



# DEBATES OF THE SENATE

---

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 126

---

OFFICIAL REPORT  
(HANSARD)

Wednesday, December 5, 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

Wednesday, December 5, 2012

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

Prayers.

[*Translation*]

### SENATORS' STATEMENTS

#### L'ESCALE YOUTH CENTRE

**Hon. Pierre-Hugues Boisvenu:** Honourable senators, I am proud to speak to you today about the graduation ceremony I attended last Friday, along with my staff and other municipal and provincial officials, for a group of 90 young people from Montreal North.

These young people, most of whom are members of the Haitian community, which has a strong presence in Montreal North, put a lot of time and effort into the various workshops offered by L'Escale youth centre. This centre welcomes and provides resources for young people between the ages of 12 and 30. The centre awarded each of the young people a diploma and gave them letters of recommendation attesting to their courage, their determination and their involvement in taking control of their destinies.

These young people often come from disadvantaged communities and have already experienced hard times. They have dropped out of school or seen others do so, and they have been influenced by street gangs, prostitution or drug abuse. For many of these young men and women, these things were part of their everyday lives. The evening of the graduation ceremony, the youth centre team went all out, and all of these young people were dressed to the nines to receive the first diploma of their lives, a diploma of success.

L'Escale youth centre is doing an incredible job, and the government is showing its support for the centre by providing over \$500,000 in funding over three years. This investment is benefiting Montreal North, and we are all proud of it.

In September 2012, the Minister of Justice and I had the honour of announcing the second phase of the crime reduction and prevention strategy. As part of this second phase, \$50 million has been allocated to prevent crime among young people across Canada. In 2011 alone, the federal government provided funding for 138 projects that helped 16,000 young people get off drugs or get out of prostitution.

The L'Escale Youth Centre is one of our successful investments. Almost 80 per cent of the young people who enrol in an educational, professional or social program will complete it and obtain their diploma — 80 per cent. On Friday evening, these young people were very proud of themselves. Their teachers, facilitators and their parents were also very proud of their success.

Why am I talking about this centre today? Because all too often the people who criticize our government say that punishment is our government's only solution to crime. This misinformation about our action to prevent youth crime is repeated daily.

I hope that my statement today will help change the perception that our government does little in the areas of rehabilitation and prevention. On the contrary, our government has made some of the most significant investments in the rehabilitation of young people.

Honourable senators, join me in congratulating these young people from Montreal North, and the director, Ms. Black, who believes in these young people and who works so hard on their rehabilitation. Thank you.

#### FRANCOPHONE FEDERATION OF NEWFOUNDLAND AND LABRADOR

**Hon. Maria Chaput:** Honourable senators, today I would like to congratulate the Francophone Federation of Newfoundland and Labrador (FFTNL) that is working to preserve and promote the rights and interests of the francophone and Acadian communities of Newfoundland and Labrador.

On October 25, 2012, the FFTNL issued a press release entitled "Provincial Growth of French Community" about Statistics Canada's 2011 census data on linguistic characteristics, which indicated a 36 per cent increase in the number of francophones in the province of Newfoundland and Labrador.

The president of the federation, Jules Custodio, said:

These results are very encouraging . . . This is the result of years of work by dedicated individuals for the development of our communities as well as the strengthening of our cultural identity through various means; namely activities focused on our youth . . .

He added:

. . . not to mention a sharp increase in French services and activities that were made possible thanks to financial support from the federal and provincial governments.

I fully support their work, including the expansion of the Centre scolaire et communautaire des Grands-Vents in St. John's, a region where the francophone population has increased by no less than 59 per cent since 2006.

I salute the FFTNL, its members and its community organizations. I commend their tireless work and their deep convictions. I thank them for contributing so much to the vitality of official language minority communities.

## FIREARMS REGISTRY

**Hon. Jean-Guy Dagenais:** Honourable senators, it is so close to Christmas, and if Justin Trudeau was looking to give me a present with a great big red bow, then that is certainly what he did by having the courage to change his position on the gun registry.

I obviously took a stronger stand here than did other Liberals, who were perhaps muzzled by the party line, and who have decided to follow Justin Trudeau's lead by confirming that the long-gun registry was ineffective.

All those people who voted against Bill C-19 last spring are now seeing things our way, my way.

This is the position I took when I was a police officer, maintained when I was a Conservative candidate, and defended in committee before this chamber, in spite of being disparaged, and in spite of the press, mostly from Quebec, which I would generally describe as unsympathetic to our position, not to mention not objective on this issue. Take a good look at what this press is doing with Justin Trudeau's new position.

By passing Bill C-19, the Conservatives put an end to the waste of public funds initiated by the Liberals, and stopped the criminalization of hunters and farmers across the country. But we maintained a registry that enables Canadian police forces to control restricted weapons. I am proud to be part of this process.

It was not so long ago that Justin Trudeau and other Liberals voted against our Bill C-19. I am pleased to see that they are now changing their position.

• (1340)

I hope that others will follow suit. I certainly will not be accusing them of electioneering.

Since good news begets more good news, I was also thrilled to hear the other Liberal leadership candidate, Marc Garneau, show some support for our calls for harsher sentences to fight crime in this country, rather than a costly and ineffective registry.

The Liberals, or I should say some Liberals, are beginning to realize how much we, the Conservatives, are listening to the concerns of Canadians when it comes to public safety, instead of being manipulated by a few lobby groups that know how to get media attention.

Sadly, tomorrow, December 6, will mark the 23rd anniversary of the École Polytechnique massacre in Montreal. As we do every year, we will once again commemorate that tragedy and think of the 14 unfortunate victims and their grieving families and loved ones. While I can understand their demands, I will continue my quest to convince them that a firearms registry created for partisan reasons is not the answer and will not protect them from criminal acts committed by sick or disturbed individuals.

[English]

## POST-SECONDARY EDUCATION

**Hon. Catherine S. Callbeck:** Honourable senators, we all recognize the importance of increased participation in post-secondary education to our economic and social development goals. However, for a nation that prides itself on providing opportunities for all its citizens, we need to do more. It is essential to our competitiveness in the global knowledge-based economy.

Last month, members of the Canadian Alliance of Student Associations met with parliamentarians to discuss challenges and solutions for students pursuing post-secondary education. One of their concerns involves the income a post-secondary student can earn while attending school before being penalized on their student loan. The amount they can earn currently is set at \$100.

In its report on post-secondary education, entitled *Opening the Door: Reducing Barriers to Post-Secondary Education in Canada*, the Standing Senate Committee on Social Affairs, Science and Technology noted that students who work part-time must limit themselves to slightly more than 10 hours a week during the academic year to stay under that \$100 exemption. However, students work an average of 18 hours, so the amount of their student loan is decreased. The Social Affairs Committee recommended that limits, like this \$100 limit, be reviewed regularly to take into account the real costs students face in pursuing post-secondary education.

Another issue the students discussed is the inclusion of a vehicle in a student's assessment for eligibility for the Canada Student Loans Program. Currently, any vehicle valued at more than \$5,000 counts as an asset against the value of the student loan. Forty-six per cent of students need a safe and reliable vehicle to take them to and from university and college. For many, the cost of a vehicle is above that \$5,000 amount. As a result, the amount of their student loan is decreased.

In fact, last month Scotiabank's senior economist and automotive industry specialist, Mr. Carlos Gomes, stated that the national average price of a used car was more than \$14,000, almost three times the current exemption.

As the Social Affairs Committee noted in its report, students living at home might have to spend more than \$13,000 a year to pursue post-secondary education. A student living away from home might face costs closer to \$20,000. These costs are not insignificant. We must work together to help address students' financial concerns.

Honourable senators, Canada is facing tremendous pressures in a highly competitive, knowledge-driven global economy. Our greatest tool to overcome these pressures is post-secondary education. I urge the government to listen to students and seriously consider their concerns. As well, I urge the government to implement the recommendations made by the Social Affairs Committee in its report *Opening the Door*. It is critical to the success of our nation, both for individuals and for society as a whole, that there be serious discussion and action.

[*Translation*]

### CANADA-AFRICA TRADE PARTNERSHIPS

**Hon. Donald H. Oliver:** Honourable senators, it time for Canada to look to countries in Africa and establish trade partnerships there in order to increase our economic activities.

The West has been reluctant to invest in Africa for many years now, because of political instability, corruption and the cost of doing business there.

However, times have changed.

[*English*]

Africa has become the go-to continent for global investors.

As Ian Khama, President of Botswana, wrote in 2011:

Africa has realized the importance of having an open trade regime and moving away from protectionist policies of the post-independence era.

In his view, Africa wants to integrate into the world economy, create a conducive business environment, attract foreign direct investment and enhance trade. In fact, for the first time in generations, more investment than foreign aid is pouring into Africa.

Honourable senators, this is due to the fact that, among others, the BRIC countries — Brazil, Russia, India and China — are investing huge amounts of capital in the African continent, and they are doing so at a rapidly increasing pace.

According to recent data, annual trade between Africa and the BRIC nations is now more than \$200 billion a year. Projections show that it will reach \$530 billion by 2015. Honourable senators, these are staggering numbers. Direct investment in Africa by the BRIC nations is forecast to reach \$150 billion in two years, more than double the amount in 2010.

However, Canada is not in this ball game. Canada needs to get involved. It cannot watch from the sidelines.

Last week, the African Trade Insurance Agency and Export Development Canada announced an agreement to create new trade opportunities between Canada and ATI member states. The MOU aims to provide financial products and services to facilitate trade and direct foreign investment.

One of the key sectors of interest for the ATI and EDC will be extractive technology. Canada is responsible for almost half of worldwide mining activities. The Canadian mining sector has the ability to identify market opportunities and lead the way in Africa. We have the knowledge and the expertise. We have the technology; we are innovative. We have the financial and human resources to make Africa a mining superpower. Indeed, in today's economy, countries no longer rely on exporting raw materials. Rather, countries need to provide services of which Canada has abundance.

In addition, Canadian companies are famous for their corporate social responsibility, wherein they integrate social, environmental and economic concerns into their values and operations.

I have a friend, honourable senators, who is currently gold mining in Kenya. He wants his company to build a new school to train local workers. Canada is in a unique position to assist Africa, not only in the mining industry but also in the IT sector, forestry and agri-business.

Honourable senators, the Overseas Private Investment Corporation and the UN trade agency say that Africa offers the highest return on direct foreign investment in the world.

In conclusion, honourable senators, Prime Minister Harper, in his most recent trip to Senegal, also negotiated a new economic agreement with Senegal to facilitate two-way investment flows. This will be a huge step in the right direction, but there is a lot more we could and should be doing.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Members of the Zion Mission Choir and their conductor/composer Dr. Stephanie Chung. They are guests of the Honourable Senator Martin.

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

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

[*Translation*]

## ROUTINE PROCEEDINGS

### PRIVY COUNCIL

#### SPECIAL ECONOMIC MEASURES (SYRIA) REGULATIONS TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, pursuant to section 7 of the Special Economic Measures Act, I have the honour to table, in both official languages, copies of the Special Economic Measures (Syria) Regulations, enacted on November 26, 2012.

• (1350)

[English]

**CANADA-UNITED STATES  
INTER-PARLIAMENTARY GROUP**

REPUBLICAN NATIONAL CONVENTION,  
AUGUST 27-30, 2012—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group to the Republican National Convention, held in Tampa Bay, Florida, United States of America, from August 27 to 30, 2012.

DEMOCRATIC NATIONAL CONVENTION,  
SEPTEMBER 3-6, 2012—REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group to the Democratic National Convention, held in Charlotte, North Carolina, United States of America, from September 3 to 6, 2012.

[Translation]

**HUMAN RIGHTS**

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO MEET DURING SITTING OF THE SENATE

**Hon. Mobina S.B. Jaffer:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights have the power to sit on Monday, December 10, 2012 at 4 p.m., even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

[English]

**THE HONOURABLE FRANCIS WILLIAM MAHOVLICH**

NOTICE OF INQUIRY

**Hon. Francis William Mahovlich:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to my retirement from this place.

**QUESTION PERIOD**

**ABORIGINAL AFFAIRS AND NORTHERN  
DEVELOPMENT**

JOBS AND GROWTH BILL, 2012

**Hon. Lillian Eva Dyck:** As all honourable senators know, the Assembly of First Nations is holding its Special Chiefs Assembly across the Ottawa River in Gatineau. Yesterday, the chiefs were on the Hill because they were so upset about what is happening with regard to the proposed legislation concerning First Nations. I had the opportunity this morning of speaking for a few minutes to Chief Wallace Fox, who also sent a letter to the members of the Standing Senate Committee on Aboriginal Peoples regarding Bill C-45. We talked a bit about education, which was the theme of my questions in the Senate yesterday. Before I get to that, I want to indicate what Chief Fox said. I will quote his letter on Bill C-45:

We have been silenced by the Parliament process. We cannot make any oral intervention. As a result, we are submitting our written statement. We want the sections 206 to 209 removed from the Omnibus legislation and a process that respects our relationship developed so as to meaningfully discuss the proposed changes

The letter also stated:

We are being silenced by the parliamentary process in a manner that can only be considered undemocratic.

My question to the Leader of the Government in the Senate is: How can this government continue to proceed with bill after bill when all First Nation chiefs have told us that they are not satisfied with the bill, no amendments are being made and their voices are not being heard?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the bill has been before Parliament for some time and was voted on last night. It will be received in the Senate within the next day or so. There were ample opportunities for witnesses to appear at committees, both in the House of Commons and in the Senate, on the bill, which was part of the budget announced last March. I believe, honourable senators, that there was ample opportunity for all people to express their views and be heard on the subject matter of not only the main budget but also the two budget implementation bills.

**Senator Dyck:** I do not think there was sufficient time for witnesses to appear. There is always pressure with budget bills to pass them at the end of a session. I do not think it is quite fair to say that. Nonetheless, I will move on with questions regarding education, which I also spoke to Chief Fox and others about this morning.

FUNDING FOR ON-RESERVE EDUCATION

**Hon. Lillian Eva Dyck:** Honourable senators, many sources, such as the Assembly of First Nations, the Federation of Saskatchewan Indian Nations, provincial governments, the Parliamentary Budget Officer, the Auditor General of Canada,

and numerous parliamentary reports, highlight the underfunding of on-reserve First Nations students in schools. An average of these sources would put the rate of underfunding at about \$3,000 per on-reserve First Nation student. The provincial average student rate is about \$10,000 while the on-reserve student rate is about \$7,000. I will repeat the question I asked yesterday because it is very important: Will the Leader of the Government in the Senate table in the chamber the exact methodology used by Aboriginal Affairs and Northern Development Canada to arrive at the figure of \$14,243 per First Nation student as stated in a statement by the minister on September 14, 2012?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I indicated yesterday that I would absolutely take the honourable senator's question as notice and attempt to provide an answer in written form to the honourable senator.

**Hon. Sandra Lovelace Nicholas:** Honourable senators, according to INAC internal audits in 2009, the formula used to determine per-student funding has not changed since 1996. Meanwhile, the provincial school boards determine per-student rates, which is consistent with the provincial government's education allocation. Provincial formulas fluctuate with the circumstances from year to year and apply funding increases greater than 2 per cent. Does the inflexibility of this formula not create an underfunding situation for those First Nations students who attend an on-reserve school?

**Senator LeBreton:** Honourable senators, the Minister of Aboriginal Affairs and the department continue to work to seek out results in the area of education. The government's goal is to improve educational outcomes for First Nation students, no matter where they are, so that they have the same opportunities as all Canadian students. The government shares this goal with First Nations parents, leaders and educators all across the country.

I put on the record yesterday a response to a question posed by the honourable senator with regard to major initiatives undertaken by the government in the area of Aboriginal education. I can only assure the honourable senator that this is a shared goal of the government. As we go forward, we are always seeking ways to improve the delivery of educational services to our Aboriginal communities. The government record stands for itself.

As I pointed out yesterday, 33 new First Nations schools were built and another 230 were renovated. Of course, in this budget, which the opposition in the other place voted against, the Economic Action Plan 2012 commits significant funding of \$275 million for more schools and early literacy programs for First Nations individuals. This is what the government is doing. Unfortunately — and we saw it again in the other place yesterday — the measure is not supported by the opposition.

**Senator Lovelace Nicholas:** I commend the government for building schools in First Nations communities but, as all honourable senators know, schools are being built everywhere for all students.

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

**Senator Lovelace Nicholas:** This does not solve the problem of inappropriate funding for each student.

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

**Senator LeBreton:** I would argue that the record of this government indicates the efforts it has made to improve not only the educational opportunities for our Aboriginal fellow citizens but also a host of other areas as well.

• (1400)

As I pointed out, for the Minister of Aboriginal Affairs, Minister Duncan, the cabinet, the government and all people working on these files, obviously our goal is to improve educational outcomes. This is a shared goal, and we share this goal with Aboriginal leaders, educators and all people in our First Nations.

#### JOBS AND GROWTH BILL, 2012

**Hon. Nick G. Sibbeston:** Honourable senators, the government leader today indicated that there were ample opportunities for First Nations to deal with Bill C-45, which contains provisions regarding Aboriginal peoples. This is in regard to fisheries, navigable waters and so forth.

I appreciate that to date the Senate has conducted pre-studies. Is the government leader willing to state today that there will be opportunities for First Nations to come before the various committees and also that she will be open to amendments? Thus far, there have been many representations, but the government has taken the view that there are no amendments. I believe in the House of Commons last night the omnibus bill passed without any amendments.

At this stage, can the leader of the government state that when the bill comes before the Senate that she would be open to having witnesses, Aboriginal people in particular, and open to amendments?

**Hon. Marjory LeBreton (Leader of the Government):** First of all, honourable senators, when a budget is put together, there is a long period of budget consultation even before the budget is presented. Minister Flaherty is starting that process right now for the budget he will present in 2013.

There was long budgetary consultation process. The budget was presented in March. There were two budget implementation bills, one that we passed in June and the other one will be before us, I believe, tomorrow. There were many amendments proposed to the budget implementation bill, and of course they were voted on in the other place last night. The amendments did not succeed.

In the Senate, as was done in the House of Commons following the Senate's lead, we conducted a budget pre-study on the budget implementation bill. There was ample opportunity for anyone who wished to be heard or submit their views to do so. There are many significant pieces of value for the Canadian public in that budget.

The short answer to the honourable senator's question is that, hopefully when the budget gets here, and because it has been pre-studied, we will deal expeditiously with the budget implementation bill and, because of all important measures in the budget, it is necessary to pass it before we leave for Christmas.

**Senator Sibbeston:** Honourable senators, the honour of Parliament is at issue here.

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

**Senator Sibbeston:** In the Supreme Court of Canada rulings, the Supreme Court has stated that in the government's dealings with Aboriginal people it was always important that the government deal fairly and honourably with the Aboriginal people, and the expression "the honour of the Crown" was used.

Today, the honour and integrity of Parliament are at issue, because it is not a question of giving witnesses the opportunity to appear. If the government does not respond, it is of no avail. It is a sham. It is a sham to have witnesses come before committees and the government not being open to amendments.

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

**Senator Sibbeston:** I am asking the government leader, on the basis that the honour of Parliament is significant and important to Aboriginal people, will she commit to committees dealing with the omnibus Bill C-45 and the government being open to change and amendments? Otherwise, it is a sham. The honour of Parliament is in question at this stage.

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

**Senator LeBreton:** Honourable senators, I absolutely disagree with the honourable senator's statement that the honour of Parliament is besmirched in any way.

If the honourable senator wants to talk about the honour of Parliament, here are some of the accomplishments, specifically with regard to Aboriginal affairs, that this government had the honour to participate in on behalf of our Aboriginal communities, accomplishments which were opposed by the opposition. As I mentioned, we have built 33 new First Nations schools and renovated 230 more since 2006. The Economic Action Plan 2012 that we are dealing with commits significant funding of \$275 million for more schools and early literacy programs for First Nations.

This government had the honour to build 10,000 homes for First Nations families since 2006. We have had the honour to renovate 3,000 homes every year.

We have had the honour to make significant investments, \$3 billion, in safe drinking water and waste water infrastructure. We have had the honour, through Economic Action Plan 2012, to commit additional funding of \$331 million for water infrastructure. We had the honour last year alone to fund 402 water projects, such as water pumps, filters and new pipes.

[ Senator LeBreton ]

We have had the honour to fund \$13 million for consultations with First Nations on resource development, which is in Budget 2012, and we have had the honour to increase investments for children and family services by 25 per cent.

#### FUNDING FOR ON-RESERVE EDUCATION

**Hon. Pana Merchant:** Honourable senators, it is really too bad that the government does not have the honour to close the education gap with First Nations people.

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

**Senator Merchant:** According to the Auditor General's report of 2011, INAC undertook a review of all funding formulas. It also stated that, even with this new information, it had not made any adjustments to their funding formulas. I have these questions for the Leader of the Government in the Senate.

What were the results of this review? What did they find in regard to the inequity between funding formulas used to determine per student funding for on-reserve First Nation students and those who attend provincial schools? Could the department table the report or make public this report?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I have already answered the question twice now about the requests for the department to provide information. Again, I will put it on the record, and I would challenge anyone to say that this is not a superior effort on behalf of the government.

Every year — and by the way, the opposition voted against all of this — we invest in education for over 117,000 students on-reserve. We have announced additional measures, such as early literacy programming, to further improve education outcomes for First Nation students. Since 2006, we have completed 263 school projects, including 33 new schools. As I mentioned earlier, in a shared partnership with our Aboriginal leaders, we continue to put in place concrete steps to improve educational outcomes for First Nation students.

As honourable senators have heard me say here many times, especially as we are working on opening the North and our resource development, we want those jobs to be available to the people and to our First Nations communities who live in some of these areas. We have committed to intensive consultation with First Nations on education legislation. We will be engaging with First Nations over the coming months with the goal of improving educational outcomes to First Nation students.

As I stated earlier, as a government we believe that our First Nation students should have the same opportunities as all Canadian students. This is, I will repeat, a shared goal with our First Nations leadership, the parents of those students, and the educators.

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is for the Leader of the Government in the Senate. When the Human Rights Committee was in Saskatoon, we met with an amazing person by the name of Ray Ahenakew, the acting president of the Saskatchewan Institute of Applied Science and



Technology for Aboriginal People. He said to us that the problem was children on reserves are not given education from the kindergarten to Grade 12 and, therefore, when we come to the cities, they are lost.

• (1410)

Aboriginal Affairs and Northern Development Canada's own evaluation of elementary and secondary education on-reserve notes that First Nations' responsibility for education has been restrained and that "without appropriate capacity and resources, many communities are unable to maximize the impact that First Nations control of education could have over something as fundamental as education of children."

A famous philosopher of the 10th century said we respect education because it teaches us values. According to the most recent available census data, at least half of the on-reserve population — half — aged 25 to 34 does not have a high school leaving certificate, compared with 10 per cent for other Canadians of the same age.

Honourable senators, I stand here today and I will not for a minute say that is the problem of the Conservative government; I feel it is a problem for all Canadians, for our current government and for all of us. The fundamental injustice is the result of centuries of paternalism and systemic discrimination. What is most desperately needed now is leadership that respects values and empowers First Nations people. In recognizing Article 28 of the Convention on the Rights of the Child, Canada committed to protecting "the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity . . ."

How will the government demonstrate leadership in promoting education, a fundamental human right for all First Nations children?

**Senator LeBreton:** I absolutely agree that it is a fundamental human right. Again, I point out to honourable senators that there is still a great deal of work to be done. Anyone who has worked in this area, no matter what the government, would know that.

I will repeat: Every year, the government invests in education for over 117,000 students on-reserve, from K to 12; and we also support approximately 22,000 post-secondary students. I will repeat that answer, but I am sure honourable senators can read my remarks in the *Debates of the Senate*: This is 117,000 students every year.

We are investing further in literacy. We have worked with industry on job skills. We had the conference last January and education was the focus of it. The government is working extremely hard. The minister is firmly committed. The government is firmly committed to working with the Aboriginal leaders to further improve upon what we have already done.

However, in fairness to Senator Jaffer, she did not try to leave the impression that this is a file that the government has turned its back on — far from it. She has obviously put her finger on a problem that has been with us for many, many decades.

Having said that, the government is firmly committed. This was the government that finally dealt with the residential school issue and formally apologized. This is the government that has held the Crown-First Nations Gathering, a leadership meeting.

This is the government that understands that there is a great deal of work to do in this area but that has also committed a great deal of effort and money into the whole issue of education of our young Aboriginals.

**Senator Jaffer:** I have heard the leader before and I heard her today say that we are funding 117,000 children.

**Senator LeBreton:** Per year.

**Senator Jaffer:** There is something that concerns me. I am not able to share with honourable senators what I saw in Winnipeg, because I would become too emotional regarding what I saw happening to our Canadian children in schools. Whether there are 117,000 students or whether there are more, the basic fact is that they do not get the same level of education that my grandson gets. As a Canadian parliamentarian, I feel that is wrong. I believe that everyone in this chamber believes that is wrong.

My supplementary question to the leader is this: As current levels of funding have not ensured the universal recognition of First Nations children's right to education, what is our government's new strategy to lead and empower its partners to guarantee universal access to quality education for our Canadian children?

**Senator LeBreton:** I can tell honourable senators what we have been doing. Also, as we work with this shared goal, no education legislation will be drafted going forward to make further improvements until we have heard from the First Nations. They are very much a part of this, and that is really all I can say to honourable senators.

We work very closely with the First Nations. As we move forward to improve the education of our young Aboriginal people, this will all be done. It is a shared experience and it will all be done only after we have consulted with First Nations on the matter.

**Senator Jaffer:** I know that the leader may not be able to answer this question today, and I respect that, but I would like to know what steps our government will take to meet the specific international human rights obligations, as well as its obligations under section 91 of the Constitution Act, 1867.

**Senator LeBreton:** The government is fully cognizant of its obligations. I would argue very firmly that the government lives up to its obligations and will continue to live up to its obligations to our First Nations citizens.

Again, we do work very closely with the leadership of the First Nations and the educators, not only in the area of education but also in the area of land claims. There are many areas we are working with First Nations on, such as truth and reconciliation and residential schools issues; there are a number of areas where we are working. We fully understand our obligations to our First Nations people.

**Hon. Lillian Eva Dyck:** I am not quite sure whether the Leader of the Government in the Senate said 117,000 or 170,000 First Nation on-reserve students. Is that what she said?

**Senator LeBreton:** I said that every single year we invest in education for over 117,000 students on reserves.

**Senator Dyck:** I thank the leader for that clarification, but she must also realize that not all First Nation students attend an on-reserve school; it is about a 60-40 split. Therefore, that number, while it may be accurate, does not reflect the actual number of students who attend an on-reserve school versus the number that attend an off-reserve school. Therein lies the problem of the funding gap.

The leader talked about the money that was spent in the last budget — \$275 million, with \$100 million for literacy and \$175 million for infrastructure. At the same time, in the last budget for 2012-13, there is \$64 million for Canada's Economic Action Plan ads, such as the things we see on TV, et cetera. Why are we spending that amount of money on the advertising for Canada's Economic Action Plan? Could we not have spent some of that money on closing the education gap?

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

**Senator Mercer:** Good idea. That does not fit with the re-election plan.

**Senator LeBreton:** On the issue of on-reserve students, the young Aboriginal children living in cities or in provinces who do not live on-reserve are students in the public school system. I have pointed out before that unlike previous governments that balanced their books on the backs of the provinces, we have actually increased transfers to provinces for health care and education. For people who go to a public school system in a province, education, like health care, is handled by the provinces. Our government has increased transfers to provinces for health care and education by almost 35 per cent.

• (1420)

**Senator Dyck:** I thank the leader for that answer. Regardless, we could have taken that \$64 million and spent it all across Canada to try to equalize the funding gap between on-reserve and off-reserve students. Across Canada there are approximately 68,000 First Nation students who attend on-reserve schools. If we had spent that \$64 million on those students to top up their funding so it was equal to what they would get if they go to an off-reserve school we would have closed the gap for 18,285 students. Why would we not do that instead of advertising?

**Senator LeBreton:** Honourable senators, each department is allocated hard-earned taxpayer dollars to administer the programs within the department. The Department of National Defence is allocated certain sums for their programs. The Department of Canadian Heritage is allocated certain sums. The Department of Aboriginal Affairs and Northern Development is allocated significant sums for the programs under their department.

The honourable senator knows that is not the way departments and governments operate. Each department is budgeted a certain amount of money. Aboriginal Affairs is allocated a significant

amount of money to fund the programs within their department. It is really a mug's game to be comparing what one department spends on their programs versus what another department spends on theirs. Each department of government has an obligation to the Canadian public.

The honourable senator talks about advertising. Much of the advertising is the public service advertising for the betterment of Canadians. I remember the amount of money spent on advertising and —

**An Hon. Senator:** I think for the benefit of Conservatives.

**Senator LeBreton:** — by the way, it was a lot less than was spent by the previous government, including the \$40 million that we never found from the sponsorship scandal.

**An Hon. Senator:** Always blame, blame, blame.

**Senator LeBreton:** In any event, it is not fair to compare programs in one department with another. All I can say is there have been ample funds provided to the Department of Aboriginal Affairs and Northern Development to run their programs.

**An Hon. Senator:** I think she actually believes some of this.

---

[Translation]

## ORDERS OF THE DAY

### FINANCIAL CONSUMER AGENCY OF CANADA ACT

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Ghislain Maltais** moved second reading of Bill C-28, An Act to amend the Financial Consumer Agency of Canada Act.

He said: Honourable senators, today I would like to talk about Bill C-28, which would amend the Financial Consumer Agency of Canada Act to govern the appointment of a financial literacy leader by the Governor in Council.

Informed consumers are the key to a solid financial system. A country's financial success reflects the aggregate financial success of all of its households. Consumers must therefore take responsibility for their financial affairs at a time when financial products and services and the ways they are delivered are becoming increasingly numerous and complex.

Nowadays, with financial markets innovating constantly, it can be difficult for Canadians to manage the increasingly complex financial decisions that they have to make throughout their lives.

For example, young people today have more access than ever before to financial products and services. They have debit cards, and more and more of them have credit cards. Many of them have phone service contracts and buy their music, books and clothing online.

If they are not equipped to understand the consequences and the methods of payment they use, they could overspend and rack up debt that will haunt them throughout their studies and perhaps even into their professional lives.

Let us not forget that the rules for credit cards are explained in such fine print that no one can read them.

The same is true for our seniors, who must deal with financial products that are far more numerous and complex, as well as for middle-aged Canadians who are saving for their retirement. Today, people aged 70 and older do not have the same understanding of financial products that they did 50 years ago.

This is particularly true of people with limited financial skills. They are often greatly penalized even when they are making a significant effort to meet the needs of their families. They may be paying higher fees to do basic banking and obtain short-term credit, facing increased exposure to unregulated financial options and making themselves vulnerable to uninsured risks.

Strengthening financial literacy will give all Canadians a greater capacity to invest in the future. For example, when it comes to buying a house, financial literacy does not mean having all the answers but knowing what questions to ask: What is the annual interest rate? How many years will it take me to pay back this loan? Are there fees? What options do I have if I want to reduce the amount of my payments?

Asking the right questions makes it possible to determine the actual cost of a loan. It makes it possible to know that, for the first few years, mortgage payments may not be paying for the home itself but for the interest on the debt.

Honourable senators, our government has always sought to ensure that Canadian consumers are better informed and to better protect their interests. We believe that Canadians are best served when they receive better information on the financial products they are using.

Do we have any idea of how many financial products are available in Canada? Not only must this information be drafted in plain language that is easy to understand, but it must also be communicated to the main decision points when consumers really need it.

We have followed through on that commitment since coming to power. For example, in 2009, we implemented new measures to help Canadian consumers who use credit cards. Credit card applications and agreements must now provide basic information such as the interest rate and fees payable in a summary box.

As a result of these measures, monthly statements now clearly indicate how long it will take the card holder to pay off the credit card balance if only the minimum payment is made every month. We are ensuring that credit cards will not be sent to minors or even pets, which has sometimes happened in the past.

Furthermore, in order to help consumers monitor their personal finances more closely, the explicit consent of the card holder is required in order to increase the credit card limit, and federally

regulated financial institutions must notify the consumer of any interest rate increases.

With this bill, it is our hope, honourable senators, that credit unions across Canada, which fall under provincial jurisdiction, will follow suit.

• (1430)

We have also taken many other steps, such as bringing in regulations to empower consumers struggling with financial products and services that are becoming more and more sophisticated.

For instance, consider the Mortgage Prepayment Information Code of Conduct published by the Canadian Bankers Association in March 2012. Under the terms of that code, federally regulated financial institutions are required to provide a lot more information about mortgage prepayment options.

This includes information on the rights associated with prepayments, an explanation of the charges, a description of the factors that could have an impact on charges over time, and personalized information on the prepayment charges for the borrower.

Thanks to this code, those who decide to pay off their mortgage faster by making lump sum or extra payments will be better informed of all of the costs associated with that.

Furthermore, each lender must provide a toll-free telephone line through which borrowers can speak directly with staff members who can provide them with information about their mortgage prepayments.

More importantly, the code stipulates that this information must be provided to consumers in annual statements, when they are making important decisions, such as when they are renewing their mortgage.

The code of conduct will be an important tool in helping consumers manage one of the most important investments they will make in their lives.

There are other examples of timely regulatory decisions. Another initiative came into effect this summer that requires federally regulated financial institutions to obtain the express consent of consumers before supplying them with any new, optional products or services.

How many times have we had people offer us insurance on our credit cards, and then, without even requesting it, ended up with an additional life insurance policy charged to our credit card?

There was also a change to one of the regulatory measures, reducing the maximum cheque hold period for cheques under \$1,500 from seven days to four days. That is one of the measures that directly affects young people. When my children attended different universities in Quebec, I made a \$300 deposit on a Monday morning and it was frozen for seven days, my child was hungry on the Monday morning. He could not wait seven days. Federal legislation did not allow it, but now we must change the hold period to four days. Once again, loan cooperatives, credit

union federations, must adapt as quickly as possible to the federal legislation to allow these young people to have their money sooner, and this includes young people who are studying in other countries and whose parents must contribute to their financial needs.

We recently finalized the regulatory measures prohibiting federal financial institutions from distributing unsolicited credit-card cheques, which make it possible to withdraw money directly from a credit card. Using such cheques is considered to be a cash advance, which can be subject to very high interest rates and which does not have an interest-free grace period. These regulatory measures will come into effect in 2013.

This fall, we announced a draft regulation on payment network-branded prepaid cards issued by federal financial institutions, to ensure that Canadians are aware of the conditions that apply to these cards so that they can make informed decisions in their everyday lives.

For example, some fees associated with network-branded prepaid cards are not clearly explained to consumers. The regulations would require that consumers be informed of fees in a box that is clearly visible and not hidden by the envelope.

What is more, under the terms of the proposed regulations, other consumer information would have to be provided before purchase in a clear manner that facilitates comprehension. Often, people do not notice things until after they have signed an agreement.

The proposed regulations would also limit certain business practices that may be harmful to consumers, specifically by prohibiting the expiry of money that is put on a network-branded prepaid card.

When these provisions come into effect, the Financial Consumer Agency of Canada will be responsible for monitoring compliance, as it already does now for a series of other consumer protection measures, such as the obligation to grant a 21-day interest-free grace period for credit card purchases and limiting the unsolicited distribution of cheques and credit cards.

The agency plays a key role in these efforts in order to help ensure that consumers have the information they need to make wise and informed decisions. That is why the government announced, in budget 2011, \$3 million in funding per year on top of the \$2 million a year that the agency is already receiving for financial literacy initiatives.

All these measures show that Canadians can count on an even more solid financial system, which brings me back to the topic at hand, and that is Bill C-28, which pertains to the appointment of a financial literacy leader.

In our 2009 budget, we created the Task Force on Financial Literacy, whose mandate was to make recommendations for a comprehensive national strategy to strengthen Canadians' financial literacy. The task force was made up of 13 members drawn from the business and education sectors, community organizations and academia. It spent two years studying and evaluating ways to help Canadians make better financial decisions.

On February 9, 2011, the task force released its final report, "Canadians and Their Money: Building a brighter financial future", which included 30 recommendations to help various levels of government and other stakeholders strengthen Canadians' financial literacy.

This bill implements one of the task force's principal recommendations. It would amend the Financial Consumer Agency of Canada Act for the purpose of appointing a financial literacy leader within the agency in accordance with the government's ongoing responsibility to strengthen the financial literacy of all Canadians.

The financial literacy leader's mandate will be to work collaboratively with stakeholders and coordinate their efforts across Canada to contribute to and support financial literacy initiatives.

The amendments in this bill also list the powers of the financial literacy leader and set out the conditions of employment that will enable the incumbent to carry out activities in support of this objective.

I am sure that, thanks to the many new initiatives I have mentioned, the financial literacy leader will make a real difference and will enable Canadian families to prepare for the future confidently.

Honourable senators, our government believes that Canadians have good basic knowledge of the financial choices available to them. However, the financial sector is becoming increasingly complex, so the government must do more to strengthen people's ability to make wise financial decisions.

By doing that, through such measures as the one in the bill before us today, we will further strengthen our sophisticated financial sector and our country's solid economic fundamentals. This bill shows yet again that the government is determined to better protect and support financial consumers across Canada while ensuring that they have the information they need to save and invest for the future.

• (1440)

This is a small step for financial institutions, but a great leap for consumers. Therefore, I encourage all honourable senators to support this bill.

(On motion of Senator Tardif, debate adjourned.)

[English]

## CRIMINAL CODE

### BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator White, for the third reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

**Hon. Thanh Hai Ngo:** Honourable senators, I rise to speak for the first time in the Senate.

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

**Senator Ngo:** I did not anticipate speaking about a bill that has generated so much public attention and interest. That being said, I will try not to talk too much about myself.

I would like to thank the Right Honourable Stephen Harper for this prestigious appointment and the Honourable Jason Kenney for his continuing support.

I would also like to take this opportunity to thank honourable senators for welcoming me with such warmth and kindness. I have had the pleasure of talking with most of you, and I look forward to collaborating with you.

My wonderful journey in this great nation has brought me to the upper chamber, and it is truly an honour to fulfill my new duties as a senator.

Shortly after my appointment, I had the honour of joining the Standing Senate Committee on Legal and Constitutional Affairs, where I had the privilege of sitting with fellow senators who took the examination of this bill very seriously. I would like to give special thanks to the Chair and the Deputy Chair of this committee, Senator Runciman and Senator Fraser, for having done great work facilitating a full examination of this bill.

During the committee meetings, we listened to witnesses who gave their expert opinions on single-sport betting. This testimony made me aware of the potential positive consequences of Bill C-290, such as an added revenue stream or the dampening of organized crime. The committee meetings also, however, helped me to understand the potential negative effects this measure could have on professional and amateur sports, not to mention the devastating social impact it could have on our families, our youth and our community.

[Translation]

The vast majority of witnesses who appeared before the committee highlighted the economic benefits of passing Bill C-290. We were given a number of different estimates. The gaming industry generates revenues of about \$15 billion a year for Canada. However, the economic benefits are much less than what we think.

The government must spend half of every dollar earned to generate these revenues. According to Statistics Canada, the 135,000 jobs that this bill could create will likely pay low hourly wages.

[English]

We also heard from executives from major sports organizations, such as Major League Baseball, the National Hockey League, the National Football League and the National Collegiate Athletic Association. The organizations provided their positions on how this legislation could impact their respective sports. All of them share the opinion that the passage of this bill would jeopardize the integrity of the sport. Andrew Petter, President and Vice-Chancellor of Simon Fraser University, felt that this legislation threatened the well-being of his student athletes and that of the university athletic community. If passed, the university's policies on sport wagering would prevent them from hosting championship events in British Columbia.

[Translation]

A Criminal Code amendment would surely reduce the activities of organized crime in Canada. There would not be a considerable decrease in illegal betting activities if the bill were passed. According to Mr. Deverensky, director of clinical training at McGill University, activities related to illegal sports betting are already widespread and generally accessible.

Serious gambling will always be regulated by the state, and will never offer the same opportunities as illegal betting.

Passing this bill will therefore allow organized crime to have a broader client base. Illegal betting will continue because criminal activities related to gaming will be organized to take advantage of a larger clientele that is more serious about gaming and likely to use illegal or offshore betting.

According to Canada Safety Council studies on gambling, this bill would be more likely to cause people with gambling problems to commit fraud, theft, domestic violence and money laundering.

Honourable senators, passing this bill will not solve the problem of illegal gambling-related activities. Instead, Bill C-290 will make it easier and more appealing for people to resort to existing illegal practices.

What worries me most about this bill is the impact on and cost to our society and our families. The Institute of Marriage and Family Canada also expressed deep concern about the social impact of this bill on family members.

We tend to believe that the social costs of gambling are primarily associated with the consequences of gambling addiction. According to the Centre for Addiction and Mental Health, three per cent of Ontarians are addicted to gambling, and the province of Ontario derives 40 per cent of its gambling revenues from that three per cent of the population. Even though most social problems originate from a minority segment of the population, this particular minority is an at-risk group that supports the gambling industry.

I want to point out that these social costs have a far-reaching impact on Canadians. Studies on the legalization of gambling conducted for the Law Commission of Canada show that

gambling takes a terrible toll on specific demographics, such as members of low-income families and individuals with compulsive personalities.

According to Professor Deverensky, if this bill passes, the number of gamblers, particularly young adult males between 18 and 45 years of age, will increase.

We have to consider the populations that will be affected by the passage of this bill. This bill will give them more opportunities to lay bets, which will inevitably lead to more problems for families, more suicides and more bankruptcies.

• (1450)

[English]

The Centre for Addiction and Mental Health is an organization with considerable experience in addiction research, health promotion and gambling addiction treatment. Its specialists mention that sports betting is highly addictive and its abuses are associated with anxiety and suicide. Abuse of gambling affects families, relationships, work and academic performance. It can also lead to bankruptcy, crime, self-abuse and alcohol abuse. These effects have been noted also in Australia.

According to reports from the offices of the Ontario and Quebec coroners, the number of suicides related to gambling tripled between 1998 and 2007. The Canada Safety Council, an activist organization, estimates that more than 200 Canadians a year commit suicide for reasons related to gambling. In Alberta, gambling-related suicide represents 10 per cent of the yearly suicides. When we talk about suicide studies that relate to gambling, it is important to consider that coroners across the country started collecting this type of information only in 2003. Coroners have since decided to include in their reports every indication of gambling if it is mentioned in the suicide note or by a family member.

Gambling activities such as sports betting may increase problems associated with addiction. Evidence and research clearly illustrate that gambling runs the risk of increased addiction, conjugal violence, suicide and crime. Such social consequences already demand significant effort from our health infrastructure, and we should not seek to feed them with new patients. According to experts, increases in gambling availability, such as casinos, are associated with increases in problem gambling. Experts from around the world suggest that following the opening of a casino, the number of people seeking treatment for problem gambling rises. This correlation has proven that communities in close proximity to a casino tend to be most affected by gambling problems. Toronto Public Health agrees that any expansion in gambling access in the GTA over and above current levels will likely increase problem gambling rates and the associated health risks for Toronto and nearby communities.

Physical proximity to a gambling venue is proven to be linked with addition and financial problems. Bankruptcy has been linked to gambling in many studies. In Wisconsin, Minnesota and New Jersey, between 2.5 per cent and 10 per cent of bankruptcy filings were related to gambling. According to a study in Quebec,

28 per cent of people with severe gambling problems had declared bankruptcy; and one third had debt between \$75,000 and \$150,000. In Ontario, 21 credit counselling office surveys by the Centre for Addiction and Mental Health in 2002 indicated that, on average, 14 per cent of their clients had financial problems related to gambling. This represents an average debt of \$34,000.

In addition to the increasing problems that are already widespread in our society because of the proximity of a casino, Internet gambling has added more social problems. Internet gambling, whether legal, offshore or illegal, has become a readily available source of gambling. This has made it easier for everyone to spend significant amounts of time gambling and to make larger and more frequent bets. Also, it has increased the number of gambling problems.

According to the British Columbia Problem Gambling Prevalence Study in 2008, Internet gambling was associated with 29 per cent of problem gamblers, which is more than double the 12 per cent of casual gamblers. Addiction has increased with the invention of Internet gambling. It has been proven that Internet gamblers who bet on sporting events will bet more often and spend more money than people who wager on sports off-line. They will also bet each month, more than off-line counterparts. This is interesting because Internet gambling continues to be among the least common forms of gambling among Canadian adult gamblers. The devastating impact and destruction on our society I just mentioned would be even greater with the passage of Bill C-290.

Treatment of problem gambling addiction is an important and effective method for managing problem gambling; however, it cannot undo the loss of wealth, the destruction of families and other damages caused by problem gambling. Social safeguards are all well and good, but we must think in terms of prevention before promoting health campaigns against addiction problems.

I received many letters expressing serious concern regarding Bill C-290. For the reasons I have mentioned, the social costs outweigh the financial benefits that this proposed amendment would bring. The passage of this bill would put amateur and professional sports at risk by undermining public confidence in sporting events. It would run the risk of increasing the pool of illegal gamblers and would contribute to the damage already done by gambling problems to our families, at-risk youth and our communities.

I ask honourable senators to consider the impact that this bill would have on our communities, our youth and our families. The passage of this bill would be like opening a Pandora's box. Honourable senators, Bill C-290 comes at great human cost that we should not relegate for financial gains. As Senator White eloquently said yesterday, the house always wins. Let us reverse this role and let the Canadian people win this time by voting against this bill.

(On motion of Senator Tardif, for Senator Baker, debate adjourned.)

[ Senator Ngo ]

- (1500)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

**Hon. Donald Neil Plett** moved second reading of Bill C-309, An Act to amend the Criminal Code (concealment of identity).

He said: Honourable senators, it is my pleasure to speak to Bill C-309, the preventing persons from concealing their identity during riots and unlawful assemblies act.

This bill was introduced in the other place by the Member of Parliament for Wild Rose, Mr. Blake Richards. This legislation will amend sections 65 and 66 of the Criminal Code of Canada and will create two new Criminal Code offences.

The first will make it an indictable offence to wear a mask or conceal one's identity during a riot without lawful excuse. The maximum penalty for this will be 10 years in prison.

The second is a hybrid offence which will make it illegal to wear a mask or conceal one's identity without lawful excuse while participating in an unlawful assembly. The maximum penalty for this will be five years in prison, and on a summary conviction the maximum penalty would be six months in prison and/or a maximum fine of \$5,000.

**Senator Munson:** Oh, just \$5,000?

**Senator Plett:** Honourable senators, let me clarify that this legislation excludes those who have lawful excuses for face coverings while participating in a lawful assembly, including wearing a scarf to protect one's face from the elements or wearing a religious covering such as a niqab.

There have been many media reports and claims from the opposition in the other place that this bill will somehow curtail freedom of expression. The fact of the matter, honourable senators, is that the main reason masks or disguises are worn during a riot or unlawful assembly is for the purpose of concealing one's identity while committing a crime or conducting intimidation.

Let me repeat that: for the purpose of concealing one's identity while committing a crime or conducting intimidation. These are not honest protesters looking to exercise their democratic freedoms but rather criminals who are looking to incite chaos.

Let me be very clear, honourable senators: This legislation does not affect peaceful protesters exercising their democratic right to demonstrate. In fact, it helps to protect them. This legislation is very clear about those who knowingly and intentionally infiltrate peaceful demonstrations with the intent of creating mischief or chaos.

There have also been those who have stated that this legislation is a redundancy on current laws. This is not the case. Under the current law, it is an offence under subsection 351(2) of the Criminal Code to wear a mask or disguise with intent to commit an indictable offence. However, police have stated that this subsection is very difficult to apply to riots.

Also, subsection 351(2) does not apply to summary conviction offences, which means that the Criminal Code does not specifically address the person participating in an unlawful assembly who wears a mask or disguise to conceal their identity without lawful excuse.

Bill C-309 fills a gap under the current law since the offence in section 66 — being part of an unlawful assembly — is not an indictable offence. It would give police the ability to better protect public safety, and it would help to deter these situations from arising in the first place. It would also protect the rights of legitimate protesters by protecting them from those who try to infiltrate their peaceful protests and take away from the message they are trying to convey. Similar laws have been created in the United States, the U.K. and France.

Police chiefs in Victoria, Vancouver, Toronto and Calgary have all stated that they support the aim of Bill C-309. The Canadian Association of Chiefs of Police stated on this legislation:

Those who embolden themselves by masking or hiding their identity while participating in a riot or unlawful assembly have a tremendous impact on the safety of those who exercise their right to protest peacefully and lawfully in this country. A right the CACP supports and defends. They also make investigations of these crimes much more difficult.

Chief Constable Jamie Graham stated on Bill C-309 that:

In short, I think this is a progressive, measured, and responsible step towards giving the police agencies the legislative tools we need to uphold the law and maintain public safety.

Honourable senators, I would also like to note that all Liberals voted in support of Bill C-309 in the other place at second reading. Minister of Justice and Attorney General of Canada, the Honourable Rob Nicholson, stated on Bill C-309 that:

Our Government is committed to the safety and security of all Canadians. Destructive and reckless behaviour damages communities and should not be tolerated.

One tactic that is commonly used by would-be rioters is the Black Bloc. Groups of people purposefully and premeditatedly organize beforehand to take advantage of peaceful protests by dressing in black nondescript clothing and strongly encourage the use of masks. They then change into light coloured clothing and rejoin the crowds, using the masses of protesters for camouflage and anonymity. One need not search very far on the Internet to find Black Bloc how-to sites that state that masks are the most important aspect of the Black Bloc uniform. One Black Bloc website states that:

The mask you wear should show nothing more than your eyes.

... If your hair and the rest of your upper head are exposed, it is not hard to tell who you are.

These Black Bloc groups also organize online beforehand by taking advantage of planned, peaceful demonstrations. As the Southern Ontario Anarchist Resistance posted on the A-Infos website on May 11, 2010:

On Saturday, June 26th, we will form an anti-colonial, anti-capitalist presence to walk in solidarity with the People First march, before continuing on towards the fence to confront the police state and Toronto's corporate culture. This action will be militant and confrontational, seeking to humiliate the security apparatus and make Toronto's elite regret letting the dang G20 in here.

The website posting goes on to state:

. . . we are calling for diverse and creative actions aimed to disrupt business as usual.

It then ends off stating:

Be the riot you wish to see.

Honourable senators, I ask: Does this look like a peaceful protester trying to exercise their democratic right to demonstrate, or does it sound like a criminal who is out to create chaos? Make no mistake about it, honourable senators, these persons are not peaceful protesters. They are criminals who use premeditated tactics and disrupt peaceful protests to create chaos.

Honourable senators, I do not know about you, but in all of my life I have yet to "accidentally" get involved in a riot. Simply put, one does not accidentally riot. That is like claiming you accidentally robbed a bank.

In recent times, would-be rioters have taken advantage of protests and crowds at the anti-Olympic protests in Vancouver, the G20 demonstrations in Toronto, the Stanley Cup riots in Vancouver, and the student protests in Montreal. The need for Bill C-309 was born out of these tragedies.

• (1510)

For instance, anti-Olympic protesters caused havoc in downtown Vancouver in 2010. These criminals infiltrated a peaceful protest and used Black Bloc tactics, dressing in black and wearing bandanas to cover their faces and conceal their identities. They caused substantial damage, smashing three windows at a Hudson's Bay Company store and another window at a TD Canada Trust. They also sprayed windows with red paint, were involved in several confrontations with supporters at the Olympic Games, and threw marbles and spat at police. As Vancouver Chief Constable Jim Chu stated at the time:

Police will respect the rights of those who wish to express their criticism through protests, but that does not give them right to commit crimes and jeopardize the public's safety.

At the G20 protests in Toronto, a Black Bloc of about 200 people, wearing black clothing and covering their faces, infiltrated a legitimate demonstration of about 10,000 people. This group of violent criminals broke free from the main

demonstration to vandalize, terrorize and create chaos. These rioters caused over \$2.5 million in damage in downtown Toronto, and almost 100 police officers and 20 private citizens were injured.

One would-be rioter who belongs to the anarchist hip-hop duo, who ironically called themselves "Test Their Logik," stated to *The Globe and Mail* during the G20 demonstrations: "When buildings are destroyed and no one is hurt — who cares? It's a broken window, not a life."

Honourable senators, I ask again, does this sound like a peaceful protester trying to exercise his democratic right to demonstrate, or does it sound like a criminal who is out to create chaos?

Former mayor of Toronto, David Miller, stated in the aftermath of the G20 process: "I will not dignify their activity by calling them protesters, because they are not."

At the Vancouver Stanley Cup riot in 2011, rioters caused over \$3 million in damages to 90 businesses, numerous amounts of private property and injured 150 people. The Vancouver Police Department identified 15,000 separate criminal acts. Despite this fact, and despite their hard work, far too many criminals were able to escape justice.

Brian Hutchison of the *National Post* newspaper and Vancouver resident described the aftermath of the 2011 Vancouver Stanley Cup riots:

Blood in our streets. I saw people on the ground, bleeding. Shattered glass everywhere. Police cars set alight. Major bridges are now closed, preventing public access into the downtown core. Transit is plugged up, there's no way out. More police and fire crews are arriving, from the suburbs, but again, it seems too late. And as I write this, the sun has just set. Vancouver, what a disgrace.

Charles Gauthier, Executive Director of the Downtown Vancouver Business Improvement Association stated on Bill C-309:

As our country's lawmakers you can begin the process of rebuilding the public's confidence in our laws by supporting private member's bill C-309 and giving notice to would-be looters, rioters, and criminals that donning a mask, disguise, or other facial covering will be met with the full force of the law.

Honourable senators, as Mr. Gauthier stated, as parliamentarians we have the ability to begin the process of rebuilding the public process in our laws by supporting this legislation.

The recent Montreal student protests against proposed tuition hikes have also been infiltrated by mask-wearing Black Bloc rioters. As Guillaume Lefebvre, a peaceful, legitimate protester put it while speaking about the radical protesters: "They take us hostage for their own little fun of breaking stuff."

I urge honourable senators to join me in voting in favour of Bill C-309 to give our police officers the ability to better protect public safety and to help to deter these situations from arising in the first place. This legislation fills a gap under the current law



and will protect the rights of legitimate protesters by protecting them from those who purposefully infiltrate their peaceful protests to create chaos.

As member of Parliament Blake Richards put it:

The masked criminals who work the riots arrive at the scene well prepared. They are armed. They are motivated. We equip and train our police to enforce our laws and to keep our streets safe, yet we know that one key tool is missing from their toolkit: a tool that would help police prevent, de-escalate and control riots; a tool that would spell the difference between legal orderly expression and total destruction of a neighbourhood; a tool that would protect our nation's citizens, emergency service workers, private businesses and public property; a tool that would protect lawful demonstrators' ability to put voice to their beliefs; a tool that would prevent violence on Canadian streets. Let us give our police that tool.

Thank you.

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

(On motion of Senator Jaffer, debate adjourned.)

#### STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

FOURTH REPORT OF ENERGY, THE ENVIRONMENT  
AND NATURAL RESOURCES COMMITTEE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Neufeld, seconded by the Honourable Senator Martin, for the adoption of the fourth report of the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled: *Now or Never: Canada Must Act Urgently to Seize its Place in the New Energy World Order*, deposited with the Clerk of the Senate on July 18, 2012.

**Hon. Daniel Lang:** Honourable senators, I am pleased to rise and speak on the report submitted to the chamber by the Standing Senate Committee on Energy, the Environment and Natural Resources, entitled *Now or Never: Canada Must Act Urgently to Seize its Place in the New Energy World Order*.

First, allow me to acknowledge the excellent work of Senator David Angus and the Senate staff. Together, they have enabled our committee to consider the vital role played by Canada's energy sector. On November 7, Senator Neufeld, our new committee chair, addressed the importance of the energy sector to the Canadian economy. I would like to build on his comments by highlighting the importance of the sector as well as identifying a number of priorities from the report.

Honourable senators, the energy sector plays a vital role in keeping Canada strong, free and prosperous. Our energy sector employs over half a million Canadians from coast to coast to coast and contributed a staggering \$94 billion to our country's exports in 2010.

In addition, our report noted that the sector contributed \$35 billion in taxes and royalties in 2008 to various levels of government. It is providing billions of dollars to offset what all levels of governments are paying to build highways, schools and hospitals.

Our energy sector also plays a vital role as the largest private-sector employer in Canada. Job creation is fundamental to our economic growth and our long-term prosperity. Young Canadians in high school should be introduced to the opportunities in the energy sector as they plan their careers. The committee report noted that Alberta alone will have over 114,000 job vacancies over the next decade. These opportunities must be accessible to all Canadians, including Aboriginal youth, 400,000 of whom will be eligible for the workplace between 2012 and 2020.

Greater efforts must also be made to remove barriers to labour mobility and more must be done to increase trades and apprentice training rather than depending on temporary foreign workers.

• (1520)

Honourable senators, one aspect of the energy sector that is often overlooked is hydro power. The committee's report highlights this important sector as a priority and notes that Canada is one of the largest producers of hydro power in the world. Sixty-three per cent of Canadian electricity is produced through hydro. There are long-term opportunities to grow electricity export markets in the United States, including in British Columbia, the Atlantic Energy Gateway, and the recently announced Muskrat Falls project.

The Government of Canada should continue to support large hydro power by using all avenues to promote it to the United States as an important part of their renewable energy mix and as a vital component if we are going to achieve North American energy independence.

Honourable senators, if Canadians are not diligent, the prosperity created by our energy sector will not continue. Today, many factors pose risks to Canada's energy sector. First is the prospect of the largest purchaser of Canadian oil becoming self-sufficient. Economist Philip Verleger noted that within the coming decade, the United States will no longer need to import crude oil and will likely become a significant exporter of natural gas.

Second, Canada loses approximately \$28 billion a year in revenue from oil sales to the U.S. This differential, the price difference between Brent and West Texas Intermediate crude, is caused by the relative oil supply glut in North America and particularly Canada. Put simply, because we do not have access to diversified markets, Canadian oil producers are unable to command the highest international prices for our oil.

Third, Canada's energy-funded prosperity is also facing challenges as a result of environmental and regulatory issues, as well as the more immediate concern surrounding public opposition to the Northern Gateway pipeline.

Fourth, our domestic challenges are becoming more and more complicated by what our report notes as increasingly aggressive competition from other oil- and gas-exporting countries. In the past month, major oil and gas discoveries off the coast of Malaysia, Israel and Mexico have been reported. Closer to my region, the prospect of a natural gas pipeline from Alaska's north coast to Valdez or Anchorage is closer to becoming a reality.

We must not allow ourselves to become complacent in facing these challenges. Rather, we must seek out and embrace new opportunities and new markets. Export opportunities exist in proposed infrastructure projects, including upgrades to the electricity transmission grid and the much-talked-about pipeline infrastructure to the United States and the West Coast.

While energy exports and exploration generate significant revenues for all levels of government, it is time we looked closer to home if we are to become truly energy independent. Canada produces enough oil and gas to be self-sufficient, yet we are importing 778,000 barrels per day of crude oil from countries such as Saudi Arabia and Venezuela. As a country, we are sending close to \$40 billion out of Canada each and every year to finance foreign oil production, rather than spending that money here to develop our resources and meet our own needs. Spending \$40 billion annually to buy foreign oil makes no sense, especially when Canada produces more than we need.

One of the priorities from the report that is gaining traction is our call to look favourably on the prospect of shipping Western Canadian crude to the East for refining and marketing in Ontario, Quebec, Atlantic Canada and international markets. As our report states, this idea has long been touted as an obvious way to boost Eastern Canadian energy security and advance nation building, but it has repeatedly been delayed because of inadequate market conditions. However, the report notes the economics for piping oil to the East have improved considerably, particularly because higher prices can be achieved for oil in Eastern Canada than in the American Midwest.

It is refreshing to read that Enbridge's president and CEO Al Monaco has confirmed that they have applied to the National Energy Board to reverse the flow of an existing gas pipeline to provide Western crude to refineries in Ontario and Quebec. The company is also actively pursuing talks with the Government of New Brunswick about the possibility of building a new pipeline from Montreal to Saint John, where the oil can be exported to additional markets in Asia. This is good news for Canada.

As the report states, if the committee's vision for Canada's energy future is to be realized, we believe now is the time for such infrastructure projects to be undertaken in the spirit of nation building and leveraging domestic opportunities. At a time when billions of dollars are transferred from Western provinces to Ontario, Quebec and Eastern Canada, the least we should be doing is promoting a buy-Canadian strategy.

Honourable senators, I would be remiss if I did not speak about the North. According to the report, the region north of the 60th parallel holds up to one third of the potential for conventional oil and gas in Canada. To leverage this potential, we need to move forward with regulatory reforms, including land claims which are stifling investment. Yukon is leading the way and, thanks to the

proposed changes by the government to streamline regulations, Nunavut and N.W.T. will soon be in a more competitive position to attract new investment.

Honourable senators, our Senate report could not have been timelier. Our mission was to set the scene for all Canadians to grasp what is at stake, namely, our economic prosperity and our ability to fund infrastructure and social programs across the country. Canada has unlimited energy potential. If we are to remain strong, free and prosperous, Canada must act urgently to seize our place in the new energy world order.

**Hon. Roméo Antonius Dallaire:** Would the honourable senator accept a question?

**Senator Lang:** Agreed.

**Senator Dallaire:** Thank you. I remember two years ago, and also not so long ago, raising the question about ethical and non-ethical oil. If the honourable senator remembers, at the time, the response was, yes, Eastern Canada could purchase non-ethical oil because it was not a good business plan to get western oil to Eastern Canada. I am overjoyed to know that it has now become a good business plan and that it is seemingly strongly supported by the Energy Committee's report, and it is high time that we do that.

My question, however, is more in another arena than this observation, and that is on the nuclear power side. Has the committee looked at the impact of nuclear power in regard to the cost of building those systems and what does one do with the fissile material? Does the report provide a recommendation, or does it not touch on that particular dimension of energy production?

**Senator Lang:** Honourable senators, the report does touch on the question of nuclear power. It does refer to it. It is definitely an area that is a priority from the point of view of Canada. It supplies a great deal of energy, especially in Ontario and now in New Brunswick. There is a place for nuclear in the energy mix for Canada. The reality of it is that it will have to be based on the economics of what a plant would cost and the acceptability or the social licence that goes along with the acceptability of that plant being built. Of course, the other area that is of concern to all Canadians is the long-term storage of the waste material. There are a number of issues outstanding in respect to that particular part of the energy mix, but it does provide a great source of energy.

I have to say, as a member of the committee and having had the opportunity to tour a number of those plants, that one cannot help but come out being very impressed by what these plants provide for us as Canadians and by those individuals who work in those plants and how they keep those plants. Once you walk through those plants, you can walk away knowing that everything is very, very secure.

• (1530)

**Senator Dallaire:** It is interesting that the Pugwash movement, which was founded in Nova Scotia and which is against nuclear proliferation and against nuclear weapons, also articulated that it was comfortable with the possibility of nuclear power in the future. I accept that premise.

However, they demonstrated a concern in regard to nuclear power. It was whether or not, ultimately, the cost-effectiveness of a system like that should be entertained as the long-term priority system versus other means, like hydro, which puts half of the province of Quebec under water and things of this nature.

Do you have, in the report, a preferred option, or are you simply listing possible sources of energy?

**Senator Lang:** We consciously went ahead and listed 13 priorities with respect to what Canada and the provinces should be looking at in the future. It was a conscious decision to outline them as priorities as opposed to as recommendations. We had one recommendation, which basically was the consolidation of all of the information that was being acquired within the various government departments — to bring that all together so that when people are looking for information they can go to one portal. Which priority was more of a priority than another was not the question at all. The question for us was to outline the areas that we had as far as energy resources and for the various governments to outline, look at and make some decisions going forward.

The most important observation that I believe that our report has brought forward — and it is proving to be true — is that in the area of energy there is an urgency to make decisions. Decisions have to be made because, if we do not, time will pass us by. If one takes a look at Asia and their thirsty demand for resources, if we are not in a position to provide that resource, other countries will. If honourable senators will recall, in the last month major resources have been found in Mexico, Malaysia and, believe it or not, off the coast of Israel.

The reality is that Canadians have to wake up and realize that this is a very serious issue facing us. If we do not make any decision, we will rue the day because our prosperity depends on our ability to sell our energy.

(On motion of Senator Mitchell, debate adjourned.)

## BANKING, TRADE AND COMMERCE

### SEVENTH REPORT OF COMMITTEE ADOPTED— UNAUTHORIZED DISCLOSURE OF CONFIDENTIAL COMMITTEE DOCUMENTS

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Banking, Trade and Commerce, (*Unauthorized disclosure of confidential committee documents, pursuant to Appendix IV of the Rules of the Senate*), tabled in the Senate on October 30, 2012.

**Hon. Irving Gerstein** moved the adoption of the report.

He said: Honourable senators, as Chair of the Standing Senate Committee on Banking, Trade and Commerce, I have the honour today to move the adoption of the committee's seventh report, which was tabled in the Senate on October 30, 2012, relating to the unauthorized disclosure of confidential documents.

Honourable senators will recall that on October 3, 2012, I made a statement in the Senate pursuant to Appendix IV, page 129, paragraph (a) of the *Rules of the Senate*, alerting all honourable

senators to the leak of the committee's draft report dealing with its review of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.

In further accordance with Appendix IV of the *Rules of the Senate*, the committee met to deal with the matter.

Honourable senators, it is with some irony that, almost 10 years ago to the day, the Standing Senate Committee on Banking, Trade and Commerce, whose chair at the time was my good friend, the Honourable Leo Kolber, had to deal with a similar situation.

In 2002, the committee was undertaking a study of the potential impact of bank mergers, and roughly 24 hours before being tabled in the Senate on December 12, 2002, a draft copy of the report was obtained by the media.

Honourable senators, the present Banking Committee, which includes no fewer than four members of the Banking Committee from 10 years ago, is of the view, after deliberation, that Senator Kolber's Banking Committee's seventh report, which was tabled in the Senate on February 25, 2003, and which dealt with that leak, could not have set a better precedent for the current situation. As Senator Kolber, who in moving the adoption of the Banking Committee's report, so eloquently stated on February 26, 2003:

Your committee studied this matter thoroughly, engaged in debate and decided not to call any witnesses. Your committee came to the conclusion that no further action is required with respect to the question of privilege, except to raise the awareness of senators and staff as to the need for and requirement of confidentiality.

Hence, today, our committee is unanimously in agreement that, again, no further action is required other than to once again remind senators and staff of the need for and the requirement of confidentiality. With that statement re-emphasized, honourable senators, the committee considers the matter closed. Thank you.

(On the motion of Senator Gerstein, report adopted.)

## NATIONAL STRATEGY FOR CHRONIC CEREBROSPINAL VENOUS INSUFFICIENCY (CCSVI) BILL

### FIFTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

Leave having been given to revert to Other Business, Senate Public Bills, Reports of Committees, Order No. 1:

On the Order:

Resuming debate on the motion of the Honourable Senator Ogilvie, seconded by the Honourable Senator Wallace, for the adoption of the fifteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-204, An Act to establish a national strategy for chronic cerebrospinal venous insufficiency (CCSVI), with a recommendation), presented in the Senate on November 22, 2012.

**Hon. Grant Mitchell:** Honourable senators, thank you very much. I do not think I need to take too long, but I did just want to make a few comments about the report that has denied this bill, specifically about the decision inherent in this report that the committee did not call patients, people who are afflicted with multiple sclerosis.

I am concerned about that on many different levels, and I would like to address it because I think that it says a great deal about the nature of this place, what this place can do and what the parliamentary process and Parliament itself and its institutions can do for the people of this country. I think a very wonderful opportunity to do something positive in the political process was missed, and I think it was really unnecessary for that mistake to have been made.

• (1540)

Here is the problem: I get that the government is driven to reduce the activity and reach of government. That is an ideological predisposition of this government. It is a philosophy and a value. I absolutely do not agree with the way in which this government approaches the role of government, but it is absolutely fair to hold that position.

There are many ways in which that position informs this government's approach to public policy, one of which is that they do not want to have anything whatsoever to do with a provincial jurisdiction, even though there are legitimate federal responsibilities that overlap with provincial jurisdictions. One could understand from that perspective, although I do not accept it, that this government would not want to get involved in a study of this particular technique to assist people with MS, because they would see that as a way of extending the reach of government in a way that they simply do not want to do. One could see that; but I do not accept it.

The other side of that is this: You might be walking down the street and see someone in need of assistance who has been in an accident. Even though you are not a medical professional, there is always something that you could do to help. You would not walk by and not help the person. In a sense, this philosophy or ideology misses the point that this government can provide leadership in certain ways, and it can assist Canadians and make this country better. An ideological black-and-white, with no drawing of the lines, often means that the government does not do what it can and should do.

Once the bill was referred to committee for consideration and witnesses were called to testify, then the idea that they did not want to extend the reach of the federal government into this health care area was dispensed with. If the committee had already dispensed with that prohibition and was calling witnesses, why would the committee not call people afflicted with MS? Why would the committee not do that? One answer might be that the committee did not want to hear what it did not want to hear. Of course, that is absolutely an anathema to the democratic process. Why would strong policymakers be afraid to hear strong arguments on both sides?

I particularly enjoy working on the Energy Committee. I do not want to put my colleagues from the other side on the spot, but it is a wonderful committee because the chair and others are not afraid

to hear questions posed and positions taken by both sides. The questions can be tough and pointed, but there is a profound respect on that committee for both sides.

I do not understand why the Conservative side of the Standing Senate Committee on Social Affairs, Science and Technology did not want to hear from those people on the basis that maybe they would say something that was contrary to what the government wanted to hear or what that side wanted to hear. So let us dispense with that.

What else could be accomplished by allowing people with MS to appear before that committee? The question brings me to the relationship of the Canadian people to their democratic institutions. What could have been accomplished was the chance to extend to people, who have a serious problem in their lives that creates a great deal of stress and concern, the courtesy and privilege of appearing in their democratic institution to make their case. What would it take: one or two or three hours? It would take one or two or three meetings. It would offer these people the opportunity to participate in a serious, significant and meaningful way in their parliamentary process. They would have a chance to participate in perhaps moving their issue along. Even if the committee decided not to accept their testimony, those people would leave with the knowledge and understanding that they had their chance in this remarkable, wonderful and beautiful place — the Parliament of Canada.

That missed opportunity came at a time when people are profoundly cynical about the parliamentary democratic process. Lost was the chance to hear some powerful ideas from a side that some of our colleagues might not have agreed with. What was perhaps equally if not more damaging and a greater loss, in my mind, was the loss of the potential for this institution to provide something important and significant to Canadians during a very difficult time in their lives.

I do not think it would have been too much for that committee of the Senate to extend a courtesy in this democratic process to Canadians who would benefit from it and who, at some fundamental level that we all must understand and accept, would have the chance to participate in the parliamentary democratic process in a meaningful and significant way. We could have given those people that; but the majority on that committee denied that possibility. It is unforgivable and unacceptable. Perhaps, above all else, it is profoundly sad that that opportunity was missed.

(On motion of Senator Mitchell, for Senator Eggleton, debate adjourned.)

## SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

### COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Kelvin Kenneth Ogilvie**, pursuant to notice of December 4, 2012, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to sit on Monday, December 10, 2012, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

He said: Honourable senators, the reason for this request from the committee is simply to ensure that we can complete the business of the committee within the time left for Senate business before the adjournment.

**Hon. Gerald J. Comeau (The Hon. the Acting Speaker):** Are honourable senators ready for the question?

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Are witnesses scheduled to appear that evening?

**Senator Ogilvie:** No, witnesses are not scheduled, as yet.

**Senator Tardif:** Could the honourable senator explain the urgency for the request?

**Senator Ogilvie:** Honourable senators, Bill C-44 was referred to the committee just yesterday. We will start that today, but it is uncertain as to how the committee will want to proceed with it. This is just a cautionary move in that regard.

**Hon. James S. Cowan (Leader of the Opposition):** Senator Eggleton is not here. Is this the unanimous view of the steering committee or of the whole committee?

**Senator Ogilvie:** This is the request of the steering committee.

**Senator Cowan:** Is the request unanimous?

**Senator Ogilvie:** That is my recollection. We agreed as a committee. Yes, it was.

**Senator Cowan:** On that basis, thank you.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (1550)

COMMITTEE AUTHORIZED TO EXTEND DATE  
OF FINAL REPORT ON STUDY OF SOCIAL  
INCLUSION AND COHESION

**Hon. Kelvin Kenneth Ogilvie,** pursuant to notice of December 4, 2012, moved:

That notwithstanding the Order of the Senate adopted on June 21, 2012, the date for the presentation of the final report by the Standing Senate Committee on Social Affairs, Science and Technology on social inclusion and cohesion in Canada be extended from December 31, 2012 to June 30, 2013.

He said: Honourable senators, I will start off by saying this was motion was agreed to by the steering committee. This item relates to a study initiated by Senator Eggleton some time ago. The steering committee has received and has gone through the first

draft. We hope this matter will be dealt with in the coming session after Christmas, but the time will expire under the current authorization at the end of this month and we are asking the Senate to extend it.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

THE SENATE

MOTION TO EXPRESS SUPPORT FOR MALALA  
YUSUFZAI AND HER FAMILY—DEBATE ADJOURNED

**Hon. Salma Ataullahjan,** pursuant to notice of December 4, 2012, moved:

That the Senate of Canada express its support for Malala Yusufzai in light of her remarkable courage, tenacity and determined support for the right of girls everywhere to an education; offer its best wishes for her full recovery; express its gratitude for the courage of her family and the work of the staff at the Birmingham hospital in the United Kingdom; and offer its solidarity with girls and young women everywhere whose absolute right to equality of opportunity and quality education in every country of the world is and must always be universal and real.

She said: Honourable senators, I recently visited Malala Yusufzai at a hospital in Birmingham in the United Kingdom. The trip was a personal one for me as I am from the same province and tribe as Malala. She is a Yusufzai and I am a Yusufzai. We speak the language of Pukhto, common to the Pukhtun people. Her story touched me deeply, not only as a Pukhtun from Pakistan, but as a woman and a mother of two daughters. I had to visit this brave, young girl who stood up to forces much bigger and stronger than she. At the age of 11, Malala began blogging for the BBC under an assumed name. She described her life under Taliban rule where she would go to school in secret with books hidden under her clothes. One day in October, Malala and two of her friends were attacked by the Taliban on their way to school.

We are a generation and two continents apart, but the 15-year-old's courage has inspired me and those around the world. She makes us believe that one person of any age can truly make a difference and that girls and women have a universal right to education and equal opportunity. The doctors told me that Malala is progressing well. She is a fighter. Her friends Shazia, 13; and Kainat, 16, were also wounded and have since returned to school under police guard. Girls like this renew my hope for my home country of Pakistan and for young women around the world.

Honourable senators, this is a cause that we can all get behind. Malala has received support worldwide. The international petition for Malala's nomination for the Nobel Peace Prize has been signed by our Prime Minister and the leaders of all political

parties. I ask honourable senators to support a motion that expresses support for Malala in light of her remarkable courage, tenacity and determination for girls' education and equality of opportunity. Every girl should have a right to do what all girls want to do — the right to play, to laugh, and to learn.

(On motion of Senator Segal, debate adjourned.)

(The Senate adjourned until Thursday, December 6, 2012, at 1:30 p.m.)

---

## CONTENTS

Wednesday, December 5, 2012

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		Hon. Sandra Lovelace Nicholas . . . . .	2969
<b>L'Escale Youth Centre</b>		Jobs and Growth Bill, 2012.	
Hon. Pierre-Hugues Boisvenu . . . . .	2965	Hon. Nick G. Sibbeston . . . . .	2969
Francophone Federation of Newfoundland and Labrador.		Hon. Marjory LeBreton . . . . .	2969
Hon. Maria Chaput . . . . .	2965	Funding for On-Reserve Education.	
<b>Firearms Registry</b>		Hon. Pana Merchant . . . . .	2970
Hon. Jean-Guy Dagenais . . . . .	2966	Hon. Marjory LeBreton . . . . .	2970
<b>Post-Secondary Education</b>		Hon. Mobina S. B. Jaffer . . . . .	2970
Hon. Catherine S. Callbeck . . . . .	2966	Hon. Lillian Eva Dyck . . . . .	2972
<b>Canada-Africa Trade Partnerships</b>		<hr/>	
Hon. Donald H. Oliver . . . . .	2967	<b>ORDERS OF THE DAY</b>	
<b>Visitors in the Gallery</b>		<b>Financial Consumer Agency of Canada Act (Bill C-28)</b>	
The Hon. the Speaker . . . . .	2967	Bill to Amend—Second Reading—Debate Adjourned.	
<hr/>		Hon. Ghislain Maltais . . . . .	2972
<b>ROUTINE PROCEEDINGS</b>		<b>Criminal Code (Bill C-290)</b>	
<b>Privy Council</b>		Bill to Amend—Third Reading—Debate Continued.	
Special Economic Measures (Syria) Regulations Tabled.		Hon. Thanh Hai Ngo . . . . .	2975
Hon. Claude Carignan . . . . .	2967	<b>Criminal Code (Bill C-309)</b>	
<b>Canada-United States Inter-Parliamentary Group</b>		Bill to Amend—Second Reading—Debate Adjourned.	
Republican National Convention, August 27-30, 2012—		Hon. Donald Neil Plett . . . . .	2977
Report Tabled.		<b>Study on Current State and Future of Energy Sector</b>	
Hon. Janis G. Johnson . . . . .	2968	Fourth Report of Energy, the Environment	
Democratic National Convention, September 3-6, 2012—		and Natural Resources Committee—Debate Continued.	
Report Tabled.		Hon. Daniel Lang . . . . .	2979
Hon. Janis G. Johnson . . . . .	2968	Hon. Roméo Antonius Dallaire . . . . .	2980
<b>Human Rights</b>		<b>Banking, Trade and Commerce</b>	
Notice of Motion to Authorize Committee to Meet during		Seventh Report of Committee Adopted—Unauthorized	
Sitting of the Senate.		Disclosure of Confidential Committee Documents.	
Hon. Mobina S. B. Jaffer . . . . .	2968	Hon. Irving Gerstein . . . . .	2981
<b>The Honourable Francis William Mahovlich</b>		<b>National Strategy for Chronic Cerebrospinal</b>	
Notice of Inquiry.		<b>Venous Insufficiency (CCSVI) Bill (Bill S-204)</b>	
Hon. Francis William Mahovlich . . . . .	2968	Fifteenth Report of Social Affairs, Science and Technology	
<hr/>		Committee—Debate Continued.	
<b>QUESTION PERIOD</b>		Hon. Grant Mitchell . . . . .	2982
<b>Aboriginal Affairs and Northern Development (Bill C-45)</b>		<b>Social Affairs, Science and Technology</b>	
Jobs and Growth Bill, 2012.		Committee Authorized to Meet during Sitting of the Senate.	
Hon. Lillian Eva Dyck . . . . .	2968	Hon. Kelvin Kenneth Ogilvie . . . . .	2982
Hon. Marjory LeBreton . . . . .	2968	Hon. Gerald J. Comeau . . . . .	2983
Funding for On-Reserve Education.		Hon. Claudette Tardif . . . . .	2983
Hon. Lillian Eva Dyck . . . . .	2968	Hon. James S. Cowan . . . . .	2983
Hon. Marjory LeBreton . . . . .	2969	Committee Authorized to Extend Date of Final Report	
		on Study of Social Inclusion and Cohesion.	
		Hon. Kelvin Kenneth Ogilvie . . . . .	2983
		<b>The Senate</b>	
		Motion to Express Support for Malala Yusufzai and her Family—	
		Debate Adjourned.	
		Hon. Salma Atallahjan . . . . .	2983

---

**Published by the Senate**

**Available on the Internet: <http://www.parl.gc.ca>**