



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 129

OFFICIAL REPORT
(HANSARD)

Tuesday, December 11, 2012

The Honourable NOËL A. KINSELLA
Speaker

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

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

Tuesday, December 11, 2012

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

[English]

Prayers.

MR. KEVIN MACLEOD, C.V.O., C.D.

[Translation]

USHER OF THE BLACK ROD

SENATORS' STATEMENTS

THE LATE FATHER ROGER GUINDON, C.C., D.TH., O.M.I.

Hon. Marie-P. Charette-Poulin: Honourable senators, tomorrow, the University of Ottawa community will hold a ceremony to commemorate the life and contributions of Father Roger Guindon, who transformed the institution during the 20 years he served as the university's rector, from 1964 to 1984.

The University of Ottawa has become the largest bilingual university in the world. Founded as the College of Bytown in 1848, today, the University of Ottawa has over 40,000 students and offers over 450 programs in ten faculties, including the largest law school in Canada, my alma mater.

Father Guindon died on November 17 at the age of 92. A modest man, this oblate Catholic priest dedicated his life to serving others. He spent 50 years at the University of Ottawa, first as a student, then as a professor, a dean and, finally, as rector.

Loved by all, Father Guindon always had time for students and teachers alike. He was an active listener with an exceptional sense of humour.

A natural leader and skilled negotiator, Father Guindon had what Allan Rock, the university's current president and vice-chancellor, described at the priest's funeral on Saturday, November 24, as, and I quote:

... a powerful intellect and a keenly strategic mind.

Mr. Rock recounted how Bill Davis, former Ontario minister of education, felt when he had to negotiate with Father Guindon. According to Mr. Davis, whenever he saw a meeting with Father Guindon on his agenda, he began immediately to calculate just what it was going to cost him.

As a Franco-Ontarian, I wanted to pay special tribute to Father Guindon, a man of vision who firmly believed that the French language and culture could flourish in Ontario and help to make the province a better place to live for all Ontarians.

On behalf of all honourable senators, I would like to offer our sincere condolences to the oblate community, the Guindon and Morrisset families, and the University of Ottawa community.

Hon. David Tkachuk: Honourable senators, today I want to acknowledge the work and contribution to the Senate and to Canada of our Usher of the Black Rod, Kevin McLeod, who is soon to leave us. After serving the Senate since 2008 with distinction, Kevin will assume a new assignment early next year.

Last month, the Prime Minister announced the creation of a permanent, non-partisan Advisory Committee on Vice-Regal Appointments that will provide the Prime Minister with non-binding recommendations on the selection of the Governor General, Lieutenant Governors and Territorial Commissioners. These viceregal nominations represent the Crown in our constitutional system of government, and it is important that the best qualified candidates be appointed.

The committee will have three permanent members together with a fluctuating membership, depending on the jurisdiction of the position to be appointed. Kevin has agreed to be the advisory committee's permanent chair and will serve for a period of six years. He will be joined by Robert Watt and Jacques Monet. The Prime Minister could not have made a better choice.

After obtaining his education at Boston University, Carleton and the Université de Dijon, Kevin served for 10 years in various capacities in the House of Commons, beginning in the office of the Opposition Whip and including service as chief of staff to a minister. He then began a 22-year association with the Department of Canadian Heritage, becoming, in due time, the Chief of Protocol. While with the department, he wrote *A Crown of Maples*, an exposé of the Canadian Crown and constitutional monarchy in Canada. This is in addition to his historical novel *A Stone on Their Cairn: Clach air An Carn*, focused on the lives of Scottish Highland settlers in rural Cape Breton, the place Kevin was born and which he still loves. Reflecting a personal heritage of which he is very proud, the novel was written with an English narrative but with many of the conversations in Gaelic, the language of his ancestors.

While at Canadian Heritage, he became involved in preparing several royal visits to Canada, and his successful efforts have been acknowledged by the Queen. In 1992, Her Majesty invested Mr. McLeod as a Member of the Royal Victorian Order for personal service to the sovereign. In 2002, the Queen promoted him to the rank of lieutenant and, in 2005, to the rank of commander, the highest level of the Order available to Canadians, making him the only Canadian to have been promoted through all three ranks.

Kevin will retain the position of Canadian Secretary while serving as chair of the advisory committee. As Canadian Secretary he is well placed to advise the Prime Minister on

matters related to the Canadian Crown, including heritage-related commemorative initiatives, high-level coordination of royal tours, and state ceremonial and protocol functions.

I know all honourable senators will join me in thanking Kevin for his work and dedication as Usher of the Black Rod and in wishing him all the best in his new duties.

Hon. Senators: Hear, hear!

THE HONOURABLE MOBINA S. B. JAFFER

EXPRESSION OF THANKS

Hon. Mobina S. B. Jaffer: Honourable senators, as we all come together this holiday season to celebrate peace, love and unity, I would like to take a moment to reflect on what I am grateful for.

As many of you know, 40 years ago my family along with thousands of other Asians sought refuge from Idi Amin's Uganda. In August 1972, when Idi Amin declared that all Ugandan Asians had one month to leave the country, our lives began to crumble. As fear filled the streets, my family and many others had to come to terms with the reality that we would soon be forced to flee the only home we had ever known.

Not only was Uganda the country where we were born, it was the country where we were educated and the country we helped to build. In fact, as a young girl, I remember admiring my father, Sherali Bandali Jaffer, a politician who dedicated his life to creating a peaceful, prosperous and, most importantly, independent Uganda.

• (1410)

However, despite the fact that we lost our homes, our businesses and everything that we had spent our lives working for, Ugandan Asians were very fortunate. Under the leadership of Prince Sadruddin Aga Khan, the United Nations High Commissioner for Refugees, many countries welcomed us. Great Britain, Norway, Denmark, Sweden, Italy, Australia, United States and Canada — all were willing to give us asylum.

His Highness Karim Aga Khan worked with Prime Minister Pierre Elliott Trudeau and helped thousands of Ugandan Asians find a home in Canada. Ugandan Asians will always be grateful to these two people for rescuing us.

To this day, I am truly astounded by the kindness and generosity afforded to Ugandan refugees by Canadians, who welcomed us into their country and their homes and allowed us to rebuild all that we had lost. I am especially grateful to immigration officials like Mike Molloy, who risked their own safety to go into prisons where Ugandan Asians were being held captive and personally place them on planes headed to Canada.

Honourable senators, every year at this time I reminisce about the first Christmas I spent in this great country, and I am eternally grateful. This year, as I celebrate my fortieth year in Canada, I

would like to say “thank you” to all Canadians who welcomed my family, along with many others just like ours, for giving us the opportunity to call Canada our home.

I would also like to personally thank my mentor, to whom I will always be indebted, the Honourable Thomas Anthony Dohm, Q.C., who taught me what it meant to be Canadian.

Honourable senators, I would like to take this opportunity to once again thank my fellow Canadians for opening up their minds, their hearts and their homes to Ugandan Asians. Thank you.

COMMUNITY OF FEDERAL VISIBLE MINORITIES

Hon. Donald H. Oliver: Honourable senators, a brand new national organization that brings together visible minorities in the Public Service of Canada was recently created. It is called the Community of Federal Visible Minorities. I was honoured to be the keynote speaker at their inaugural meeting last night at Ottawa City Hall.

The CFVM seeks to “help create a barrier-free, inclusive, and representative federal public service where visible minorities can individually and collectively realize their professional aspirations, based on the principles of merit and in full respect of their rights.”

As honourable senators know, a few years ago the National Council of Visible Minorities in the Federal Public Service collapsed after more than 10 years of existence. This left thousands of visible minority public servants without a voice to represent their concerns at the national level. The CFVM will help replace the void created by the death of the NCVM.

The group was officially created in September 2012 on the recommendation of an ad hoc committee on visible minority issues that was initiated in July 2010. More than 80 visible minorities from various federal departments and provinces attended the inaugural meeting last night.

Honourable senators, the CFVM is in a unique position to contribute to advancing the causes of visible minorities in the public service. The group is not seeking money or any government funding. Rather, its members, who serve on a volunteer basis, want to become a cross-Canada organization that will represent the interests of all federal public servants from the visible minority community.

More important, the group seeks to help promote the advancement and inclusion of visible minorities at all levels of the federal public service; identify issues of interest and concern to visible minorities and raise these issues to the attention of senior decision makers; and monitor results and advocate for accountability in matters relating to the progress of visible minorities under federal legislation.

This group is already off to a good start. Since its creation, the members of the CFVM have been in daily contact and meet every two weeks. It has also established contacts with other visible minority groups across the country.

The group has also been keeping informed the Chief Human Resources Officer, Mr. Daniel Watson, and many visible minority champions in the public service.

At last night's event, it adopted its terms of reference, which set out its vision, values, goals and objectives, the national executive officers and more. The next step is to draft and adopt a concrete plan of action.

Honourable senators, as it moves forward, the CFVM has the potential to become a strong and active national body that will fight racism in the public service. It will serve as a catalyst to more visible minorities being promoted to all EX levels. It will keep deputy ministers' feet to the fire to ensure measurable targets of highly skilled visible minority managers are achieved.

Honourable senators, please join me in congratulating the Community of Federal Visible Minorities on its creation. I ask that you support their efforts throughout the upcoming months and years as they work towards making our public service more inclusive, representative and diverse.

THE HONOURABLE ROMÉO ANTONIUS DALLAIRE, O.C.

EXPRESSION OF THANKS

Hon. Roméo Antonius Dallaire: Honourable senators, I was going to speak today on the subject of this being the year of prevention of genocide. However, I will save that because of what I heard from Senator Jaffer a few moments ago.

Today is the sixty-sixth anniversary of my mother arriving as a Dutch war bride on a Red Cross ship from Holland to the U.K. to Pier 21. She had two pieces of luggage, one of which had clothes, and the other of which was a basket with me inside it at six months old. We were processed, as were 70,000 other war brides in World War II, through Pier 21 by the Red Cross and our immigration organization, then moved immediately to a Red Cross train. These trains were specifically hired to move the war brides and whatever children they had. There were some soldiers who had spent the whole of World War II in England and had three kids. This Red Cross train would stop in different places where they had information with regard to where the spouse, the military member, most of them demobilized by then, would be.

In December, it was cold, coming from Europe and war-torn countries, and the train stopped in the middle of the night at Saint Louis-du-Ha! Ha!, where there was a little cabin built by CN and a 25-watt light bulb burning. As they looked to both ends of the train, no one was there. A number of these war brides arrived to no one being there.

In the big cities across the country, Montreal, Toronto and so on, the Red Cross would organize that these war brides could either return home — which nearly none did because they had married a Canadian, which in itself was a bit of a stigma, even though the Canadians had gone over to save them — or be assisted by the local community, be it the Dutch, British, Belgian and so on, to try to find a life thereafter.

[Senator Oliver]

This process was linked with the building of wartime housing. Because so many veterans came back with families and the Canadian housing situation was such that there was no housing available, the Canadian government through Veterans Affairs built wartime housing. They are very simple houses, with no basement and very little insulation, an oil stove and, however, a warm atmosphere from all these veterans living pretty well in the same area.

What was rather interesting was some of the decisions taken with regard to the housing. One was that it had to be affordable. Wartime housing was sold to a veteran for under \$4,000, who could pay as much as \$32 per month. That fell well within the salaries of the soldiers demobilized at the time, where the salaries had been massively cut.

The other side of it is that some of the material they used in order to save money, but wanting to build a house, was at times questionable. For example, most of the wartime housing had outside asbestos shingles. We have problems now with asbestos being inside; imagine, honourable senators, being completely surrounded by it.

I state this today only to say that there was compassion, there was a willingness to receive these families, and they were permitted to thrive in our society. For that, I am truly thankful to this country, as was my mother, who, several weeks ago, passed away.

• (1420)

[Translation]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2012-13

SUPPLEMENTARY ESTIMATES (B)— FOURTEENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to present, in both official languages, the fourteenth report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2013.

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

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

[English]

JOBS AND GROWTH BILL, 2012

FIFTEENTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, December 11, 2012

The Standing Senate Committee on National Finance has the honour to present its

FIFTEENTH REPORT

Your committee, to which was referred Bill C-45, A second Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

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

(On motion of Senator Buth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CRIMINAL CODE

BILL TO AMEND—EIGHTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Bob Runciman, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Tuesday, December 11, 2012

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

EIGHTEENTH REPORT

Your committee, to which was referred Bill C-36, An Act to amend the Criminal Code (elder abuse), has, in obedience to the order of reference of Tuesday, November 27, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

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

(On motion of Senator Dagenais, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

[Translation]

PAYMENT CARD NETWORKS ACT

BILL TO AMEND—FIRST READING

Hon. Pierrette Ringuette presented Bill S-215, An Act to amend the Payment Card Networks Act (credit card acceptance fees).

(Bill read first time.)

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

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

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF POTENTIAL REASONS FOR PRICE DISCREPANCIES OF CERTAIN GOODS BETWEEN CANADA AND THE UNITED STATES

Hon. Joseph A. Day: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, notwithstanding the order of the Senate adopted on Thursday, October 6, 2011, and Monday, June 11, 2012, the date for the presentation of the final report of the Standing Senate Committee on National Finance on its study of the potential reasons for price discrepancies in respect of certain goods between Canada and the United States, given the value of the Canadian dollar and the effect of cross border shopping on the Canadian economy, be extended from December 31, 2012 to March 28, 2013; and

That the committee retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

[English]

QUESTION PERIOD

INDUSTRY

FOREIGN OWNERSHIP OF CANADIAN COMPANIES

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. *The Globe and Mail* pointed out yesterday that even Jack Mintz,

an academic and adviser to the government, respected by all the community, who leads the University of Calgary School of Public Policy and who sits on the board of Imperial Oil Limited, “spoke out on the irony that Canada had spent years privatizing companies like Petro-Canada — only to welcome state ownership by companies from other countries.”

Can the leader explain why this government, one that promotes an open market free from state ownership, has just sold a large portion of Canada’s most precious asset, along with Canadian-developed technology and intelligence in the oil sands sector?

Hon. Marjory LeBreton (Leader of the Government): I think if the honourable senator were listening to the Prime Minister’s words on Friday, she would know that he acknowledged and said the following about this very important and complicated decision: “To be blunt, Canadians have not spent years reducing the ownership of sectors of the economy by our own governments, only to see them bought and controlled by foreign governments instead.”

When it comes to foreign investment, as the Prime Minister pointed out, this is not the beginning of a trend, but rather the end of a trend. The deal was approved under existing rules. Our position as a government is not to rubber-stamp every deal, as is obvious and as was done under the Liberals, or to oppose every deal, which is advocated by the NDP.

Senator Hervieux-Payette: Another journalist, a friend of the leader’s government, Mr. John Ibbitson, wrote: “Ultimately, it was Stephen Harper’s call to let Chinese state-owned firm CNOOC buy the Canadian energy company Nexen.” Then he continues, saying that “. . . countries that want to invest in Canada must be equally open to investment by Canadian businesses.”

Could the leader tell us if the government now has the commitment of the Chinese government to let Canadian companies take a majority of shares in Chinese companies?

Senator LeBreton: Again, I will put this in perspective. I find it interesting how the honourable senator cites different journalists as being friendly to the government. I would love to see such an animal.

• (1430)

In any event, the decision was made that Canada will remain open for business, but this does not mean that Canada is for sale to foreign governments. We have made a clear distinction between free market private enterprise and entities controlled and influenced by foreign governments. Going forward, foreign government entities will not be permitted to acquire control of a Canadian oil sands business unless there are exceptional circumstances. Outside the oil sands, there will be strengthened scrutiny of investment proposals. The more control a foreign government is likely to exercise over Canadian business or industry, the less likely it will be that the transactions will be approved.

With regard to the specific question, obviously the government and the Prime Minister and the Minister of Industry are well pleased with the reaction of the markets, the reaction of business

and the reaction of Canadians generally. I believe this was the proper decision, the right decision. As has been indicated by John Manley in terms of Canada’s position going forward, we are now in a much better position to negotiate with China on behalf of Canadian businesses.

Senator Hervieux-Payette: I regret to differ from what the honourable senator says, but even India stated today that they are not pleased with this approach. I would like to refer to the notice of motion that I recently put forward to have a second, sober thinking group, being the Senate Banking Committee, look at specific criteria that could be supported and approved by the rest of Canada. I think every region should have a say when it comes to the takeover of such a large and important sector, what the honourable senator calls the “crown jewels.”

One criterion mentioned by the Prime Minister was that the review threshold within the Investment Canada Act for the private sector will increase from \$330 million to \$1 billion in enterprise value. First, where does the value of \$1 billion come from and how will it be applied within different sectors? In some cases, this amount can seem very large because of the nature of the business, but in other areas \$250 million could be a big chunk of a very large, specific and strategic corporation. Comparing mining to intellectual property, for instance, the amounts are not as big. Where do these criteria come from?

Senator LeBreton: As the Prime Minister said and announced, the criteria going forward will be very carefully constructed and communicated.

Going back to my reference to John Manley, the former Liberal Deputy Prime Minister said:

. . . it appears that the guidelines introduced today will safeguard the national interest while ensuring that Canadians continue to reap the benefits of a welcoming approach to foreign investment. . . . The government deserves to be congratulated both for taking the necessary time to evaluate these applications and for adopting a balanced approach to the evaluation of foreign direct investment.

The honourable senator is quite right that the threshold for private enterprise is \$1 billion and the threshold for state-owned enterprises is at \$330 million.

Senator Hervieux-Payette: The Conservative government and the Prime Minister just two years ago rejected the foreign acquisition of Potash Corporation, claiming Potash to be a strategic asset.

What qualifies as a strategic asset to Canada? Have guidelines been established? The government is now choosing to restrict acquisitions solely in the Canadian oil sands sector. Will the government address other sectors? We do have other “crown jewels” in this country. I think we have to look at all sectors. We need to define exactly what national interest is. Ultimately, I think it is up to Canadians to determine what the criteria should be.

Senator LeBreton: With regard to the oil sands and why it was specifically targeted, in the Prime Minister’s announcement last Friday and the very long media availability where he answered all

questions, he pointed out that it was determined that foreign-state control of oil sands development had reached the point at which further such control would not be of net benefit to Canada. Almost all the oil sands production in the last year was generated by only 15 firms, and the Canadian oil sands represents about 60 per cent of the global reserves of crude oil not already controlled by state-owned enterprises.

That is specifically why, with regard to this announcement and future considerations, it was decided to focus on this first instance on the oil sands.

Senator Hervieux-Payette: For my last question, I ask that the leader table in the Senate a proposal of what the guidelines could be in the future for every sector of this country.

Right now, we talk about revised guidelines. I listened to the entire press conference of the Prime Minister, and I must say that I never heard a description of what these guidelines will be.

This deal seems to have been approved due to the pressure from the Chinese government, the commitment to do business with China and because it is a big market. However, when I read in the newspaper that India sees hypocrisy in Harper's foreign ownership stance, I question the leader's statement. As we move forward will we consider each proposition, one by one, changing the criteria according to the situation of the moment?

Senator LeBreton: I can assure honourable senators absolutely, and anyone watching the process would know that the decision was made after very careful consideration. The government and the cabinet had to be assured that this transaction was of net benefit to Canada. This was certainly what drove the government on this decision.

I thank the honourable senator for listening to the Prime Minister's press conference. I thought it was an outstanding explanation of where the government stood on this issue.

The fact of the matter is this decision was made not, as the honourable senator suggests, by being pressured by any group but was made after very careful thought and because the government truly believes that it was in the best interests of Canada.

Senator Hervieux-Payette: The leader has prompted me to ask another question.

When guidelines are clear, one does not need so many weeks or months to make a decision. When one talks about business, it requires a clear set of rules and a clear time frame. This deal has been approved and we do not know who was consulted; we do not know which criterion had more weight than the other.

Honourable senators, I know one thing: The question of reciprocity has not been part of the deal. This for me is a big flaw, and I ask the leader to table in this chamber some of the criteria so that our committee could examine it further to ensure that for the next deal on the table will not be conducted by the Prime Minister only with just a small circle of people.

Senator LeBreton: Of course I will not make such a commitment. The fact is that we did strengthen the Investment Canada guidelines. As a result of this, it was announced by

the Prime Minister going forward that there will be further strengthened guidelines. That is as far as I am ready to go at the moment.

Hon. Wilfred P. Moore: In the negotiations and discussions with Chinese authorities with regard to the purchase of Nexen, was a requirement made that the shares in CNOOC be made available on the stock market in China or in Canada?

Senator LeBreton: I will have to confirm this, but it was announced that the company agreed to list its stock on the Toronto Stock Exchange.

Senator Moore: One of the criteria that you mentioned, is it to be one of the criteria in any future transactions that the purchaser's shares must be available for purchase on the stock exchange in Canada?

• (1440)

Senator LeBreton: I cannot answer that, honourable senators. I can only report what I just reported to Senator Hervieux-Payette, namely, first that, the government took a very hard look at both this and the Petronas transactions. The transactions met the net-benefit-to-Canada test.

Any questions going forward, I will have to ask for the honourable senator's indulgence. At the appropriate time, when I have further information, I will provide it to the Senate.

Senator Moore: Honourable senators, it is one thing for a company to undertake to put some of its shares on the market and available for purchase, but it is important that the majority of the shares be put on the market, not 25 or 30 per cent, so that there will be an opportunity for free enterprisers to purchase shares and to take a leadership role and maybe even further ownership of the company. I would ask that the leader consider that as well when she is thinking about responding to my earlier question.

Senator LeBreton: I will, honourable senators, but I think it is important to point out that the markets, the public and industry generally have responded very positively — especially the markets — and for obvious reasons that were cited by John Manley.

NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

Hon. Wilfred P. Moore: Honourable senators, I would now like to ask the Leader of the Government in the Senate some questions with regard to the F-35 situation.

On March 24, 2011, Defence Minister MacKay said in the other place:

Mr. Speaker, the reality is that the professional, non-partisan bureaucrats who work in the Department of National Defence disagree with the Parliamentary Budget Officer. In fact, they said that the methodology was wrong.

We know this is untrue, that the minister knew full well what the true cost of the F-35 program was and that the program was spinning out of control. Yet, there he was telling Canadians that the Parliamentary Budget Officer's numbers were wrong and insisting that the cost was \$16 billion, when the government was well aware that the real number was \$30 billion plus.

Can the Leader of the Government in the Senate explain to Canadians why this minister misled them for the past two years?

Hon. Marjory LeBreton (Leader of the Government): The Minister did no such thing, honourable senators.

At the time of the Auditor General's report, which the government received, accepted, acknowledged and took action on to put in place the National Fighter Procurement Secretariat, there was a lot of discussion in the public about the methodology that the Auditor General was suggesting that the government follow. It was well known that the Department of National Defence in the past had looked at a 20- or 25-year cycle. The Auditor General obviously wanted a full life cycle of the aircraft. The government responded to the Auditor General's request.

As a result of the Auditor General's report, as I pointed out yesterday, honourable senators, the government at that point took a pause on the whole issue and established the National Fighter Procurement Secretariat in order to ensure transparency and due diligence. All of these processes were followed in our efforts to replace the aging CF-18s.

We are committed to completing the seven-point plan and moving forward with our comprehensive, transparent approach to replace Canada's CF-18s. Our seven-point plan includes a review of the options and it will not be constrained by the statement of requirements.

As Minister Ambrose stated, when including more years in operations and maintenance costs estimates, it goes without saying that the dollar figure obviously would be proportionately higher. That is the fact. Also, as I pointed out yesterday, we have the independent report of KPMG, which, as I also pointed out yesterday, will be tabled in Parliament before we rise for Christmas.

Senator Moore: Honourable senators, that answer does not quite cut it. The minister was insisting on \$16 billion being the number. As I recall, in the other place, your government was held in contempt for not providing numbers. I do not think it has provided the numbers since.

The Parliamentary Budget Officer said \$30 billion then; he said it since. In fact, the KPMG leaked number today is \$45.8 billion. If the minister was not misleading the public, what was he doing?

Senator LeBreton: The honourable senator may not like my answer, but it is the only answer I will be giving to him. When the Auditor General reported earlier this year, the government obviously took what the Auditor General had to say and, again, went back, set up the secretariat, set up the seven-point plan, and called in an independent auditor, KPMG. It was the result of the Auditor General's report.

Obviously, there is a difference between the practices in the past that all governments followed. In terms of budgeting certain items, the Auditor General wants full lifecycle budgeting. As the minister stated, with the addition of years, obviously it will be a different figure.

Senator Moore: Honourable senators, the Minister of National Defence has proven to be not up to the task with regard to this program and he has failed to deliver on many other promises of the government. For example, there is no Arctic base as promised; there is no increase in the reserve forces as promised; there have been no deliveries of search and rescue planes as promised; there is no 650-man rapid reaction force; there is no promised unmanned aerial vehicle base in Gander; and there are no replenishment ships as promised.

Could the leader tell this chamber why this minister still has his job, despite being incapable of fulfilling the promises of your government?

Senator LeBreton: The Minister of National Defence has the full support of the government, of the Prime Minister and, most important, of the men and women who serve in the Armed Forces.

Senator Moore: Honourable senators, that answer confirms the pattern that has developed here among the hierarchy of the government.

On April 8, 2011, during the last election campaign, Prime Minister Harper told Canadians:

You have to understand that in terms of the F-35 costs, we've been very detailed with those to the Canadian public. A lot of the developmental costs you're reading in the United States, the contract we've signed shelters us from any increase in those kinds of costs.

The leader and I now know that that statement is patently false. It was false then; it is false now. There have been no details provided to the Canadian public, there is no contract, and there is no shelter from the spiralling costs.

Can the leader explain why Mr. Harper misled Canadians during his remark with regard to that program in the middle of the election campaign?

Senator LeBreton: Honourable senators, the Prime Minister spoke in the other place as well about the industrial benefits of participation in this particular program. Of course, as I pointed out yesterday, it was the previous government that started the process of being part of this F-35 program.

The work being done by the National Fighter Procurement Secretariat includes annual updates from Industry Canada on Canadian industrial participation in the Joint Strike Fighter Program and there has been significant involvement of many of the aerospace industries, especially in the Province of Quebec. This report will be made public at the appropriate time.

Senator Moore: Thank you for the answer to the question I did not ask.

I would like to know what was the tipping point on the cost per airplane. Originally it started out at \$65 million per unit, then it went up to \$112 million and then we heard \$137 million. What was the tipping point that caused the government to say that is enough; we are not going ahead with this purchase?

• (1450)

Senator LeBreton: If you are looking for a tipping point, it was when the Auditor General released the report in the spring, wanting the full life cycle of the F-35 costed out. That, obviously, as the minister pointed out in the House of Commons, will change the figure. I think I used the analogy months ago about my little Ford Focus that I bought in 2002. It cost me \$19,000. If I had kept it for five years, it probably would have cost me \$30,000. I have now kept it for 11 years, so my little Ford Focus probably has cost me over \$80,000.

Senator Moore: It is an interesting analogy, and I am glad that you raised it. The \$65-million figure that you quoted earlier did not, as we now know, include engines or weapons, unlike your Ford Focus, which had an engine.

An Hon. Senator: And a weapon.

Senator Moore: What was the real cost for the unit?

Senator LeBreton: It has a good engine at that.

There has been all kinds of speculation about meetings that apparently took place or did not take place. All kinds of figures are being floated around. The fact is that the previous government got into the program for the F-35. Our government continued on that program.

The Auditor General reported earlier this year that the costing model for the F-35, which was a costing model followed for many years by many governments, was not the costing model that the Auditor General wanted us to follow. He wanted the full, all in, life-cycle cost of the aircraft. That caused the government to set up the secretariat, lay out the seven-point plan, call in a completely independent observer, the accounting firm KPMG. KPMG has now reported. The government will make this report known before we rise for Christmas, and I would suggest, as I suggested to your colleagues yesterday, Senator Moore, that we wait until the report is before Parliament, without reacting to all of the different scenarios, figures, half truths, untruths and whatever else is in between.

Hon. James S. Cowan (Leader of the Opposition): Does the minister not understand that holding a report, which the government received some time ago — she will not say how long ago — until Parliament is about to leave on holiday and then throwing it out, probably on a Friday afternoon when there is no opportunity for anybody to have a look at it, does nothing to enhance the faith and confidence that Canadians have in the government's ability to manage what is the single largest procurement project in the history of the Canadian Armed Forces?

Will the minister assure us that, as we go forward, as the government presses this refresh or restart button, it will be the start of an open competition, that the government will make it clear to those who are in the business exactly what it is that the Government of Canada requires to replace the CF-18s and that there will be a true, legitimate, open and transparent competition for the project? Will the leader give us that assurance now?

Senator LeBreton: Senator Cowan is great at explaining to people what he thinks I do not understand. I understand perfectly. As I have pointed out in this place many times, once the Auditor General's report came out earlier in the year saying that the cost of the F-35 should be factored in over its entire life, the government took action. The National Fighter Procurement Secretariat was put in place to ensure transparency and due diligence in the decision to replace the CF-18s. We are committed to completing this seven-point plan and moving forward with our comprehensive, transparent approach to replacing the CF-18s.

Our seven-point plan includes — and I have said this many times, but the honourable senator seems not to want to understand — a review of the options and will not be constrained by the statement of requirements.

Obviously, the KPMG report that will be tabled in Parliament before we rise for Christmas has not been sitting around, as the honourable senator suggests. I do not know exactly when it was received by the government, but it has not been sitting around, as he suggests, for weeks.

Senator Cowan: I did not suggest that it had been sitting around for weeks. I suggested that it had been in your hands for some time. The leader was asked by my colleagues yesterday when she received it, but she refused to answer the question. When did she receive it, and why has it not been released?

Senator LeBreton: I cannot tell you when it was received, but I can tell you that it will be released, in public and in Parliament, before we rise for Christmas.

An Hon. Senator: Friday afternoon.

Senator Moore: With regard to the release of that document, will KPMG also be advising the public of the cost of the preparation of that document?

Senator LeBreton: I imagine that that will all be part of the public record.

BUSINESS OF THE SENATE

Hon. Catherine S. Callbeck: Honourable senators, on October 2 of this year, I asked the Leader of the Government in the Senate two questions with regard to the Canada Student Loans Program.

First, I asked if the federal government had considered following the Prince Edward Island government's example of eliminating interest on student loans.

The second question I asked was whether the government had considered implementing the recommendation from the Social Affairs Committee, in *Opening the Door: Reducing Barriers to Post-Secondary Education in Canada*, to lower the interest rate to prime.

The leader took both questions as notice, but I have not yet received an answer. I am wondering when I might receive a reply.

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, we take note of the point raised by Senator Callbeck. We will come back to it within a specific time frame.

[English]

ORDERS OF THE DAY

CANADA LABOUR CODE EMPLOYMENT INSURANCE ACT

BILL TO AMEND—THIRD READING—
DEBATE ADJOURNED

Hon. Nicole Eaton moved third reading of Bill C-44, An Act to amend the Canada Labour Code and the Employment Insurance Act and to make consequential amendments to the Income Tax Act and the Income Tax Regulations.

She said: Honourable senators, I would like to thank Minister Finley for this excellent bill, the helping families in need bill. This legislation is true to its name, helping Canadian families when they are most in need by providing enhanced access to EI sickness benefits for new parents, creating a new EI benefit for parents of critically ill or injured children and ensuring job protection for parents who take leaves of absence from work to care for their sick or injured children or to mourn a murdered or missing child.

This last measure complements the creation of an income support grant for parents of murdered or missing children announced by the Prime Minister last April.

I would like to express my gratitude for Senator Cordy's hard work as critic of the bill. Thanks again to both Senator Cordy and Senator Dyck for their thoughtful observations in our committee report.

The Hon. the Speaker: I would like to determine whether the 45 minutes is being reserved for the opposition. Is Senator Cordy speaking?

Senator Cordy: If there are no questions, I would like to take the adjournment.

The Hon. the Speaker: I think other senators would like to participate in the debate now. This is why, if it is agreed, the 45 minutes will be reserved for the opposition.

[Senator Callbeck]

• (1500)

[Translation]

Hon. Pierre-Hugues Boisvenu: Honourable senators, it moves me deeply to vote in favour of Bill C-44 and witness a heartfelt wish come true for parents of victims and for the association I founded with three other fathers whose daughters were murdered. This bill will help create a financial assistance program for the parents of murdered, missing or critically ill children.

In August 2005, at a meeting with the then-opposition leader, the Honourable Stephen Harper, I presented 12 requests on behalf of Quebec families whose loved ones had been murdered or had gone missing. Victims' groups across Canada expressed very clear expectations. The families of these victims wanted a tougher and more responsible justice system. The government listened to these families of crime victims.

We made parole subject to merit criteria. We increased sentences for repeat sex offenders, we will monitor these sexual predators by providing a better framework for the pardon process, and we gave police officers the tools they need to go after pedophiles on the Internet.

Recess is over for criminals, and more than 70 per cent of Canadians approve these measures that crime victims called for from the government led by the Prime Minister, Stephen Harper.

On March 3, 2010, the same day that I was sworn into the Senate of Canada, the government announced in its throne speech that it planned on providing better financial support to parents who were experiencing such tragedies. For victims' families, the announcement confirmed that the current government was very concerned about victims' rights.

In May 2012, the Prime Minister of Canada announced the implementation of a compensation program for parents of murdered or missing children in the presence of about 15 families at a press conference in Sherbrooke. Honourable senators, for me, it was the culmination of seven years of work to see the first measure in Canada for mothers and fathers who are the victims of unspeakable crimes.

And so, in January 2013, for the first time in its history, Canada will provide financial support to Canadian families who are the victims of crime or who have a critically ill child. This is an historic event.

[English]

Today, on behalf of thousands of parents whose children have been murdered or disappeared or who are critically ill, I would like to express to the Prime Minister, the Right Honourable Stephen Harper, their thanks and gratitude. During those seven years I spent advocating for implementation of this measure, the support of our Prime Minister was faithful, strong and fundamental.

The Minister of Human Resources, Diane Finley, and the Minister of Labour, Lisa Raitt, both believed in the importance of better supporting Canadian families living with such tragedies. I

want to thank them for the constant leadership they have demonstrated. In particular, I wish to thank Minister Finley for her continuous effort to reduce the pitfalls that arose regularly during our discussions.

[*Translation*]

I would also like to thank my Senate sponsor, the Honourable Senator David Angus, who left us recently to take a well-deserved retirement. Senator Angus is the one who invited me to meet the members of the Conservative caucus of MPs and senators of Quebec for the first time in the fall of 2006, so that I could present this request on behalf of the Association of Families of Persons Assassinated or Disappeared, a request that went on to form the basis of Bill C-44.

I would also like to express my appreciation to Senator Josée Verner for her involvement in this file. She knew it was very important for the families affected, and she met regularly with Prime Minister Stephen Harper and Minister Finley to ensure that, effective January 1, 2013, thousands of families will receive better support from the Canadian government.

Honourable senators, 83 per cent of the cost of crime is paid for by victims. The impact of crime will affect the health of 70 per cent of them in the long-term. The collateral damage is five times greater for the families of victims than for the families of incarcerated offenders. Many fathers and mothers will lose their jobs because they do not have any protection. Eighty per cent of couples will divorce in the year following the murder of a child. Fifty per cent more fathers will commit suicide following the murder of a child, and the dropout rate is 50 per cent higher for the brothers and sisters of murdered children. Many family members experience depression and may have to wait up to six months for professional counselling, which is unacceptable.

This measure will immediately help reduce the negative effects of crime on these families. I want to share some quotes from sincere and heart-wrenching testimonies that the House of Commons committee, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, heard on this bill.

Darlene Ryan, the step-mother of Brigitte Serres, who was killed at the age of 17 in Montreal in 2006:

It's unfathomable to think that a parent of a murdered child can return to work after only a few weeks, to return to a normal routine, when they are trying to cope with all of these harsh realities. It takes months, not weeks, to get a minimum amount of strength back.

If the measures that are being discussed today would have been in effect in 2006, I could have helped my husband, children, and myself more efficiently. It was a very long road back for all of my family, which could have been easier and quicker if we'd had the necessary time off to heal.

Christiane Sirois, the mother of young Sébastien Métivier, who disappeared in 1984 at the age of eight and was never found:

After the disappearance, I was unable to work and live in a balanced way . . . So I had to hand in my resignation to my employer and stay home. . . .

No one has the right to live in this kind of disarray without resources. I had to face these events without financial or psychological resources. My daughter, Mélanie, and I were in an endless corridor. We were directed toward last-resort services meant to help people. . . .

This is why the assistance proposed in Bill C-44 would have improved my life at the time.

Céline Hotte, mother of Anik, who was murdered when she was 15:

The bills continued to come in regularly. It was very difficult with only one income. Let me give you some examples. My spouse made the minimum payments to all the creditors, often less. The telephone got cut off. Hydro called us nonstop. We lived with another stress: money. This added to all the sorrow the murder had caused. It was very painful for us.

Neither you nor I want any family to go through such an ordeal. But when a criminal sets the course of a family's destiny, we as a society do not have the right to worry more about the criminal's future than about the well-being of the victim's family. Passing this bill sends an important message to families that the Senate supports them. And I am proud that it is the Conservative government that is making good on this promise and standing with the families of victims.

This bill will expand the program that supports parents with a critically ill child. These mothers and fathers, who are already traumatized by an extremely stressful health crisis and are sometimes dealing with the imminent death of their child, need our government's help in order to take care of their child or to ensure their child receives the necessary medical attention. Their plight has touched us. Therefore, we will help these families.

Another equally important aspect of Bill C-44 is that it protects the jobs of mothers and fathers in these situations for up to two years.

Why is it important to provide job protection for these parents? Because many Canadians subject to the Canada Labour Code are not protected when they must leave their job to care for their family because something serious happened in their life.

Quebec was one of the first provinces to amend its labour code to protect the jobs of workers in that province who are governed by the Quebec Labour Code. The act was passed by the Quebec government thanks to the repeated representations made by the Association of Families of Persons Assassinated or Disappeared. Other provinces are also contemplating similar legislation. Our government strongly encourages them to do so to avoid creating discrimination among Canadian workers.

Honourable senators, Bill C-44, which I am asking you to pass, fully meets the expectations of the victims' groups, as confirmed by many families during the Senate and House of Commons reviews of the bill.

More importantly, this legislation reflects the complementarity of provincial and territorial responsibilities. Their first responsibility is to provide adequate front-line services to victims of criminal acts.

• (1510)

[English]

This bill is an important step to meet the basic needs of victims of crime in Canada, regardless of the province in which the victim lives. Under the leadership of my colleague, the Minister of Justice, the Honourable Rob Nicholson, I will continue to work closely with the Office of the Federal Ombudsman of Victims of Crime and victims groups to improve the difficult situation of these Canadian victims and their families.

[Translation]

Honourable senators, during this festive season, you will remember what you will have done for these families by adopting this bill. You will have made their fate less cruel, because these families will no longer feel abandoned by the federal government.

Honourable senators, in conclusion, I am proud to say that this legislation originated with the Quebec Association of Families of Persons Assassinated or Disappeared. Now, these measures will apply to all Canadian families who are experiencing a tragedy and who need our sympathy and our support.

This is how our country can grow, thrive and remain the best place to live.

[English]

Hon. Bob Runciman: Honourable senators, I did not intend to speak to Bill C-44, but I felt it was important to acknowledge the diligent work by the bill's sponsor, Senator Eaton. Also, I would like to single out two other people who were instrumental in the realization of this proposed legislation.

I would like to recognize the hard work of Senator Boisvenu, who has fought long and hard for support for parents of missing or murdered children. Senator Boisvenu is a tireless advocate for victims of crime, and he brings a passion to his work that is the result of very difficult circumstances. He has dedicated himself to improving the lives of people who find themselves in the same tragic circumstances that he found himself in. I hope he takes some satisfaction in the passage of this bill, knowing that he played a significant part in ensuring that parents in these situations get the help they need.

I would also like to recognize the work of a member of the other place for helping to ensure that EI benefits are available to parents of critically ill children. We heard earlier in this debate about Ms. Sharon Ruth, the mother of a 6-year-old child who was diagnosed with non-Hodgkin's lymphoma. Sharon's family was faced with the need to give up an income so they could care for Colleen.

In 2004, Sharon approached Gord Brown, her member of Parliament, shortly after he was first elected as the member for Leeds—Grenville. Mr. Brown introduced a private member's bill

[Senator Boisvenu]

for compassionate care leave through the EI system. The bill died on the Order Paper, but Mr. Brown did not give up. He has introduced that bill in every session of Parliament since.

Earlier this year, he joined Prime Minister Harper to announce that the government would begin to provide 35 weeks of compassionate care leave for parents of critically ill children. It is the case of a constituent facing a terrible situation and a member of Parliament not only listening but also doing.

Honourable senators, Bill C-44 is a testament to the fact that an individual senator or member of Parliament can make a difference. Senator Boisvenu and MP Brown should be very proud of what they have accomplished.

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

[Earlier]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of His Excellency Jorge Miranda, Ambassador of Panama to Canada. He is accompanied by Mrs. Carla Barrios, Commercial Attache, and Mr. Juventino Caballero, Third Secretary. They are guests of the Honourable Senator Finley.

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

Hon. Senators: Hear, hear!

CANADA—PANAMA ECONOMIC GROWTH AND PROSPERITY BILL

THIRD READING

Hon. Doug Finley moved third reading of Bill C-24, An Act to implement the Free Trade Agreement between Canada and the Republic of Panama, the Agreement on the Environment between Canada and the Republic of Panama and the Agreement on Labour Cooperation between Canada and the Republic of Panama.

He said: Honourable senators, it gives me great pleasure to rise to speak to Bill C-24, the proposed Canada-Panama economic growth and prosperity act, at third reading. Minister Fast said when he appeared before the Standing Senate Committee on Foreign Affairs and International Trade:

... Canada's prosperity is directly linked to reaching beyond our borders for economic opportunities that serve to grow Canada's trade and investment.

This bill is one part of our government's overall economic strategy. When it comes to economic growth, a Canadian government official told the *National Post* in May:

It doesn't have to be an either/or situation; trade, for example, is a way to cultivate growth.

Free trade deals create jobs and stimulate growth and don't involve government spending a lot of money.

Why does Panama make a great trading partner for Canada, apart from being a lovely country with very beautiful people? This is another step forward in our broader trade agenda. It provides investors and service providers with access to the economy that has been called the "gateway to Latin America." It provides access to major infrastructure projects recently announced and under way in Panama, including the expansion of the famous Panama Canal, worth about \$5.3 billion, and other major infrastructure projects estimated in the neighbourhood of \$13.5 billion. Ambassador Miranda specifically referenced Canadian experience in infrastructure construction as a way that Canadian companies can benefit from these initiatives. Finally, it levels the playing field for Canadians with regard to U.S. and European Union businesses, as they already have agreements under way.

Our policy of promoting free trade agreements is not done on an ad hoc basis. Trade is a key part of our economic strategy. Our government implemented a Global Commerce Strategy in 2007. This strategy began identifying markets in which Canada needed to become engaged. Panama is a major part of this strategy. Panama is a strategic hub for the region and an important logistical platform for commerce. It is also one of the fastest growing economies in the world. It was important that Canada become a major player in Panama. Thus, we have worked hard to create this free trade agreement.

Our Global Commerce Strategy also led to a deal with Jordan, our first free trade agreement in the Middle East, thus creating a beachhead in that part of the world.

Minister Fast also informed our committee that the government is currently partaking in negotiations with Morocco, which would be our first free trade agreement in North Africa. As well, we are in exploratory talks with Thailand, our potential first free trade agreement in Southeast Asia. In all, we are in negotiations with more than 60 countries around the world. These are important steps to Canadians. Providing access to these markets for Canadian businesses will help to encourage economic growth at home.

We are aware that there were a few criticisms of this particular agreement and, indeed, free trade as a whole. One concern raised was that Panama had been considered a tax haven. However, in July 2011, Panama was removed from the OECD's grey list when they met the standard of 12 tax information exchange agreements.

- (1520)

OECD Secretary General Angel Gurría stated: "Panama has worked hard to achieve this milestone and has made remarkable strides toward complying with the international standards in a very short time."

In addition, in March of this year, Canada and Panama commenced negotiations for a tax information exchange agreement, which I understand are progressing very well. Once the tax information exchange agreement is in force, it will help our tax authorities enforce Canadian tax laws and combat tax evasion. This, to my mind, demonstrates Panama's commitment to combatting international tax evasion.

At committee, Joy Nott, the President and CEO of the Canadian Association of Importers and Exporters, was asked if her organization had any concerns about Panama's ability to abide by international standards for the exchange of tax information. She quite clearly stated, "No."

Jean-Michel Laurin of the Canadian Manufacturers & Exporters was asked the same question. Likewise, he clearly told us, "No concerns."

Panama is making tremendous strides to ensure that they are meeting international standards. However, in 2011 Switzerland was cited as the top tax haven in the world by the Tax Justice Network, yet no similar concerns were voiced on that agreement. In fact, the bill passed unanimously at committee after only one meeting. Of those who have raised concerns on tax havens, I ask this: Where were you when we signed the FTA with Switzerland?

Panama is a great partner of Canada. We should applaud their government for taking important steps in accountability and transparency, and we should continue to work with them in that regard. There are also those, particularly in the New Democratic Party, who oppose the concept of free trade in general. Of course, the socialist NDP still cling to the same old isolationist, protectionist policies that extended and worsened the Great Depression. The anti-free trade agreement is nothing new.

When Sir Wilfrid Laurier first proposed the idea of free trade with the United States, Sir John A. Macdonald, the brilliant tactician that he was, exploited it as a way to promote Canadian nationalism to win another strong, stable, national majority government.

In 1988, John Turner told Canadians that with one signature of a pen the government had sold out Canada. This has ended up becoming one of the more colossally misinformed statements in Canadian history. Since then, both Liberal and Conservative governments have entered into agreements with Mexico, Israel, Chile, Peru, Colombia, Switzerland, Norway, Liechtenstein, Iceland, Jordan and now Panama.

The Canadian economy benefits from free trade. These are not quick fixes or, as Mr. Laurin of the Canadian Manufacturers & Exporters put it, these are not "silver bullets." These are investments in the future for Canadian businesses and Canadian customers. Free trade agreements provide access to markets for Canadians. This particular agreement will eliminate double-digit tariffs on Canadian products as soon as it is implemented. This is important to maintain a competitive advantage.

Liberal MP Wayne Easter stated that some of the exports that have great potential in Panama, such as fish, shellfish, french-fried potatoes and agricultural products come from his region of the country, which I believe is Prince Edward Island, so the agreement should be good for some businesses and farmers in his region.

I believe that is true for all regions of the country.

Free trade agreements also help to reduce household costs for millions, which brings me to the next concern that has been raised, the so-called concept of trade balances. First, it is important to point out that not all imports are bad. To quote Milton Friedman:

Another fallacy seldom contradicted is that exports are good, imports bad. The truth is very different. We cannot eat, wear, or enjoy the goods we send abroad.

We have been annexed from Central America.

We eat bananas from Central America, wear Italian shoes, drive German automobiles —

Some of us do.

— and enjoy programs we see on our Japanese TV sets. Our gain from foreign trade is what we import. Exports are the price we pay to get imports.

Economists from fellow Scotsman Adam Smith onwards have questioned the belief that all imports are bad and all exports are good. Expanding trade is important for Canadian small, medium and large businesses and just as important for Canadian consumers.

Opponents of free trade have cited the possibility of trade deficits occurring. While I disagree with that concept, let us look at some of the pure export data for Canada after implementing FTAs: Israel, 1966, pre-FTA, just over \$217 million in exports, and last year over \$363 million in exports; Chile, 1997, pre-free trade agreement, just over \$379 million in exports, and last year over \$779 million in exports; Costa Rica, pre-FTA, just over \$72 million, and last year \$155 million; Peru, pre-FTA, just over \$390 million, and last year \$488 million; Norway, pre-FTA, just over \$1.7 billion — that was in 2009 — and last year over \$2.7 billion; Mexico, just over \$1 billion in exports pre-FTA, and last year over \$4.6 billion in exports; the U.S., pre-FTA — pre-John Turner's stroke of the pen — just over \$98.7 billion in exports, and last year over \$307 billion in exports.

I am sure that people would agree that more exports for Canadian businesses is a good thing. In fact, there have been only two exceptions to this trend. Both were in a recently signed FTA, and each is facing certain economic difficulties at the moment.

In my speech at second reading of Bill C-24 I quoted Sir Wilfrid Laurier, a great Canadian prime minister, on the need to find markets where markets are to be found. While I wish I could use that quote again, I figured I had better not be too repetitive.

I will go from quoting the prime minister who stated that the 20th century would be Canada's century to the prime minister who believes that the 21st century is Canada's century. To quote:

Canada is a trading nation. Canadian businesses and their workers succeed and prosper when they have stable and secure access to markets and customers around the world.

[Senator Finley]

Deepening our trading relationships is key to the next phase of Canada's Economic Action Plan in order to complete our recovery, create jobs and strengthen families' financial security.

Before concluding, I would like to take the opportunity to thank the members of the Foreign Affairs and International Trade Committee for their participation in the committee hearings. In particular, I would like to thank Senator Percy Downe for his perhaps opposing questions, but always marked with good grace and humour.

Mark my words, over the next number of years, I want to be at the vanguard of Canada's ever-expanding global trade agenda. I ask all honourable senators to join me in support of Bill C-24, to pass this important free trade agreement. It will be a great Christmas gift for the future of the Canadian economy.

• (1530)

Hon. Percy E. Downe: Honourable senators, I would like to thank Senator Finley for his speech. He is always interesting. We all agree on the main principle and importance of trade for the prosperity of Canada. I am reminded of that radio show that used to be on a number of years ago where they always started, "And now for the rest of the story."

Bill C-24 has been before Parliament, in one form or another, since September of 2010. In the meetings that the Standing Senate Committee on Foreign Affairs and International Trade has held on this bill, we heard much about the economy of Panama and the promise that it holds. I am sure there is both promise and progress to be seen in that country, but let us not distract from some very real problems in locking ourselves into a trade agreement with this country.

There are aspects of this trade deal that give me pause: items it contains, items it does not contain, and even what the deal itself represents.

Honourable senators, I must once again ask the question: What do we hope to gain from this and all the other trade deals this government is signing with minor trading partners? As we know, high expectations for these free trade agreements have, in the past, not been borne out. Indeed, more often than not, our balance of trade with our partners has worsened, not improved.

This is not some academic discussion. Trade is a root cause of our prosperity, and international trade is a vital element of our economy. Exports account for 31 per cent of this country's GDP, and one job in five in this country is directly or indirectly dependent upon exports.

Given the importance of trade, the value of free trade agreements would seem to be self-evident, but, as we have seen, honourable senators, if you look at the facts, the benefits of these minor agreements are far from obvious. These are familiar statistics, but they bear repeating. Of the seven free trade agreements for which we have data, five have seen an increase in our trade deficit with those countries. It is part of a disturbing trend.

This government has presided over a 7.5 per cent decline in the value of goods and services exported to other countries, while our trade deficit increased from \$37 billion in 2006 to over \$143 billion in 2011.

Exports as a proportion of the GDP are at the 31 per cent mark currently. When this government came to power, it was 38 per cent. This decline is a very serious problem. On November 30 of this year, Statistics Canada announced that real GDP growth was only 0.1 per cent for the third quarter this year, down from 0.4 per cent in the second quarter. Statistics Canada attributed this to decline in exports, which fell by 2 per cent in the third quarter, the largest decline since the second quarter of 2009. Put simply, if exports are vital to our economy and exports are declining, then this country is facing some major problems.

To those who suggest more free trade agreements with minor countries with small economies as a solution, I would remind honourable senators that if those trade agreements solved the problem, then the problem would not have existed in the first place.

The question remains, why free trade agreements and why with Panama? We know the idea originated with the Government of Panama. They have been trying to sign as many deals with as many countries as they can. Many of these countries insisted, as a pre-condition for such a deal, that Panama enter into agreements regarding the sharing of tax information. The United States, for example, was insistent that Panama would not get one without the other. They refused to consider ratification of their free trade agreement with Panama until they got a tax information exchange agreement dedicated to the investigation and enforcement of national tax laws. Even then, as U.S. trade representative Ron Kirk said last year, ratification was not automatic:

We will not be left behind as others open markets and take our market share. But . . . we will not sign agreements for agreements' sake. They must be enforceable and of the highest standard, in the interests of our workers, farmers, and businesses.

In contrast, it was only last July, two years after negotiations for a free trade agreement began and a full year after it was signed, that the Canadian finance department wrote to the Government of Panama suggesting such a measure, and negotiations only started this March. Given that negotiations for a similar agreement with Liechtenstein began over two years ago and are still ongoing, this could be a lengthy process indeed.

The lack of foresight does not end there. In response to my question last week, the government stated:

. . . we have continued, and intensified, our pursuit of new and deeper trading relationships. Our Government clearly understand that our standard of living and Canadians' future prosperity depend on such efforts.

Hearing that, one would think that if all these newer and deeper relationships are so important to the current government they would have conducted a thorough economic analysis of the

relationship with Panama, examining such matters as the jobs to be gained for Canada, the costs to be incurred, and the overall effect of the deal on Canadians' standard of living and future prosperity.

Instead, at the Foreign Affairs and International Trade Committee, we heard testimony from federal government officials that the decision to proceed with the deal was not based on any economic analysis of the prospect for trade because, by their own admission, Canada-Panama trade is so small as to make such analysis meaningless. Instead, they just asked around. They called unnamed businesses and organizations and asked if they would be interested in a free trade deal with Panama.

I asked the president of the Canadian Council for the Americas about the deal when he appeared before the committee. He said, "It is just an additional element that helps, I think is the best way to say it."

Perhaps, honourable senators, the resources of our Department of Foreign Affairs and International Trade could, in the future, be dedicated toward something more than additional helpful elements.

Regarding the bill before us today, my other concern relates to overseas tax evasion and money laundering. To say that Canada and Panama's tax systems are different is something of an understatement. Historically, Panama has dedicated considerable effort to aid those wishing to avoid paying taxes, including Canadian taxes.

The fact is that, beginning in the 1970s, Panama constructed a financial regime designed to attract the business or, more specifically, the money of individuals and corporations who do not wish to be bound by the kind of financial rules and tax rates they may face at home. In this respect, they have certainly succeeded, to the point that in 2007 one commentator called Panama the "complete package." It has everything one wants in a tax haven.

Honourable senators, if you build it and promise not to ask too many questions, they will come — or they will at least have their lawyers and accountants set up the paperwork necessary. In the last few decades, Panama parlayed its attitude toward taxation into a thriving financial services sector.

Let us not shy away from the obvious: when a country of fewer than 3.5 million people has over 400,000 registered corporations, something more than free enterprise is at work. All these methods require the cooperation of a willing government. Unfortunately, our proposed free trade partner, Panama, has demonstrated a willingness to please money launderers, drug dealers and other crooks. What a strange partner for this government to hitch their wagon to.

Follow the money, as the line goes, and you solve the mystery, but when a country designs its system so that money cannot be followed, that country becomes very attractive to those who want to do more than hide their money from the tax man. Such is the case with Panama.

• (1540)

As the U.S. Department of State's International Narcotics Control Strategy Report stated earlier this year:

Panama's strategic geographic location and status as a regional financial center make it an attractive jurisdiction for money launderers. Panama's success in establishing itself as a regional business and logistics hub, based on the success of its ports, airport and the Colon Free Zone — the second largest free trade zone in the world — have enhanced its attractiveness for organizations engaged in illicit financial activities. Money laundering in Panama is believed to be primarily related to the laundering of the proceeds of drug trafficking, and the country sits along major drug trafficking routes. The work of launderers is facilitated by weaknesses in the regulatory framework . . . [and] by uneven enforcement of anti-money laundering measures and the weak judicial system, which is susceptible to corruption and favoritism.

That is a description of our new trading partner from the U.S. Department of State. Regardless of the purpose for which these corporations in Panama were founded, a particular concern raised over this deal is whether they will have new rights to seek recourse from the Canadian government.

Chapter 9 of the agreement deals with the rights of investors, and while it is important that these rights be respected, the wording contained in Chapter 9 adds a whole new level of protection to investors, including those for whom "investing" money means hiding it or those involved in laundering money.

By allowing private firms to launch dispute settlement proceedings against governments, Chapter 9 enables those who benefit from Panama's tax haven status to fight efforts by the Government of Canada to recover its rightful tax revenues.

To quote testimony before the Standing Senate Committee on Foreign Affairs and International Trade:

. . . the Canada-Panama Trade Agreement would make it more difficult for Canadian policy-makers to curb Panama-based tax evasion. Should Canada, for example, try to limit Canadian firms from transferring money to Panama-based subsidiaries deemed to be shell corporations established for tax evasion, the policy could be challenged as a violation of Article 9.10 of the pact, which says, "Each party shall permit transfers related to a covered investment to be made freely and without delay into and out of its territory."

Anti-tax evasion policies could also be challenged as a violation of the indirect expropriation or national treatment provisions of the deal.

Chapter 9 of the Panama agreement expands the investor-state system under NAFTA, under which Canada has paid out hundreds of millions of dollars in legal fees and compensation to U.S. investors. There are untold United States, Chinese, Cayman and even Canadian corporations that can attack Canadian regulations by using aggressive national planning through their shell company in Panama.

With all these issues, honourable senators, why should we rush into this agreement? The potential gains are modest. Panama currently ranks seventy-fifth among our export markets. On the other hand, the potential pitfalls could be quite serious. Why would the government not conduct an economic analysis of the potential financial effects of this deal? Given the failure of other minor trade deals to actually expand our trade, why was there not more careful consideration of this bill?

In the committee studies, we heard about Panama's transfer from the Organisation for Economic Co-operation and Development's "grey list" of uncooperative tax countries to the "white list" — and Senator Finley spoke about this as well — on the basis that Panama sign a number of tax information sharing agreements. However, in many ways these agreements are like free trade agreements; they are the start of a solution, not its conclusion.

In fact, the OECD recently conducted a study of the measures that member countries have in place to enable them to live up to these agreements. Of the nine criteria the OECD examined, dealing with everything from ensuring proper account information is available to respect for the rights of taxpayers, Panama failed on five of the nine. That simply means "full stop" to any more improvements to Panama's status as one of the most corrupt tax havens in the world.

The prospect of a free trade agreement — featuring full investor protection — with a country with a record like Panama's is a potential financial time bomb waiting to explode, and I feel the government should have looked more carefully before we signed this deal. If this government is serious about ensuring that all Canadians pay their fair share of taxes and that we not incur future liabilities by exposing Canada to massive lawsuits, let us take this opportunity to demonstrate that by hammering out a better agreement that guarantees that Canadians and Canadian corporations will not be able to hide their money with impunity.

This government makes much of the progress made by Panama. However, in every area I have cited in this speech, my views match those of the Government of the United States of America.

The best time to improve a deal is before it is finalized; indeed, sometimes it is the only time to do so. When it comes to negotiating free trade agreements, the Government of Canada might want to follow the example of the Senate of Canada and apply a measure of sober second thought to its efforts.

The actions of the United States government should cause us to pause and ask why our American friends refused to ratify their agreement until Panama made its tax regime more transparent to them.

Speaking of Americans and transparency, material I received earlier this year from the United States Trade Representative documents the degree to which the United States government is committed to openness with their population when it comes to trade negotiations.

In the United States, representatives from business, labour and civil society are all welcome to participate in public forums related to ongoing trade negotiations, where the negotiators and

[Senator Downe]

delegates are also present. There are also trade advisory committees, comprised of “representatives from industry, agriculture, services, labor, state and local governments, and public interest groups” that work throughout the negotiating process to provide “policy advice, technical advice and information, and other advice on, negotiating objectives and bargaining positions, the operation of any trade agreement, and other matters arising in connection with the implementation of U.S. trade policy.”

Of particular interest to parliamentarians is the U.S. government’s commitment to working with Congress.

Since its creation, USTR has worked closely with Congress on negotiation of trade agreements and on other trade-related issues. As a matter of longstanding policy and practice, USTR has provided any Member of Congress access to classified negotiating documents and texts on request . . .

Let me repeat that. It is very important.

. . . USTR has provided any Member of Congress access to classified negotiating documents and texts on request, and works with the respective security offices in each chamber to accommodate the Members appropriately.

In addition, Congress has an oversight group that works on proposed trade deals while they are being negotiated with a view to preventing problems before they arise, rather than being faced with a *fait accompli* at the end of the process.

Compare that transparency to Canada, where even MPs and senators on the government side, let alone opposition parliamentarians, are kept in the dark about negotiations. Honourable senators might agree that the American model is a measure worth considering for Canada.

Honourable senators, is something wrong with our international trade? We all want Canada to prosper, and for that to happen we have to export; it is as simple as that. However, the message is clear and the numbers do not lie: What we are doing is not working as well as it used to. These minor trade deals would be understandable if they actually paid dividends, however modest, but they do not. We would do well to take a serious look at what we are doing wrong and how to fix it.

To conclude, honourable senators, this bill is the latest effort from a government that claims they are “committed to protecting and strengthening the long-term financial security of hard-working Canadians,” that “Canada’s prosperity is directly linked to reaching beyond our borders for economic opportunities that serve to grow Canada’s trade and investment” and that they “clearly understand that our standard of living and Canadians’ future prosperity depend on such efforts.” If this is truly the case, then they should reconsider a free trade policy that has clearly not lived up to expectations and instead dedicate themselves to understanding — and solving — the problems afflicting our balance of trade and our economy as whole.

We in the Senate should support them in this effort, because this is an effort that crosses party boundaries and is important to all Canadians.

• (1550)

Strong exports mean a strong economy and more jobs, and if free trade deals with minor trading partners do not lead to strong exports, we need to find a policy that does.

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

An Hon. Senator: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

FINANCIAL CONSUMER AGENCY OF CANADA ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Maltais, seconded by the Honourable Senator Dagenais, for the second reading of Bill C-28, An Act to amend the Financial Consumer Agency of Canada Act.

Hon. Catherine S. Callbeck: Honourable senators, I rise today to speak on the subject of Bill C-28, the financial literacy leader bill.

I thank my colleague Senator Maltais for his earlier remarks about this legislation. There is a great need for improved financial literacy in this country. I support Bill C-28, but it is a small step in improving the overall financial literacy situation. I believe that more significant federal leadership will be needed in order to turn the tide on financial literacy and its impact on rising household debt. Household debt has been increasing for the past 20 years and is now at an all-time high. The ratio of Canadian household debt to disposable income reached 148 per cent in 2010.

In 2009, Statistics Canada released the results of its Canadian Financial Capability Survey. It was the largest of its kind in the world and it has some disturbing findings: 31 per cent of Canadians struggle to meet their bills and payments; only 51 per cent of Canadians have set a budget; 70 per cent of Canadians were fairly, or very confident that their retirement income would provide the standard of living they hoped for, even though only 40 per cent knew how much money they needed to save in order to make this happen. Of those Canadians who were planning to buy a home, 48 per cent had not even saved the down payment.

Almost two years ago, the Task Force on Financial Literacy released its report and recommendations called *Canadians and Their Money: Building a Brighter Financial Future*. In this report,

the task force defined financial literacy as having the knowledge, skills and confidence to make responsible financial decisions. The task force made 30 recommendations in all, and this legislation is the result of one of those recommendations. I quote the recommendation:

The Task Force recommends that the Government of Canada appoint an individual, directly accountable to the Minister of finance, to serve as dedicated national leader. This Financial Literacy Leader should have the mandate to work collaboratively with stakeholders to oversee the National Strategy, implement the recommendations and champion financial literacy on behalf of all Canadians.

This bill creates the position of a financial literacy leader who reports to the Commissioner of the Financial Consumer Agency of Canada. This bill only partly implements that first recommendation because the recommendation was that this leader would be accountable to the Minister of Finance.

In my mind, being accountable directly to the minister puts that person in a much stronger position. It tells stakeholders that the financial literacy leader is operating with a very clear mandate from the Minister of Finance.

The financial literacy leader would be appointed by the Governor-in-Council for a five year term, and the term can be renewed. The duties are to exercise leadership at the national level to strengthen the financial literacy of Canada within the objectives of the agency. It is expected that he or she will spearhead financial literacy efforts and work with stakeholders to build on existing initiatives.

This legislation also provides the Commissioner of the Financial Consumer Agency of Canada with the authority to impose a financial levy against any financial institution in order to pay for expenses related to financial literacy initiatives. It should be noted that the agency already had the power to levy assessments against banks under the legislation brought forward under the Chrétien government when it was first created.

When this bill was first introduced, some members in the other place were concerned about the financial cost of implementing this legislation. No figures or estimates were given by the government when it was first tabled. However, during the study of the House of Commons Finance Committee, officials testified that the anticipated cost is \$3 million per year which will be allocated to agency.

Mr. Jeremy Rudin, Assistant Deputy Minister, Financial Sector Policy Branch, Department of Finance, said:

I should clarify that in recent years the government has provided the FCAC with \$2 million a year from the consolidated revenue fund. That is ongoing. An additional \$3 million a year on top of the \$2 million will be available once the leader is appointed . . .

That means that \$5 million in total will be allocated to the Financial Consumer Agency of Canada for financial literacy. This leader will operate out of the Financial Consumer Agency of

Canada office. Any staff that the leader has will be assigned there as employees of the FCAC.

There was also a question in the other place as to whether an existing organization could take on this new role. For example, the federal government already supports the Canadian Foundation for Economic Education, which was established in 1974 as a nationwide, non-profit, non-partisan organization. They are already involved in a wide range of financial literacy activities, such as resource production, research, curriculum development, seminars and workshops. It partners with provincial ministries of education, foundations, companies, media and other organizations across Canada in order to deliver programs in support of financial literacy.

Gary Rabbior, President of the CFEE, appeared before the House Finance Committee in support of C-28 and noted that his organization would not be able to take on this initiative. He said:

We actually get no sustaining money. I'd be delighted if that would change and the government would provide some support to us, but I'm the first one to recognize that the job is so big and there are so many . . .

He also stressed the need for a national approach to this issue. He said:

My key message is that for effective leadership in this on a national level we need to reach out to all the players who are involved and to be collaborative, to draw upon that. We don't need direction; we need a catalyst to work together. Also, we don't need competition. We need somebody to work with us. We need leadership that reaches out, involves, and draws on the expertise and the experience that has been around for years and decades.

It is for that reason that I believe the government should have gone one step further and also implemented the task force's second recommendation, which called on the government to "establish an advisory council on financial literacy, both as a forum for collaboration and to provide ongoing advice to the Financial Literacy Leader."

As Mr. Rabbior said, we have a wealth of expertise in this country and would all benefit from the experience of those who have been working in this field. I urge the government to carry through on that second recommendation of setting up an advisory council.

Honourable senators, Bill C-28 is a very small step, but it is an important one in improving the financial literacy of Canadians.

• (1600)

This task force had 30 recommendations. Today, we are dealing only with the first one.

An Hon. Senator: What about the rest of them?

Senator Callbeck: That is a good question. Hopefully, the government will implement the other 29, including the advisory council I just spoke about, and also the creation of a public awareness campaign, as well as a number of recommendations that require collaboration with the provinces and territories.

I support this legislation, but I would like to have had in legislation what the task force recommended, and that was that this financial leader would report to the Minister of Finance. I think it would have put the person in a much stronger position.

As well, I would like to have seen in this legislation the second recommendation of the task force, and that is for that advisory council, which would be of tremendous assistance to the literacy leader.

I urge the government to continue in its efforts, and hopefully more significant progress will be made to implement the rest of the recommendations of the task force.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

THE SENATE

STATUTES REPEAL ACT—MOTION TO RESOLVE
THAT THE ACT AND THE PROVISIONS OF OTHER ACTS
NOT BE REPEALED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Mockler:

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the following Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Agricultural Marketing Programs Act*, S.C. 1997, c. 20:

-sections 44 and 45;

2. *An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act*, S.C. 1998, c. 22:

-sections 1(1) and (3), 2 to 5, 6(1) and (2), 7, 9, 10, 13 to 16, 18 to 23, 24(2) and (3), and 26 to 28;

3. *An Act to implement the Agreement on Internal Trade*, S.C. 1996, c. 17:

-sections 17 and 18;

4. *Budget Implementation Act*, 1998, S.C. 1998, c. 21:

-sections 131 and 132;

5. *Canada Grain Act*, R.S.C 1985, c. G-10:

-paragraphs (d) and (e) of the definition “elevator” in section 2, and subsections 55(2) and (3);

6. *Canada Marine Act*, S.C. 1998, c. 10:

-sections 140, 178, 185 and 201;

7. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;

8. *Contraventions Act*, S.C. 1992, c. 47:

-sections 8(1)(d), 9, 10, 12 to 16, 17(1) to (3), 18, 19, 21(1), 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 with respect to sections 1, 2.1, 2.2, 3, 4, 5, 7, 7.1, 9 to 12, 14 and 16 of the Schedule, and section 85;

9. *Firearms Act*, S.C. 1995, c. 39:

-paragraph 24(2)(d), sections 39, 42 to 46, 48 and 53;

10. *Marine Liability Act*, S.C. 2001, c. 6:

-section 45;

11. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

-sections 89, 90, 107(1) and (3), and 109;

12. *Preclearance Act*, S.C. 1999, c. 20:

-section 37;

13. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

-sections 155, 157, 158, and 161(1) and (4);

14. *Yukon Act*, S.C. 2002, c. 7:

-sections 70 to 75, 77, 117(2), 167, 168, 210, 211, 221, 227, 233 and 283.

Hon. John D. Wallace: Honourable senators, pursuant to rule 6-2(2), I seek leave of the Senate to speak a second time on this motion to explain certain parts of my speech given yesterday.

The Hon. the Speaker: Honourable senators, rule 6-2(2) provides that for purposes of clarification on a debate that has been initiated, an honourable senator who has spoken but wishes to clarify can take up to five minutes to make that clarification.

Senator Wallace: Honourable senators, you may recall yesterday when I spoke to this matter I referred to the fact that in the 2012 annual report, which would have been from this past February, 20 acts are listed in the not-in-force provisions. With the list that I provided last evening, it was reduced to 14. The question raised by Senator Cowan was whether any of the six that were no longer on the list fell by the wayside. Were any of them repealed, or do they simply keep carrying forward unless they are brought into force? My response was that they would have been brought into force if they were not on the list.

I went back today to double-check, and I discovered that I was in error when I said that. I want to provide honourable senators with the correct information in order to set the record straight. I will have to go through this rather quickly because I have only five minutes.

We have gone from 20 acts down to 14, the difference being six. Of those six acts, one was to be brought into force in 2012, and that is An Act to amend the statute law in relation to veterans' benefits, Statutes of Canada 2000, chapter 34. One act was repealed in 2012, and that was the Canadian Wheat Board Act, and that act, of course, was repealed by the Marketing Freedom for Grain Farmers Act, which became effective August 1, 2012.

We have requested deferrals on 14 acts, so we have 14 plus the two I have just described, and that leaves four remaining.

The remaining four are to be repealed in 2012, and they will be repealed because we are not seeking deferrals of them as part of this motion. The acts that would be repealed are sections that deal with An Act to amend the Canadian Wheat Board Act, and again, they will be repealed; deferrals will not be requested because those sections were repealed by the Marketing Freedom for Grain Farmers Act, which became effective in August of 2012.

The next act is An Act to amend the Financial Administration Act. Again, the provisions that are being repealed target acts that have already been previously repealed.

The next provisions that will be repealed as of December 31, 2012, are contained in the Maintenance of Railway Operations Act, Statutes of Canada 1987, chapter 36.

The final provisions again that will be repealed as of December 31 of this year are contained in Miscellaneous Statute Law Amendment Act, Statutes of Canada 1994.

That summarizes and provides detail on the six that will be repealed and not continued forward. All I can do is offer my apology that this was not provided to honourable senators last night, but better late than never.

(On motion of Senator Fraser, debate adjourned.)

FEDERAL FRAMEWORK FOR SUICIDE PREVENTION BILL

THIRD READING—DEBATE ADJOURNED

Hon. Salma Atallahjan moved third reading of Bill C-300, An Act respecting a Federal Framework for Suicide Prevention.

She said: Honourable senators, as I would like to see this bill passed as soon as possible, I will not take up much of your time.

It is clear that there is a desperate need for a national framework for suicide prevention. This issue has affected each of us in one way or another.

We have discussed all that needs to be said, but I would like to reiterate the urgency for our youth. Suicide is the second leading cause of death for Canadians aged 10 to 24.

I sponsored a study on cyberbullying in the Human Rights Committee, and while listening to the testimony, I often wondered whether a national suicide framework could have prevented deaths of our youth, could have made them aware of the options available to them.

I would like to thank MP Harold Albrecht for his passion in driving this forward. I have been proud to sponsor this bill in the Senate on his behalf.

I urge honourable senators to allow Bill C-300 to proceed as quickly as possible. With each day's delay, 10 Canadians will fall victim to suicide.

• (1610)

Hon. Art Eggleton: Honourable senators, I rise to speak on Bill C-300, which came through the Social Affairs Committee in one two-and-a-half-hour session on Monday.

I want to remind honourable senators that the House of Commons back in October of last year unanimously passed a resolution, as a result of a motion by the Honourable Bob Rae, that a national suicide prevention strategy be developed. This is not a national strategy. This document before us today is a framework.

If one looks at the meat of the resolution, which is in subclause 2(b) of the bill, it talks about disseminating information, making publicly available existing statistics, promoting collaboration, defining best practices, et cetera. I do not think that is what the motion that was put to the House of Commons had in mind in terms of a strategy. It requires something far deeper than that, given that we have some 4,000 people who commit suicide per year and 20 times that number — or up to perhaps 100,000 — who attempt such suicide.

I agree with the honourable senator that it is an urgent matter and it is a matter that is somewhat desperate. However, this is not a national strategy.

In fact, Mr. Harper seems to have an aversion to the term “national strategy.” I remember our committee came forward in its report on the health accord and made a number of very solid recommendations, which the government virtually ignored and said, “Well, we leave that, by and large, up to the provinces.”

I do not think that is what Canadians want. Canadians want federal leadership. They want federal leadership in health care and in a number of issues, including this one. However, this is not what this bill provides for.

The fact that the committee spent very little time on the matter meant that we really did not get a chance to hear from a number of perspectives. It would have been good to hear from Aboriginal people about the much higher suicide rate that exists in their communities, or military members or veterans who also have very high suicide rates. It would have been good to hear more about the social determinants of health and how a lack of decent housing can increase the kinds of stresses and pressures in people’s lives that lead to attempted suicides.

Some of these people were actually invited, but the committee rushed this thing through in one day and not everyone was able to attend.

Now that I think of it, I do not understand why we did rush it through. I understand the sense of urgency that the sponsor has talked about, and I appreciate the work of the member of the House of Commons, Mr. Albrecht. I think he is to be commended and thanked for the work he is doing.

However, clause 3 states:

Within 180 days after the day on which this section comes into force . . .

The government would have that period of time to get the process moving. That is six months. Some bills come into force shortly after Royal Assent; some sit around for days or years. This 180-day clock does not even start running until it comes into force.

Even assuming the government will move quickly to bring it into force following Royal Assent, then we come to clause 4. It states:

Within four years after the coming into force of this Act and every two years thereafter, the entity designated in accordance with paragraph 2(b) must report to Canadians. . . .

Four years is a long time. I recognize this is within four years, but it still suggests there could be a very long time here before that kind of report comes. For something that the senator just described as desperate and urgent, it is hard to understand why that kind of a time frame is not further commented on.

In fact, we tried to comment on it. I put a suggestion of an observation to the committee that, in relation to clause 4, efforts be made to report progress to both houses of Parliament — it

does not say where this report would go, by the way, so I wanted to make it both houses of Parliament — before the four-year time frame is reached. These would be progress reports, so that we can see if this sense of urgency is being met.

However, we were told in the committee that such a thing would hold it up. Hold it up? One hundred and eighty days — up to four years? I do not think that would hold it up at all. Besides, if holding it up meant that it would take the little bit of time to translate this and put it into official form as an observation, that would take all of about five minutes, I think, and we would still be getting this bill before us for consideration and any vote before we adjourn for Christmas.

Then, another comment that was made by one of the Conservative senators was that it was a mere “ornament” — a phrase used on a couple of occasions.

I am sorry that we have not spent more time on this, and I am sorry that we have not been able to get to what the House of Commons originally adopted unanimously, namely, a national strategy on suicide prevention.

This bill is what it is, and it does advance the agenda. For that reason, I think we should support it, but I think we could have done a lot better.

(On motion of Senator Cordy, debate adjourned.)

KOREAN WAR VETERANS DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Neufeld, for the second reading of Bill S-213, An Act respecting a national day of remembrance to honour Canadian veterans of the Korean War.

Hon. Joseph A. Day: Honourable senators, I see that it has been nine days that I have not been able to get to this particular matter. With permission, I will say a few words in support of this very worthwhile bill that has been initiated by Senator Martin. It deals with an escalation of the recognition from a resolution that was passed by this chamber to a bill that would be a bill from this chamber and, if passed, adopted by both chambers, thereby giving it a higher degree of authority. I commend Senator Martin on bringing forward this bill, and I will be supporting it.

Honourable senators will know that the purpose of this bill is to recognize the Korean War veterans for the tremendous contributions and sacrifices that they made. It will recognize July 27 as a national day of remembrance in honour of Canadian war veterans of the Korean War. It was on July 27, 1953, that the Korean War Armistice Agreement was signed. Thus, this coming July will be the sixtieth anniversary of the signing of the armistice, so it would be very appropriate if this bill moves through and is adopted well prior to that date, so that we can do some proper planning.

• (1620)

Much has been said, and rightly so, of the injustice to the veterans of the war often called the “forgotten war.” Many honourable senators have outlined the details of the Korean War, as have I, for the purpose of illustrating its size and intensity and why it certainly should not be forgotten. While I will not repeat that which has been said, I will list a few facts about the war to serve as context.

Honourable senators, the Korean War ran from June 25, 1950, to July 27, 1953. In those three years, the total number of United Nations forces killed, wounded or missing was close to 1 million. Canada contributed over 26,000 of our Armed Forces to the Korean War, the third largest total of the nations who came to the aid of South Koreans at the time, behind only the United States and the United Kingdom. Of these 26,000, 516 lost their lives, many of whom are buried in the United Nations Memorial Cemetery just outside Busan in South Korea.

As is often the case, our Canadian troops proved vital in the fighting. In one instance, members of the Canadian Armed Forces earned a United States Presidential Citation for their critical role in defending the hills of Kapyong. At any other time in our history, this war would have gained the full attention of the public. As we reached the midway point of the 20th century, however, it was unquestionably overshadowed by other events. At that time, a war-weary nation, having finished the Second World War and now the Korean War, was preoccupied with many other events. At that time, a weary nation anxious for peace actively strove to put the Korean conflict, as it was then called, in the backs of their minds. No doubt World War II had exhausted our national psyche, and we were just beginning to adjust to the psychological Cold War.

Wars fought over the Pacific in lands foreign to Canadians at the time received less attention than the Second World War. A war fought in lands that many Canadians had called home only decades before, the Second World War, was much closer to their psyche.

This war was also a first for the United Nations, and that is an important factor. Canada’s involvement was part of a UN action. Canada did not declare war on North Korea. This perhaps could explain the lack of public response at the time as well. It does not, however, diminish the fact that this was in every sense a war.

These facts should not distract from the attention our history owes to the Korean War but rather amplify the sheer heroism of those who served the United Nations through the Canadian involvement.

Canada had just been exhausted by World War II and those who went to Korea came of age in the shadow of World War II. The bravery these men and women showed in going to Korea remains hard to understand but greatly appreciated. One would be hard-pressed to overstate the importance of the Korean War. For South Koreans, our veterans remain revered heroes.

Even today, the difference between North and South Korea is as different as night and day. South Korea today is the world’s thirteenth largest economy. They enjoy one of the highest

standards of living in Asia and remain one of the most innovative and inventive populations in the world. This success is the result of the free and just society that survived due to the efforts and sacrifice of the United Nations force, including our Canadian Forces.

In the North, misery and oppression remain. The threat of famine is omnipresent, and North Koreans are in the bottom third of the world in terms of life expectancy. The erratic and eccentric behaviour of North Korean leadership is often made light of in today’s international media, but this only masks the cruelty by which they keep their population under heel. Local media is oppressed and any dissent is met with a violent end. This is the oppressive, ideological regime that the UN forces were fighting against.

The Korean War served to bolster the United Nations as a world body that would prove indispensable for years to come. In the Cold War years, the world was a powder keg, and yet the United Nations served as a body through which necessary military action could be taken and not seen as aggressive by any one particular side.

The armistice that followed the Korean War brought an international contingent of soldiers under the UN flag to help keep peace, a force that included, of course, a sizable Canadian contribution. The Canadian contribution to the Korean War would go on to create a unique niche for our Canadian Forces preserving peace and order in much of the 20th century.

Our military is a small force made up of incredible men and women, which allows us to make contributions far greater than our size would warrant. Our soldiers’ skills and abilities proved indispensable not only in Korea but later in Cyprus, the Golan Heights, and of course during the Suez Crisis when Lester B. Pearson, then foreign minister, is considered to have fathered the modern concept of peacekeeping. These peacekeepers would go on to ensure that small regional conflicts would not create the spark that would engulf the world in a global nuclear conflict. Because of these actions around the world, the Canadian Forces are still synonymous with peacekeeping.

Thus, with the benefit of hindsight, I strongly support Senator Martin’s bill. It is a symbolic act that tells our Korean War veterans and their families that we are forever indebted to their sacrifice.

During my visit this past summer to London for the unveiling of the Bomber Command memorial, a veteran approached me with a note. The veteran could no longer speak, but he had heard that I was one of the many working to see Bomber Command recognized for their sacrifices during World War II. The note said, “Thank you; I no longer feel like a criminal.” Although this statue is across the ocean in London, this Canadian veteran felt vindicated after all these years.

Honourable senators, never underestimate the power that such symbolic gestures have on our veterans. A national day of remembrance for the Korean War veterans would be a great gesture.

[Senator Day]

Today, we have a large Korean community in Canada who are making an important contribution to our Canadian society. Just last week the Korean National Forum and Celebration was held here in Ottawa and brought together community and business leaders from across Canada. In the Senate gallery a large Korean youth choir observed the workings of our chamber. Many of these youth would not have been here if they did not have a free and open society in South Korea, one made secure by our own Korean War veterans.

As Senator Martin will attest, Korea is keenly aware of the horrors the Korean War unleashed on their peninsula. Canada has been fortunate never to have had war within our borders in the modern era, thanks, in no small part, to the brave men and women who race to such conflicts to ensure that violence is contained.

• (1630)

We can never do enough to repay their sacrifice, honourable senators, but we should never stop trying.

Hon. Senators: Hear, hear!

(On motion of Senator Mitchell, debate adjourned.)

BREAST DENSITY AWARENESS BILL

SECOND READING—DEBATE CONTINUED

On the Order:

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

Hon. Judith Seidman: Honourable senators, by the end of 2012, an estimated 23,000 women will be diagnosed with breast cancer. One in nine women is expected to develop breast cancer during her lifetime and one in 29 will die of it. We have lost mothers, sisters, friends, aunts, grandmothers and spouses to this disease, and more are diagnosed each year. This is a disease that deserves attention and support at the highest level.

My colleagues, Senator Seth and Senator Merchant, have both spoken before me, conveying the many concerns held by the breast cancer community. I would like to thank them for bringing these perspectives to the chamber.

Honourable senators, the field of screening for breast cancer is evolving. There is no question that progress is being made; however, new evidence has complicated the picture to such an extent that normative practices have changed dramatically.

The increasing perception of mammography as unreliable has sparked fierce debate. For example, many question the appropriate age to begin screening. In 2009, the U.S. Preventive Services Task Force weighed in, recommending against annual mammograms for women in their 40s, and advised women 50 and over to only have them every other year.

In 2011, the Canadian Task Force on Preventive Health Care released new guidelines for breast cancer screening, which suggested that women aged 50 to 74 get mammograms every two to three years. The Canadian task force warned that there was potential for harm from over diagnosis and unnecessary biopsy, particularly for younger women.

Today, there are many different technologies used in breast cancer screening. Efforts to improve conventional mammography continue to develop as researchers explore the potential of digital mammography, MRIs, PET scans, breast thermography and diffuse optical tomography, which uses light instead of X-rays to create a picture of the breast.

In September of this year, the FDA approved the first ultrasound device for use in combination with standard mammography in women with dense breast tissue.

Recently, debate has focused on breast density and screening. A 2012 study in the *Journal of the National Cancer Institute* found that the risk of dying from breast cancer was not related to high mammographic breast density in breast cancer patients. The study did link breast density to a number of other risk factors. It found “association between low density and increased risk of breast cancer death among obese patients, or those diagnosed with large or high-grade tumors.”

Barbara Monsees, Chair of the American College of Radiology, was surprised by the results of this study. She said:

It shows we have a lot to learn about dense breast tissue and its implications for screening, diagnosis and treatment.

How can we, as legislators, make a positive contribution? In the United States, several state governments have passed laws requiring doctors to inform women if they have dense breast tissue. A bill calling for a federal law has been introduced in the House of Representatives. However, these decisions have been met with significant opposition from some members of the medical community, professional societies of radiologists, and cancer experts, who fear such laws may lead to a spike in unnecessary tests and treatment. Women’s advocacy groups are concerned as well, suggesting such requirements may create unnecessary confusion, undue anxiety, and even a false sense of security.

Honourable senators, Bill C-314 requests the following: That we, first, determine whether gaps in information exist relating to breast density in the context of breast cancer screening; second, identify approaches, where needed, for improving the information provided to women undergoing screening for breast cancer in order to address the challenges of detecting breast cancer in women with heterogeneous or dense breast tissue, and raise awareness concerning these challenges; and, third, share, through the Canadian Breast Cancer Screening Initiative, information related to the identification of heterogeneous or dense breast tissue during screening and any follow-up procedures.

Honourable senators, this bill rightly identifies the need for more information about the relationship between breast cancer screening and breast density. Current research, changing technology and the complexity of the issues, all surely warrant

more serious examination before proposing any new legislation. A Senate committee typically provides such an opportunity for study. In committee, we would have the benefit of hearing testimony from experts that draws on the most recent evidence. Ultimately, the results of such a study may lead to an expert-informed, action-oriented piece of legislation that responds to the gap in information so correctly identified in Bill C-314. Canadians deserve no less.

MOTION IN AMENDMENT

Hon. Judith Seidman: Honourable senators, therefore, I move:

That Bill C-314 be not now read a second time but that the subject matter thereof be referred to the Standing Senate Committee on Social Affairs, Science and Technology; and

That the Order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper and Notice Paper* until the committee has tabled its report on the subject matter of the bill.

Hon. Senators: Hear, hear.

The Hon. the Speaker: We are on debate on the motion in amendment.

Hon. Terry M. Mercer: Honourable senators, I move the adjournment of the debate in my name.

The Hon. the Speaker: I saw, simultaneously, Senator Eggleton. Does the honourable senator wish to speak?

Hon. Art Eggleton: I was trying to ask a question of the previous speaker, honourable senators.

I guess I missed something in Senator Seidman's comments. I found it kind of unusual that, rather than sending the bill to committee, she wants to hold it back and send the subject matter. I am trying to understand what the honourable senator sees as the difference. Usually when one considers a bill after second reading at a committee, it gets into the broader subject matter. I wonder what the honourable senator sees as the difference.

Senator Seidman: I thank the honourable senator. He is quite right. I suggested that Bill C-314 rightly identifies a need for more information, but information gathering is generally not a matter for a bill, but for a committee to study.

• (1640)

The idea is that once the committee looks at all of the outstanding issues regarding breast cancer screening, all of the controversy over mammography, the enormous shift in normative standards and the new technology, hopefully the committee will then send back a report to the Senate that would result in a new bill that would be more proactive and action-oriented, as opposed to one that asks us to study the matter or to get more information.

The idea is to be more proactive. Hopefully, once we have sufficient evidence from experts in the field, we will be able to come up with a bill that will have more bite to it and that will satisfy the issues in a more innovative way and a more proactive way.

[Senator Seidman]

Senator Eggleton: Thank you very much.

Senator Mercer: I would like to ask a question of the honourable senator. I do not mean object to this at all, and after she answers my question, I would like to adjourn the debate. The honourable senator is referring this to the committee for study. Will the honourable senator encourage the committee to invite witnesses, including women who are affected by this and women who have been through the process of mammograms and the various controversies that surround it? Would the honourable senator encourage the committee to call some of those people as witnesses?

An Hon. Senator: Good question.

Senator Seidman: I thank the honourable senator for the question.

Of course, it is not for me to say whom the committee would call, but this subject matter would go to the committee for study. The committee would undergo the usual procedures that they do when they undertake a study, which are appropriate consultations and invitations to the appropriate experts, as well as any other people who would be relevant for the subject matter, to come and testify. I think that is a conventional approach to developing a witness list.

An Hon. Senator: Good answer.

Senator Mercer: That leads to the point that I was trying to make. When Senator Cordy had her bill before the committee and wanted to call patients with multiple sclerosis because they were talking about CCSVI, the committee did not do that. It did not make a lot of sense then, just as it would not make sense in the case of this study not to call women who have been affected and women who have been through a process of mammograms — good or bad — so that we could determine what the problems are and make some very serious observations and positive recommendations.

(On motion of Senator Mercer, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator McInnis, for the second reading of Bill C-299, An Act to amend the Criminal Code (kidnapping of young person).

Hon. Mobina S. B. Jaffer: I will be speaking on this matter in the New Year. I know it is 14 days, so, if I may, I will adjourn it in my name.

(On motion of Senator Jaffer, debate adjourned.)

CANADA POST CORPORATION ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator St. Germain, P.C., for the second reading of Bill C-321, An Act to amend the Canada Post Corporation Act (library materials).

Hon. Terry M. Mercer: Honourable senators, I too intend to speak on this bill in the New Year, and I would adjourn the debate in my name for the remainder of my time.

(On motion of Senator Mercer, debate adjourned.)

THE SENATE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Ataullahjan, seconded by the Honourable Senator Martin:

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.

Hon. Mobina S.B. Jaffer: I rise today to speak on Senator Ataullahjan's motion 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 education; offer its best wishes for a full recovery; express its gratitude for the courage of her family and the work of the staff at Birmingham Hospital in the U.K.; and offer its solidarity with girls and young women everywhere, whose absolute right to equality of opportunity and quality of education in every country in the world is, and must always be, universal and real.

I want to take this opportunity to thank Senator Ataullahjan for her leadership on the issue of girls' rights. I know that Senator Ataullahjan had the opportunity to visit Malala's parents in London to convey our thoughts, prayers and support for her. I also want to thank Senator Segal for encouraging me to speak on this motion.

This motion is about Malala and her incredible courage and unwavering vision for universal and equal access to education for girls.

The most powerful change is sparked by a vision, but for that vision to be realized, it needs to be fuelled by investments of human and financial resources.

Honourable senators, we are all grateful to the people who educated, enabled and empowered us so that we could become senators. Senator Seth, Senator Ataullahjan and I appreciate that we were given the finest education because of the vision of our fathers and the resources invested on our behalf.

All three of us often speak about how fortunate we are that our fathers had the vision to provide to us the best education available.

All three of us will be forever grateful to our mothers and fathers. The investments that they made in our futures indeed helped us to become senators.

Honourable senators, there are 170 million children across the world who do not attend school. Of those children, 70 per cent are girls. It is estimated that, of those girls who are enrolled in school, 100 million will drop out before they complete their primary education.

Research has indicated that when women are educated and receive an income, they reinvest 70 per cent of that income into their families. In comparison, males reinvest between 30 per cent and 40 per cent of their income into their families.

Honourable senators, today I want to share the story of Malala Yusufzai. Malala, at the age of 11, began blogging for the BBC under an assumed name. She spoke about her life under the Taliban regime where she would secretly go to school with her books hidden under her clothes. She wrote, in a February 8, 2009, diary entry published by BBC Urdu:

I felt hurt on opening my wardrobe and seeing my uniform, school bag and geometry box. Boys' schools are opening tomorrow. But the Taliban have banned girls' education.

Sadly, in October of this year, Malala was attacked by the Taliban in Pakistan. Malala's act of defiance was to share her thirst for knowledge and to pursue her greatest desire to attend school and to learn. It is her unshakeable determination, that profound vision, that we need to lift up and support. Malala has been a catalyst inspiring us to recommit to a vision of universal and equal access to education.

In Article 28 of the United Nations Convention on the Rights of the Child, member states recognize the right of the child to education, commit to preserving the child's human dignity and resolve to promote international cooperation to eliminate illiteracy throughout the world.

We also know that improving girls' access to education promotes health and prosperity for young girls and for their communities. Through education, girls are empowered to improve their lives and the lives of others around them.

Education is a human right. It is not negotiable for any child anywhere. Yet, 101 million children are not attending primary school. More than half are girls. Youth literacy among young men is 1.2 times higher than among women in the least developed countries.

• (1650)

To quote from a recent report of Plan Canada and the University of Toronto, Faculty of Law:

. . . 66 million girls are missing an education at a time when it not only has the power to transform their own lives, but also the world around them.

That same report, entitled *A Girl's Right to Learn Without Fear*, highlights unacceptable rates of gender-based violence experienced by schoolchildren; 150 million girls and 73 million boys have experienced sexual violence; nearly half of all the sexual assaults are committed against girls younger than 16 years of age.

Bullying is also pervasive. Between one fifth and two thirds of children, depending on the country, reported being victims of verbal or physical bullying.

Finally, in direct contravention of Article 28 of the United Nations Convention on the Rights of the Child, more than 80 per cent of students in some countries suffer physical abuse under the guise of discipline in schools.

Honourable senators, as a young child I remember my parents discussing the words of the former Aga Khan, Sir Sultan Mohamed Shah, who said:

When you educate a boy, you educate him alone, and when you educate a girl, you educate the whole family.

If you have two children, a boy and a girl, and you only have money to educate one child, then you should educate the girl as her education will benefit the whole family and indirectly the whole community.

My parents and many other people took these words to heart and worked earnestly for the education of girls.

Honourable senators, I believe in ensuring the right to education is a laudable vision, but that vision alone is not enough. We need to realize this vision through investments of both human and financial resources.

The former Aga Khan, His Highness Sir Sultan Mohamed Shah, and the present Aga Khan have sought to improve both access and quality of girls' education for well over a century. In Pakistan alone, the commitment to girls' education has seen, among other things, Diamond Jubilee Schools established for girls across Pakistan's northern areas in Chitral to commemorate, in 1946, Sir Sultan Mohamed Shah's 60 years as the spiritual leader of the Shia Imami Ismaili Muslims.

Even as recently as this week, in Paris, His Highness Prince Karim Aga Khan congratulated Pakistani President Zardari on his government's collaboration with UNESCO to host an event for the promotion of education in Pakistan. President Zardari

took the opportunity to recognize and show his appreciation for the services of His Highness the Aga Khan across the world, giving particular mention to promoting education, poverty eradication, the empowerment of women and socio-economic development in Pakistan.

Access to education for girls cannot be sustained without ensuring the quality of instruction. The Aga Khan Development Network has invested significantly in field-based teacher development programs that prepare teachers without formal education for government teacher training certification.

In the 1980s, the foundation also opened two rural model secondary schools for girls in Pakistan: The Aga Khan School in Sherqilla and the Aga Khan School in Karimabad. These schools were built to ensure equal access to education for girls in that region. The Aga Khan Development Network has embraced a similar commitment to girls' education in East Africa.

In addition, the Aga Khan University has established the Institute for Educational Development in Karachi, Pakistan, and Dar es Salaam, Tanzania, to train teachers and policy makers to promote the quality of girls' education and to ensure that the best female teachers are provided with opportunities for professional advancement.

The professional advancement of women has also led the Aga Khan University in both South and Central Asia and East Africa to establish schools of nursing and midwifery, and to ensure that professions largely staffed by women are given the stature and professional resources commensurate with their importance to national development.

Honourable senators, I was born in East Africa at a time when there were not many schools. His Highness the Aga Khan built schools all over East Africa, including in Kampala, Uganda, where I was born. I attended the Aga Khan Kindergarten School, the Aga Khan Primary School, and the Aga Khan Secondary School. My secondary school was a model school and the Aga Khan himself hired teachers from England in order to provide us with the best education.

I received the best education available because, not only did the Aga Khan believe that girls should be educated, but he realized his vision with substantial investments of resources. The Aga Khan recognized that a commitment to girls' education requires careful and sustained investment in the institutional capacity of government and civil society institutions, which can in turn provide quality opportunities for girls, with a special emphasis on training and supporting of teachers.

Honourable senators, I believe that if Malala had the opportunity to address us today in Canada, she would first thank us for supporting her through her ordeal and then she would ask of us: What truly is your commitment to girls' education? She would understand that we have a very strong vision and belief in girls' education. She would ask us whether we have a sustaining commitment to support this vision with human and financial resources.

Honourable senators, I ask you to join me in supporting this motion of Senator Ataullahjan. I urge all of us to take from the incredible story of Malala Yousufzai, not contempt for her

[Senator Jaffer]

aggressors, but inspiration for her cause. Let her courage be the spark that ignites our action. Let us come together to support this vision and see that it is met with the human and financial commitment it needs to make education available to girls.

Hon. Senators: Hear, hear.

(On motion of Senator Cools, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE COMMITTEE TO STUDY
THE POWERS AND RESPONSIBILITIES OF THE
OFFICERS OF PARLIAMENT AND THEIR REPORTING
RELATIONSHIPS TO THE TWO HOUSES—MOTION
IN AMENDMENT ADOPTED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on the powers and responsibilities of the officers of parliament, and their reporting relationships to the two houses; and

That the committee present its final report no later than March 31, 2013;

And on the motion in amendment of the Honourable Senator Tardif, seconded by the Honourable Senator Hubley, that the motion be not now adopted, but that it be amended by replacing the words “Internal Economy, Budgets and Administration” with the words “Rules, Procedures and the Rights of Parliament”.

Hon. Anne C. Cools: Honourable senators, I rise to speak to Senator Tardif’s amendment to Senator Comeau’s motion in respect of referring the question of the examination and report on the powers and responsibilities of the officers of Parliament to the Standing Senate Committee on Internal Economy, Budgets and Administration. In addition, Senator Comeau had tabled the five-line letter, obviously with the intention that the committee would study that.

Honourable senators, I would like to begin by saying that this five-line letter, dated February 16, 2011, and its nine-page paper entitled *The Accountability of Agents of Parliament*, to the Senate Internal Economy Committee is something that should deeply concern us all.

This short letter, not on letterhead, was signed by seven officeholders, self-described as “agents of Parliament.” They are the then Auditor General, the Chief Electoral Officer, and the Lobbying, Information, Privacy, Official Languages and then Interim Public Sector Integrity Commissioners.

This letter was addressed to five chairmen of Commons committees and to Peter Milliken, not as the then Commons Speaker, but as Chair of the novel — very novel — Advisory Panel on the Funding and Oversight of Officers of Parliament.

Clearly, their use of the word “Parliament” must not include the Senate, for it was addressed to no senator. It was copied to five Commons Clerks, the Treasury Board Secretary, the Privy Council Clerk, and our Senate Speaker. Its subject is their claim for more independence. Worthy persons though they are, their positions, self-described as “agents of Parliament,” and their affiliation to Parliament are unclear. I thank Senator Tardif for her speech and for supporting this initiative. I also thank Senator Comeau for his endeavours and efforts to place this question before us. On my own behalf, I would like to say that this proposed committee study is timely, needed and welcome.

• (1700)

Honourable senators, these appellations “agents of parliament” and “officers of parliament” were not created by any of our 41 parliaments assembled. Not one of them assigned either of these terms to these seven offices. Not enacted by Her Majesty in statute or in royal instruments appointing them, these terms are a mystery. As applied to these offices, these terms are no part of the lexicon of the ancient law of parliament, its usage and customs, the *lex parliamenti*. This *lex*, and our constitutional order, received into Canada in the Constitution Act, 1867, section 18, was the grant of the full ancient privileges, immunities and powers of the British Commons House. This *lex* is jointly and jealously held by the Queen, the Senate and the Commons, the parliaments — the word “parliaments.” These terms are recent political innovations, responses to weakness in our two representative houses, and in our political parties, private societies, which deliver responsible government.

Honourable senators, signed by the seven officeholders, this letter was addressed to the Advisory Panel on Funding and Oversight of Officers of Parliament. Rejecting the panel’s choice of style, “officers of parliament,” they chose instead to name their paper *The Accountability of Agents of Parliament*. At page 1, they state:

We are using the term “Agents of Parliament”. . . This is the term that is used by government. It has been suggested that the term “Officers of Parliament” may be confusing, as it is also used to describe other officers that serve Parliament, including the Sergeant at Arms, the Usher of the Black Rod, and the Parliamentary Librarian.

Having reconsidered the term “officers of parliament,” they have chosen to re-style themselves “agents of parliament.” Perhaps they could re-style again. The words “officer” and “agent” are not interchangeable and have different legal meanings. Neither are they wholly satisfactory or appropriate. However, the term “officers,” as arbitrary and unhelpful, is not yielding easily to Privy Council’s chosen term “agents.”

Honourable senators, senior lawyer at Justice, Ann Chaplin, wrote a book, *Officers of Parliament, Accountability, Virtue and the Constitution*. At page 120, she writes about these offices in phrases like “independent moral actors” who appear “to be here

to stay” and who “we have not yet considered enshrining . . . in the Constitution.” About the “agents of parliament,” the law of agency, and principal-agent relations, she writes, at page 78:

If the officers can be said to be acting as agents simply because they are exercising a mandate under legislation, then they are acting as agents of the Crown, as well as the House of Commons and Senate. Put this way, it is easy to see that the flaw here is not just theoretical. If it is enough to establish an agency relationship with Parliament that a law is passed by Parliament empowering the actor then everyone who acts under powers conferred by federal statutes would be an agent of Parliament.

She adds, at page 81:

By either a private or public law approach to agency, therefore, it seems unlikely that officers of Parliament are legally the agents of Parliament . . .

Honourable senators, mindful of this, I add that the law of agency governs commercial relationships, and that Parliament can neither be sued nor be a principal. I also note that the Public Officers Act and the Seals Act, in their Formal Documents Regulations, do not list these seven offices under their heading “Officers of Parliament.” It lists only the officers of the two houses. One must conclude that both terms, “agents” and “officers,” are of uncertain origin and meaning. This is in sharp contrast to our *lex*, where words, meanings and styles are strictly tested. These two terms have acquired political currency, but they are recent unclear creations. What is clear is that they have no pedigree in the *lex* or in our constitutional order. This, I submit, is why doubt has arisen about the nature and character of these offices, notwithstanding the good character and work of their present and past occupants. These positions need to be examined by the *lex* in rigorous and thoughtful application.

Honourable senators, much academic opinion holds that the modern ascendancy of the officers of Parliament is eroding representative politics and weakening the powers of the members of both houses. These offices’ “mandate creep” is at the expense of responsible government and the public good. However, other opinion welcomes this “mandate creep” as the natural growth of a new fourth branch of government that they call the “integrity branch.” These integrity-branchers opine that these offices are the guardians of virtues, values and morality. Professor David Smith, in his paper *A Question of Trust: Parliamentary Democracy and Canadian Society*, in the 2004 *Canadian Parliamentary Review*, wrote at page 25:

Officers of Parliament are not a new phenomenon; . . . The difference between then and now is that where once seen as servants of Parliament, they are evolving into its masters. . . . what is clear is that the officers are in the process of becoming the integrity branch of government, what Bruce Ackerman of Yale University has labeled its fourth branch.

Though not elected, some suggest they are democratic. Dr. Smith, in his 2007 book *The People’s House of Commons: Theories of Democracy in Contention*, writes at page 69:

The auditor general and the other officers of Parliament represent much more than their narrow label implies. A reading of their reports to Parliament bears out that claim.

Here they speak to Parliament; but they also speak for, if not on behalf of, public opinion. . . . In their commentaries and in the attention their commentaries elicit, officers of Parliament assume some of the features of representation. . . .

He adds:

Conscience, principle, and character describe this type of ‘unaccountable’ representative, since there is no direct linkage between elector and elected. . . . Still, officers of Parliament inhabit a world of representation and articulate concerns some of the represented believe to be inadequately expressed by elected members. The thread that joins officers of Parliament is their common concern for integrity.

Honourable senators, the officeholders echo this integrity-virtues theme. Ousting members and ministers, they have occupied the moral ground. At page 1 of their paper, they state that one of them:

. . . has aptly described the Agents of Parliament as “guardians of values that transcend the political objectives and partisan debates of the day.” These values include the responsible handling of taxpayers’ dollars, the integrity of elections, transparency through access to information, privacy, the integrity of public servants and lobbyists, and linguistic duality.

• (1710)

Jeffrey Graham Bell, in his 2006 paper, “Agents of Parliament: A New Branch of Government?” in *Canadian Parliamentary Review* writes at page 20:

If APs have engaged in “mandate creep,” as Professor Aucoin fears, this is neither shocking nor, on the whole, detrimental. . . . Bureaucratic “mandate creep” from this initial theory has meant that, in practice, bureaucrats are responsible for both policy proposal as well as administration.

Parliamentarians can be safely consigned to a similarly minimal, yet profoundly essential role, . . . AP mandate creep is the rational maximization of public expertise finally freed from the defence of the government of the day. The political power exercised by APs is influence.

This influence, this political power, this “creep,” now reaching the public purse, cannot be for the public good. Such independence does not exist in our constitutional order, not even for judges in their high judicial independence.

Honourable senators, the officeholders’ paper is aimed at the lawful, constitutional role of the Treasury Board and the Financial Administration Act in the national finance, mainly the Constitution Act, 1867, sections 53 and 54, known as, in the vernacular, “the financial initiatives of the Crown” and “the control of the public purse.”

Honourable senators, constitutions by design are supposed to be resistant to change, and these sections the more so because they are the bedrock of government by Her Majesty in her councils, in her Parliaments. Jack Stillborn, once Library of Parliament staff,

wrote about this and the novel advisory panel. In his 2012 paper, “Funding the Officers of Parliament: Canada’s Experiment” in the *Canadian Parliamentary Review*, 2010, he said at page 38:

It is the exclusive prerogative of the Crown to place recommendations for spending before Parliament. Strict adherence to this principle underlies what has remained the central formal limitation upon the independence of the officers of Parliament.

This is very serious, senators, but this gives some no pause. Jeffrey Bell states and ends his paper starting at page 21:

As always, vigilance is warranted and welcome as the Canadian constitution gathers more experience. Still, we must not allow precedent and constitutional idealism to prevent new tool boxes from being opened.

What tools? Whose tools?

Honourable senators, these united officeholders, self-described as Parliament’s “agents,” have made the united but unproven claim that the Treasury Board’s role in deciding sums of money for them and their offices, their bureaucracies, might impair their independence. They want out from under the lawful financial administration regime, our constitutional order. This contentious claim, accepted by a few, has never been —

The Hon. the Speaker: Honourable senators, the honourable senator’s time has expired.

Senator Cools: May I ask for five more minutes?

This contentious claim, accepted by a few, has never been put before either house. They describe their 2005 pilot project in their paper at page 5:

The main feature of the pilot project was the ad-hoc all party parliamentary Advisory Panel, chaired by the Speaker of the House of Commons, which has provided oversight on the annual funding requests of Agents of Parliament and made recommendations in that regard to the Treasury Board.

Supported by the late former Commons Clerk William Corbett and his private 2008 evaluation of their project, they seek, in his words, that, “Parliament” — note, not the Commons — “give the Advisory Panel” a fixed place in the House of Commons Standing Orders.

Honourable senators, the *lex* knows no such ad hoc parliamentary advisory panels. Not constituted by a house, such creatures must be outlaws to the constitutional order. Such panels’ secret decisions do not proceed in the house by motion, debate and division. Without such house approbation, they cannot be “proceedings in parliament,” with its privileges and protection accorded to participants. They are not even flawed or corrupt proceedings which, though impure, can be corrected by a house vote to void. Further, none can claim that the Senate cannot inquire into this panel on grounds that the house is the master of, and has exclusive cognizance of, its proceedings, because the house has never had such a proceeding and can have no cognizance of it. Though well-intended, such panels’ decisions

have no public or parliamentary character. Secret and unrecorded, they are the private and personal musings of some who are members, and who have vested the panel with their personal credibility. These musings, not house proceedings, are the wilful avoidance, exclusion, of the House of Commons itself in the plenitude of its members — never mind the Senate — the exclusion of the house.

Honourable senators, it seems that these officeholders are trenching, claiming a share in the decisions of the national finance and the public revenue, a constitutional change. This spending power is equal only to its twin, the taxing power. Our Constitution Act, born of the sacrosanct tax and spend powers, admits no such claim. Our constitutional order knows no independence with such access to the public purse and treats such claims as heresy and illegal. I repeat, even the judiciary, a coordinate in our Constitution, have no such power.

Honourable senators, this is a Senate matter. Changes to the law of public finance attach the Senate. The Confederation Fathers were much concerned that taxes raised in one region could be misspent in another. To avoid problems, they structured this Senate to have its powerful federal role in the public finance, with greater powers than the then House of Lords. Our lower Commons house, like Britain’s, was constituted as a house in a unitary state, but not our upper house. This Senate, constituted to embody the federation, was armed with strong federal constitutional powers in the national finance.

Honourable senators, Sir William Blackstone wrote on the exclusive law of Parliament. In his *The Commentaries on the Laws of England*, Vol. 1, adapted in 1876 by Robert M. Kerr, Blackstone, citing Edward Coke, said at page 131:

For, as every court of justice has laws and customs for its direction, some the civil and canon, some the common law, others their own peculiar laws and customs, so the high court of parliament has also its own peculiar law, called the *lex et consuetudo parliamenti* . . .

Honourable senators, the ancient dictum is that all questions in the houses must be moved, debated and decided by the *lex parliamenti*. Trust me, senators, the *lex* is a faithful and abiding friend. It holds the answers about the nature, character and constitution of these offices. It will tell us whether they are our agents, our officers, or neither, and how and by what legal power and process they are so affiliated and styled. Their novel demand undermines their own claim to be our agents, because the first duty of an agent is to uphold the legal and financial order of its principal.

Honourable colleagues, I laud Senator Tardif for supporting this effort. I laud Senator Comeau for bringing it forward. There are deep, large, moral, political and legal questions involved. I look forward to this study. I look forward to the challenge. I have served on other committees that have looked at some of these issues and, as I said before, it is a huge challenge. I shall pick up more of these challenges in my next speech, which I plan to give on the main motion.

To all of those who are unaware of the complexity and the challenges around how this institution was structured, I invite you to pay careful attention to because it was for this purpose that this

Senate was created. Remember, in 1867 the U.K. was well on its way to limiting the financial powers of the House of Lords. That is not what happened in the Senate; they strengthened powers here for the Senate, precisely because of the national interest and the Senate's interest in the national finance, the public revenue.

• (1720)

The Hon. the Speaker: Are honourable senators ready for the question on the motion in amendment?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Tardif, seconded by the Honourable Senator Hubley in amendment:

That the motion be not now adopted, but that it be amended by replacing the words "Internal Economy, Budgets and Administration" with the words "Rules, Procedures and the Rights of Parliament".

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

Some Hon. Senators: Agreed.

Senator Comeau: On division.

(Motion in amendment agreed to, on division.)

The Hon. the Speaker: The question now before the house is the main motion. Are honourable senators ready for that question?

Senator Cools: No. I would like to speak on the main motion tomorrow.

(On motion of Senator Cools, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE SENIOR MANAGEMENT AND OFFICIALS OF THE CANADIAN BROADCASTING CORPORATION—MOTION IN AMENDMENT ADOPTED TO AUTHORIZE TRANSPORT AND COMMUNICATIONS COMMITTEE TO RECEIVE WITNESSES

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Demers:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive senior management and officials of the Canadian

Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view of the importance of

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

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

And on the motion in amendment of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Comeau, that the motion be amended to read as follows:

That the Standing Senate Committee on Transport and Communications be authorized to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view of the importance of:

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

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

That the committee report to the Senate no later than June 30, 2013.

Hon. Fernand Robichaud: Honourable senators, I consulted with the Honourable Senator Fraser, and she told me that she did not wish to speak to this motion or adjourn the debate in her name.

Honourable senators, I would like to join my voice to those that support the Honourable Senator Segal's motion and the Honourable Senator Champagne's motion in amendment that the Standing Senate Committee on Transport and Communications be authorized to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80 per cent, particularly in view of the importance of: (a) Radio Canada International as the voice of Canada around the world; and (b) short wave radio in oppressed regions worldwide that are denied access to the Internet.

Honourable senators, for over 67 years now, CBC has been broadcasting shows to the Tantramar Marsh area via its shortwave broadcasting station in Sackville, New Brunswick. I was in Sackville a week ago, and I spoke to a former employee of Radio Canada International. He indicated that, as of December 1, there would no longer be anyone working at that station and that it was basically closed. He also indicated that steps had been taken to clear the site of any remaining transmission facilities and even to dispose of assets.

If we wish to preserve, let alone save Canada's international short wave voice, and not rely on Internet broadcasting — because we know that, in certain cases, the Internet will not reach everyone and can be blocked — it is urgent that we take action right now. The committee would like to hear from CBC

[Senator Cools]

executives how they arrived at this decision. If we do not act fairly quickly, there will be nothing left to save, and this international voice will quite simply fall silent.

I therefore encourage honourable senators to support this motion now.

Hon. Hugh Segal: Would the honourable senator accept a question?

Senator Robichaud: Of course.

Senator Segal: Is the honourable senator aware of the fact that, 18 months ago, the CBC spent thousands of dollars to install a new remote control system in Sackville, and that it was completely dismantled a few weeks ago? In light of this fact, does the senator believe that it is urgent and important that the committee examine this matter?

Senator Robichaud: I was not aware that they had dismantled certain installations. However, I completely agree that it is of the utmost urgency that we look into this situation. I was speaking recently with the chair of the Transport Committee, and he said that he would agree to examine this issue.

I believe we must take action or there will be nothing left to save.

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

Some Hon. Senators: Yes.

The Hon. the Speaker: The first question is on the motion in amendment. It was moved by Honourable Senator Champagne, seconded by Honourable Senator Comeau, that the motion be amended as follows:

That the Standing Senate Committee on Transport and Communications be authorized to receive —

Some Hon. Senators: Dispense.

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

Some Hon. Senators: Agreed.

(Motion in amendment agreed to.)

[*English*]

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

Hon. Senators: Agreed.

(Motion agreed to, as amended.)

[*Translation*]

DIVERSITY IN THE SENATE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Oliver, calling the attention of the Senate to the state of diversity in the Senate of Canada and its administration and, in particular, to how we can address the barriers facing the advancement of visible minorities in the Senate workforce and increase their representation by focusing on hiring, retention and promotion.

Hon. Donald H. Oliver: Honourable senators, I am proud to rise today to speak to the inquiry concerning diversity in the Senate, which I presented on November 8, 2012, pursuant to rule 5-6(2).

I am pleased to speak to honourable senators because the Senate of Canada has taken a big step forward in terms of the diversity of its staff.

Honourable senators will recall that Suzie Seo, a visible minority working in the Senate, was recently promoted to reading clerk and will now sit at the table. She is a parliamentary counsel and comes to us from the office of Mark Audcent, a law clerk and parliamentary counsel.

[*English*]

This is the first time in the history of the Senate of Canada that a visible minority has ever had a seat at the table in the Senate.

Hon. Senators: Hear, hear.

Senator Oliver: Honourable senators, it is a time for celebration. Ms. Seo joins an exclusive group who, as clerks, advise the Speaker and senators on parliamentary procedures and assist with the orderly dispatch of each day's business.

Ms. Seo joined the Senate Law Clerk's office in 2004. She holds an Honours Bachelor Degree in Science and a Bachelor of Law from the University of Ottawa. She was called to the Bar of Ontario in 2006 and has since served as legal counsel in the office of the Law Clerk and Parliamentary Counsel in the Senate, under the leadership of Mark Audcent.

Honourable senators should also know that Suzie was one of the driving forces behind the newly created Diversity Award that is given at the Staff Recognition Awards ceremony held every June.

I hope honourable senators can agree with me that the appointment of Ms. Seo as reading clerk is an epoch-making diversity landmark for the Senate of Canada. I commend the Senate administration for recognizing the business case for diversity in this way and for promoting Ms. Seo to this important position. I also congratulate Ms. Seo on a richly deserved promotion.

Welcome to the table, Ms. Seo.

Honourable senators, the promotion of Ms. Seo is great news for diversity in the Senate. It is a huge step forward in advancing the cause of equality and pluralism in the Senate's workforce. Diversity has become an integral part of Canadian society. We are, indeed, one of the most diverse nations in the world; yet, Canada's workforce is not representative of this reality, which is why I introduced this inquiry in the Senate last month.

• (1730)

I also wanted to provide the Senate with an update on how the Senate administration has been diversifying itself since the year 2005. Some of you may remember that seven years ago, former Senator Di Nino and I introduced an inquiry here in the Senate on the comprehensive Conference Board of Canada report that I funded to the tune of \$500,000 entitled *Business Critical: Maximizing the Talents of Visible Minorities — An Employer's Guide*.

It was the largest study ever conducted in the history of Canada on barriers to the advancement of visible minorities in both the public and private sectors. At that time, I told senators that this new report could lead to fundamental changes in the hiring and promotion of visible minorities in both the public and the private sectors, including the Senate of Canada.

When I addressed the Senate in 2005, I had the impression that the Senate, the House of Commons and the Library of Parliament were living in the 18th century as far as diversity was concerned. In 2005, I provided honourable senators with some alarming statistics on the state of diversity in the Senate and the representation of our four target groups in the Senate workforce.

The four target groups, as you all know, are women, Aboriginals, people with disabilities and visible minorities.

As you also know, the Government of Canada adopted the Employment Equity Act in 1995 to promote diversity, eliminate systemic discrimination in the workplace, correct under-representation of those four groups, and make employers accountable for making their work environment reflective of Canada's diversity.

Under this legislation, visible minorities are defined as "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour."

Allow me to quote directly from the remarks I gave in this Senate in the year 2005:

The Senate human resources directorate released its own employment equity report in September 2004. That report showed visible minorities currently comprise only 6.8 per cent of the Senate's 425 employees. The report also showed a paltry 0.9 per cent increase in visible minority representation between the years 2000 and 2004.

However, it is in the senior and middle management positions where the Senate's record is especially shameful. Honourable senators, according to its own employment

equity report, the number of visible minorities employed in senior and middle management positions in the Senate in the year 2000 was zero; in 2001, zero; in 2002, zero; in 2003, zero; and in 2004, the number again, honourable senators, was zero.

In the last five years, there has not been a single visible-minority candidate promoted to a senior or middle management position in the Senate, according to its own 2000-2004 employment equity report. Honourable senators, consider that. In the last five years, there has not been one visible minority, not a single Canadian of colour, in a position of power in the Senate of Canada's administration.

That is the end of the quotation from 2005.

Honourable senators, seven years later, I am happy to report that on some fronts — indeed, on many fronts — things have improved.

The Senate employment equity report for 2006-2009 demonstrates that there has been progress in achieving employment equity goals. Ten years ago, in 2002, the Senate had 381 employees, with only 28 of them from the visible minority group. This represented a mere 7.3 per cent of the entire Senate administration workforce.

In 2003, this number actually dropped to 6.4 per cent. In 2004, it improved to 6.8 per cent; in 2005, 7.9 per cent; in 2006, 9.4 per cent; in 2007, 10.2 per cent; in 2008, 11 per cent; in 2009, 11.5 per cent, steadily increasing. The most recent data that we have, for fiscal 2010-11, show us that 58 of the 429 Senate employees are visible minorities. This number represents 13.5 per cent of its workforce.

Honourable senators, this is good news, even more so when you take into consideration the fact that the visible minority workforce availability in the National Capital Region is 11.6 per cent. It is even better news when compared with the overall Public Service of Canada.

In 2010-11, the Public Service of Canada had 23,000 visible minority employees, which represented 11.3 per cent of its total workforce. In the National Capital Region, visible minorities represented 12.5 per cent of the NCR public service workforce, so the Senate is still one point ahead of the public service in the Ottawa-Gatineau region.

I am pleased with these improvements, but there is still work to do. Some work must be done with respect to the three other target groups — namely, persons with disability, Aboriginals and women. According to the Senate administration performance report for 2010-11, the Senate administration's workforce decreased from 440 to 429 employees. In that year, only 3.7 per cent of the Senate's workforce was represented by persons with disabilities, and that is only 16 employees.

The Public Service of Canada was 5.6 per cent. Aboriginals accounted for only 2.1 per cent of Senate employees, 2.6 per cent lower than the public service. Finally, there were 213 women in

the Senate administration in fiscal 2010-11. This number represents 49.7 per cent of the entire workforce. At the Public Service of Canada, women account for 55 per cent of the workforce.

I do, however, want to turn your attention to the commitment of Mark Audcent, our Law Clerk and Parliamentary Counsel, to matters of diversity. He clearly understands the business case for diversity. His office has six permanent positions. Of these six, two are occupied by visible minorities, including Suzie Seo, our new reading clerk. The other visible minority is Marie-France Bonnet, of Haitian origin.

Honourable senators, it is clear that we still have some work to do in our Senate administration to make it truly representative of Canada's population. We need to be fully committed to ensuring that our targets for these four employment equity groups are met.

Honourable senators, I was therefore delighted to learn that the Standing Senate Committee on Internal Economy, Budgets and Administration decided to take action since my addressing them on this issue in 2005.

As you know, on May 27, 2010, the Internal Economy Committee moved that a special subcommittee on diversity be established. Its mandate was to undertake a review of the employment equity report 2006-2009; to examine the related draft policy; and to consider recruitment and retention strategies that will enable the Senate to reflect Canada's diversity in its workforce and workplace.

It was decided at the committee's June 21, 2011, meeting that this new subcommittee be chaired by Senator Stewart Olsen and composed of Senators Jaffer, Marshall and Poulin. I have never been a member of the committee, but I have been a senator since 1990. On dozens of occasions I have addressed honourable senators on matters of human rights, fairness, diversity, employment equity, racism, pluralism and equality in the workplace and the importance of fostering a tolerant, equitable and truly representative workforce both in the private and the public sectors.

I am, frankly, hard-pressed to think of other senators who in the last 100 years have promoted these matters and the advancement of visible minorities both within and without the Senate across Canada as much as I have.

I am, however, delighted that the subcommittee was struck and has tabled its findings in a report. I have studied the report and I wish to make a few comments.

I was struck by the fact that report does not address the fact that there are no visible minorities and Aboriginals in the upper echelons of the Senate administration. In my view, this matter should have been addressed, so I did my own empirical research. It is not scientific and it is not objective, but subjective, so the results must be construed accordingly.

The Senate administration has a somewhat unusual structure because the work of the Senate and the senators' roles are unique Canada. It is governed by a committee of clients — senators — and directed by a senior Senate official, the Clerk of the Senate and of the Parliaments.

The administration can be broken down into sectors, directorates and the offices of Senate officials. Each of these three entities plays a critical role, be it direct or indirect, in the functioning of the Senate. By my count there are 16 different sectors, directorates and offices within the Senate administration, which, for the sake of my remarks, I will refer to as departments. They are not departments, but I call them departments.

In this group I include the Clerk's office, the office of the Usher of the Black Rod, the Chamber Operations and Procedure Office, Human Resources Directorate, the Finance and Procurement departments, et cetera.

I wanted to find out how many women, persons with disabilities, Aboriginals and visible minorities are at the head of these 16 departments. I discovered that there are no visible minority directors of any department. There are, however, seven women directors. Within the Committees Directorate, out of the 15 committee clerks, only one is a visible minority, which represents 6.7 per cent.

• (1740)

That is a far cry from what Canada's population shows us. Statistics Canada data from six years ago, for instance, demonstrates that visible minorities represent 16 per cent of the Canadian population. Today that number is probably 20 or 25 per cent. Statistics Canada projects that visible minorities will account for 31 per cent of Canada's overall population in less than 20 years. Based on current demographic trends, Canada will be home to at least 13 million visible minorities in 2031.

I have frequently argued that visible minorities are grossly under-represented in the executive ranks and senior management, and it is obviously the case in the Senate. Honourable senators, we need to encourage our Senate administration to hire more talented visible minorities who are exceptional managers. More importantly, directors must promote these talented visible minorities to higher positions.

Honourable senators, as you know, the report of the Special Subcommittee on Diversity made 10 specific recommendations to help strengthen the Senate's objective of ensuring a diverse work place and workforce. I wish to briefly comment on a couple of them in conclusion.

At the outset, I commend the committee for its work and for outlining these series of steps. However, in my view, some of the recommendations should be more detail driven; in other words, some do not necessarily have the power to produce the desired effect of increasing the diversity of the Senate workforce. For instance, Recommendation No. 9 reads as follows:

Your subcommittee recommends that special efforts and considerations be put in place to enable the hiring of persons to reflect the Canadian workforce. An updated plan for action should come forward to the Internal Economy Committee to reflect Canada's changing demographics.

I wholeheartedly agree with this recommendation, but I feel that the recommendation should not only stress the importance of hiring but also retaining and, more importantly, promoting

employees of diverse backgrounds on the basis of merit. Very often we have confronted the “revolving door syndrome” — like some Bay Street banks — designed only to get the stats up.

As I stated earlier, visible minorities are absent from the higher echelons of the Senate administration. Promoting highly-qualified, multilingual men and women of colour with exceptional academic qualifications is a prerequisite to making our workforce truly representative.

To start, qualified visible minorities should be included in every Human Resources selection process in attempts to avoid even a slight hint of bias.

Honourable senators, could I have five more minutes?

Hon. Senators: Agreed.

Senator Oliver: The subcommittee’s fourth recommendation also caught my eye:

Your subcommittee recommends that the Senate Administration advertise in writing more broadly, including advertising in specialized publications.

In my view, this recommendation is vague. What exactly does “more broadly” really mean? I think the Senate administration needs an action plan with specific outreach initiatives and objectives. It needs to have a list of outlets where it can advertise job postings in both official languages across Canada and even in the languages of some of our First Nations. Partnerships should be established in such ethnic organizations as the Chinese, Japanese, African, Indian and Korean communities.

Despite my questions about the report, I want to commend again the committee for conducting the study. I thank the Honourable Senators Stewart Olsen, Marshall, Charette-Poulin and Jaffer for the obvious commitment they have to this important issue.

I for one am delighted to see that the subcommittee has recommended that the Standing Committee on Internal Economy, Budgets and Administration review the Senate’s administration workforce data on an annual basis rather than every three years. This is a huge step forward. The more closely and often we analyze this data, the better equipped we will be to determine what further action must be taken to increase diversity in the Senate workforce and, indeed, in the House of Commons administration and the Library of Parliament. I have done work with all three entities over the years.

By comparison, I would like to draw the attention of honourable senators to some disconcerting statistics here on the Hill. This time the data comes from the Library of Parliament’s workforce. I met recently in my office with the new Parliamentary Librarian, Ms. Sonia L’Heureux. We discussed diversity in the library. She assured me that the Library of Parliament is committed to creating a representative workforce and inclusive workplace.

As honourable senators know, the library has an employment equity and diversity committee that has been in place since 2007. Its mandate includes the development and implementation of initiatives to foster diversity in the workplace.

Despite their good intentions, the library’s employment equity statistics are unsatisfactory, in my opinion. In April 2012, the library conducted a self-identification exercise for its employees. Of its 366 active employees, 274 completed the questionnaire; that number represents some 75 per cent of the total workforce. The data I have is based on the results of that survey.

Women represent 66 per cent of its workforce, 11 percentage points above the public service of Canada. There are only five Aboriginals in the library, representing a mere 1.37 per cent; persons with disability account for 3.5 per cent.

The number that worries me the most is in regard to visible minority representation. Only 17 employees out of 274 have identified themselves as visible minorities. This translates to only 4.64 per cent of the library’s workforce. This is three times lower than the representation of visible minorities in the Senate administration, yet Canada’s visible minority population is closer to 20 per cent.

This past summer, close to 70 per cent of Parliament Hill tour guides were women; 3 per cent self-identified as Aboriginals; 3 per cent self-identified as disabled; and 9 per cent as visible minorities. With the exception of women, these numbers are not nearly high enough.

When honourable senators look around, they will notice that even the Senate chamber has been changing. The upper chamber is slowly but surely becoming more diverse. Prime Minister Harper is committed to diversity. Since becoming Prime Minister in January 2006, he has made 48 appointments to the upper chamber. The Senate has never been or looked as diverse as it does today. Nearly 15 per cent of the appointments since 2006 have been visible minorities or Aboriginals. We now have senators representing a number of ethnic communities, including Korea, Vietnam, the Philippines, Jamaica, Pakistan, India and others. This is a huge improvement. I refer again to my remarks in this chamber in 2005 when I said:

So far in 2005, Prime Minister Martin has summoned 17 Canadians to the Senate, not even one was a visible minority. Only four of the 105 Senate seats were held by members of visible minority communities.

In conclusion, I want to remind honourable senators that the Senate of Canada is in a position where it can become a shining example to other organizations, including government departments and private sector companies, of the many advantages of diversity. We have an opportunity right here to show our country and the world that creating a diverse and inclusive working environment is not simply about being good, fair or caring; it is about being smart.

I know that the changes under way now may be painful for some employees and even some managers. Change is never easy. The change needed to create a truly inclusive workplace is daunting, but it can be achieved and the Senate of Canada can lead the way.

Honourable senators, as I move into my last few months here in the Senate, it is my hope that other senators will take up the challenge of ensuring that the four target groups defined by the Government of Canada decades ago are in fact treated equally in all respects of the Parliamentary Precinct, including the Library of Parliament, the House of Commons and the Senate of Canada.

[Translation]

Hon. Roméo Antonius Dallaire: Would Senator Oliver accept a question? Your speech dealt with cultural diversity, so I am wondering whether you know how many of the heads of the 16 departments you mentioned are of French-Canadian origin?

[English]

Senator Oliver: I did not make that observation, but I would feel quite strongly that most are totally bilingual.

The Hon. the Speaker: I regret to inform the honourable senator that his time has expired.

Is there further debate? If no other senator wishes to participate in this debate, this inquiry is considered debated.

(On motion of Senator Meredith, debate adjourned.)

MISSING AND MURDERED ABORIGINAL WOMEN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lovelace Nicholas, calling the attention of the Senate to the continuing tragedy of missing and murdered Aboriginal Women.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, at the conclusion of my remarks, I want to continue the debate reservation in the name of my colleague, Senator Jaffer.

• (1750)

Honourable senators, I rise to join the inquiry launched by my colleague Senator Lovelace Nicholas, and joined by Senator Dyck, calling the attention of the Senate to the continuing tragedy of missing and murdered Aboriginal women.

Canada is a blessed and prosperous nation. It should not be frightening or dangerous to be born here. It was not frightening or dangerous for me or my children; it is a land of promise and opportunity for us. Yet this is a dangerous place — far too dangerous a place — if you are born an Aboriginal woman.

Let me read to you from a Department of Justice document dated October 17, 2012 — less than two months ago:

Aboriginal women (First Nations, Inuit, Métis and non-status Indians) are three and one-half times more likely to experience violent victimization than non-Aboriginal women. They report higher rates of violence committed by strangers and

more serious forms of family violence. They are also over-represented as victims of homicide and three times more likely to be victims of spousal violence than non-Aboriginal women.

Last year, in May 2011, Statistics Canada released a report entitled *Violent victimization of Aboriginal women in the Canadian provinces, 2009*. It found:

In 2009, close to 67,000 or 13% of all Aboriginal women aged 15 and older living in the provinces stated that they had been violently victimized. Overall, Aboriginal women reported experiencing close to 138,000 incidents of violence and were almost three times more likely than non-Aboriginal women to report having been a victim of a violent crime. This was true regardless if the violence occurred between strangers or acquaintances, or within a spousal relationship.

Honourable senators, that study — like several from the Government of Canada that I reviewed — has a special box, set apart from the rest of the report, headed “Missing and murdered Aboriginal women in Canada.”

That text box begins:

In recent years, it has come to light that many Aboriginal women in Canada have been murdered or have gone missing.

That is a quote as of December 2010.

For a number of reasons, these disappearances and homicides have been difficult to quantify through official statistics.

That is the quote that is typically in the box in those reports under the heading “Missing and murdered Aboriginal women in Canada.”

“Difficult to quantify through official statistics” — the federal government does not even know how many Aboriginal women have been murdered or have gone missing. However, they know there are “many.” Think about that, honourable senators. This is today, in the 21st century, in Canada, one of the richest and most highly developed nations in the world. Our government tells us that Aboriginal women are disappearing and are being murdered, but it has no idea how many.

Others have done their best to tell Canadians what is happening. As Senator Dyck told us last week, in 2005 the Native Women’s Association of Canada launched the Sisters in Spirit initiative to address violence against Aboriginal women. They conducted research and developed a sophisticated database that led to the first statistics on this terrible issue. Their conclusion was that there are over 582 missing and murdered Aboriginal women.

That was in 2010. This work was accomplished with funding provided by the then-Liberal government. Honourable senators, as we heard from Senator Dyck, the Conservative government eliminated the funding in 2010.

How many more Aboriginal women should have been added to the database in the last two years? No one can say, least of all our government. The Native Women's Association of Canada has been trying to maintain the list as best it can through other means of funding. Already, as I said, the list is over 600.

This is a list of national shame. Why in a country as rich and advanced as Canada does a list of 600 murdered and missing women exist? Some researchers believe there are many more — women who have disappeared without a trace, except, of course, in the anguish of the hearts of their loved ones.

Honourable senators, the Harper government claims to be the government of law and order. It has passed one omnibus crime bill after another, including the last one, which senators will recall was called the Safe Streets and Communities Act.

No wonder they do not want any organization compiling a database like the one the Sisters in Spirit were compiling. No wonder they eliminated funding, did their best to silence that group, as they have so many others telling inconvenient truths about the failure of their so-called tough-on-crime policies. What have mandatory minimum penalties done to help these women? The answer is absolutely nothing.

At the time the Harper government stopped the funding, it was reported in the media that the justification was that “no more research was needed.” Imagine — Aboriginal women are disappearing and are being murdered in striking numbers, and the government's response is that no further research is needed.

The problem with this, honourable senators, is that the government's own publications are clear that it is impossible to collect this information from statistics being collected by the government. In fact, the figures quoted in the government's own publications are from the research done by the Sisters in Spirit.

I have said before that this government does not want to allow facts to get in the way of its policies. That is the only reason I could find for the shocking decision to do away with the mandatory long-form census and the inconvenient truths it would reveal, and it is the only reason I can think of why funding for the Sisters in Spirit initiative was eliminated.

As Senator Dyck told us, the government's replacement for the database is no replacement at all. The funding is going to a new missing persons unit for the RCMP, which will not even be up and running until next year — three years after the Sisters in Spirit funding was cut — and it will be a general database, the National Centre for Missing Persons and Unidentified Remains. The only specifically Aboriginal element will be a link to National Aboriginal Policing Services.

This government does not want to draw attention to the fact of 600 missing and murdered Aboriginal women.

Senator Lovelace Nicholas provided us with a terrible statistic last week when she launched this inquiry: 88 per cent of murdered and missing Aboriginal women left behind children and grandchildren. These women had parents who grieve without knowing what happened to their daughters, and the problem is

continuing. The numbers of murdered and missing Aboriginal women are growing. According to the Native Women's Association of Canada, young Aboriginal women are five times more likely to die of violence than non-Aboriginal young women.

This should not be a partisan issue. It is a Canadian tragedy that we must address, and we must address it together. Senator Dyck spoke of the pleas she has heard from those families just to be heard, for attention to be paid to what happened to their mothers and daughters, to be allowed to be involved in developing a national strategy for a national inquiry, and simply to tell their stories, to be heard. Honourable senators, how can we turn away?

Let me put the statistics in some perspective. It has been estimated that if the rate of missing and murdered Aboriginal women were extended to all Canadian women, it would be the statistical equivalent of 19,400 missing and murdered women.

I ask again, how can we as parliamentarians — as Canadians, as spouses, parents and grandparents — turn away? How can we allow ourselves to stay silent, to do nothing? Yet despite repeated pleas, the government still refuses to call a public inquiry. As Senator Dyck has pointed out, three federal ministers — the Minister of Aboriginal Affairs, the Minister of Justice and the Minister for Status of Women — were invited to attend the National Aboriginal Women's Summit in Winnipeg a few weeks ago. Not one showed up.

• (1800)

The Hon. the Speaker: Honourable senators, it being six o'clock, is it agreed that we not see the clock?

Hon. Senators: Agreed.

Senator Cowan: Thank you, honourable senators.

Others are not silent. Amnesty International has issued two reports on the rates of violence faced by Aboriginal women in Canada. The last one was called “No More Stolen Sisters.” It was released in 2009. It said:

Unfortunately, the federal government has shown little leadership in addressing the issue. Most of the positive measures taken to date have been initiated by individual police services or by provincial and territorial governments and have not been replicated nationally.

The report looked at many problems facing Aboriginal women in Canada — problems arising from deep inequalities in living conditions, poverty, inadequate and overcrowded housing, all of which, as noted by both Amnesty International and the Special Rapporteur of the United Nations, leave Aboriginal women at risk of exploitation.

The Amnesty International report went on to note:

In November 2005, national Indigenous Peoples' organizations and the federal, provincial and territorial governments reached an agreement intended to close the gap in living standards between Indigenous Peoples and the

non-Indigenous population, especially in the areas of health care, education and housing. This agreement, which became known as the Kelowna Accord, was the product of 18 months of roundtable discussions and consultations. The federal government subsequently announced plans to allocate Can\$5 billion (approximately US\$4.6 billion) towards implementation of these commitments. However, when a new government was elected in 2006, it rejected both the Accord and the promised spending.

Honourable senators, how many lives could have been improved if this government had not torn up the Kelowna Accord? Prime Minister Martin's government had managed to bring everyone together — provincial governments, territorial governments, Aboriginal leaders — and everyone was working together on a roadmap for a better future. This was rejected out of hand by the Harper government.

What do we have now? Just last week, some 250 First Nations chiefs came to demonstrate here on Parliament Hill, protesting that their rights are being undermined, that they are not being consulted by the Harper government as the Constitution requires. AFN National Chief Shawn Atleo said:

There is great suffering that is happening. We are gathered here because there is anger, and there is frustration and it is real. That which our people are faced with every single day is life and death.

According to news reports, the demonstration on Parliament Hill was spontaneously organized, prompted by First Nations' exclusion from consultations on critical aspects of the latest omnibus budget bill, but of course the anger and the frustration goes much deeper.

The United Nations Committee on the Elimination of Discrimination Against Women, the CEDAW, announced a year ago, on December 16, 2011, that it has initiated an inquiry into missing and murdered Aboriginal women and girls in Canada. This inquiry was welcomed by Aboriginal women, family members, numerous organizations and individuals across Canada. My colleague in the other place, Dr. Carolyn Bennett, the Liberal Critic for Aboriginal Affairs, wrote to the chair of the United Nations committee, applauding the committee's decision and offering assistance. As she explained in her cover letter:

The Liberal Party has consistently called for a Canadian public inquiry on this issue. Liberal MPs first raised the need for a government-funded public investigation into how and why the number of murdered and missing Aboriginal women and girls is so unacceptably high in the House of Commons in May of 2009. We repeated those calls throughout 2009, 2010 and 2011, and in last year's federal election campaign, our Party committed to initiating a national task force to examine the systemic causes of this problem, with an emphasis on preventing its continuation in the future. We continue to believe that a public inquiry must take place in Canada, building on the important work of the provinces and Aboriginal women, and with the terms of reference established in full consultation with Aboriginal communities, including victims' families.

I agree. Like Senator Dyck, I welcome Senator Brazeau joining us in calling for a public inquiry. I continue to believe that it is required. Unfortunately, so far, the government has refused to call such an inquiry.

Honourable senators, the fact that over 600 Aboriginal women are murdered and missing is a national shame, and the fact that this government is refusing to take serious action — and instead the United Nations feels compelled to investigate — is an international embarrassment. CEDAW investigates only the most serious allegations of human rights abuses against women. To give you some context, the last case it investigated in North America involved the horrific abductions, rapes and murders of hundreds of women in Mexico.

Of course, last December, when the UN committee announced this inquiry, was the same month that the United Nations special rapporteur on the rights of indigenous peoples issued a statement expressing “deep concern about the dire social and economic conditions of the Attawapiskat First Nation, which exemplifies the conditions of many Aboriginal communities in the country.” By “the country,” they meant Canada.

The Hon. the Speaker: Order.

Honourable senators, private conversations should occur outside the chamber.

The Honourable Senator Cowan.

Senator Cowan: Thank you, Your Honour. Perhaps some of my colleagues do not want to hear these inconvenient truths.

Honourable senators, Canadians expect and deserve better — Aboriginal women deserve much, much better. We proudly take our seat amongst the G8 nations as one of the most advanced nations in the world — and, all the while, hundreds of Aboriginal women are murdered and go missing and their families' pleas are met with silence.

We have stood in this chamber and debated crime bill after crime bill. Too many times, I and others have risen to raise the terrible statistics of overrepresentation of Aboriginal women in our prisons. The Correctional Investigator of Canada reported that in the last 10 years the number of Aboriginal women in custody has increased by 86.4 per cent. He also reported that 86 per cent of women offenders reported histories of physical abuse; 68 per cent of sexual abuse; and 77 per cent of women offenders have children.

What is the relationship between these statistics and those of murdered and missing Aboriginal women? What is the relationship between the terrible statistics on poverty in Aboriginal communities, deplorable housing conditions, lower education and the circumstances that lead to hundreds of Aboriginal women being murdered or gone missing? I do not know, but I believe we have a responsibility to find out.

I hope that this inquiry illuminates some of these issues and that it leads to a more in-depth study. Too many Canadian women have already been lost — too many children are growing up

without mothers, too many families have lost daughters and sisters. It should not be dangerous to be an Aboriginal woman in Canada today, but it is, and that must change.

(On motion of Senator Cowan, for Senator Jaffer, debate adjourned.)

• (1810)

[Translation]

ROYAL CANADIAN MOUNTED POLICE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell, calling the attention of the Senate to how the allegations of sexual harassment and harassment generally can be better handled in the RCMP.

Hon. Roméo Antonius Dallaire: Honourable senators, before I begin my speech, I would like to announce that this subject is currently being examined by the Standing Senate Committee on National Security and Defence. I will therefore reserve my right to continue speaking on this topic until I have had the chance to find out more about the nature and scope of the planned review and to adapt my speech accordingly. I therefore move the adjournment of the debate for the remainder of my time.

(On motion of Senator Dallaire, debate adjourned.)

[English]

CHARTER OF RIGHTS AND FREEDOMS

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. A. Raynell Andreychuk: Honourable senators, I know we are all waiting to hear from Senator Mahovlich, so I will simply address this issue on another day.

(On motion of Senator Andreychuk, debate adjourned.)

FISHERIES AND OCEANS

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

On motions, Order No. 133, by the Honourable Senator Manning:

That the Standing Senate Committee on Fisheries and Oceans be authorized to meet at 5:00 p.m. on Tuesday, December 11, 2012, even though the Senate may then be

[Senator Cowan]

sitting, and that rule 12-18(1) be suspended in relation thereto.

Hon. Fabian Manning: Honourable senators, I would like to request that we withdraw this motion from the Order Paper, please.

The Hon. the Speaker: Is it agreed, honourable senators, that it be withdrawn?

Hon. Senators: Agreed.

(Motion withdrawn.)

BANKING, TRADE AND COMMERCE

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

Hon. Irving Gerstein, pursuant to, notice of December 6, 2012, moved:

That, notwithstanding the order of the Senate adopted on Tuesday, January 31, 2012, Tuesday, May 15, 2012, Tuesday, June 19, 2012, and Tuesday, June 26, 2012, the date for the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c.17) be extended from December 31, 2012 to March 31, 2013.

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

Hon. Senators: Agreed.

(Motion agreed to.)

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF RESEARCH AND INNOVATION EFFORTS IN AGRICULTURAL SECTOR

Hon. Percy Mockler, pursuant to notice of December 6, 2012, moved:

That, notwithstanding the order of the Senate adopted on Thursday, June 16, 2011, the date for the final report of the Standing Senate Committee on Agriculture and Forestry in relation to its study of research and innovation efforts in the agricultural sector be extended from December 31, 2012 to December 31, 2013.

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

Hon. Senators: Agreed.

(Motion agreed to.)

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE ADJOURNED

Hon. James S. Cowan (Leader of the Opposition) rose pursuant to notice of October 23, 2012:

That he will call the attention of the Senate to the many contributions of Canadian universities and other post-secondary institutions, as well as research institutes, to Canadian innovation and research, and in particular, to those activities they undertake in partnership with the private and not-for-profit sectors, with financial support from domestic and international sources, for the benefit of Canadians and others the world over.

He said: Honourable senators, this is something that Senator Segal and I are working on. We are still waiting for some further input from a university, so I would like to adjourn the debate for the balance of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Cowan, debate adjourned.)

THE HONOURABLE FRANCIS WILLIAM MAHOVLICH

INQUIRY—DEBATE CONCLUDED

Hon. Francis William Mahovlich rose pursuant to notice of December 5, 2012:

That he will call the attention of the Senate to his retirement from this place.

He said: Honourable senators, as you know, I will turn 75 on January 10, 2013, and will therefore be leaving this place — my team for the last 14 and a half years. There are a few people I would like to thank before I leave.

Of course, I would like to thank former Prime Minister Jean Chrétien for suggesting my name as a senator. I would also like to thank my assistants, Lise Paquette, Don Jackson and Andrea McCaffrey, as well as all the research staff who have worked in my office over the years. Their hard work and dedication has been invaluable to me.

They say behind every great man there is a great woman. My wife Marie has been a wonderful support to me throughout my career and I am grateful to her. I am sure many senators here would join me in thanking her for her hard work over the years with the parliamentary spouses.

Hon. Senators: Hear, hear!

Senator Mahovlich: Finally, I would like to thank everyone in the Senate and, indeed, in Parliament. I do not want to mention names because there are so many people to thank and I would not want to miss anyone, so thank you, everyone. That includes all senators and MPs, all parliamentary staff, the clerks and the pages, both past and present. Your work and friendship have meant so much to me.

I would like to bid adieu to the Senate and leave with these final words:

[*Translation*]

I have had a wonderful time. Thank you.

[*English*]

Hon. Senators: Hear, hear!

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I am sure that for most of us, prior to our appointment to this place, our knowledge of Senator Mahovlich was based on watching and reading about his exploits as a hockey player. We all admired the skill and grace which he brought to Canada's national game.

My first significant exposure to the real Frank Mahovlich occurred during a visit of the Fisheries Committee to the West Coast. Senator Comeau, who chaired that committee, Senator Cordy and Senator Hubley, who like me were members of the committee, were there as well, and will remember our visit to the Aboriginal communities, the seaports and the fishing communities.

Two things struck me then about Frank Mahovlich. First, while he was never the first to intervene in committee hearings, his thoughtful, probing questions always cut to the heart of issues and concerns of witnesses who appeared before us.

My second impression was the way in which word spread like wildfire that Frank Mahovlich was there. I can still see the fish plant workers unbuttoning their white gowns to show off their Habs T-shirts; the workers coming up to ask for autographs on T-shirts, ball caps and hockey sticks; Frank's unfailing patience in spending time with them all; and, finally, seeing those happy fans walk away, clutching their treasured mementoes of meeting the Big M.

Since then, I have come to know Frank as a colleague and as a friend, and this relationship has confirmed those initial impressions. For me, Frank Mahovlich represents, by his quiet dignity, by his thoughtful remarks and by his faithful attendance to his duties in committee and in the chamber, a fine example of a first-class senator. He will be a shoo-in when we establish a Senate hall of fame.

I will miss him as a colleague in this place, but Shelagh and I look forward to our continuing friendship with him and Marie, and we wish them well as they join our Senate alumni family.

All of us wish them a long and happy retirement with their beloved children and grandchildren, with a little time off for Frank to work on his golf game.

Hon. Senators: Hear, hear!

• (1820)

Hon. Jacques Demers: Thank you for giving me an hour to speak, Your Honour.

This is a special day for me. I asked Senator Carignan if I could speak on behalf of our team here. He acknowledged that, given my past position, that would be appropriate.

I do not have a speech written; I want to speak from my heart about things I have heard and things I have seen that illustrate the quality of this man.

I will just remind us all of a couple of things that we obviously know: six Stanley Cups and the Hall of Fame.

I started in professional hockey in the WHA when I was 26. I always dreamed of coaching in the NHL. There was a very important player in the WHA at that time, Bobby Hull, and I thank him for giving me the opportunity to go to the NHL.

Tonight, Frank, I thank you. You came to the WHA in 1974. We played in the Maple Leaf Gardens and it was sold out for every game. You opened the doors to bring in Mark Messier and Wayne Gretzky. I was in the NHL from 1979 until 2000. People could say, "There is Mahovlich; there are Wayne Gretzky, Bobby Hull and Mark Messier." That opened the door for me, and I thank you for that. If you did not make that move, I would probably not be a senator today.

Hon. Senators: Hear, hear!

Senator Demers: Montreal has made some great trades in their time. Probably one of the greatest was trading players to Oakland to obtain Guy Lafleur. The second greatest trade has to be the one that resulted in Frank Mahovlich coming to Montreal. They needed a player of Frank Mahovlich's caliber. He made the difference to enable them to win Stanley Cups.

Frank, you must acknowledge that if you had not played for Montreal they would not have won the cup, although it takes 25 players to win the Stanley Cup, with 20 dressed.

An important memory for me is from only a few years ago. Your beautiful wife and your family were there the night we celebrated the one-hundredth anniversary of the Montreal Canadiens. I was honoured to be on the ice and in the picture that I saw in the office the other day. Some of the greatest players ever in the history of the Montreal Canadiens were there.

Seeing an anglophone such as Frank Mahovlich come into the Bell Centre and get the standing ovation he received was very touching. Probably half of the crowd there had never seen him play, but fathers and grandfathers obviously talked about Frank Mahovlich.

[Senator Cowan]

When people talk about athletes they mention Sandy, Sandy Koufax; Wayne, Wayne Gretzky; Joe, Joe Montana; le Gros Bill, Jean Béliveau; The Rocket, Maurice Richard; and so on. There are so many great players. If you hear "Mario," you think of Lemieux. When we talked about "The Big M," we were talking about Frank Mahovlich.

I coached some players and worked for some people as GM who had Frank Mahovlich as a teammate. As Senator Cowan just said, Frank can be described by the words "dignity," "quiet," and "kind of shy," and in the dressing room he always kept to himself. However, you could always depend on Frank Mahovlich to come out to play every single night.

The big players, such as Jean Béliveau and Mario Lemieux, sometimes looked lazy when seen on television, but that is because they are big. When you saw him live, you saw a different Frank Mahovlich — and he never took the night off.

When we celebrated the fortieth anniversary of the Russian series, Frank said that he wanted to ensure that all his teammates received the Jubilee Medal, and he asked me if I had any left. I said absolutely, and he also gave some to his former boss and friends Guy Lafleur, Yvan Cournoyer, Serge Savard and Pat Stapleton. He wanted to make sure that every player got a medal. That is Frank Mahovlich.

Serge Savard described Frank Mahovlich as a total team guy, unselfish. Even if he had not scored in a game, which happened very few times, the most important thing was that the team won.

Frank, you represent Canada everywhere you go, including Russia and Europe, with class and dignity. In the world of sports, as in the world of politics, there is often criticism, but I never heard criticism about the kind of person you are.

Go fishing now; do what you want. You have earned everything that you obtained. You never took anything away from anyone. You were named a senator because you deserved to be. As I said, you never cheated on your fans or teammates.

I would like you to continue to be the same man you have always been. There is a tremendous amount of respect for you on this side. This is not political; this is about a great hockey man who recently worked with Scotty Bowman and others on a book that describes the 100 best players in the history of Canada, and Frank Mahovlich was among the top 40.

Hon. Senators: Hear, hear!

Senator Demers: I believe I even had you at number 37.

Also included in that group are Doug Harvey, Jacques Plante, Bobby Orr, Wayne Gretzky, Mario Lemieux, the great Gordie Howe and Ted Lindsay. You are very deserving of being on that exclusive list.

On behalf of our team here, including Senator LeBreton and Senator Carignan, I wish you the best. You are a great man, you are a friend, and I have the utmost respect for you.

Hon. Senators: Hear, hear!

Hon. Jim Munson: Honourable senators, since Frank misses his brother all the time, he calls me “The Little M,” and he has my back.

The record must show, with regard to The Big M, that statistics do matter. For the public record and the parliamentary record forever, here are some of Frank’s achievements: Calder Memorial Trophy winner 1958; played in all-star games from 1959 to 1974; selected to the NHL first all-star team in 1961, 1963 and 1973 and to the second all-star team in 1962, 1964, 1965, 1966, 1969 and 1970; Stanley Cup champion in 1962, 1963, 1964 and 1967 — those were great years — 1971 and 1973; inducted into the Hockey Hall of Fame in 1981; and inducted into Canada’s Sports Hall of Fame in 1990.

Ironically, in 1998 he was ranked number 27 in the *Hockey News* list of the 100 great hockey players of the world. In regular

season he had 533 goals and 570 assists, and over 100 points in playoffs.

Number 27, thanks for the memories.

Senator Mahovlich: Excuse me; my wife ranks me as No. 1.

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, we did not have the privilege of playing on the same ice as Senator Mahovlich, but at least we had the privilege of playing in the same arena.

I take my hat off to you, Senator Mahovlich.

(Debate concluded.)

(The Senate adjourned until Wednesday, December 12, 2012, at 1:30 p.m.)

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