns. The Minister of State for Seniors, Alice Wong, also held round table meetings on the issue of elder abuse in British Columbia, Alberta and Ontario from November 2011 to March 2012. Awareness campaigns and public consultations are important tools. Reasoned amendments to the Criminal Code will most certainly be adopted once they have been carefully studied. But these policies and practices alone do not constitute the comprehensive and sound public policy that Canadian seniors so rightly deserve and so desperately need.

[*English*]

To frame the context of the necessity of that public policy response, I want to share three points. First, rates of elder abuse among women, Aboriginals and immigrants are disproportionately high. Second, not all forms of elder abuse are criminal. Amending the Criminal Code does not necessarily protect Canada's seniors, as the bill's short title claims.

Third, given these two first points, the federal government must develop and implement an elder abuse prevention, detection and intervention strategy. This strategy should also include services at the local and provincial levels. One of the most significant policy obstacles is the coordination and accessibility of services. Our government should demonstrate leadership and embrace responsibility for ensuring universal and equal rights. It is not enough to contribute. The federal government must lead.

Honourable senators, in speaking to my first point on the disproportionately high rates of elder abuse among women, Aboriginals and immigrants, I want to underline something that Senator Dagenais said last week. He reported that because the population is aging, we will see an increase in elder abuse, and this is true. However, the rate of elder abuse is also increasing, and the problem is acute for elder women, Aboriginals and immigrants.

Over 20 years ago, the Social Credit government in British Columbia appointed me to chair the B.C. Task Force on Family Violence, which published its report in February 1992 titled *Is Anyone Listening?*

In 1992, the incidence of elder abuse in Canada was about 40 of every 1,000 elderly persons — 4 per cent. In 2007, the National Seniors Council reported an estimated elder abuse incidence rate of 4 per cent to 10 per cent. As the council wrote, "It is difficult to estimate the prevalence and incidence of elder abuse in Canada."

We know that the rate of police-reported family violence against seniors rose by 14 per cent between 2004 and 2009. It is a small sample that, coupled with the National Seniors Council estimate, leads us to the observation that the problem is getting worse.

Why do rates of incidence continue to increase despite the millions of dollars in government funds dedicated to awareness campaigns? Despite these efforts, the underlying social contexts that foster elder abuse persist. As the B.C. task force reported 20 years ago, "People, and most dramatically women, are seen to lose power, status and worth as they get older." The task force observed that this perception may lead to treating an elderly person as if she were a child or an object of care instead of an adult.

In August 1991, Prime Minister Mulroney's Progressive Conservative government created the Canadian Panel on Violence Against Women, of which I was a member. The panel presented three factors in its 1993 report: the widespread acceptance of the subordination of women to men and the subordination of some women to other women; women's dependence on men and male systems; and physical, psychological and social isolation from the mainstream.

These realities are fundamentally unchanged. The Senior Women Against Abuse Collective quotes the testimony of a 71-year-old woman:

When he got the gun out, I picked up the phone and called the police. I had never done that before. When they came to our room, I ran. The policemen tried to convince me to come in the house and talk, but I refused. I got in that car and said, "I am never returning home. He will kill me."

• (1500)

Honourable senators, sadly, family violence is pervasive in our society, and elder abuse does not occur in a vacuum. In this case, it is family violence, it is violence against women, it is gun violence and it is elder abuse. To end one, we must end them all.

As the Canadian Network for the Prevention of Elder Abuse points out, women:

... tend to have fewer financial resources to begin with, a greater proportion of older women are already living below the poverty line, and older women live longer than older men so that any loss of income or assets through financial abuse will hurt them more and for longer.

Moreover, continues the network:

... a woman, on average, tends to be smaller than a man, and may have less ability to defend herself, and older women are more likely than older men to have disabling conditions.

Statistics Canada reported in 2011 that women are more often victims of family violence committed by grown children, spouses or ex-spouses and other family members.

[Senator Jaffer]

Honourable senators, it is clear that observations on patriarchy and its role in promoting elder abuse are as relevant today as they were in 1992. We must not delude ourselves into believing otherwise.

The 1992 B.C. task force report admitted a knowledge gap concerning elder abuse among Aboriginal people, but it did note that:

... Aboriginal elders who experience abuse may also face barriers in having access to services if they are in a geographically isolated area, or if the services are not provided in a language that they understand.

The task force's concerns were well-founded. Today a greater proportion of Aboriginal seniors continue to live on reserve where there is a higher incidence of violence. Moreover, Aboriginal women are about three times more likely than non-Aboriginal women to be victims of violence.

Concerning abuse of elderly immigrants, the task force cited intense pressure that multi-generational immigrant families face, conflict between old and new values, a lack of understanding of laws, customs or expectations, and a lack of language skills that may prevent elderly immigrants from accessing the services they need if they are being abused.

[*Translation*]

Even though immigrant women are disproportionately represented among Canadian women aged 65 and over, nothing has changed since the task force released its report in 1992.

In developing a policy on elder abuse, governments must recognize that women, Aboriginals and immigrant women are affected to a disproportionate degree.

Any policy must also take into account the various forms of elder abuse.

[*English*]

This brings me to my second point: Not all forms of elder abuse are criminal. The 1992 B.C. Task Force on Family Violence defined elder abuse as "any action or inaction which jeopardizes the health or well-being of an elderly person." That definition includes many forms of elder abuse including physical abuse — any act or acts of violence or rough treatment causing injury or physical discomfort; psychological or emotional abuse — any act, including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment which may diminish the sense of identity, dignity, and self-worth; financial abuse or exploitation — the misuse of an elderly person's funds and assets, obtaining property or funds without his or her knowledge and full consent; sexual abuse — any sexual behaviour directed towards an elderly person without his or her full knowledge and consent, including sexual assault, sexual harassment or the use of pornography; medication abuse — misuse of an elderly person's medications and prescriptions, including withholding medication and over sedating; violation of civil or human rights — the denial of an elderly person's

fundamental human rights according to legislation, the Charter of Rights and Freedoms of the UN Declaration of Human Rights, for example, including withholding of information, denial of privacy, denial of visitors, restriction of liberty or mail censorship; and finally, active neglect — intentional withholding of basic necessities or care.

Honourable senators, some of these acts are criminal, but most are not. Protecting Canada's seniors must go beyond amending the Criminal Code. Earlier, I referenced the under-reporting of elder abuse. This bill to amend the Criminal Code cannot address even criminal forms of elder abuse that are not reported.

I want to evoke the concept of known knowns, known unknowns and unknown unknowns. In other words, honourable senators, there are things we know that we know, things that we know that we do not know, and things we do not know that we do not know. The proposed protecting Canada's seniors act only addresses a small portion of the known knowns.

[*Translation*]

We know that rates of abuse are higher in some segments of the population. I mentioned women, Aboriginals and immigrant women. We know that we do not know the exact rate of elder abuse, partly because the problem is not well defined and partly because cases are rarely reported.

[*English*]

What do we not know that we do not know? The nature of that question encourages speculation, but I will not speculate, honourable senators. I will reason and infer based on my experience as chair of the British Columbia Task Force on Family Violence and a member of the Canadian Panel on Violence Against Women. Our understanding and conception of elder abuse is severely limited because our response thus far has been severely limited. There have been studies and public awareness campaigns, but to date there has been no coordinated response and no adequate safety net to protect seniors.

This brings me to my third point. The federal government must develop and implement an elder abuse prevention, detection and intervention strategy. This is not a new plea and these are not new recommendations. I will quote once more from the British Columbia Task Force on Family Violence:

On prevention:

Preventive services to people who are elderly or disabled are in short supply.

Waiting lists exist for respite care, permanent placement and short stay assessment programs and caseloads of Continuing Care staff are large.

There is also a lack of outreach services to support elderly people in maintaining control over their own affairs.

Abuse of elderly people is fostered by lack of services.

Low welfare rates; few housing options for elderly people to live independently or semi-independently; limited accessible transportation; and limited health and social services mean that elderly people lose their independence, develop low self-esteem, and become isolated.

Poor elderly people, most of whom are women, are particularly affected.

On detection:

Detection of abuse of elderly persons is impeded by our belief in the sanctity and privacy of the family and our persistent misconception that the family cares for its loved ones and respects its elders.

Some victims are unable to communicate because they cannot speak English or because they have a physical or mental disability which impairs communication.

On intervention:

Effective assessment tools are necessary to assess whether abuse is occurring, what are the most helpful and respectful ways to intervene and whether the elderly person is capable of acting on information offered and making decisions.

Family violence and elder abuse are often described as war. We can only provide triage services and measures such as this bill while the casualties mount up. As in war, there are similarly complex questions that we ask: How to mourn the dead, how to save the wounded and, most important, how to protect the young, the old, the vulnerable.

I believe that Canada is a great country, but we must live up to that greatness. We desperately need a comprehensive safety network so that people are not killed, people are not maimed, and violence does not leave a lasting impact on our children.

Abuse of elderly persons requires urgent attention from the range of service providers, from law enforcement personnel to institutional family caregivers and public educators.

Honourable senators, like you, I have read sections 91 and 92 of the Constitution Act, 1867. I understand the principle of jurisdictional authority, but I also grow impatient when this principle is used to shirk responsibility, to legitimate dereliction of duty. These are not qualities of a leader. The federal government has a moral and legal responsibility to protect the human rights of all Canadians, including seniors. As I mentioned earlier, the coordination and accessibility of services remains a huge problem. The Federal Elder Abuse Initiative, which ended in 2011, included national ad campaigns, public opinion research and updates to RCMP policy, but it did not build working relationships between provinces and service providers, nor incorporate many of the measures essential to prevention, detection and intervention.

• (1510)

Honourable senators, for over 40 years I have listened to stories of elderly people who have experienced abuse. There are hundreds and hundreds of stories that I would like to share with you. In

many cases, parents provided and cared for their children, but sadly, when the time came for the elderly parents to receive care, their spouse or their children abused them. Before I finish today, I want to share one story with you.

I was a very young lawyer when I first met Bill and Marjory. Bill and Marjory always took pride in the resources they provided to their two children, Lisa and Tom. Marjory stayed home to be a full-time caregiver. Bill provided ample resources to his children. Bill was a successful businessman. Lisa and Tom did not want for anything. Lisa and Tom were provided for and cared for by their parents while they were in kindergarten. Lisa and Tom were provided for and cared for while they were in elementary and secondary school. Lisa and Tom were provided for and cared for while they attended university. Bill and Marjory paid for their children's university education, their marriages and the down payments on their first homes. They even paid for Tom's divorce.

All was well for this family until Marjory's health started deteriorating. Marjory had dementia, but Bill was determined to keep her at home. He asked for his children's help to look after Marjory so he could get some respite. Often they made excuses and did not help Bill. One day, when Bill arrived, he was shocked to see that Tom had physically restrained Marjory. Tom's explanation was that Marjory was going to hurt herself. Bill believed his son. Then Bill observed that every time Tom came to the house to help, almost before Bill left the house, under great protest from Marjory, Tom would restrain her. Then one day, when Bill's daughter was helping her father by caring for her mother, Bill returned home early, and to his disbelief he saw Lisa slap her mother.

When I spoke to Bill, he was absolutely devastated. He kept repeating to me how much Bill and Marjory had provided for Tom and Lisa. Bill and Marjory had spent their lives caring for their children. It is what gave them their greatest happiness. After all, a parent's greatest desire is to see their children live a happier, healthier, more prosperous life than they did. However, when Marjory and Bill needed their children's help, Tom and Lisa viewed their parents as a burden. Not only did they not care for their parents, not only did they fail to provide for them, they abused them. Bill was terribly ashamed. He did not know where to seek help and services.

Honourable senators, there are many Canadians like Marjory and Bill. We must do more to help them. We must provide services to stop the abuse.

Honourable senators, as I committed at the outset of my speech today, I will support further study of Bill C-36. The introduction of this legislation demands fuller debate and subsequent action on the multitude of public policy areas that relate to elder abuse. As I have reported to you today, women, Aboriginals and immigrants are particularly affected, and elder abuse is not limited to criminal conduct. Protecting Canada's seniors requires more than amending the Criminal Code.

Finally, I laid out the need for a comprehensive, pan-Canadian strategy that engages governments at all levels. Honourable senators, I urge you all to join the call for a fuller national strategy. The 1992 report of the BC Task Force on Family Violence was deliberately titled *Is Anyone Listening?* More than 20 years later, that question is still relevant.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Dagenais, seconded by the Honourable Senator MacDonald, that Bill C-36, An Act to amend the Criminal Code (elder abuse) be read the second time.

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 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.)

FISHERIES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Poy, for the second reading of Bill S-210, An Act to amend the Fisheries Act (commercial seal fishing).

Hon. Charlie Watt: Honourable senators, I would like to adjourn the debate for the remainder of my time.

(On motion of Senator Watt, debate adjourned.)

[*Translation*]

BREAST DENSITY AWARENESS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Seth, seconded by the Honourable Senator Doyle, for the second reading of Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, this is the bill's 15th day on the Order Paper. We are preparing for this debate, and Senator Seidman wants to speak. Since she will be here in the next few days, I move that we adjourn debate and rewind the clock to enable her to speak.

(On motion of Senator Fortin-Duplessis, for Senator Seidman, debate adjourned.)

[*English*]

OLD AGE SECURITY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable

Senator Callbeck, calling the attention of the Senate to the inequities of the Old Age Security Allowance for unattached, low-income seniors aged 60-64 years.

Hon Elizabeth Hubley: Honourable senators, I am in the process of preparing my notes for this inquiry, and I would like to adjourn it again in my name for the remainder of my time.

(On motion of Senator Hubley, debate adjourned.)

(The Senate adjourned until Wednesday, November 28, 2012, at 1:30 p.m.)

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