



DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 139

OFFICIAL REPORT
(HANSARD)

Tuesday, February 26, 2013

The Honourable NOËL A. KINSELLA
Speaker

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

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

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

THE SENATE

Tuesday, February 26, 2013

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

Prayers.

NUNAVUT—FALLEN CANADIAN FORCES RANGER

SILENT TRIBUTE

The Hon. the Speaker: I would ask all honourable senators to rise and observe one minute of silence in memory of Corporal Donald Anguyoak, Canadian Ranger, whose tragic death occurred February 19 during a training exercise in Gjoa Haven, Nunavut.

Honourable senators then stood in silent tribute.

[Translation]

SENATORS' STATEMENTS

ROLE OF DEPUTY MINISTERS IN THE PUBLIC SERVICE

Hon. Donald H. Oliver: Honourable senators, I rise today to draw your attention to a recent article written by Paul Boothe, a former deputy minister at Environment Canada, in which he discusses the role of deputy ministers in the public service.

It is a story that is rarely told, but should be more often — namely, that a deputy minister is as important and influential as the CEO of a large Canadian corporation.

[English]

The main points that he made in the article entitled “Deputy ministers: the CEOs nobody knows” were, first, that deputy ministers can be compared to the CEOs of major Bay Street Canadian companies and, second, that these positions are every bit as complex and demanding as their private sector counterparts. I could not agree more. Consider this, honourable senators: Mr. Boothe says that the Deputy Minister of Transport is responsible for a budget of more than \$1 billion and employs more than 4,000 people; the department is about the same size as Postmedia. In his article, Mr. Booth referred to the reassignment of five senior deputy ministers of considerable influence: Yaprak Baltacioglu to Treasury Board Secretariat, Michelle d’Auray to Public Works, François Guimont to Public Safety, Simon Kennedy to International Trade and Louis Lévesque to Transport Canada. However, these powerful appointments have garnered very little media attention. This would not be the case if there were a shuffle of the top five CEOs of our major banks on Bay Street.

Many Canadians may not realize how influential deputy ministers are. In his article, Mr. Boothe lists some of the main differences between deputy ministers and CEOs. First, unlike their private sector counterparts, deputy ministers work in the political area where serving the minister is the top priority. Second, DMs are accountable to Parliament, and the ratio of authority to accountability is very different for deputy ministers. Third, DMs are further judged on how they implement the government’s policy agenda, reduce red tape, cut spending and generally keep their departments out of trouble and the news. Fourth, deputy ministers are often called to appear as witnesses before parliamentary committees but, as Mr. Boothe wrote, would prefer to operate out of the limelight. He concluded his article:

... newsworthy or not, how well these deputies do in their new jobs will be critically important to the success of the government and affect the quality of public services that Canadians receive.

Honourable senators, in my 23 years on the Hill, I have been blessed to have collaborated with a number of deputy ministers. I have been honoured to appear before the weekly DM breakfast and, a few years ago, I initiated the Deputy Minister/Senator Dialogue Dinner. Some senators have attended these dinners that encourage dialogue on important public policy issues between senior bureaucrats and members of the Senate. I feel parliamentarians and senior bureaucrats can work closely together in moving forward to provide Canadians with strong public policies to benefit all. These dinners help to break down any real or apparent walls between our two groups.

Honourable senators, I share Mr. Booth’s article to remind all just how lucky we are in Canada to have a highly talented team of qualified deputy ministers serving the people of Canada.

QUESTION OF PRIVILEGE

NOTICE

Hon. Anne C. Cools: Honourable senators, earlier today I gave my written notice that I would raise a question of privilege later this day. I now, pursuant to rule 13-4(4), give my oral notice that I will raise a question of privilege regarding the highly public actions and claims of an officer of the Library of Parliament, Mr. Kevin Page, Parliamentary Budget Officer. This question of privilege is in respect of the actions of this officer of Parliament, which were widely reported in last week’s press, notably on Friday, February 22, 2013. That day, a *Toronto Star* article by Gary Corbett reported that:

His requests for more information have gone unanswered or faced prolonged delay, his calculations have been dismissed out of hand or publicly called into question, his role and reputation as a watchdog has been attacked with

an intensity usually reserved for environmentalists. Even taking the government to court to reveal details of the government's proposed cuts and expenses has met mostly with a deafening silence.

Further, an *Ottawa Citizen* article that day, "PBO battle 'surprises' observers, says Page," reported on a two-day meeting of international officials and budget officers from 22 countries of the Organisation for Economic Co-operation and Development:

Parliamentary budget officer Kevin Page says some international observers have expressed shock at the difficulties he has had in prying information from the government. Page... is taking the Conservative Government to court over its refusal to release information on billions of dollars in department spending cuts.

• (1410)

The article also informed us that, on Thursday last, this international meeting heard presentations on accessing information in Canada, the U.K. and the U.S. and reported that:

Page said his office has had the roughest ride.

Honourable senators, the actions and claims of this Library officer, now reaching beyond our borders and into the international arena and Canada's foreign relations therein, are breaches of the privileges of the Senate and of senators.

[*Translation*]

OFFICIAL LANGUAGES ACT

Hon. Maria Chaput: Honourable senators, very good questions that provide food for thought are often asked in the Senate.

About two weeks ago, a question was asked about what is different for official languages communities now as compared to 1969, when the Official Languages Act came into force. I took advantage of the break week to do some research. Here are a few examples of what I found.

In 1981, New Brunswick passed the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick. In 1982, the Charter was enacted. In 1991, the Official Languages (Communications with and Services to the Public) Regulations came into effect. In 1998, the Reference re Secession of Quebec recognized the protection of minorities as one of the four fundamental constitutional principles. In 1999, in *Beaulac*, the Supreme Court explained that language rights must be applied based on the principle of equality's "true meaning", or in other words, "substantive equality".

In 2000, in *Montfort*, the Ontario courts confirmed that an institution that was vital to the development of the minority francophone community could not be closed as a result of the

constitutional principle guaranteeing the protection of minority rights. In 2006, Statistics Canada indicated that one in five Canadians is an allophone, someone whose mother tongue is neither French nor English, and that from 1971 to 2006, this number more than doubled, from 1.6 million to 3.7 million.

In 2009, the Supreme Court held in *Desrochers* that federal institutions must provide services of equal quality, or in other words, services that, in some cases, are adapted to the special needs of official language communities. In October 2012, the results of the most recent national census indicated that, while the number of francophones living in minority communities has increased over the past 10 years, their relative size has decreased.

Statistics Canada says that international immigration is one of the main reasons for this decrease in the relative size of francophone communities. Then, in February 2013, Manitobans finally got bilingual licence plates for their vehicles. These are only a few examples, honourable senators. There are more to come.

[*English*]

UKRAINE

PARLIAMENTARY ELECTIONS OBSERVATIONS

Hon. Larry W. Campbell: Honourable senators, originally I tried to slip this little speech in while tabling a report and got caught. For that I apologize to all honourable senators.

This has to do with the Ukrainian election and I just wanted to tell honourable senators what I wrote the night after the election.

I set out with Leif Pettersson, an M.P. from Sweden; an interpreter and a driver for a rural area of the Ukraine. We left at six in the morning and drove for an hour and a half. Urban quickly turned into rural within 20 kilometres of Kiev. From that time until 8 p.m., we travelled from one small polling booth to another. The largest of our stations had 1,800 voters and the smallest, 250.

There are few young people left in the rural area. Because there is no work, they migrate to the cities. This is true farmland — flat, good soil, but mostly fallow. There is no equipment and no one is working the fields. Therefore, people subsist mainly on small market gardens.

The vast majority of people we met during the day would have been over 65 years old, with many of them looking over 80. They rode bicycles or old motorcycles, walked with canes and came in trucks to vote. There is something incredibly moving about a 90-year-old woman, who walked with one cane and a stick, working her way down the road to the polling station.

No one was starving, but, judging from their clothes, not much had moved since the 1970s. I learned that the Ukraine has only been free of foreign domination for about 20 years. This was after being ruled by successive invaders for centuries. Every village, no matter how small, had memorials to those who fought and died in these wars. It was sobering to see a village that only had 200-plus voters with a memorial listing easily over 200 dead.

[Senator Cools]

We saw no real problems in the polling stations. They were well managed, with cameras on the voting booths and the voting tables. The halls themselves ranged from a school built 115 years ago to an unused disco hall complete with a glittering globe on the ceiling.

I have stories both funny and poignant. Suffice it to say, I was extremely grateful to be Canadian and to have the quite incredible life that I have had. The strength and dignity of the Ukrainian people were a great inspiration to me.

THE LATE MR. AMIN SHIVJI

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to pay tribute to my friend Amin Shivji, a talented entrepreneur, tireless community advocate and proud Canadian.

After the expulsion of Ugandan Asians in 1972, Amin arrived in Canada as a refugee with little money and few belongings. He was 26 years old and newly married. He had left behind a comfortable life and a successful sugarcane farm in Uganda. Not one to wallow in his misfortune, Amin bought a home in Richmond, B.C., and enrolled in the MBA program at the University of British Columbia within two years of his arrival. Three years later, in 1977, Amin became a proud Canadian citizen. He would contribute work to the banking sector and later found a start-up venture company.

In the 1990s, he decided to return the skills he learned in Canada to Uganda. Amin reclaimed his cherished sugarcane farm, which was in ruins. Ever the optimist and visionary, he started from scratch and pioneered organic, biodynamic and fair trade farming in Uganda. Today, his business remains the oldest and largest exporter of organic fruit in Uganda.

Throughout his life, Amin dedicated himself to his three great passions: community service, education and his family. He instilled the importance of education in his daughters and funded an annual trophy called the Shivji Cup to recognize outstanding citizenship and academic achievement at Walter Lee Elementary School in Richmond, which his daughters had attended.

A former student of the Aga Khan Schools in Uganda, Amin would later volunteer as chairman of the schools in 1997, modernizing the curriculum, introducing information technologies and ensuring access for all deserving students, regardless of their means.

A loving father, Amin taught his daughters, Farah, Nazma and Aliya, to take special pride in their Canadian citizenship, stressing the importance of hard work and community service. Today, they are each accomplished women who make valuable contributions to their communities.

In his final years, Amin took special delight in playing with his two granddaughters and baby grandson.

Amin always encouraged his wife, Gulzar, to take on challenges and today she is the chairperson of the Aga Khan Schools in Uganda.

Amin's siblings are also committed to community service. His brother, Salim Ahmed, is a prominent Ismaili leader who gives remarkable service to his community.

Amin took his final breath in the same beloved home in Richmond, B.C., that he had purchased as a refugee 38 years before. What I remember about Amin are his beaming smile and bottomless heart, which made every human being whose life he touched feel special and valued.

Amin, we spent a lot of time together when I returned to Uganda. We will all miss you.

SCOUTS DAY ON THE HILL

Hon. Elizabeth Hubley: Honourable senators, today is Scouts Day on the Hill. I would like to take a few minutes to recognize the dedication and enthusiasm of all of the Scouts, their leaders and volunteers across Canada who contribute so much to our communities. We appreciate your passion and your leadership.

● (1420)

Last Friday, February 22, I had the pleasure of speaking to a group of Scouts and awarding a Diamond Jubilee Medal to a 45-year veteran of Scouts, Mrs. Lois Brown of Kensington. February 22 is known as Founder's Day and is the birthday of the founders of the Boy Scout and Girl Guides movements, Lord and Lady Baden-Powell. It is a special day to reflect on what it means to be a Scout and to be proud of everything Scouts have accomplished.

While I was preparing my notes for my remarks, I came across the copy of the last letter Lord Baden-Powell wrote to the Scouts. He was talking about happiness — what it means and where it comes from. He wrote:

Happiness does not come from being rich, nor merely being successful in your career, nor by self-indulgence.... Be contented with what you have and make the best of it. Look on the bright side of things.... But the real way to get happiness is by giving out happiness to other people. Try and leave this world a little better than when you found it....

I think these words really capture what it means to be a Scout and, more than that, a volunteer. Volunteers are some of the most important people in our communities. They give freely of themselves, of their time, their energy and their skills in order to help others. Often when I meet volunteers and they tell me about themselves, I am never surprised to learn that their first volunteer experiences were with organizations such as the Scouts.

To all of the Scouts here on the Hill today and to those at home, I encourage you to participate in as many new things as you can. The experiences you will have as a Scout and as a young person

will stay with you your whole life and possibly open up doors to your future. Do not be afraid to face challenges and seek out new opportunities. Your life will be much richer for it.

I encourage you to follow your dreams and seek out new experiences. We need your ideas and your enthusiasm. Get involved in your community and become a volunteer. You just might find that in helping others you will also find happiness for yourself.

Happy Scouts' Day and Happy Founder's Day!

[*Translation*]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2012-13

SUPPLEMENTARY ESTIMATES (C) TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (C) 2012-13 for the fiscal year ending March 31, 2013.

[*English*]

THE ESTIMATES, 2013-14

PARTS I AND II TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Parts I and II of the 2013-14 Main Estimates for the fiscal year ending March 31, 2014.

KOREAN WAR VETERANS DAY BILL

EIGHTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

Hon. Pamela Wallin, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday February, 26, 2013

The Standing Senate Committee on National Security and Defence has the honour to present its

EIGHTH REPORT

Your Committee, to which was referred Bill S-213, An Act respecting a national day of remembrance to honour Canadian veterans of the Korean War, has, in obedience to the order of reference of Thursday, December 13, 2012,

[Senator Hubley]

examined the said bill and now reports the same without amendment.

Respectfully submitted,

PAMELA WALLIN
Chair

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

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTEENTH REPORT OF COMMITTEE PRESENTED

Hon. David Tkachuk, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, February, 26, 2013

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

EIGHTEENTH REPORT

Your Committee has approved the Senate Main Estimates for the fiscal year 2013-14 and recommends their adoption. (Annex A)

Your Committee notes that the proposed total budget is \$92,517,029.

Respectfully submitted,

DAVID TKACHUK
Chair

(*For text of budget, see today's Journals of the Senate, Appendix, p. 1943.*)

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

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

THE ESTIMATES, 2012-13

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (C)

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that later this day, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for

the fiscal year ending March 31, 2013, with the exception of Parliament Vote 10 c.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

NOTICE OF MOTION TO AUTHORIZE THE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT TO STUDY VOTE 10 C OF THE SUPPLEMENTARY ESTIMATES (C)

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 c of the Supplementary Estimates (C) for the fiscal year ending March 31, 2013; and

That a message be sent to the House of Commons to acquaint that House accordingly.

[English]

THE ESTIMATES, 2013-14

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that later this day, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2014, with the exception of Parliament Vote 10.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

NOTICE OF MOTION TO AUTHORIZE THE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT TO STUDY VOTE 10 OF THE MAIN ESTIMATES

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 of the Main Estimates for the fiscal year ending March 31, 2014; and

That a message be sent to the House of Commons to acquaint that House accordingly.

EXPERIMENTAL LAKES AREA

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to the need for an assessment of the impacts of cutting federal funding to the Experimental Lakes Area.

• (1430)

CHILD, FAMILY AND ADOLESCENT MENTAL HEALTH

NOTICE OF INQUIRY

Hon. Grant Mitchell: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the work of Child, Family and Adolescent Mental Health and its need for ongoing support and infrastructure.

[English]

SCIENCE OF CLIMATE CHANGE

NOTICE OF INQUIRY

Hon. Bert Brown: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to more of the physical science and less of the metaphysics of climate change.

QUESTION PERIOD

PUBLIC SAFETY

COMMISSION FOR PUBLIC COMPLAINTS AGAINST THE RCMP

Hon. Mobina S. B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate. The role of the Commission for Public Complaints Against the RCMP, to quote a recent Human Rights Watch report, is “primarily to monitor the processing of complaints by the RCMP. The main investigative authority resides with the RCMP and the RCMP ultimately determines what remedial action will be taken.”

I believe this is what Senator Dyck meant when she said recently that the Commission for Public Complaints Against the RCMP mechanism is like having one of your own investigate one of your own. The government’s proposed legislation on amending the Royal Canadian Mounted Police Act, Bill C-42, would still

follow an existing procedure whereby the RCMP defers to the jurisdiction of provincial bodies like the Province of British Columbia's Independent Investigation Office. However, the office's mandate does not include most cases of police rape and other forms of sexual assault.

Moreover, irrespective of the federal or provincial government body that conducts independent investigations, the federal government still retains the ultimate responsibility, under international law, to address violence against women and girls and to address discrimination.

My question to the leader is as follows: Given that the RCMP defers first to independent provincial investigative bodies, will the government work with the provinces to ensure that such bodies, including the Independent Investigation Office in B.C., have the authority to investigate allegations of rape and sexual assault by the RCMP and the police?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. As she correctly stated in her question, we have a bill before Parliament, Bill C-42, the enhancing RCMP accountability act. I answered questions in this regard before we took our parliamentary break.

Obviously, various issues have come to light. The government, of course, has referred these to the Commission for Public Complaints Against the RCMP. I do not know whom the senator is quoting when she says it is like one of your own looking into affairs of others of your own, or whatever the quote was.

The Commission for Public Complaints Against the RCMP is an independent organization, and, as I mentioned before, if people have any allegations or any information about wrongdoing in the RCMP, they are urged to go to the proper authorities and provide information and evidence with regard to the allegations.

With regard specifically to the relationship between provincial authorities and the RCMP, in many provincial jurisdictions, of course, the RCMP is the police force. I will simply take as notice the portion of the question regarding whether there is some process between the various attorneys general of the provinces and the federal government.

Senator Jaffer: Honourable senators, I understand that allegations of very serious offences, such as homicide, committed by the police are investigated, but allegations of rape and sexual assault committed by police are not investigated. May I ask that, when the leader is preparing her response, she please see whether those could also be included so that rape and sexual assault by police are also investigated.

My other supplementary question is the following: Will the new civilian review and complaints commission, proposed in Bill C-42, establish independent investigations of reported incidents of serious police misconduct, including incidents of rape and other sexual assaults?

[Senator Jaffer]

Senator LeBreton: Obviously, honourable senators, this is a bill that is before Parliament, so I would suggest that the honourable senator hold those questions for when the bill is being considered in the Senate and sent to committee. As Leader of the Government in the Senate, quite rightly, I would not at this point in time weigh in on a piece of legislation that has not passed through Parliament.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

EMPLOYMENT INSURANCE—SERVICE CANADA INVESTIGATIONS

Hon. Jane Cordy: Honourable senators, Service Canada employees investigating Employment Insurance fraud have been given quotas to make "savings" of \$485,000 each year by denying Employment Insurance benefits to those who are unemployed. Minister Finley has said there are no quotas but, rather, there are targets or objectives.

First, can the Leader of the Government in the Senate tell us the difference between a quota and a target? Second, how did the minister determine the quota or the target of \$485,000 a year for each investigator?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. First, the Employment Insurance system is set up to assist Canadians who, through no fault of their own, find themselves without work, and the system will always be there to provide support to these people.

Many new programs have been brought in by the minister and by the department to allow people to have much more information on jobs that are available. I do believe that the Employment Insurance system is meant, therefore, for people who really do need the assistance of the Employment Insurance fund. Last year, the program lost hundreds of millions of dollars due to fraud and ineligible payments, despite the fact that half a billion dollars of such payments were detected.

I would rather think, honourable senators, that we all would not want people defrauding the system. We would much rather have the money available for those people who really need it.

With regard to the specific question, Service Canada reports that they do not have quotas that would carry negative consequences for the staff who are working for Service Canada and trying to deliver a very good service to citizens of this country who need it.

Senator Cordy: It seems, then, that the change of the word from "quota" to "target" is simply, as the leader said, that "target" sounds much better to the public than "quota," but it is all the same thing.

Judging by the reaction this past weekend and the demonstrations by those who are unemployed in Atlantic Canada and Quebec, the unemployed are not feeling that the system will be there for them in the future.

Minister Finley has hired 50 employees at Service Canada to "interview" people who have made EI claims. They are interviewing them at their homes. The EI claimants who have

lost their jobs, honourable senators, are not criminals. It is not a crime to be unemployed. It is not a crime to work in the fishing industry, the farming industry, the tourism industry, the forestry industry, the hospitality industry or any other seasonal job.

Some Hon. Senators: Hear, hear!

Senator Cordy: A fish plant worker in Atlantic Canada does not need a lecture from this government or from the minister about working hard. Employment Insurance is not a government handout; rather, it is an insurance plan designed to help those who are unemployed. Why is this government treating those who are unemployed like criminals?

Senator LeBreton: Honourable senators, first, I think the honourable senator said that I said “targets” is a better word than “quotas.” I said no such thing. The senator is catching the same disease as her leader, putting words in my mouth, and I do not appreciate it.

• (1440)

The Employment Insurance program, I totally agree, is there to help those Canadians who, through no fault of their own, find themselves without work. There are many programs that the minister and the department are putting into place to connect people with available jobs.

Absolutely the Employment Insurance fund is there to help those Canadians who require help. However, I do not think anyone would be in favour of those people paying a penalty because other people defraud the system, most particularly the legitimate people who have claimed through the Employment Insurance program. When hundreds of thousands of dollars have been paid out wrongly, obviously the people who should be getting the money are the ones who suffer the most.

Senator Cordy: Honourable senators, those who are targeted seem to be people working in the seasonal industries, I would suggest to the leader, judging by the reaction this past weekend particularly. However, it has not just been this past weekend. It has been since all the changes to Employment Insurance were started by this minister quite a long time ago, certainly without having discussions with the premiers of Atlantic Canada — including the Conservative premiers of New Brunswick and Newfoundland — who were not advised by the minister or engaged in discussions with the minister about what was going to happen.

This government has eliminated boards of referees and umpires for Employment Insurance claimants to cut costs, but now the government has hired inspectors to intimidate people in their homes. What is the purpose of these home visits to Employment Insurance claimants by investigators? In other words, what does an investigator say or do when they reach the home of an Employment Insurance claimant?

It is interesting that I had asked the leader earlier when the boards of referees were being done away with, if there would be face-to-face discussion or if people would simply deal with phones or computers to file and explain their claim if they wanted to dispute it. Instead, we have hired investigators who will not only

be in the regional offices so the people can go and speak to them but, my goodness, we now have enough money to send investigators to people’s homes. What will they be doing when they go to the claimants’ homes?

Senator LeBreton: Honourable senators, the very simple answer is that the department last year was able to stop half a billion dollars of ineligible payments. Obviously the people who suffer from these ineligible payments are not the people who defraud the government but the people — whether they are seasonal workers or legitimate claimants — whom the Employment Insurance system is there to help. I do not believe it is in the interests of anyone to go on rewarding people who defraud the system at the expense of those who really need it.

Senator Cordy: Honourable senators, my question was: What does an investigator do when they go to the home of an Employment Insurance claimant?

Senator LeBreton: Honourable senators, if half a billion dollars was found to have been defrauded from the system, obviously the various people in Service Canada are working on all these files and determining the good work that the Employment Insurance fund does to assist those who need it. We have always said the Employment Insurance fund is there to help people who need it. It is not there to help people who defraud the system.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, it might be interesting if this measure, which applies to workers and makes them subject to home visits, were applied to business people who run away to tax havens. Perhaps we could also make home visits to them in order to save money.

Honourable senators, I have a supplementary question. Last week, I raised the issue of seasonal workers and the Employment Insurance Act. Recently, especially in Quebec, where thousands of workers again turned out in good faith—in eastern Quebec, three Conservative Party candidates stood squarely behind their constituents and workers—there have been protests in order to send a simple message to the government: restrictions and measures aimed at applying the Employment Insurance Act more effectively may be legitimate, but for seasonal workers, fishers and people working in forestry and tourism, the very nature of the economy of these regions is at issue.

Could the minister convince her cabinet colleagues that measures that might be good for Canada as a whole cannot be applied to certain specific situations? That is what workers have been telling the government day after day, week after week, as they take to the streets. Unfortunately, they are being completely ignored.

They are being told, “The same rules apply to all Canadians”, even though there are regional differences and a very particular economic reality in the regions. It seems to me that it would not be the end of the world if the Employment Insurance administration and the government could take this reality and Canadians’ circumstances into account.

[English]

Senator LeBreton: Honourable senators, the government and the department do take that reality into consideration. The Employment Insurance fund is there and will continue to be there to assist those who need the assistance. In addition to that, the department has set up a new system whereby they can identify jobs in the area.

The bottom line is the Employment Insurance fund is set up for the very purpose that it is intended: to help those workers, whether seasonal or who, through no fault of their own, cannot find meaningful employment. It is not there to help people who deliberately defraud the system.

It is the same in the province of Quebec as it is in other jurisdictions in the country. The Employment Insurance program, of course, is a federal responsibility. Minister Finley and our government continue to work with the Government of Quebec, because we share some common goals which focus on meaningful, good-paying jobs and economic growth.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, for weeks now the leader's colleague Minister Finley has been saying that EI fraud costs Canadians hundreds of millions of dollars a year. The public accounts have shown that in 2010 the recovery rate was all but 0.01 per cent; in 2011, 0.02 per cent; and in 2012, 0.01 per cent. Who do we believe, the Public Accounts of Canada or her colleague, the minister?

Senator LeBreton: Honourable senators, when the minister and the department responsible for administering this program report that hundreds of millions of dollars have been lost to fraud and ineligible payments, I would dare say that they have valid data to back that up.

Senator Cowan: Is the leader saying the public accounts are incorrect? Is that the leader's position?

Senator LeBreton: There goes Senator Cowan again, putting words in my mouth.

Senator Cowan: No, I am not. I will give the honourable senator the figures. In 2010, there was \$119,124,773 of fraudulent claims and all but 0.01 per cent recovered. In 2011, \$136,713,797, everything recovered except for 0.02 per cent. In 2012, \$128,656,145, and the rate of recovery was all but 0.01 per cent.

If those figures are correct, how can the minister possibly say that EI fraud is costing Canadians hundreds of millions of dollars a year? They cannot both be correct.

• (1450)

Senator LeBreton: First, anyone who would read those numbers — millions and millions and millions of dollars — and think that is all right is rather interesting.

Senator Cowan: Who is putting what in whose mouth? I did not say that.

Senator LeBreton: Honourable senators, I can only say to Senator Cowan what is a fact, and the fact is that HRSDC has stated, and I will repeat it, that last year the Employment Insurance program lost hundreds of millions of dollars due to fraud and ineligible payments, despite nearly half a billion dollars in ineligible payments that were detected and stopped by Service Canada.

We do not treat the Employment Insurance fund like it was treated in the past where it was used to pay down the deficit. Our intention is to ensure that the Employment Insurance fund is there for those seasonal workers Senator Rivest speaks of and for the people in Atlantic Canada and all across the country who have need for the Employment Insurance fund. We do not think it should be paid to people who deliberately defraud or claim ineligible payments.

Senator Cowan: I would like to understand correctly. When the government calculates the losses, it is not netting against the recoveries; is that right?

Senator LeBreton: Honourable senators, I will only repeat what I have said. The fact of the matter is hundreds of millions of dollars have been improperly claimed and the system has been defrauded, and the government really believes that the Employment Insurance fund should be there to help people who need it.

Senator Cowan: This is an important issue, honourable senators. Would the minister undertake to check with the minister's office and come back to this chamber with the gross figures of fraudulent claims, the recoveries that have been made as a result of existing recovery efforts by the department, and the resulting net loss? Would she undertake to get that information for the last three years — but she could go back further if she wishes — and then table it in the Senate?

Senator LeBreton: Obviously I would be happy to take the specific question as notice. I will not commit to going back, although I suppose we could go back into the 1990s when the EI fund was completely stripped of all its resources and the government used it to pay down the debt.

[Translation]

FISHERIES AND OCEANS

EXPERIMENTAL LAKES AREA—CLOSURE OF RESEARCH FACILITY

Hon. Maria Chaput: Honourable senators, I have a question for the Leader of the Government in the Senate. I would like to follow up on the imminent closure of the Experimental Lakes Area, the ELA. The government clearly stated that it intended to abolish this federal program but that it would be open to transferring the facility to an organization interested in taking it over.

Unfortunately, as the honourable senators are aware, no buyer has been found. Federal funding will run out at the end of March. If a buyer is not found by then, the facility will be closed and the government will have to spend nearly \$50 million to clean up the site. There is only one month left.

Could the leader tell us if the government is currently negotiating with any potential buyers? Would the government be prepared to extend funding for another year, at a cost of \$2 million, to have some more time to find a buyer?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I have answered this question before many times. Over the years we provided significant funding for new investment in research and science, including significant funding in the last budget. Of course, the opposition voted against it. The decision with regard to the environmental lakes took into consideration research that is being done in other areas, and there is no intention on the part of the government to reconsider that program.

[Translation]

Senator Chaput: Would it not be more cost-effective to fund the program for another year in order to have more time to find a buyer instead of spending nearly \$50 million to clean up the site?

[English]

Senator LeBreton: I just answered that question.

HUMAN RESOURCES AND SKILLS DEVELOPMENT

CANADA STUDENT LOAN—SECURITY OF PERSONAL INFORMATION

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate. Human Resources and Skills Development Canada lost an electronic storage device containing the credit information of 583,000 Canada student loan borrowers from 2000 to 2007. We were told first that the information was lost in November. Now we learn the breach may go back as far as August. However, it was not until January 11 that the department alerted the public and began sending letters to the individuals affected. The public is concerned about the delay in alerting them to this problem and also the speed at which the individuals are being notified.

My questions are: Why did the department wait until January 11 to alert the public? Has the department notified every person affected by this privacy breach? If not, how many letters have gone out so far, and when will the notification process be complete?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Callbeck for those questions. As the minister stated, this loss by the department is completely unacceptable. The Office of the Privacy Commissioner was notified and an investigation into this incident is taking place as we speak.

To safeguard against future incidents, Minister Finley directed the department to review the ways employees handle Canadians' data and fix any gaps that allowed this to happen; update network security practices to prohibit external hard drives; provide more mandatory training for all employees on the proper handling of sensitive and personal information; and of course the new security policies.

With regard to notification of those individuals who were involved in this, honourable senators, I will of course take that question as notice. I am not absolutely certain about the procedures that were followed by the minister and department in contacting these people.

Senator Callbeck: On a supplementary question, I thank the minister for taking those questions as notice as it will be interesting to see whether everyone has been notified and, if not, when they will be.

There is also another concern about this problem, and that is the so-called credit protection being offered. The department says it has a contract with Equifax Canada, but that is not the only credit reporting agency in Canada. TransUnion Canada is another, and even the Financial Consumer Agency of Canada recommends that Canadians use both when checking their own credit reports. Why is Human Resources and Skills Development Canada not using both reporting services when even the government's own financial consumer agency recommends doing so?

Senator LeBreton: To further protect those Canadians affected, the government is providing a free opt-in credit and identity protection service through Equifax. HRSDC has brought Equifax's broad alert protection for those clients whose information was on the missing hard drive, and this agreement with Equifax offers a six-year protection.

Senator Callbeck: I am happy that the government has the agreement with Equifax, but my question is what about TransUnion Canada? It is another reporting agency, and even the Financial Consumer Agency recommends that Canadians use both when checking their own credit records. Why has the government not made an agreement with TransUnion Canada as well?

Senator LeBreton: Honourable senators, the government made an agreement through Equifax. I know there are many portals through which Canadians can check their own credit ratings. HRSDC has made arrangements with Equifax. I do believe that was the proper step to take, but I will be happy to add the senator's further question as to how the process evolved with regard to protecting these credit ratings.

• (1500)

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Moore on November 21, 2012, concerning missing and murdered Aboriginal women.

[English]

Honourable senators, I have the honour to table the answers to the oral questions asked by the Honourable Senator Callbeck on December 4, 2012, concerning persons with disabilities.

[Translation]

PUBLIC SAFETY

MISSING AND MURDERED ABORIGINAL WOMEN—PROPOSED INQUIRY

(Response to question raised by Hon. Wilfred P. Moore on November 21, 2012)

The Government of Canada has been concerned about the issue of missing and murdered Aboriginal women and girls for many years.

Indeed, the Government funded the work of the Native Women's Association of Canada (NWAC) to determine the scope of this issue, providing \$5 million over five years (2005-2010) through Status of Women Canada to their Sisters in Spirit initiative.

When NWAC's research showed a disturbingly high number of missing and murdered Aboriginal women across Canada, the Government responded by taking action in 2010 with an additional investment of \$25 million over five years for a seven-point strategy to improve law enforcement and justice system responses, so they can better meet the needs of Aboriginal women and their families.

That strategy included investments to:

- establish a new National Centre for Missing Persons and Unidentified Remains, working with a Committee of the Canadian Association of Chiefs of Police;
- work with Aboriginal communities to develop community safety plans;
- support the development and adaptation of culturally-appropriate victim services for Aboriginal people, and specific services to support the families of missing and murdered women;
- support the development of school and community pilot projects aimed at reducing vulnerability to violence among young Aboriginal women;
- support the development of public awareness materials to help break intergenerational cycles of violence affecting Aboriginal people; and
- develop a compendium of promising practices to help Aboriginal communities, law enforcement, and justice partners in future work.

That seven-point strategy was in addition to significant investments that the Government has focused on making over recent years in a number of core areas, including family violence prevention; child and family services; on-reserve housing; economic security and prosperity; education; health; policing; and urban living, working closely with Aboriginal organizations and communities, and with provincial and territorial partners. Much of this action is in response to myriad studies identifying the root causes of disproportionate risks of violence and victimization in Aboriginal communities, and in response to a large number of recommendations from those studies and from other commissions and inquiries.

Projects funded are producing results, and more successes can be expected as additional projects come to fruition.

We know from the work of the Native Women's Association of Canada, the earlier work of the Manitoba Aboriginal Justice Inquiry and the Royal Commission on Aboriginal Peoples, and from the work of many others, that the higher vulnerability of Aboriginal women and girls to violence is a complex issue requiring coordinated attention from Aboriginal organizations and communities as well as from all levels of government. Coordinated action from federal, provincial, and territorial departments responsible for justice, public safety and policing, gender issues, and Aboriginal affairs, working with Aboriginal people and other stakeholders to develop more effective and appropriate solutions in each community, is necessary to bring lasting change. There have been results from this collaborative action as well, such as the work of the FPT Missing Women's Working Group who produced a report with 52 recommendations. The FPT Working Group on Aboriginal Justice, which is currently working on a national justice framework to coordinate federal, provincial and territorial actions across the law enforcement and justice spectrum to address violence against Aboriginal women and girls at the request of Ministers.

Because of the complex and interrelated causes of this vulnerability to violence, creating lasting change will take time, and concerted effort. Lasting change will be gained community by community. The problems are just too complex and too tightly interwoven to resolve in any other way. This is why the Government has focussed on community safety planning, as communities are in the best position to identify for themselves what change is needed, and to establish priorities. Another key goal is finding better ways to support Aboriginal victims of crime, as well as meet the specific needs of families of missing and murdered Aboriginal women.

In concert with preventing violence, we must, and we will, resolve outstanding cases of missing and murdered Aboriginal women. This work is basic to our criminal justice system. All Canadians expect the perpetrators of such crimes to be identified and dealt with as a matter of basic respect for individual lives. Like all families and communities, Aboriginal families and communities need to heal.

[Senator Carignan]

Many more projects and initiatives are underway, and more work is needed. The Government of Canada recognizes the need to work closely with Aboriginal organizations and communities to develop more effective, appropriate, and collaborative responses to help ensure the safety of women in Canada. We know we must work to prevent any further disappearances or deaths of Aboriginal women and girls.

TREASURY BOARD

PUBLIC SERVICE COMMISSION—EMPLOYMENT EQUITY FOR PERSONS WITH DISABILITIES

(Response to question raised by Hon. Catherine S. Callbeck on December 4, 2012)

The Public Service Commission (PSC) is an independent agency reporting to Parliament, mandated to safeguard the integrity of the public service staffing system and the political neutrality of the public service. In addition, the PSC recruits qualified Canadians from across the country.

Appointments in the federal public service are governed by the *Public Service Employment Act* (PSEA). The PSEA confers to the Commission the authority to make appointments to and from within the public service, and to establish policies in the manner of making and revoking appointments. As permitted by the legislation, the Commission has delegated the authority to make appointments to deputy heads of organizations subject to the PSEA, and holds them accountable for their staffing decisions.

Employment equity (EE) in the federal public service is a collective responsibility that is shared by all organizations. Under the *Employment Equity Act* (EEA), the PSC plays an enabler role in working with departments and agencies to identify and eliminate barriers in the appointment system, and institute positive policies and practices to ensure that persons in all EEA-designated groups — women, Aboriginal Peoples, members of visible minorities and persons with disabilities — achieve a degree of representation in the public service that reflects their representation in the Canadian workforce.

In the current delegated staffing system, it is the deputy heads' responsibility to ensure that their organization achieves and maintains representation in all four designated groups. Where under-representation exists, the EEA requires organizations to develop and implement positive measures to correct that situation. For example, limiting appointment processes to members of one or more of the designated groups is a measure that can be used to correct gaps in under-representation of these groups in a particular organization, or in the public service. This is consistent with the PSEA, the EEA and the *Canadian Human Rights Act*.

According to the PSC's data, organizations are using appointment processes limited to designated groups judiciously to address under-representation in the federal public service. In the last five years ending on March 31, 2012, there were 478 external advertisements opened only to one or more of the four designated groups out of a total of 18 668 external advertisements. This represents about 2.6 per cent of all external advertisements. Out of the four groups, 88 advertisements targeted EE groups including persons with disabilities. Of these advertisements, three were restricted only to persons with disabilities. These three restricted advertisements targeted at least nine positions in three organizations.

The PSC looks at the inflow of public servants into the public service, not the overall population numbers in the public service. These numbers are the responsibility of the Office of the Chief Human Resources Officer (OCHRO). According to OCHRO's data for 2010-2011, the population of persons with disabilities is 5.6 per cent which is above their workforce availability of 4.0 per cent.

As we indicated in our 2011-2012 Annual Report, the percentage of applicants in the persons with disabilities group continued to fall: from 2.7 per cent in 2010-2011 to 2.6 per cent in 2011-2012. However, there was a slight increase in the persons with disabilities' share of external appointments, from 2.6 per cent in 2010-2011 to 3 per cent in 2011-2012.

The PSC is building on initiatives in order to increase participation of persons with disabilities in the public service. For example, PSC conducted a literature review on the barriers and best practices in the recruitment of persons with disabilities in Canada and abroad, in both the private and public sector, which we published in November 2011. In 2011-2012, we engaged the top recruiting departments in a dialogue to gain further insight into the issue, share some of the findings from the literature review, and identify additional best practices.

This year, we are conducting a study on the career progression and perception toward the appointment process of employment equity members, with a particular focus on persons with disabilities. In parallel, we are conducting a review of past public service recruitment programs dedicated to the recruitment of persons with disabilities with a view to identifying what worked in these programs and what did not contribute to increasing the recruitment rate. We also plan to examine the possible causes for the low application rate of persons with disabilities and we continue to work with departments and agencies to identify and implement more effective outreach and recruitment strategies.

ORDERS OF THE DAY

FINANCIAL CONSUMER AGENCY OF CANADA ACT

BILL TO AMEND—THIRD READING

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

He said: Honourable senators, given the quality of this bill and the fact that it was supported unanimously at committee, I do not feel I need to make a lengthy speech.

The public has been waiting for this bill. It affects many Canadians, including seniors, immigrants, Aborigines and youth. This bill will give all Canadians a better perspective and a better understanding of the consequences of entering into a contract with credit card companies.

Honourable senators, I would like to thank Caisses populaires Desjardins and other credit unions in Canada that are not governed by the Bank Act, but did not hesitate to get involved in the bill. They will be part of the information committee that will work to educate youth in the schools. I would like to publicly thank them, because they were not obligated to get involved, yet they did so with incredible fervour.

I would also like to thank the government and opposition members of the committee. They did a remarkable job. The bill was passed unanimously by the committee members. I invite honourable senators to do the same in this chamber.

[English]

Hon. Catherine S. Callbeck: Honourable senators, I would like to say a few words at third reading of Bill C-28, an act to amend the Financial Consumer Agency of Canada Act.

I am sure we all realize there is a great need for improved financial literacy in the country. In fact, the Canadian Financial Capability Survey, released in 2009 by Statistics Canada, illustrated that need. There were many examples in those statistics, but let me give honourable senators just one: 70 per cent of Canadians were optimistic about their retirement, yet 40 per cent of them did not even know how much they would need.

Two years ago, the Task Force on Financial Literacy made 30 recommendations in its report entitled *Canadians and Their Money: Building a Brighter Financial Future*. This legislation, on which we are at third reading, will implement only a part of their number one recommendation.

I am pleased that the government is taking this small step to improve financial literacy by establishing the post of the Financial Literacy Leader. However, this person will be responsible to the Commissioner of the Financial Consumer Agency of Canada, not the Minister of Finance as was recommended by the task force. I still believe that being accountable directly to the minister is a much stronger position for the Financial Literacy Leader. It strengthens his or her mandate and makes clear that the leader is operating with the support of the Minister of Finance.

[Senator Carignan]

I also would like to have seen this legislation go further by implementing the task force's second recommendation, which calls 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...".

We have a wealth of experience in this country on this particular topic. We certainly would all benefit from these experts working together, bringing forth new ideas and strategies to help improve financial literacy. I urge the government to follow through on the task force's second recommendation.

Honourable senators, I support Bill C-28 overall, but recognize it is only a small step forward to providing financial literacy to Canadians. I would like to repeat that the Task Force on Financial Literacy made 30 recommendations and this legislation only deals with the first one. There is a great deal more work to be done, and I hope that the government will continue working on these 30 recommendations so that financial literacy can be greatly improved in this country.

The Hon. the Speaker: Questions and comments, Senator Maltais.

[Translation]

Senator Maltais: Honourable senators, I realize what the senator is saying. However, we had to start somewhere. The first thing was to put financial literacy in order and to invite financial partners to work with the government. They agreed.

Next, we had to create the position of Financial Literacy Leader and provide staff to get things going. This committee will consist of representatives of financial and educational institutions. The new leader will be able to consult them on a regular basis.

No matter who the Financial Literacy Leader reports to, he will be there to serve all Canadians. I do not believe that a dispute between departments is necessary. What is important is providing excellent service to those who need it.

[English]

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 third time and passed.)

**BILL TO ASSENT TO ALTERATIONS IN THE LAW
TOUCHING THE SUCCESSION TO THE THRONE**

SECOND READING—DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government) moved second reading of Bill C-53, An Act to assent to alterations in the law touching the Succession to the Throne.

She said: Honourable senators, today we have an opportunity to debate an important piece of legislation, Bill C-53, the succession to the throne act. Bill C-53 will provide the Parliament of Canada's assent to the changes to the rules governing the line of succession to the throne.

The Constitution provides that the Queen of the United Kingdom is also the Queen of Canada. We share our monarch and, indeed, a culture and heritage with 15 other countries.

• (1510)

The rules governing succession are set out in United Kingdom law, not Canadian law. Accordingly, the Government of the United Kingdom, with the agreement of the realms for which Her Majesty the Queen is the head of state, introduced legislation in December 2012 to amend these laws. Their bill is currently under consideration in the House of Lords and was tabled in this chamber on February 5.

Under the proposed changes, heirs will be placed in the line of succession with no regard to their gender. Female heirs will no longer be displaced by their younger brothers. Once the United Kingdom's law is enacted, this provision will apply to any child born after October 28, 2011. This will include the children of their Royal Highnesses, the Duke and Duchess of Cambridge.

The new laws of succession will also eliminate provisions that remove heirs from the line of succession if they marry a Roman Catholic. This will apply to all existing marriages at the time the law comes into force as well as future marriages.

This modernization of the laws governing succession is the result of significant international cooperation. The 16 realms agreed in October 2011 to change the practice of placing male heirs before their elder sisters and to end the ban against marrying Roman Catholics. The Government of the United Kingdom has stated that it will not bring the U.K. law into force until all realms complete any domestic activities that they plan to undertake.

The preamble to the Statute of Westminster, 1931 provides that:

And whereas it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any

alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

The preamble expresses the convention that all Dominion parliaments, including that of Canada, give their assent to changes to the laws governing succession. Bill C-53, introduced by the Minister of Justice, accomplishes this. In particular, clause 2 of the bill would provide Parliament's assent to the changes to the laws of succession as set out in the United Kingdom's bill.

We have used this approach in the past. Parliament passed the legislation to acknowledge the abdication of King Edward VIII in 1937. Legislation was also enacted in the 1950s to assent to changes to the royal titles.

Honourable senators, questions have been raised in the media about whether this is an amendment to the Constitution of Canada and, if so, what amending procedure would apply. As I noted previously, the laws of succession are United Kingdom law; they are not Canadian law and are not part of Canada's Constitution. Specifically, they are not enumerated in the schedule to our Constitution Act, 1982 as part of the Constitution of Canada.

In addition, the office of the Queen will not be altered by the changes to the laws governing succession. The office of the Queen includes the sovereign's constitutional status, powers and rights in Canada. Neither the ban on the marriages of heirs to Roman Catholics nor the common law governing male preference primogeniture can properly be said to be royal powers or prerogatives in Canada.

Concern has been raised regarding the timing of the passage of Bill C-53 that I would like to address. The Statute of Westminster, 1931 and a desire to seek a smooth resolution to the questions before us place us in a sort of Catch-22. Parliamentarians in the United Kingdom have been concerned about the possibility of passing a bill to which the realms may not consent. At the same time, parliamentarians here are concerned that we may consent to a bill that may change substantially before it is passed in the United Kingdom.

While we are proceeding concurrently with the process at Westminster, we are building safeguards into this legislation. The United Kingdom bill will not come into force until such time as the realms have gone through their various processes to consent to the proposed changes; and our bill will not come into force except by order-in-council. Should the United Kingdom Parliament not pass a bill or pass a bill that is significantly different from its current form, the government will not bring Bill C-53 into force, ensuring the United Kingdom bill itself cannot be brought into force. The government is satisfied, however, that the likelihood of the United Kingdom passing the bill in substantially the same form as is now before the Committee of the Whole of the House of Lords is very high.

As honourable senators may know, the Queen's consent was conveyed in the United Kingdom's Parliament for their succession to the throne legislation. The United Kingdom bill

specifically touches on Her Majesty's prerogatives with respect to those marriages to which she must consent. Currently, any descendant of King George II must obtain the monarch's consent to marry. The U.K. bill proposes to limit those who must seek the monarch's consent to marry to the six individuals at the top of the line of succession.

However, Her Majesty's prerogatives and powers are not affected by Bill C-53, as it does not, on its own, touch upon the prerogatives of the Crown. Nonetheless, out of an abundance of caution, on January 31, 2013, the Minister of Justice indicated in the other place that the government has advised the Governor General of the purport of Bill C-53 and has asked him, to the degree to which it may affect the Royal Prerogative by the Crown, to give his consent to the consideration by Parliament of the bill and to Parliament doing therein as it sees fit. His Excellency has so consented.

Honourable senators, the modernization of the laws of succession ensures that the monarchy remains a vital institution for Canadians. Daughters and sons will be treated equally in the line of succession as they are in other walks of life. The Catholic faith of a prospective spouse will no longer be an impediment to their places in the line of succession.

The deep attachment that Canadians have for the Queen and the royal family has never been more evident. Canadians celebrated Her Majesty's Diamond Jubilee throughout 2012. It is appropriate that we and our fellow realms are advancing the changes of the laws of succession following this important anniversary. These celebrations gave us an opportunity to honour the Queen's 60 years of service to Canada, our connection to the monarchy and to recognize how Canada has flourished during her reign. The year-long celebrations were a unifying event for Canadians.

Canadians have been fortunate to host several royal tours in recent years, most recently that of their Royal Highnesses, the Prince of Wales and the Duchess of Cornwall. The opportunity to welcome the Duke and Duchess of Cambridge in 2011 was a highlight for many Canadians.

The government shares Canadians' well-wishes for the royal couple as they expect their first child later this year. We are certainly hopeful of having the arrangements for the new laws of succession in place before the happy arrival of a daughter or son.

Honourable senators, our colleagues in the House of Commons have worked collaboratively to ensure the swift passage of this bill. I believe we can work together here in the Senate in a similar partnership to approve this bill and signal Parliament's assent to the changes to the laws governing succession.

Some Hon. Senators: Hear, hear!

(On motion of Senator Joyal, debate adjourned.)

[Senator LeBreton]

(1520)

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Nicole Eaton moved second reading of Bill C-43, An Act to amend the Immigration and Refugee Protection Act.

She said: I rise in this chamber today to speak in support of Bill C-43, the faster removal of foreign criminals bill.

Honourable senators, Canadians have a long tradition of being welcoming and generous. In fact, since 2006, our Conservative government has maintained the highest sustained levels of immigration in Canada's history and one of the highest per capita rates of immigration in the developed world.

In order to maintain that tradition, Canadians need to have confidence in the way we undertake and manage immigration. Over the past few months, our government has put forward a number of initiatives aimed at bringing transformational change to this country's immigration system.

Honourable senators, for too long Canadians have seen countless stories of people who view Canada as a doormat, a light touch, a nation whose immigration system is an easy target for fraudsters and criminals.

Understandably, Canadians have had enough. They have made it clear they want us to restore the integrity of our immigration system, and our Conservative government is doing just that.

We are creating an immigration system that can fill significant current and future labour shortages across the country and help us meet our economic needs more quickly and efficiently — a system designed to give newcomers the best possible chance to succeed.

You see, honourable senators, the security and integrity of the immigration system go hand-in-hand with its ability to best serve our society and our economy. That is why our government introduced Bill C-43, the faster removal of foreign criminals bill.

Bill C-43 fulfils a long-standing commitment to take action on a problem afflicting our immigration system. Honourable senators, Bill C-43 does three things: It makes it easier for the government to deport dangerous foreign criminals from our country; it makes it harder for those who may pose a risk to Canada to enter the country in the first place; and it removes barriers for genuine visitors who want to come to Canada.

Our Conservative government is committed to the safety and security of Canadians. This bill is a strong expression of that commitment.

Under our current laws, if a foreign national is sentenced to six months or greater, they are subject to removal; yet, under the current system, they have access to the Immigration Appeal Division as long as their sentence is less than two years.

Through Bill C-43, our government will streamline the process for deporting foreign criminals by limiting access to the Immigration Appeal Division of the Immigration and Refugee Board of Canada.

An Hon. Senator: About time.

Senator Eaton: This change would reduce the amount of time certain criminals could remain in Canada by up to 14 months. We will ensure that foreign criminals will not be allowed to endlessly abuse our generosity.

Unfortunately, there are many examples of convicted criminals doing just that — murderers, drug traffickers, fraudsters, child abusers and thieves, some of whom were on most-wanted lists. In fact, on average, each year 850 foreign criminals appeal their deportation. Currently there are more than 2,700 foreign criminals awaiting a decision on whether they can delay their deportation.

The problem is clear: Not only have these dangerous foreign criminals already committed crimes and victimized Canadians, but also many use the time they are allowed to remain in Canada while they appeal their deportation to commit more crimes and victimize even greater numbers of Canadians.

Let me relate just a few examples — out of many — that illustrate the extent of the problem and its impact upon Canadians.

Geo Wei Wu, born in China, came to Canada as a student and gained permanent residency as a spouse in 1990. Over the next two decades, he was convicted of a series of crimes including attempted theft, dangerous operation of a motor vehicle, criminal harassment, assault causing bodily harm, break and enter, fraud — and, sadly, the list goes on.

He served time for each of these convictions. By 2008, he was found inadmissible and a removal order was issued. Under the current rules, he was entitled to appeal this order.

The appeal process took almost two and a half years and ultimately failed: Wu's appeal was dismissed.

Wu then disappeared after failing to show up for his pre-removal interview. The CBSA posted his information on its "Wanted" website last summer. Just a few weeks ago, media reported that he is now wanted by Peel Regional Police in connection with the kidnapping last year of two men in Mississauga. He is still at large.

Here is another example. Patrick Octaves De Florimonte arrived as a permanent resident from Guyana in 1994. Within two years of his arrival, he was convicted of a serious crime: assault with a weapon. Less than a year later, he was convicted of two more crimes: theft and possession of a narcotic. Six months later, he was convicted once again of assault. Just six more months passed and he already faced yet another conviction: uttering threats.

Then there is the case of Jackie Tran, born in Vietnam. He became a permanent resident in January of 1993, when he was 10 years old. By his late teens, he had become known to law enforcement officials in Calgary, and he was first convicted at the age of 19 for cocaine trafficking.

Despite having a long criminal record as a gangster and a major drug trafficker, he had never received a sentence of more than two years less a day. Thanks to repeated appeals, he was able to continuously delay his deportation for six years. He was first ordered deported in April of 2004 but was not removed from Canada until March of 2010.

Take as one final example, perhaps the most sadly illustrative case, Clinton Gayle from Jamaica, who received a sentence of two years less a day when he was convicted of multiple drug offences.

Between 1990 and 1996, the government tried to deport Mr. Gayle on multiple occasions, but because many of his convictions earned him sentences of less than two years, he was able to appeal his deportation and delay his removal from Canada.

Tragically, on the night of June 16, 1994, Toronto Police Service constables Todd Baylis and Mike Leone were on foot patrol. They encountered Gayle, a veteran drug trafficker, who had with him a fully loaded nine millimetre handgun and pockets filled with bags of crack cocaine.

Clinton Gayle struck Constable Baylis and then attempted to flee the scene. He was caught by the two young Toronto officers and a gunfight erupted. Tragically, Constable Baylis, a young man in his mid-20s, was shot in the head and killed in the line of duty, after only four years' service, leaving behind family, friends and colleagues.

Honourable senators, under the current system, too many of these foreign criminals have been able to appeal deportation orders and extend their time in Canada following convictions.

Serious criminals sentenced to imprisonment for any time less than two years have been able to delay or permanently set aside their removal orders. While they remain in Canada, on our streets and in our communities, many commit more crimes and further victimize innocent Canadians.

Measures in the faster removal of foreign criminals bill will remove a right of appeal, which will expedite their deportation.

While we agree that even foreign criminals deserve their day in court, we do not believe they deserve endless years in court, delaying their removal. We agree with due process, not endless process due to technicality.

Simply said, we are closing the avenues of delay that have been long and winding roads of process that have protected foreign criminals and allowed further harm to both new and existing Canadian citizens.

In addition, foreign nationals who are inadmissible on the most serious grounds — such as involvement in organized crime or perpetration of war crimes — would no longer have access to a program that is meant for cases deserving of humanitarian and compassionate consideration.

It is shocking that war criminals, terrorists and gangsters involved in organized crimes could delay their deportation by applying to remain in Canada under these grounds.

It is doubly ironic considering that humanitarianism and compassion are precisely what these individuals failed to show their victims. I think we can all agree that this is a common-sense change that is long overdue.

In addition, honourable senators, in order to prevent those who pose a risk to Canada from entering the country in the first place, Bill C-43 provides the Minister of Citizenship and Immigration a new authority: an authority, in exceptional cases, to deny temporary resident status to foreign nationals who seek to do harm to Canadians.

Honourable senators, there is a good deal of support for this legislation.

• (1530)

In October 2011, the Quebec legislature passed a unanimous motion: “To demand that the federal government refuse entry to Canada of Abdur Raheem Green and of Hamza Tzortzis given their hate speech, which is homophobic and minimizes violence against women.”

There has also been a lot of media interest in unapologetic hate mongers like Fred Phelps and the Westboro Baptists. This group vehemently accosts gays, lesbians, women and our brave soldiers in uniform. They have made specifically clear their unapologetic hatred for Canada.

The comments and positions of those whose stock in trade is hatred illustrate the best rationale for these new provisions. I am sure everyone will agree that such individuals should not be allowed into Canada.

For years, immigration ministers have been asked to keep people who promote hatred and violence out of Canada. I think most Canadians assume that the immigration minister has this ability. The truth is the minister certainly does not. Unfortunately, under the current system if they meet the criteria to enter Canada, there is no mechanism to deny them entry.

Bill C-43 will change that. It will ensure that those who pose a risk to Canadians, who spew hate and incite violence will be barred from entering our country. This new authority would allow the government to make it clear to those foreign nationals that they are not welcome here, that they should not travel to Canada and they that will be refused temporary resident status.

We have been transparent about the guidelines that would be used by the minister, so transparent in fact that the minister tabled the guidelines at committee in the other place. They are posted on the departmental website for all Canadians, and indeed

all who seek refuge and citizenship here, to review. Those who would be barred under the new provisions include anyone who promotes terrorism, violence or criminal activity. As well, foreign nationals from sanctioned countries or corrupt foreign officials would also be barred from entering.

I think all honourable senators in this chamber can agree that these provisions represent common sense. I find it hard to believe anyone could disagree with them. What is more, in making these legislative changes, Canada is playing catch-up. We indeed lag behind other countries that already have similar powers in place. In fact, most countries have powers that are much more discretionary than those in Bill C-43. For example, in the United Kingdom, the Home Office has barred the entry of individuals whose presence is considered “not conducive to the public good.”

In Australia, the Minister for Immigration and Citizenship has various powers to act personally in the national interest. It is up to the minister to determine whether a decision is warranted. In addition, Australia’s immigration laws allow for visa refusals based on foreign policy interests and the likelihood that an individual will promote or participate in violence in the community.

In the United States, the Secretary of State may direct a consular officer to refuse a visa, if necessary, for U.S. foreign policy or security interests. The Secretary of Homeland Security can delegate the authority to immigration officials to revoke a visa. Additionally, the President may restrict the international travel and suspend the entry of certain individuals whose presence would be considered detrimental to the U.S.

Here in Canada, gay and lesbian groups as well as women’s groups, amongst others, have pressed ministers in the past to use such a power. It is unfortunate that those in opposition to this legislation are ignoring the pleas of these groups. Until this legislation becomes law, we will continue to be unable to stop these undesirable foreigners from spewing their hurtful, misogynistic, minority-hating, bigoted venom on our soil.

Bill C-43 would enable the minister to bar such extremists from entering Canada in the future. The advantage of this new discretionary authority for refusal is that it is flexible, allowing a case-by-case analysis and quick responses to unpredictable and fast-changing events. It allows the minister to make a carefully weighted decision, taking into account the public environment and potential consequences. Ultimately, the Minister of Immigration would be accountable to Parliament and to Canadians for decisions made in this regard.

However, let me make it perfectly clear that this power is intended to be used very sparingly. We anticipate it would only be used in a handful of exceptional cases each year where there are no other legal grounds to keep despicable people out of the country.

Honourable senators, I would like to point out that this bill would also facilitate the entry of legitimate low-risk visitors to Canada. Under the current system, when a family travels to Canada and one of the members is inadmissible for non-serious

grounds such as health, the entire family is found inadmissible. One can imagine that this can cost families a considerable amount of both time and money. Bill C-43 would improve the system by allowing all other family members who are admissible to enter Canada if one of the family members is found inadmissible on non-serious grounds.

Honourable senators, our Conservative government introduced the faster removal of foreign criminals bill because we know that Canadian families care about safety and security. Canadians support this bill. Stakeholders and experts support this bill. I quote from the Canadian Association of Chiefs of Police, which asserted:

The CACP supports the efforts of the Faster Removal of Foreign Criminals Act to provide for a more expeditious removal from Canada of foreigners who are convicted of committing serious crimes against Canadians. As well, we support measures to prevent those with a history of committing criminal offenses, or who pose a risk to our society, from entering Canada. The Act will help to make Canadians and those who legitimately enter Canada safer.

I continue to quote from the Canadian Police Association, which:

... welcomes the introduction of the Faster Removal of Foreign Criminals Act, particularly with respect to the enhanced prohibitions against those who have committed serious crimes abroad from coming to Canada.

While the overwhelming majority of those who come to Canada make a tremendous contribution to our shared communities, there does remain a small minority who flout Canadian law and have taken advantage of drawn-out proceedings to remain in the country at a risk to public safety. This legislation will help us by streamlining the procedures necessary to remove individuals who remain at-risk to re-offend.

Ensuring that public safety is one of the considerations with respect to admissibility to Canada is a clear step in the right direction.

This act has also been praised by victim associations like Victims of Violence, which said:

Cutting short foreign criminals' opportunity for lengthy appeals will go a long way in minimizing and preventing the re-victimization of those innocent Canadians who are the victims of foreign offenders.

Honourable senators, this legislation is also supported by several immigration lawyers and experts. It has also received a good deal of editorial endorsement in the press. The provisions contained in Bill C-43 are clearly reflective of an idea whose time has come.

Honourable senators, our Conservative government is putting a full stop to dangerous foreign criminals relying on endless appeals in order, while they remain free, to further victimize innocent Canadians.

Through this legislation's provisions, our government is fulfilling a commitment to take a stand against a problem that is the core of our immigration system; a problem that sadly sees the welfare of dangerous foreign criminals given more due consideration than their victims.

I close, honourable senators, with the words of Theodore Roosevelt:

No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it.

Though those words were from another time and place, they are apt. Their sensibility and wisdom for our age are echoed in the provisions of Bill C-43. I look forward, honourable senators, to our debate.

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

Senator Eaton: With pleasure, honourable senator.

Senator Segal: In congratulating the sponsor of the bill on the eloquence and clarity of her superb presentation, I wonder if I could ask her to undertake to determine what advice the law officers of the Crown have given as to the constitutionality of the provisions in this bill.

• (1540)

I support the bill and its purpose; and I am delighted to vote for it when the time comes. However, as we know, the minister, who has been courageous on immigration issues, has run into difficulties with some of the new laws that have been deemed by various courts to be not necessarily constitutional. I would not expect anyone here to know the precise answer to this question, but I wonder whether the honourable senator might consider inviting the law officers of the Crown to appear before committee, should the house refer the bill to committee at second reading, to provide the full basis of their constitutional view that the bill is constitutionally appropriate and conforms to the Canadian Charter of Rights and Freedoms.

Honourable senators, it would be a great tragedy if after all the work that has gone into the bill and all the work of the sponsor, which I know will be diligent and superb, we find that the courts strike it down. She will know that honourable senators on both sides of the house worked on the Anti-terrorism Committee for a review of legislation brought in by the Chrétien government after 9/11, which they believed was truly constitutional. However, because of court decisions made at various levels, including the Supreme Court of Canada, senators worked in a non-partisan way to make amendments so that that bill would be brought into line with the Constitution and those court rulings and appeals.

As the sponsor of the bill, would the honourable senator bring her authority to bear on the government so that law officers of the Crown would appear before committee to answer detailed questions about the constitutional provisions that may be impacted by various pieces of this important and constructive legislation?

Senator Eaton: I thank the senator for the question. It is an excellent idea to have them appear as witnesses before the committee. I would like to emphasize that one avenue has been closed to someone who is convicted for more than six months: They can no longer appeal to the Immigration Appeal Division. However, they can appeal to the court system. As you know, before a person is deported, a pre-risk assessment is done to ensure that they are not going back to face torture or to be killed. Bearing those two factors in mind, there are avenues for appeal after six months. I take the senator's point and would certainly recommend that to the chair of the committee.

Hon. Lillian Eva Dyck: Would the senator take another question?

Senator Eaton: Yes.

Senator Dyck: I am not sure if I heard the honourable senator correctly, but I believe she talked about getting tougher on foreigners who deliver hate messages or are extremely misogynistic. Is that correct?

Senator Eaton: The minister will have the discretion to make that determination. If someone is known to be misogynistic or homophobic or is known to spew hatred or partake of terrorist activity, the minister can deny that person entry to the country.

Senator Dyck: I understand the rationale, but it confuses me that another bill, Bill C-304, An Act to amend the Canadian Human Rights Act, takes almost the opposite stance by proposing to remove section 13 in respect of spreading hate messages via the Internet. Under Bill C-304, it is okay for Canadians to spew hate, but under Bill C-43 it is not okay for foreigners to do so. There seems to be an inconsistency. Perhaps the honourable senator could rationalize the two conflicting viewpoints.

Senator Eaton: I am sorry, honourable senators; I am not familiar with Bill C-304. Bill C-43 deals with non-Canadian citizens. The honourable senator is quite right in saying that if Canadians want to spew that kind of thing, it is a whole other matter. This bill deals with non-Canadian citizens.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I wish to adjourn the debate in the name of Senator Campbell. However, I want to ask Senator Eaton whether she spoke in support of Bill C-304 when it was before the house.

Senator Eaton: I am sorry, honourable senators; perhaps I did, but I cannot remember because it was a long time ago. I believe that it was before the house last year. Is the honourable senator referring to Senator Finley's inquiry?

Senator Tardif: Yes.

Senator Eaton: Yes, I spoke to it, but I am not familiar with the debate at the Human Rights Committee. At that time last year it was an inquiry, not a bill.

Senator Tardif: There was an inquiry, and there is also Bill C-304, which repeals section 13 dealing with hate speech in the name of freedom of expression. That was the question asked by Senator Dyck.

Senator Eaton: I appreciate the question, but I spoke to an inquiry. I have not read the bill, and I am not familiar with the bill currently before the Human Rights Committee.

Hon. Mobina S. B. Jaffer: Honourable senators, for clarification, Bill C-304 is at second reading in the chamber and is not before the Human Rights Committee.

The Hon. the Speaker pro tempore: Honourable senators, it has been moved by the Honourable Senator Tardif, seconded by the Honourable Senator Cowan, that further debate be adjourned in the name of the Honourable Senator Campbell. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

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

[Translation]

THE ESTIMATES, 2012-13

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (C)

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of February 26, 2013, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2013, with the exception of Parliament Vote 10 c.

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

Hon. Senators: Agreed.

(Motion agreed to.)

JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 10 C OF THE SUPPLEMENTARY ESTIMATES (C)

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of February 26, 2013, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 c of the Supplementary Estimates (C) for the fiscal year ending March 31, 2013; and

That a message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

THE ESTIMATES, 2013-14

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of earlier this day, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2014, with the exception of Parliament Vote 10.

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

Hon. Senators: Agreed.

(Motion agreed to.)

JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 10 OF THE MAIN ESTIMATES

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of earlier this day, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10 of the Main Estimates for the fiscal year ending March 31, 2014; and

That a message be sent to the House of Commons to acquaint that House accordingly.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1550)

CANADA NATIONAL PARKS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Seidman, for the second reading of Bill C-370, An Act to amend the Canada National Parks Act (St. Lawrence Islands National Park of Canada).

Hon. David P. Smith: Honourable senators, I rise today to speak on Bill C-370. It is pretty simple. It changes the name of the St. Lawrence Islands National Park of Canada to Thousand Islands National Park of Canada. It comes to us from the other place, from the member for Leeds—Grenville, and it is supported by the member for Kingston and the Islands, a wise man with great judgment, in whom I have great confidence. He also wears a red shirt.

As our colleague in this chamber, Senator Runciman, pointed out in December, seconded by Senator Seidman, this is one of these situations where we have general agreement.

For those who are not familiar with the area, the park stretches from just south of Kingston to Mallorytown and comprises about 20 larger islands, a series of islets and a number of inland properties. Geographically, it is composed of old granite mountain tops and an old hilly strip connecting the Canadian Shield to the Adirondack Mountains.

The Hon. the Speaker *pro tempore*: There is an honourable senator speaking. Could we have a bit more quiet so that we could hear the Honourable Senator Smith?

Senator Smith: The park is of significant importance as a reserve of biodiversity. It is part of the Frontenac Arch Biosphere Reserve, an official United Nations biosphere reserve, and the function of the park is to help preserve that biodiversity and to make it available to people, especially to students. The history and the biodiversity are two reasons why this is such an important park for the region and for the country, which is why it is designated a national park.

There has been a great deal of community consultation regarding changing the name to Thousand Islands National Park, and constituents and stakeholders are very much in favour of this change. The name is recognized throughout the world. Furthermore, the associated cost to rename the park will be relatively low. Much of the cost will be included in ongoing costs, such as website maintenance.

The name is part of the vernacular, and this change reflects the common usage. The name change will eliminate confusion. The St. Lawrence River goes from Kingston all the way to the Atlantic

Ocean. Changing the name will ensure that the park is distinguishable from other islands and the more expansive St. Lawrence region. The name change also serves to distinguish this particular national park from the phrase “Parks of St. Lawrence,” which is used by the Province of Ontario to describe a number of other attractions in the area.

I can say that I have slept there several times on my boat. When I was younger and my kids were younger, I had a very nice boat that a few people could sleep on, and I would take them down to the Thousand Islands. We would, in the evening, anchor in some little bay of one the islands and sleep the sleep of the just and the righteous. Amen.

The bill passed almost unanimously in the other house; only one member voted against it. I think it is a good idea. I do not think there is much more to be said. On our side, our view is, “Let us just get on with this.” We are supportive.

The Hon. the Speaker pro tempore: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It has been moved by Honourable Senator Runciman, seconded by the Honourable Senator Seidman, that Bill C-370, An Act to amend the Canada National Parks Act (St. Lawrence Islands National Park of Canada), be now read a second time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

IMPROVED MENTAL HEALTH FOR INMATES

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Runciman calling the attention of the Senate to the need for improved mental health treatment for inmates, especially female inmates, in federal correctional institutions and the viability of providing such treatment through alternative service delivery options.

The Hon. the Speaker pro tempore: I note that this matter stands in the name of Senator Carignan but that Senator Jaffer will be making a presentation.

[Senator Smith]

Hon. Mobina S. B. Jaffer: Honourable senators, I have asked Senator Carignan if he could let me proceed today and he has kindly agreed that I can do so.

I am pleased to add my voice to Senator Runciman’s call to improve mental health treatment for federally sentenced women. Senator Runciman’s commitment to addressing the challenges that face inmates with mental illness is long-standing, and I want to thank him for raising this issue in the Senate.

At its most fundamental level, ensuring mental health treatment for federally sentenced women is about protecting the rights of citizens, of mothers, of wives, of daughters, of human beings.

In his novel *The House of the Dead*, the Russian author Fyodor Dostoyevsky says:

The degree of civilization within a society can be judged by entering its prisons.

Honourable senators, that was in 1862. More than 150 years later, we are compelled to question the degree of our civilization. The case of Ashley Smith would be reason enough to ask that question, but that case is just the tip of the iceberg.

[*Translation*]

Honourable senators, in 2009, 29 per cent of federally sentenced women were identified at admission as presenting mental health problems. This proportion has more than doubled over the past decade.

Thirty-three per cent of federally sentenced women were identified, at intake, as having a past mental health diagnosis, representing a 63 per cent increase over the past decade. What is more, 48 per cent of women were identified, at intake, as having a current need for prescribed medication.

Since 2003, at intake, approximately 77 per cent of federally sentenced women report abusing both alcohol and drugs. Just under half of these women report having engaged in self-harming behaviour.

[*English*]

Elizabeth Bingham and Rebecca Sutton of the University of Toronto’s International Human Rights program observed the following in their 2012 report *Cruel, Inhuman and Degrading? Canada’s treatment of federally-sentenced women with mental health issues*. They say: “Ms. Smith’s problems were extreme but not unique.”

• (1600)

As the Office of the Correctional Investigator reported four and a half years ago, Ms. Smith’s death “was the result of individual failures that occurred in combination with much larger systemic issues within ill-functioning and under-resourced correctional mental health systems.”

Just weeks ago, Kinew James, a 35-year-old federally sentenced Aboriginal woman, died at the Regional Psychiatric Centre in Saskatoon. Investigations are ongoing, and the Canadian Association of Elizabeth Fry Societies and the John Howard Society have asked questions about the care that Ms. James received.

Asked to comment on the link between Ms. Smith's and Ms. James' cases, the Correctional Investigator, Mr. Howard Sapers, said:

I think what these situations underscore is the constant challenge that correctional service faces to be vigilant and to provide safe custody and care for some very very difficult to manage individuals.

Mr. Sapers put it more succinctly in his appearance before the Legal and Constitutional Affairs committee last year when he said: "... prisons are not hospitals, but some offenders are patients."

Honourable senators, I want to use my time today to profile two groups of federally sentenced women — Aboriginal women and Black women — who are the most disserved by the ill-functioning and under-resourced correctional mental health systems to which Mr. Sapers refers.

Over the past 10 years, the number of federally sentenced Aboriginal women has increased by 80 per cent. Though they represent only 4 per cent of the Canadian female population, Aboriginal women make up over 32 per cent of federally sentenced women. Aboriginal women are also overrepresented among federally sentenced women with mental health issues.

Federally sentenced Aboriginal women are more likely to be single mothers, more likely to be incarcerated at a younger age, more likely to have a lower level of education, more likely to reoffend and more likely to be seen as "high risk" and consequently placed in maximum security or segregation more often and for longer periods of time.

In 2003, the Canadian Human Rights Commission reported that one Aboriginal woman had been held in segregation for 567 days. In 2006, another Aboriginal woman reportedly spent the majority of her sentence in isolation, over 1,500 days.

For Aboriginal women with mental health issues, segregation and maximum security classification are likely to exacerbate their condition and negatively impact their access to the services they require to rehabilitate.

[*Translation*]

Instead of receiving a comprehensive mental health treatment plan, too many federally sentenced Aboriginal women are placed in segregation, which shows that the current system is unable to regard federally sentenced Aboriginal women with particular mental health needs as patients who require treatment.

[*English*]

This reliance on segregation has been condemned by the Correctional Investigator, who stated in his 2011-12 Annual Report:

I once more recommend, in keeping with Canada's domestic and international human rights commitments, laws and norms, an absolute prohibition on the practice of placing mentally ill offenders and those at risk of suicide or serious self-injury in prolonged segregation.

Honourable senators, Aboriginals in Canada face systemic oppression, compounded by disturbing rates of long-term mental, physical and sexual abuse, and overwhelming rates of poverty.

According to the Canadian Association of Elizabeth Fry Societies, an alarming 91 per cent of federally sentenced Aboriginal women report a history of physical or sexual violence. Due to insufficient mental health services, once they enter federal correctional institutions, prison often becomes an extension of life on the outside — where their voices are ignored.

Honourable senators, I want to share with you a story of a 25-year-old Bobby Lee Worm, an Aboriginal woman from Saskatchewan who entered a federal correctional institution in 2006.

Ms. Worm suffered from physical, emotional and sexual abuse throughout her childhood and adolescence. Many of her family members were sent to residential schools. As a result of the abuse that she endured, Ms. Worm suffers from post-traumatic stress disorder and depression. For various reasons, Ms. Worm has spent the majority of her sentence in solitary confinement — a total of over three years in segregation. Like many other federally sentenced Aboriginal women, Ms. Worm's condition severely deteriorated in segregation, partly because she was not given access to treatment or spiritual services.

[*Translation*]

Many federally sentenced Aboriginal women are single mothers. When these women are incarcerated, their children, by extension, are punished by being separated from their mother. Many of them are placed in foster care or juvenile detention centres or are shuffled between family members. Some will never return to their mother's care once she is released.

[*English*]

One woman stated:

... the biggest problem of being a mother in prison is that I can't care for my children. You can write to them and maybe talk to them on the phone. But you can't make decisions for them; you are stripped of it. You are not a mother in prison.

[*Translation*]

Federally sentenced Aboriginal women with children are further penalized when this separation causes anxiety and depression and they have only limited access to the health care they need and rightfully deserve.

[English]

Serving a sentence does not mean that you are a bad mother. The Canadian Association of Elizabeth Fry Societies argues that such discriminatory and punitive stereotypes impact the ability of women to maintain relationships with their children while they are in prison, and make it increasingly difficult to reclaim custody from child welfare services after release.

The CSC created a Mother-Child Program so that children have the opportunity to reside with their mother in a federal correctional institution. However, federally sentenced Aboriginal women are not served by this program.

First, those convicted of serious crimes, which included many Aboriginal women with mental health needs, cannot be considered for the program.

Second, as of 2008, considerable documentation is required from Child and Family Services in order to participate in the program.

Third, participation in the program is predicated on the consideration of the “best interests of the child,” a criterion often abused to restrict access as a form of punishment.

Finally, federally sentenced Aboriginal women are often in federal correctional institutions far from their homes, without the financial means to transport their child to their location, so they cannot participate.

According to a 2011 report, there are no Aboriginal women participating in this program. We continue to treat federally sentenced Aboriginal women simply as criminals, unworthy of compassion or respect, rather than individuals with their own human rights, victims of a system designed to see them fail.

When designing mental health services, we need to ensure that programs and services are created in collaboration with Aboriginal communities, and that they are tailored to specifically address the mental health needs of Aboriginal women. Healing lodges, such as the Okimaw Ohci Healing Lodge for women, have been successful in offering services and programs that view healing holistically. Healing plans include institutional services, skills development, treatment and cultural programs, and incorporate balance, individual autonomy, non-coercion, collectivism, interconnectedness and healing.

Unfortunately, almost 50 per cent of Aboriginal federally sentenced women are precluded from accessing healing lodges because they are classified as maximum security. However, due to the success of healing lodges in lowering the recidivism rate, many are urging the CSC to expand their availability to federally sentenced Aboriginal women, especially those with mental health issues, who are too often over-classified as maximum security.

While access to healing lodges should be increased, it is also important to expand services in prison. Each facility should provide access to Aboriginal staff, culturally sensitive training for all staff members, culturally relevant programs, access to Aboriginal forms of healing and access to Aboriginal elders. We have a duty, a moral and legal obligation, to ensure that women like Bobby Lee Worm are no longer invisible.

[Senator Jaffer]

• (1610)

According to the University of Toronto’s International Human Rights Program, women’s disadvantage in the federal correctional system arises from their low numbers and a failure to recognize their particular security needs. This creates issues in a variety of areas, including segregation, security classification, the appropriate response to security incidents, and cross-gender staffing.

This disadvantage is especially true for federally sentenced Black women. Black Canadian women comprise 2.6 per cent of the female population. However, they make up 10 per cent of the federally sentenced female population within Canada. In fact, over the last ten years, the number of federally sentenced Black Canadians has risen by 50 per cent.

[Translation]

A 1994 report from the Commission on Systemic Racism in the Ontario Criminal Justice System found that federally sentenced Black Canadians reported racial inequality in the delivery of and access to services.

Additionally, inmates reported racial stereotyping by correctional officers that impeded the use of facilities they had requested.

Honourable senators, I want to share with you a story from the Canadian Association of Elizabeth Fry Societies that demonstrates the damage that racial and gender stereotyping can inflict on federally sentenced Black women.

Jane is a federally sentenced Black woman who is in a relationship with another woman in her prison unit. After being made aware of the relationship, a staff member believes that Jane is recruiting young women as a pimp. Jane has filed a grievance but is warned by other staff that such behaviour may make her liable to a transfer to a maximum-security prison. In this case, racial stereotypes prevail that lead to the possibility of a maximum-security transfer.

[English]

In the United Kingdom, the Office of National Statistics assesses mental health needs of incarcerated men and women of Afro-Caribbean descent. Studies in the U.K. have shown that Black female prisoners are more likely to require mental health care facilities than other women. Accordingly, there has been a push toward better mental health services for this significant population in British prisons.

In Canada, we also need to recognize that visible minority women may have specific needs and may therefore require specific services, because, to be absolutely clear, honourable senators, the public interest is not served when the mental health needs of federally sentenced women are ignored.

In the U.K., the National Association for the Care and Resettlement of Offenders, NACRO, published a report in 2007 that highlights a revolutionary form of alternative mental health care that serves the Afro-Caribbean population. This alternative service diverts Afro-Caribbeans with mental health issues from psychiatric hospitals to community settings as a first point of contact at the advent of their mental health assessment. NACRO reports that this initiative led to a significant decrease in the number of Afro-Caribbeans admitted to psychiatric hospitals.

[Translation]

By engaging with Black and Aboriginal communities...

The Hon. the Speaker pro tempore: Senator Jaffer's time has expired.

Senator Jaffer: Honourable senators, could I have an additional five minutes?

The Hon. the Speaker pro tempore: Do honourable senators agree to a five-minute extension?

Hon. Senators: Agreed.

Senator Jaffer: Thank you, honourable senators.

By engaging with Black and Aboriginal communities, correctional services and mental health providers can ensure they are delivering appropriate services that are both culturally and racially sensitive.

These services could provide avenues, such as support groups, that will connect federally sentenced Black women and empower them to advocate for better access to mental health care facilities.

[English]

Honourable senators, I want to share with you an experience I had at the Vancouver General Hospital a few weeks ago. I was there, caring for a sick relative, for almost ten hours. While waiting, I observed a police officer bring a handcuffed woman into the emergency ward. She was very quiet and it was obvious that she was confused. After a while, a triage nurse came and spoke to her and suggested that her handcuffs would be removed if she agreed that she would not run away. She agreed, her handcuffs were removed and the police officer left the woman sitting at the entrance.

While this was going on, three police officers arrived with a very upset man who was bleeding. Whether he had hurt himself or had been in a fight, I did not know. He was very agitated, and the police officers were doing everything they could to calm him.

In the meantime, out in the open for all to hear, a psychiatrist questioned the young lady, who stated the reason for her anxiety. She was given some medicine and discharged.

Throughout the time I was there, I saw many police officers come and leave patients behind. When the police left, if there was any untoward behaviour, four muscular security men would descend on the patient and either remove her or surround her, shouting commands until she toed the line.

As the evening progressed, and as I tried to support a very sick relative who had suffered a stroke, I would suddenly hear a commotion, followed by these four muscular security men descending on a patient. In my mind's eye, I visualized them with batons, though they did not have any, marching in unison toward the patient. When I was leaving the hospital, I saw a young woman being picked up by the security men, almost like a chicken, and being taken somewhere.

I was just an observer at the emergency ward. I had no special insight into the other patients' medical needs. Nonetheless, it seemed clear to me that an awful number of people who visited the emergency ward that evening suffered from a form of mental illness.

To be clear, the nurses, police officers and security personnel were doing the best they could in a difficult situation; but we are faced with the failure of a system ill-equipped and poorly designed to meet the needs of inmates with mental illness and, indeed, the needs of all Canadians with mental illness.

I know very little about mental health issues, but I can stand here and say that now I am convinced that we have to find ways to heal or help patients who are very obviously in desperate need of expert medical attention.

Honourable senators, I encourage all of us together to convert this inquiry into a study on how to treat people with mental illness, especially federally sentenced women.

More immediately, honourable senators, I will be proposing legislation within weeks in this chamber, a natural next step from the conversation that Senator Runciman has begun, namely, how can we ensure that federally sentenced women receive the mental health treatment they require?

As parliamentarians, we have a duty to work together to find solutions to provide treatment and care with dignity. This is not to question our compassion, our generosity or our righteousness. Rather, as Dostoyevsky put it only a few years before our country was born, it is to question our civilization, for the degree of our civilization is judged by our prisons.

(On motion of Senator Carignan, debated adjourned.)

LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the importance of literacy, given that more than ever Canada requires increased knowledge and skills in order to maintain its global competitiveness and to increase its ability to respond to changing labour markets.

The Hon. the Speaker pro tempore: Honourable Senator Jaffer, I notice this matter stands in the name of Honourable Senator Lang.

Hon. Mobina S.B. Jaffer: I spoke to Senator Lang and he has agreed that I can proceed.

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, the rules state that Senator Lang's time should continue to run for the remainder of his speaking time, because he has already begun speaking to this inquiry. I would therefore like to ensure that he will be able to continue for the remainder of his time.

Senator Robichaud: We will give him five minutes.

[*English*]

Senator Jaffer: Honourable senators, I am pleased to participate in Senator Callbeck's inquiry on the importance of literacy.

Today, I approach this inquiry with a great degree of humility. Canadians are fortunate — we are fortunate, honourable senators — to benefit from the tireless advocacy of several senators on this important issue. I want to speak today about the great advancements that have been made and highlight a legacy of service and achievement that I know will inspire and spur continued progress.

First, I want to thank Senator Callbeck for initiating this inquiry. As Senator Hubley reported to this chamber in November, Senator Callbeck was honoured recently with the 2012 Red Cross Humanitarian of the Year Award in recognition of her involvement in the advancement of women, women in politics, early childhood development, family resource programs and literacy. Her work on this issue as the Minister of Social Services, as Premier of Prince Edward Island and now as a senator is remarkable.

• (1620)

[*Translation*]

I would be remiss if I did not mention, as others have done before me, the unique perspective that Senator Demers has brought to the Senate regarding literacy.

The hockey fans among us were particularly delighted at the news of Senator Demers' appointment in 2009. This talented coach is known for his leadership and motivational skills.

More recently, Senator Campbell, Senator Neufeld and Senator De Bané — representing both the Conservative and Liberal caucuses — responded publicly to the condescending and unfair comments made by a *Globe and Mail* columnist about our colleague.

I was among the 50 senators who signed Senator De Bané's letter, in which he tells of how Senator Demers overcame his reading and writing problems to become one of the best hockey coaches in the country, as well as a very effective and highly esteemed senator.

I have nothing to add to the excellent letters written by the senators, other than to say that Senator Demers' willingness to share his secret had a significant impact on the lives of Canadians who are struggling with this problem. Furthermore, the openness with which he faced such a challenge as a senator is a huge credit to our institution. Good role models are extremely important. They help restore people's self-confidence, awaken convictions and fuel determination.

[*English*]

I want to thank Senators Callbeck and Demers for their continued commitment to literacy issues.

Honourable senators, during tributes to our former colleague Senator Fairbairn, Senator Mercer referred to this inquiry and proposed that it would be a unique opportunity to consider the groundbreaking work done by Senator Fairbairn to promote literacy. I agree.

For the remainder of my time today, I want to share some reflections on the work Senator Fairbairn has done, the legacy she leaves and the opportunity we all share to continue her work.

Senator Fairbairn made history as the first woman to serve Canadians as the Leader of the Government in the Senate. During that same time, however, she also served from 1993 to 1997 as Minister with special responsibility for Literacy. On September 5, 1997, Prime Minister Chrétien appointed her Special Advisor for Literacy to the Minister of Human Resources Development. More than 10 years before that, on March 11, 1987, Senator Fairbairn rose in the Senate to speak to the inquiry on illiteracy in Canada:

Honourable senators, one of the fundamental freedoms in our Charter of Rights and Freedoms is that of thought, belief, opinion and expression.

One of the fundamental rights in that Charter is the right of equal benefit under the law, without discrimination based on race, nationality or ethnic origin, colour, religion, sex, age, mental or physical disability.

For one in five Canadians, those words have no meaning.

They offer no sense of security and no promise of opportunity.

Those Canadians are the victims of what I believe to be our country's hidden shame.

They are illiterate.

Honourable senators, I think it is striking that Senator Fairbairn chose the example of the Canadian Charter of Rights and Freedoms. In so doing, she characterized literacy not just as an essential tool or an educational currency; instead, she defined it as a human right. She also made reference in those remarks 25 years ago to a silent minority of illiterate Canadians.

In concluding her speech, she said:

Parliament Hill is the place where the nation-wide battle against illiteracy must begin, and I ask all of you to join in that battle, in your regions, in your provinces, in your cities and towns.

This chamber was created in part to protect those who exist outside the power of the majority.

I suggest now is the time to fulfil that mandate for the silent minority of illiterate Canadians.

I believe that Senator Fairbairn's argument here is as relevant today as it was 25 years ago. It is perhaps even more relevant now. The Senate plays an important role in preventing what political scientists would term the "tyranny of the majority." In 1987, Senator Fairbairn spoke of a silent minority of illiterate Canadians. Senator Callbeck in 2012 reported that more than 48 per cent of Canadians have low literacy skills.

As Senator Fairbairn declared decades ago, literacy is a national issue with national implications. In this case, she argued that relative indifference of the majority toward this issue is trumped by an urgent need to empower and protect the rights of a minority.

Senator Fairbairn did more than give speeches and conduct research on the issue. There is a particularly telling article from the February 13, 1990, edition of the *Toronto Star* regarding her outreach. In February 1990, the Liberal Party was in the midst of a leadership contest, just as it is now. In Yellowknife, reporter Carol Goar filed the following article entitled "Liberal senator steps out of her cocoon." She wrote:

A few blocks from the modern hotel where the Liberal leadership candidates held their policy debate last weekend is a one-room portable where 12 native adults gather each day to learn to read.

The contrast could not be more stark; the politicians decrying the plight of the illiterate natives and competing to promise the most money and the best programs; and the [Aboriginal people] themselves running their own modest adult upgrading program.

One Liberal, Senator Joyce Fairbairn, bridged the gap between the two worlds.

Fairbairn, a former journalist, has made literacy her personal crusade since her former boss, Pierre Trudeau, put her in the Senate six years ago.

She goes to community after community making speeches, visiting literacy projects, listening quietly to the stories of Canadians who overcame their pride and admitted they couldn't read.

The first thing Fairbairn did, when she arrived in Yellowknife, was ask a local Liberal whether there were any adult learning classes she could drop in on.

She was directed to the Tree of Peace, a native-run program that has been operating for the last 20 years.

The director of the program, a local native leader named Tom Eagle, gave her his blessing and, while the rest of her Liberal colleagues were busy preparing for the leadership debate, Fairbairn slipped out to the Tree of Peace.

Goar's article continues that Senator Fairbairn:

... explained to the 12 wary Aboriginal Canadians in the room that she had come to see a success story, not to lecture or judge.

"I told them who I was and why I was interested, and then I just sat down and let them take over," she explained.

"I don't think I was what they were expecting."

Indeed she wasn't, Eagle said later.

The natives were used to bureaucrats who came in and told them how to run the program better, how to modify it so they would qualify for federal funds, what to teach, how to upgrade their standards.

At one point, he recalled, the meddlesome whites came close to destroying the initiative.

Fourteen years ago, a delegation from the federal employment department came in and told the board of directors that the program was eligible for generous support from Ottawa.

The natives were delighted and began making ambitious plans.

Then the bureaucrats mentioned that there was one slight restriction on federal funding.

It was available only to students who had already completed Grade 7. That ruled out 90 per cent of the class.

And it set off hostilities between those getting government money and those struggling along on their own.

"By the time we realized how detrimental it was turning out to be, it was too late — the damage was done," he recalled.

...

Eagle realized he was taking a risk opening the doors to a senator.

But he wanted to get the message back to Ottawa that community-based programs work.

Government-imposed solutions don't.

Fairbairn knew none of this when she entered the classroom.

But she did know one thing: The word illiteracy hurts.

Not knowing how to read is not a disease or deformity or mark of failure.

It is merely the outcome of a lack of training or missed opportunities.

"I wish the word illiterate could be wiped out," she mused.

The effect was electrifying.

One student, a former miner who had been injured after 23 years on the job, shot out of his chair.

"Listen to this," he said, and played a tape of a CBC broadcast in which an interviewer kept asking an adult education teacher: Why are so many natives ILLITERATE? How do they cope when they are ILLITERATE? How do you teach an ILLITERATE?

The word was like a slap in the face.

• (1630)

Fairbairn cringed each time she heard it.

As she prepared to leave, she told the class that she had learned more than them that morning.

The next day, at the Liberal policy forum, the candidates struggled to outdo one another in proclaiming their concern about native education. They dispensed statistics and promises.

They pledged to set up boards and appoint commissioners.

They vowed to find money for a "massive injection" of federal funds.

The situation was a moral outrage, they agreed.

Education was a fundamental right.

One Liberal did not sit and theorize.

Fairbairn did what more politicians should do: Get out of their cocoon and listen.

Honourable senators, this story reveals the essence of Senator Fairbairn's approach to advocacy. Simply put, Senator Fairbairn reached out to people, included them, empowered them. She listened to people and tried to better understand their goals, their day-to-day struggles, their dreams and aspirations and then she would work tirelessly to help people realize those dreams for themselves.

A few years after her visit to the Tree of Peace in Yellowknife, ABC Life Literacy Canada established the Honourable Joyce Fairbairn, P.C. Literacy Public Awareness Award, more commonly called "The Joycee," in honour of Senator Fairbairn, "... a long-standing champion of the literacy cause in Canada."

The award recognizes Canadian corporations' exceptional contributions in support of literacy. It is fitting that an award in Senator Fairbairn's name would recognize contributions from the private sector. When she launched her Senate inquiry on literacy in 1987, she commented:

Honourable senators may have noticed that I have not yet indulged in that favourite Canadian pastime of saying that the government must solve the problem, that it is completely up to the government.

The reason is that this is one area where the government simply cannot do it all.

Senator Fairbairn recognized that, like so many of the most complex public policy issues facing us today, addressing literacy requires a whole community approach. Having said that, Senator Fairbairn went on to say:

I must very quickly add that such comments do not let the government off the hook—not by a long shot.

Federal government leadership—and that means everyone from the Prime Minister down—is critical to this issue, because the government has something that no other group or individual in Canada has: it has a national presence; it has a national responsibility and it has national facilities to use.

Senator Fairbairn's advocacy and awareness-raising inspired remarkable contributions from such diverse organizations as the TD Bank Group, Coca-Cola, Air Canada, CanWest Global Communications and the Barenaked Ladies. She also recognized that the government had a role to play as an awareness raiser, as a facilitator, as a leader.

Senator Fairbairn possessed a unique ability to sew together disparate groups and coalitions, visions and ideas, efforts and agendas. When it came to the Senate, she knew that we do our best to work together.

She leaves behind a legacy of intensive and purposeful collaboration on this issue, standing in the Senate again and again to raise awareness and rally us to the cause of literacy, all the while ensuring that she emerged from her cocoon, engaged with the community and listened to Canadians.

What next, now that our dear colleague and friend has taken leave of this place?

Honourable senators, I would answer that question with an excerpt from a speech that Senator Fairbairn gave on September 26, 2006, in the Senate about literacy. She said:

We simply have to work together, and I know we will do that in this chamber. Without the foundation of appropriate skills, lack of literacy becomes a daily barrier for adults who

cannot help their children at their earliest age. It becomes a barrier for workers; for seniors at risk with health care needs; and for the overall economy of our country in dollars because we lose millions, even billions, as a result of the added cost through lack of skills and the unintended problems they cause in what we think of as a prosperous and caring country. We bring down the prospects for a future if we do not accelerate our support in a fair and generous way.

Surely we can all work together with goodwill and commitment to erase what I still believe is our hidden shame.

These are the profound words from a strong and inspirational woman who worked incredibly hard to improve the lives of others. Before I conclude, honourable senators, I want to share a personal story about Senator Fairbairn. We became quite close over the years. I considered her my mentor.

Years ago when she was visiting British Columbia, she stayed at my home in Vancouver. One day she woke up to the sound of bagpipes. One can imagine her surprise: Bagpipes at 7 a.m. in the home of an Indo-Canadian family. She discovered my son practicing and exclaimed to me, "This is what is so great about our country. We share and adopt one another's traditions and cultures."

I now associate the sound of bagpipes with Senator Fairbairn and her limitless enthusiasm for our great country and the promise it holds. I want to thank Senator Fairbairn, Senator Demers and Senator Callbeck once more. I feel very fortunate to count them as my mentors. I would go the extra mile for each of them. They have my profound respect and gratitude for the work they are doing to advance literacy issues. Today and always, they have my unwavering support and admiration for the great work they do.

(On motion of Senator Lang, debate adjourned.)

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan, calling 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.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, it is a pleasure to initiate this inquiry into the many contributions Canadian universities have made to innovation and research. I am particularly pleased that this is a non-partisan

debate, co-sponsored by me with my friend Senator Segal, and that so many honourable senators have indicated a desire to participate in order to tell the stories of exciting and important research going on at universities in their region.

So much of our time in this place is understandably spent responding to immediate problems that face Canadians. That is as it should be. That is what Canadians expect us to do. However, I do think it is important once in a while to look around this extraordinary country — to see the astonishing accomplishments of our fellow Canadians — to celebrate their achievements and to express our gratitude.

When we look throughout history we see that the lasting impact of a nation — its true greatness — is measured by those acts of creativity that endure, that change the way we see and understand the world around us and in us. That kind of legacy is created by our writers, our poets, our artists, our musicians — and by our scientists.

There is nothing that marks us as human beings more than our drive to know and to understand. Louis Pasteur, the great French scientist, once said of his country's achievement and aspirations:

French science will have tried, by obeying the law of humanity, to extend the frontiers of life.

Our scientists are doing precisely that: Extending the frontiers of life, helping to build humanity's arc of knowledge that explains ourselves, our world and even our universe.

This is not glamorous work. It is not for the impatient, or the easily bored or frustrated. It takes time, dedication, and perseverance. Think of the commitment that is required — the absolute dedication to the conviction that science — that seeking this cure or that piece of knowledge — adding to our understanding of the stars and planets, or bending one's mind about the impossible ideas of quantum physics — that these endeavours are worth a lifetime of work.

Our scientists, honourable senators, are indeed extraordinary Canadians. Their work is being noticed around the globe. Canada is less than half of one per cent of the world population, but we produce nearly 5 per cent of the world's most frequently cited scientific papers. In terms of the Average Relative Citation measure — a measure of the frequency with which papers are cited, which is considered a standard measure of overall impact of a country's science and technology — Canada is ranked among the five leading countries of the world in seven of the 22 fields of research and among the 10 leading countries in another 14 fields.

• (1640)

In surveys of authors of the world's top-cited scientific papers, many placed Canada fourth overall in the world in their field, behind the United States, the United Kingdom and Germany.

Our universities are powerful engines of scientific research in this country. Almost 40 per cent of all research and development — which is the only scientific statistical measure

we have for scientific research — is being done at our universities. The Expert Panel on the State of Science and Technology in Canada that reported last year to the federal government said:

One of the most distinctive features of Canadian R & D spending relative to other countries is that it is more concentrated in the higher education sector.

By way of comparison, honourable senators, the higher education sector accounts for only 18 per cent of R & D in the average OECD country and only 14 per cent in the U.S. That is compared to 40 per cent here in Canada.

In dollar figures, Canadian universities are responsible for \$11.5 billion of research. That includes close to \$1 billion of research conducted for the private sector and close to \$1 billion of research conducted for not-for-profit organizations.

One final point of comparison: The business sector spent \$15.5 billion on research. That is only \$4 billion more than the universities. As I said, Canadian universities are a critical engine for scientific research in this country.

It is a source of great pride that this is not a recent phenomenon. In 1921, Frederick Banting, Charles Best, J.J.R. Macleod and J.B. Collip, working at the University of Toronto, were the first in the world to obtain insulin in a form that would consistently work to treat diabetes. According to the World Health Organization, 347 million people worldwide have diabetes. Type 1 diabetes used to be a death sentence. At most, a person could live with it if they lived a very restricted life. No more. That is thanks to insulin, first discovered at the University of Toronto.

In 1951, at the University of Saskatchewan, medical physicist Dr. Harold Johns first successfully treated a cancer patient using Cobalt-60 radiation therapy, the so-called “cobalt bomb.” This revolutionized cancer treatment for millions of patients around the world.

In 1963, at the University of Toronto, James Till and Ernest McCulloch discovered stem cells. We are still living the stem cell revolution. The horizons revealed by this discovery 50 years ago are still being explored.

I could go on, but I want to move to stories of research going on today. I will, of course, speak with pride about research in my own province of Nova Scotia. First, though, I want to give honourable senators a small taste of some research going on in other parts of the country. I hope and encourage other senators to join in this inquiry and provide more stories from their own regions.

Vladimir Titorenko is an associate professor of biology at Concordia University in Montreal. He holds the Concordia University Research Chair in Genomics, Cell Biology and Aging. He is experimenting with a variety of natural chemicals to see which, if any, could interrupt the aging process at the genetic level. He conducts his experiments with yeast. The truly amazing part is that this research may have yielded a chemical that kills

cancer cells while leaving normal cells intact. He is now working with toxicologist Thomas Sanderson and researchers at McGill and the University of Saskatchewan.

Bernard Glick is a professor of biology and chemical engineering at the University of Waterloo. He and his team of researchers have discovered a growth-promoting bacteria that helps plants grow even under conditions of drought and disease. As he has described it, using bacteria on crops is a more sustainable way of growing food than using chemicals. The potential implications for humanity are extraordinary. Using this bacteria, crops that otherwise would be wiped out by drought or disease could potentially be saved. People who otherwise would have gone hungry could have food. His research, not surprisingly, is attracting international attention. He was invited by the prestigious American Association for the Advancement of Science to present his findings earlier this month at their annual meeting in Boston.

The University of British Columbia is a Canadian powerhouse for research. Let me tell honourable senators about just one example of their groundbreaking research. Dr. Art Poon is an associate research scientist at UBC’s Centre for Excellence in HIV/AIDS. He and his team of researchers are collaborating with investigators at the University of Amsterdam to use next-generation sequencing technology to reconstruct how HIV evolves within a single patient. He has said that identifying the timings, traits and evolution of the original virus that started the infection could have significant implications for vaccine development, drug treatment, and for assessing the impact of HIV prevention strategies.

The University of Regina is engaging in very exciting collaboration work with researchers in China. Indeed, there are now more than 100 University of Regina alumni in Beijing. One example: Last April, the university announced a new agreement with North China Electric Power University in Beijing to establish the China-Canada Institute for Energy, Environment and Sustainability Research. These two universities will work together to establish joint research programs, faculty and student exchanges on issues related to energy, environment, climate change and pollution reduction for power industries.

Here in Ottawa, Dr. Ruth Slack, a professor of cellular and molecular medicine at the University of Ottawa, is researching how our brains create new brain cells, a process called neurogenesis. For more than a century, scientists thought that the adult brain did not generate new neurons — what you were born with is what you would get. Only 15 years ago, it was discovered that this is not true and that the brain can generate new neurons. Dr. Slack and her team want to know what triggers the brain to do this and then whether there is a way to expand those cells and direct them to damaged areas.

Honourable senators, think of the possibilities for patients suffering from stroke, Alzheimer’s or Parkinson’s disease if we could unlock the secret of how the brain can be triggered to create new cells. This is what Dr. Slack is working on. She is part of an interdisciplinary team at the Centre for Stroke Recovery at the Ottawa Hospital, interestingly the only centre in the world that focuses purely on stroke recovery.

While Dr. Slack is looking at the human brain, Geoffrey Hinton of the University of Toronto's Department of Computer Science is working to create artificial brains that learn and think with human-like intelligence. His "brains" are writing sentences, trained on a half-billion characters of text from Wikipedia. Now they are working on pattern recognition, the capacity to learn and create. Dr. Hinton's work was picked up in 2006 by Li Deng, a principal researcher at Microsoft Research in Redmond, Washington. He works on voice-based Internet search software for smartphones. Deng credits Dr. Hinton's research as significantly reducing errors in voice recognition, and that, he says, is just the beginning. Microsoft, Google, IBM and others have used Dr. Hinton's work. Most recently, he won the 2012 Killam Prize for Engineering. That followed the 2010 Gerhard Herzberg Gold Medal for Science and Engineering for his contributions to machine learning and artificial intelligence.

These are just a very small sampling of the extraordinary research going on at different universities across Canada.

Honourable senators, I decided to launch this debate because I am continually astonished to meet some of the researchers at universities in my home province of Nova Scotia and to hear about the work that they are doing. Let me share a few examples with you.

- (1650)

Since we are one of the Atlantic provinces, you will not be surprised to know that there is groundbreaking research in progress in Nova Scotia relating to oceans. Dalhousie University has about 100 researchers focused on oceans-related activity in multiple disciplines.

In 2011, the Halifax Marine Research Institute was launched. This is a consortium of partners from industry, government and universities designed to increase the scale, quality, internationalization and impact of marine research in the Atlantic region. The founding partners include Dalhousie, the University of New Brunswick, the University of Prince Edward Island, Acadia University, Cape Breton University, Nova Scotia Community College, St. Francis Xavier University and the Université de Moncton.

The consortium also includes a number of leading private sector companies, such as Irving Shipbuilding, Ocean Nutrition Canada, Satlantic, Ultra Electronics, MetOcean Data and Amirix Vemco — and that is not a complete list. Then we have the public sector partners, which include Environment Canada, Defence Research Development Canada — Atlantic, the National Research Council Institute for Marine Biosciences, the Department of Fisheries and Oceans — Maritimes Region, Natural Resources Canada Geological Survey of Canada — Atlantic, and the Nova Scotia government.

A couple of examples of projects that HMRI is involved in are coordinating the Ocean Tracking Network, and the Lloyd's Register Educational Trust (UK) Chair in Modeling and Prediction of Marine Environmental Extremes.

The Ocean Tracking Network is a \$168-million, Dalhousie-led global research initiative that tracks the distribution of thousands of marine animals around the world — large fish, whales, seals, turtles, sea birds and polar bears — with acoustic telemetry technology, a kind of electronic tagging. It has been called the "ocean's Internet" and is the world's most comprehensive and revolutionary examination of marine life and ocean conditions. The data from this project will lead to a global standard for ocean management in a way that was unimaginable before. To give you a brief idea of the scope, it involves researchers from Portugal, France, Italy, Spain, Korea, Japan, Australia, Hong Kong, China, Indonesia, Argentina, Brazil, Chile, Mexico, Morocco, Norway, Iceland, New Zealand, South Africa, Denmark, Bermuda and the United States. Honourable senators, this project is led right here in Canada, at Dalhousie University.

The Lloyd's Register Educational Trust, an independent charity, is funding a research program in Modeling and Prediction of Marine Environmental Extremes led by Dalhousie's Dr. Jinyu Sheng, a professor in the Department of Oceanography. It reflects the growing recognition that marine transportation, oil and gas exploration and exploitation, and the development of coastal infrastructure all depend on our ability to predict extreme marine events. This project brings together an international network of researchers in oceanography and climate physics from Canada, Australia, the U.K. and Brazil. This is very exciting stuff, honourable senators, and it builds on the research strengths of the region.

Many of you will recall German Chancellor Angela Merkel's visit to Canada last August. She made a special stop in Halifax — the only stop she made outside Ottawa — to visit Dalhousie University and meet with ocean researchers. Many scientists were not surprised because Chancellor Merkel is a scientist — a former quantum chemist. She certainly understands the importance of science.

At Dalhousie, Chancellor Merkel attended the launch of a joint project between the Halifax Marine Research Institute and German scientists from the Helmholtz Association. The project is called "Change, Risks and Resources in the Oceans: A Transatlantic and Arctic Approach." She also met with ocean scientists engaged in a wide range of important, groundbreaking research on the challenges we face as a world community.

Professor Keith Thompson holds a joint appointment in Oceanography and Statistics at Dalhousie. He is also a Canada Research Chair in Marine Prediction and Environmental Statistics. Among other things, he is developing models to forecast storm surges and currents along the eastern seaboard of Atlantic Canada. How can we predict and mitigate disasters caused by extreme events like hurricanes, oil spills or the Fukushima Daiichi nuclear disaster and debris plumes across the Pacific?

Honourable senators, we have all seen too many of these events in recent years. This is critical research.

Professor Boris Worm and the members of "the Worm Lab" at Dalhousie study marine biodiversity. They have been measuring plants called phytoplankton — minuscule algae and bacteria that produce half the food upon which all animals of earth depend. Dr. Worm's research has been deeply disturbing. He and his team

have found that phytoplankton levels have dropped dramatically on a world scale. That is not good news, but believe it or not, this has been missed before; and this is not the case of ignorance being bliss. Rather, in this case, honourable senators, ignorance would be dangerous.

Meanwhile, Professor Julie LaRoche of Dalhousie's Department of Biology is involved in a collaboration between German and Dalhousie researchers on deciphering the role that plankton organisms play in the global cycling of elements like carbon and nitrogen — elements that are critical to the productivity of the oceans.

Honourable senators, this is a small fraction of the oceans research going on at Dalhousie. It is very exciting and critically important work that I am proud to say is taking place in my province. However, marine research is not the only research going on in Nova Scotia, and I do not want to conclude without telling you about some of the other research going on, especially in health sciences.

We all know the statistics on Canada's aging population. The Geriatric Medicine Research Unit at Dalhousie's Faculty of Medicine, led by Dr. Ken Rockwood, has developed a single-page geriatric assessment form that can be used to construct a frailty index. This index is able to distinguish between levels of frailty and to predict relevant health care outcomes, which may be essential not only for the attending physician but also more immediately for the caregiver. Interestingly, the frailty index has been the foundation for the China-Canada Collaboration on Aging and Longevity.

Dr. Rockwood is also involved in the Canadian Dementia Knowledge Translation Network. It is a national network bringing together researchers literally across Canada — from UBC, Queen's, McGill, Dalhousie and Mount St. Vincent — to share research, information about effective treatments and help in problem solving for issues related to Alzheimer's disease and dementia. It is not only academic researchers who are involved. The CDKTN also brings in care providers and academic leaders in related fields, such as dementia-related biomedical, clinical, psycho-social, health services and population health research, along with Alzheimer Societies and persons with dementia.

Dr. Chris Richardson is a professor in the departments of microbiology and immunology and pediatrics at Dalhousie Medical School. He has been studying the measles virus and believes that he may be able to use it to target and kill cancer cells. In case you are worried that our immunity to measles may cause problems, do not be concerned. In fact, Dr. Richardson believes that people's immunity to the virus, whether from being vaccinated or from catching the disease, would make the treatment for cancer work better.

Honourable senators, many of us have spoken in this chamber about the terrible challenges presented by mental illness. Dr. Patrick McGrath, who is the Integrated Vice President of Research and Innovation at IWK and Capital Health in Halifax, is also Canada Research Chair in Child Health, Tier 1 Psychology. He has done groundbreaking work on child pain, and he also is deeply involved in work on mental health among

children and youth. He and his team developed the "Strongest Families" approach, with input from experts across Canada and around the world. The approach recognizes that when a child suffers from an anxiety or behaviour disorder, it affects the entire family.

• (1700)

The research teams work hand in hand with families, using trained coaches to provide family members with the training and skills they need to help the child in distress. It is having excellent results. The researchers have found that the "Strongest Families" approach has a much lower dropout rate than clinic-based treatment programs, which, as many of us know, have very, very long waiting lists. Children are showing significant improvement and parents are overwhelmingly satisfied.

I have spoken at length about the work at Dalhousie, but exciting research is also going on at other universities in Nova Scotia. I highlighted a number of these projects when I spoke recently about the AUCC's Open Doors, Open Knowledge events that I attended this fall. I hope that some of my colleagues will elaborate on more of the research in progress in the course of this debate. I will give just a few quick examples.

I spoke earlier about the importance of research to address the needs of our aging population. Dr. Janice Keefe is a professor at Mount Saint Vincent University and the Director of the Nova Scotia Centre On Aging. She holds the Lena Isabel Jodrey Chair in Gerontology. She was the lead researcher on a recent study conducted by Mount Saint Vincent researchers, together with those at the *Université de Montréal*, that found that the overall rate of disability for older Canadians has decreased but that the proportion with more severe disabilities has increased. Dr. Keefe has said:

This means that not only will we need more caregivers for disabled older people in the future, but these caregivers will also have to be trained to work with higher needs and much older clients.

Dr. Stephanie MacQuarrie is Assistant Professor of Organic Chemistry at Cape Breton University. She is combining two unique fields of chemistry, nano-materials and catalysis, to synthesize new nano-materials for the pharmaceutical industry that may be able to reduce chemical waste, transform catalysis research and be much safer for our environment.

Honourable senators, our researchers are doing exceptional work, and the world is taking notice. In the course of these remarks, I referred, from time to time, to international collaborations on various issues. Before I close, I want to refer to one more that is truly unique, CALDO, a consortium that brings four leading Canadian universities — the University of Alberta, Dalhousie University, Laval University and the University of Ottawa — together with universities and research institutions in Brazil to form what they have referred to as a "research powerhouse." They combine 160 research centres, 85 institutes, and 6,000 internationally recognized professors who hold more than 500 of Canada's research chairs. They are a powerhouse indeed.

All of us here are aware of Brazil's growing importance in the world. Our own Standing Senate Committee on Foreign Affairs and International Trade presented a report last May entitled *Intensifying Strategic Partnerships with the New Brazil*. One of the committee's recommendations was that:

The Government of Canada apply the necessary resources and support to sustain education as a key driving force in intensifying Canada-Brazil relations.

Another recommendation spoke specifically about the need to focus attention on Canada's relations with Brazil "on education, science and technology."

Honourable senators, our universities are already working to achieve exactly those goals. Some of the projects under way include international collaboration in the conservation and management of tropical dry forests; global networking to improve prediction of extreme marine events; advances in data mining for communications networks and spatio-temporal applications; and building a screening platform to identify biomolecules for the prevention and treatment of obesity and Type 2 diabetes.

Our scientists and our universities are building a Canadian legacy that will endure. It is a gift to all of us and, indeed, to the world. This is how Canada and the world become better places.

I look forward to hearing from honourable senators other stories of research going on across Canada.

Hon. Hugh Segal: Could I put a question to my honourable colleague?

Senator Cowan: Yes.

Senator Segal: I appreciate the honourable senator's initiative in putting this inquiry on the order paper. My question to him is whether the underlying concern, in his judgment, is that the importance in our day-to-day lives, in terms of quality of health, workplace safety, economic opportunity and social progress, as it is affected by the research going on at our universities, is misunderstood and underappreciated. Do we pay a price for that as a society because we do not fully understand what work is being done and how important it is? If that is his conclusion, is it because the universities themselves are not doing as good a job as they might of telling the story, or is it because good news does not sell and nobody cares about quality research because it does not produce the back and forth feeding frenzy that, from time to time, might occupy members of the free press?

Senator Cowan: I absolutely agree with the honourable senator. He and I have discussed this on many occasions and agree that it is all of the above. My intention and my discussions with the honourable senator, as we cooperated in bringing this inquiry forward, were to give a forum for the celebration of the good work being done at our Canadian universities, which I absolutely agree is underappreciated in our country. The importance of the work being done is there not only for our well-being in Canada, but also, as I tried to demonstrate in my speech, it brings linkages

with other countries and institutions in other countries, which are of tremendous economic advantage to Canada, in addition to expanding the human knowledge and human research that is being done.

I hope that this will give honourable senators an opportunity to talk to institutions in their own regions to learn, as we have learned in talking to institutions across the country, the many exciting things that we do not know are going on until we ask. I encourage my colleagues to go home to talk to their universities and research institutes and then to come and tell us about the important and exciting work being done there.

(On motion of Senator Segal, debate adjourned.)

OLD AGE SECURITY

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Elizabeth Hubley: Honourable senators, it is my intention to speak to this important inquiry. I notice it is at day 14 and that tomorrow will be day 15. I wonder if I could have the clock restarted for the remainder of my time.

(On motion of Senator Hubley, debate adjourned.)

QUESTION OF PRIVILEGE

DEBATE SUSPENDED

Hon. Anne C. Cools: Honourable senators, pursuant to Senate rules 13-1, 13-3.(1) and 13-6.(1), I rise on a question of privilege regarding the highly public actions and claims of an officer of the Library of Parliament, Mr. Kevin Page, the Parliamentary Budget Officer. These actions are gravely damaging to the Senate, to Parliament and now even to Canada's international reputation.

Earlier today, I gave the required written and oral notice, and I shall now speak to this question of privilege by placing on the record the notice, essentially as I gave it today. It will be part of this speech.

I am raising a question of privilege in respect to the actions and words of a Library of Parliament officer as widely reported in last week's press, notably on Friday February 22, 2013. That day, a *Toronto Star* article by Gary Corbett reported that:

His requests for more information have gone unanswered or faced prolonged delay, his calculations have been dismissed out of hand or publicly called into question, his role and reputation as a watchdog has been attacked with

an intensity usually reserved for environmentalists. Even taking the government to court to reveal details of the government's proposed cuts and expenses has met mostly with a deafening silence.

• (1710)

I shall make comments later.

Further, an *Ottawa Citizen* article, entitled "PBO battle surprises observers, says Page," reported on a two-day meeting of international officials and budget officers from 22 OECD countries — the Organisation for Economic Co-operation and Development — that:

Parliamentary Budget Officer Kevin Page says some international observers have expressed shock at the difficulties he has had in prying information from the government. Page... is taking the Conservative Government to court over its refusal to release information on billions of dollars in department spending cuts....

It also informed that on Thursday, this international meeting heard presentations on accessing information in Canada, the U.K. and U.S., reporting that:

Page said his office has had the roughest ride,...

Honourable senators, the actions and claims of this Library officer, now reaching beyond our borders and into the international arena and Canada's foreign relations therein, are breaches of the privileges of the Senate, of senators and of the Speaker of the Senate.

These actions seem to arise from the mistaken and false notion that he is a watchdog of Parliament, with a mandate to oversee and monitor the government's activities in the realm of the public finance. He is not. His mandate includes no such powers, and is confined solely to Library functions, that is, research and independent analysis. This misunderstanding is widespread and publicly cultivated by the officer himself.

Our Standing Joint Committee on the Library of Parliament studied Mr. Page's disinclination to function as a Library officer. In 2009, it made its report entitled *Report on the Operations of the Parliamentary Budget Officer Within the Library of Parliament*. It is instructive and a must-read. It is clear that this officer's independence flows from the Library of Parliament's undoubted independence from the government to perform Library and research functions, but it is limited to that — no more, no less. There is great misunderstanding on that point.

Honourable senators, all week and daily, I was shocked by the Library officer's shock treatments, his shock-and-awe tactics, and his perilous shock waves now reaching into Canada's relations the world over. These provocative and inflammatory public statements are intolerable and unacceptable. Contemptuous and un-parliamentary, they are constitutional vandalism. They are inappropriate conduct from a Library officer under the direction of the Speakers of the Senate and the House of Commons. This Senate cannot accept this and should take some "shock-no-more" actions.

[Senator Cools]

This Library officer's claims to constitutional powers that are unavailable to Library officers, or even to the houses' high officers, such as our clerks, are excessive and unfounded. I assert that his public statements to that effect, including his public application to the Federal Court of Canada for a determination of his mandate — which determination belongs to the exclusive internal proceedings of Parliament — are a breach of the privileges of Parliament.

This Library officer's actions are so shocking that the Senate may well have to consider an order to this officer to withdraw his frivolous and vexatious application to the Federal Court of Canada.

Honourable senators, many are unaware of the true nature of this officer's court proceeding. I shall explain. This officer is the applicant for a reference proceeding in the Federal Court of Canada, pursuant to the Federal Courts Act, section 18.3(1). The respondents are Thomas Mulcair, the Leader of Her Majesty's Loyal Opposition, and the Attorney General of Canada, Minister Rob Nicholson. The Speakers of the Senate and the House of Commons have chosen to participate solely to protect the privileges of their houses.

This Library officer's notice of application to the court reads:

...application for a reference by the Parliamentary Budget Officer to refer... questions of law and jurisdiction to the Federal Court for hearing and determination:

Honourable senators, this Library officer, after years in the position, is unclear about his mandate. He does not know it. With a pressing need for clarity months before his term ends, he has asked the Federal Court to hear and determine questions of law and jurisdiction about his mandate, which he calls "jurisdiction." That is the language of the Federal Courts Act section 18 — "jurisdiction." In a court and a curial sense, it should be clear that he has no jurisdiction over anybody or anything, because no Library officers or House officers possess juristic or adjudicative powers.

It should be clear: The houses and their members, however, have judicial and inquisitorial powers, like the power of contempt, but not officers. All actions flow from members in the houses.

Honourable senators, this is a serious court proceeding presided over by a judge, as our proceedings in Parliament are also court judicial proceedings. The Criminal Code in its interpretation in section 118 tells us that:

"judicial proceeding" means a proceeding

(a) in or under the authority of a court of justice,

(b) before the Senate or House of Commons or a committee of the Senate or House of Commons,... or a committee thereof that is authorized by law to administer an oath,

Let us understand, honourable senators. We are talking about two courts here — two sets of proceedings — and this officer has embarked to pit one court and against another, except one court is higher than the other. Remember, honourable senators, this is the high court of Parliament.

Honourable senators, this Library officer's mandate is found in section 79.2 and 79.3(1) of the Parliament of Canada Act, which constituted him as an officer and to which he is subject and sworn to uphold. Section 79.2 states:

The mandate of the Parliamentary Budget Officer is to

(a) provide independent analysis to the Senate and to the House of Commons about the state of the nation's finances, the estimates of the government and trends in the national economy;

Honourable senators, I have spent a lot of time doing government estimates in this place and I know a fair amount about those processes.

Section 79.3(1) states in part:

... the Parliamentary Budget Officer is entitled, by request made to the deputy head of a department... to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate.

His mandate is what he is asking the Federal Court to hear and determine.

Honourable senators, let me back up a moment. The Federal Court, formerly the Exchequer Court, legally and properly has jurisdiction to hear and determine questions of law and jurisdiction of the federal government's copious organizations. The Senate and the House of Commons are not among these. The Federal Courts Act is clear on this.

Honourable senators, the legal ground for this Library officer's application is the Federal Courts Act section 18.3(1), which states:

A federal board, commission or other tribunal may at any stage of its proceedings refer any question or issue of law, of jurisdiction or of practice and procedure to the Federal Court for hearing and determination.

Please note the word "jurisdiction."

Honourable senators, by his application, this Library officer has taken the legal position that this office and the Library of Parliament — and perhaps the Senate and House of Commons, too — are federal boards, commissions or tribunals over which the Federal Court has judicial supervisory jurisdiction. By this, he has also asked the court to take jurisdiction over the Parliament of Canada Act, which establishes position, and to take jurisdiction over our two Speakers; the joint committee; the Library of Parliament; and our privileges, immunities and powers; and our exclusive internal proceedings. This application is objectionable.

Honourable senators, I shall show that the Federal Court has no such jurisdiction and, further, does not claim to; the court has not claimed to have jurisdiction.

• (1720)

Honourable senators, in 1970, by statute, this Parliament transferred the judicial supervisory jurisdiction for "federal boards, commissions and tribunals" from the superior courts of the provinces to a newly created federal court, so named. In this, and later Federal Courts Act, Parliament neither intended nor conferred a power of judicial supervisory jurisdiction over its houses, Speakers, privileges, immunities or powers over its officers. In fact, this act was diligent not to do so for large and complex constitutional reasons, which include constitutional comity, the houses' exclusive control over their proceedings, their control over the public purse, judicial independence and the sovereignty of Parliament. Honourable senators, this library officer was established by and is subject to the Parliament of Canada Act. Its section 78 states in part:

... the Parliamentary Budget Officer and the other officers, clerks and servants of the Library are responsible for the faithful discharge of their official duties, as defined, subject to this Act, by regulations agreed on by the Speakers of the two Houses of Parliament and concurred in by the joint committee....

I assert that by this section, this library officer's action in the Federal Court is no part of his official duties and neither is his subjugation of the Parliament of Canada Act to the Federal Court's jurisdiction a duty. His court action is the opposite. It is a repudiation of the sovereignty of Parliament, the Parliament of Canada Act and his official duties thereby, which repudiation has the effect of ousting the Senate Speaker's and the Senate's jurisdiction over his mandate, over the Library of Parliament and over his work as a library officer.

His actions, in effect, will frustrate and defeat the act by the application of a pretended notion of independence, never intended nor enacted by it. This notion of independence is inconsistent with the principles, powers, structure and workings of the houses. This officer's actions were contrary to the high and fixed principles that govern the proper constitutional relations between the Senate, the Commons and the courts in the exercise of their powers. I assert that this library officer's actions, asking the court to seize jurisdiction over the Parliament of Canada Act, are high-handed and unconstitutional. They are unwarranted and unjustified and are high breaches of the privileges of Parliament, of the Senate Speaker and of the Senate.

I also note that this library officer had neither notified nor consulted either Speaker of the two houses on his Federal Court application as he is bound to do. I suspect that our Speaker hardly knows this officer at all.

Honourable senators, the two Speakers' relationship to the houses is ministerial and executive in nature. I want us to think about this. They sign the estimates for the houses' annual appropriations and also have direction of the library and sign its

estimates. I believe that the Senate Speaker must approve this officer's large expenses. The Parliament of Canada Act section 74 is clear on the Senate Speaker's high role and duty in the Library of Parliament. I quote section 74(1):

The direction and control of the Library of Parliament and the officers, clerks and servants connected therewith is vested in the Speaker of the Senate and the Speaker of the House of Commons assisted, during each session, by a joint committee to be appointed by the two Houses.

I ask His Honour, the Honourable Senator Noël Kinsella, the Speaker of the Senate, for a prima facie ruling. I ask him to rule if, on their face, the facts and evidence that I shall forthwith present indicate that this matter requires urgent inquiry and consideration. I am prepared to move the necessary motion to refer this matter to a Senate committee pursuant to Senate Rule 13-7.(1).

Honourable senators, our library, in statute since 1871, is a knowledge- and research-based joint service for the houses, served by scores of researchers and analysts with no ministerial powers. None of these researchers have ministerial powers. This library officer has no mandate to represent or act on behalf of Parliament in policy matters or in court proceedings. His mandate is wholly limited to library functions, to provide specialized research with his own independent analysis. He has no ministerial role. He has no role in government departments and no ministerial power to compel or direct their deputy ministers to give him information. I want to repeat that: He has no role in government departments, no ministerial power to compel or direct deputy ministers to give him information. This is what he is seeking in his application to the Federal Court. This is the crux of the proceeding in the Federal Court and the heart of my question of privilege, honourable senators.

If the library officers meet stubborn problems, as this library officer claims, they must bring these problems to our attention through the Speaker or the joint committee. This officer does not understand, and maybe does not accept, that if needed, corrective action belongs to the houses and to the members, not to the officers.

For problems that engage large constitutional issues and politics, corrective action rests with the houses and members.

This officer's unauthorized solo action is not consistent with a faithful discharge of his official duties, which is his responsibility under the Parliament of Canada Act. This library officer chose not to seek the authority of the Senate Speaker. By this, he also chose to have no Senate corrective action. He chose his solo, unauthorized, out-of-Parliament proceeding pursuant to the Federal Courts Act section 18.3(1). He chose to slam the door shut on Senate actions to protect and defend its servants and itself.

Honourable senators, these houses have a plenitude of powers to defend themselves and enforce their will against offenders. These powers include impeachment of high officers, disqualification, expulsion of members, removal of judges and

moving bills. Most known are confidence powers to put out ministers and put in others, the control of the public purse and expenditure, and to reduce or defeat the estimates of offending parties. They are also the ancient inquisitorial and judicial powers of contempt and committal.

These powers are jealously held, rarely used and rightly so. I note that our Speaker, Senator Kinsella, with his known background in human rights and his strong commitment to fairness, is especially judicious. This library officer chose not to seek his direction, ousted his role and opted for the court option. By this proceeding he has placed himself in an unseemly relationship with the Senate Speaker, the joint committee and the Senate. He has subjected the high court of Parliament to an inferior court which we respect, but admit no power of any court to trench on Senate internal proceedings. This library officer chose not to function within the Senate and the Library of Parliament.

Honourable senators, last January 21, the Senate Speaker filed a Notice of Intention to Conditionally Participate in this court proceeding.

I shall read that for this record:

TAKE NOTICE that the Speaker of the Senate of Canada ("Speaker") pursuant to the Order of Prothonotary Tabib dated January 11, 2013, hereby gives notice that the Speaker intends to conditionally participate in this application.

FURTHER TAKE NOTICE that the Speaker's conditional participation is to ensure that the interests and privileges of the Senate of Canada are preserved and not adversely affected and does not constitute a waiver of Parliamentary privilege, and that the Speaker does not attorn to the jurisdiction of the Court in this application and reserves the right to argue that this Court lacks jurisdiction to hear and decide this application, and that the Speaker also reserves the right to make such further and other grounds as counsel advises.

• (1730)

I would like to thank our Speaker for this wise and proper decision to participate. I think it is very important that the Senate Speaker participate. I laud him for it. I think our Speaker has acted nobly to uphold the Senate, our privileges, constitutional comity and fairness and equity. This out-of-Parliament proceeding also has the effect of subjecting our Speaker, him, to the judicial and coercive powers of the court, at the whim of a library officer over whom he has direction and control, and who he has not wronged, and who seeks the court's decision on a matter which is properly the Speaker's and the Senate's decision. This library officer has chosen to be the opponent, the adversary, of the Senate Speaker, without the Speaker's knowledge or authority. Further, the Speaker must approve this officer's expenditures, which I am not sure but certainly must include his legal expenses for this proceeding.

Your Honour, I urge you to give serious and thoughtful consideration to this and to give some thought to declining to approve such expenses because they are a wanton and reckless

expenditure. I am not asking you to do it, but I am saying, “Think about it.” I thank His Honour for upholding our *lex parliamenti*, the ancient law of Parliament received in Canada and granted to us by the genius of the British North America Act, 1867, section 18.

Honourable senators, I come now to the Federal Courts Act and what I call the mind of the act. The mind of the Federal Courts Act is trying to sustain constitutional comity and clarity. It is trying to be clear that it has no jurisdiction over the Parliament of Canada Act and no jurisdiction over Parliament’s exclusive internal proceedings.

Honourable senators, the Federal Courts Act, in the interpretation section, same section, 2(2) informs:

(2) For greater certainty, the expression “federal board, commission or other tribunal”, as defined in subsection (1), does not include the Senate, the House of Commons, any committee or member of either House, the Senate Ethics Officer or the Conflict of Interest and Ethics Commissioner...

From its drafting, for anyone who reads carefully and understands how these ideas were put together, you can see from the drafting that the mind of the act knows that the Parliament of Canada Act is no section 91 law of the Constitution Act, 1867, but is a section 18 law of the Constitution Act, 1867.

I want to remind honourable senators that the Constitution Act, 1867, is laid out — I call it a genius piece of work — with the powers of Parliament in one part, the judicature in another part, and the executive authority in yet another part. It is a very clever and brilliant document. We must understand that section 18 of the Constitution Act, 1867, is in Part IV, the legislative power and powers of Parliament part. Section 18 received into Canada and conferred on the Senate and the House of Commons the full and ancient *lex parliamenti*, the privileges, immunities and powers of the U.K. House of Commons. The Parliament of Canada Act is a manifestation of these powers for daily legal use, but is not the source of the privileges, immunities and powers. It does not confer those powers. Those were conferred by section 18 of the Constitution Act, 1867. It is a very important distinction, and it is not that subtle and not that difficult to grasp.

Any reading of the Federal Courts Act reveals that the drafters were striving to keep its jurisdiction within section 101 of the Constitution Act, 1867, which is the section by which the Supreme Court of Canada and the old Exchequer Court, later the Federal Court, were created. These are very important constitutional issues. If you pay attention to this, you can see the act weaving in and around, trying to keep the court’s powers within the judicature sections and our powers within the parliamentary sections. Our privileges, immunities and powers were conferred by section 18, over which the Federal Courts Act has no jurisdiction. The Federal Courts Act strives to keep this jurisdiction within section 101, Part VII, the judicature part. The Federal Courts Act steers a wide berth around Part IV, which is the legislative power part. This is constitutional comity. This is what it is.

Honourable senators, this was confirmed and ruled on by Federal Court Justice Frank Iacobucci in his 1990 judgment in the appeal from the Trial Division in the case *Southam Inc. v. Canada (Attorney General)*. Remember, Iacobucci is the Court of Appeal. He is reversing the judgment of the lower court, really. It is a beautiful reading. It is good law and very relevant to today. In his ruling, in refusing to accept that the Senate is a federal board, tribunal or commission, Iacobucci says:

Nor can I accept that, when Parliament passed the *Federal Court Act* in 1970, it intended to assign to the Federal Court a supervisory judicial review jurisdiction over the Senate, the House of Commons or their committees as “federal boards, commissions or tribunals.”

Honourable senators, I would like to say for His Honour’s consideration that over the years there have been many huge, colossal conflicts between the courts and the houses, especially in the U.K. The biggest one we all know was *Stockdale v. Hansard*, and the opponents at that time were the great Chief Justice Lord Denman and the Attorney General, John Campbell, later Lord Campbell. The weight of authority and the weight of opinion tells us that at the end of the day, after all of those fights, claims, counterclaims, defeats and victories, two questions emerge that are quite clear when there is agreement on both sides.

I would like to cite Erskine May on that, an old Erskine May, being the fifteenth edition, Erskine May’s Treatise on *The Law, Privileges, Proceedings and Usage of Parliament*, at page 173. It informs that throughout the great conflicts between the houses of Parliament and the courts that, as Erskine May stated:

On the other hand, the courts admit:—

(3) That the control of each House over its internal proceedings is absolute and cannot be interfered with by the courts.

(4) That a committal for contempt by either House is in practice within its exclusive jurisdiction, since the facts constituting the alleged contempt need not be stated on the warrant of committal.

• (1740)

Two things are pretty clear. There is no question about the exclusive jurisdiction of the houses and the power of contempt.

Honourable senators, the problem is that this library officer has chosen of his volition to repudiate all these great parliamentary principles. He has chosen to violate these principles and to breach the privileges of Parliament, showing his contempt for them. This library officer is clearly in contempt of this Senate. This matter has progressed to an unbearable level by which the reputation of Parliament, the Senate and Canada is being tarnished internationally by this library officer. The ability of the Senate to credibly carry out its functions is affected. This is a clear breach of our privileges.

Honourable senators, I have more to say, but perhaps other senators will want to respond, after which I will speak. I will reveal more about the terrible position we have been put in.

Hon. Joan Fraser: Honourable senators, Senator Cools' dedication to preserving the rights and privileges of Parliament is well known and deserves respect and admiration from all honourable senators. Her question of privilege appears to have essentially two parts. I will discuss the first part to which she devoted most of her remarks.

Senator Cools made an extraordinarily interesting and thought-provoking series of arguments about the capacity of the Parliamentary Budget Officer to go to the Federal Court of Canada to seek clarification of his mandate or jurisdiction. She raised very interesting points in that connection. My problem with it is not the substance of her argument; it is that the *Rules of the Senate* state:

13-3(1) In order to be accorded priority, a question of privilege must:

(a) be raised at the earliest opportunity;

It continues with a few other requirements.

It has been a matter of public notoriety across the land for some months now that the Parliamentary Budget Officer was taking this matter to court. As I recall, it has been raised in Question Period in this chamber. Therefore, I have to say that I do not think this portion of the question of privilege is now receivable; it is too late.

The rules offer an alternative avenue. Rule 13-3(2) states:

Except as otherwise provided, if the question of privilege is not raised at the earliest opportunity, a Senator may still raise the matter on a substantive motion following notice, but the matter cannot be proceeded with under the terms of this chapter.

The reference is to the chapter of the *Rules of the Senate* concerning questions of privilege. Goodness knows Senator Cools has given us good reason to think that there might be a most extraordinary level of debate on such a motion. However, I would note that this matter is before the courts, and it has not been our practice to get into detailed substantive debate on matters that are before the courts until the courts have resolved those matters.

I suppose it is possible that the Federal Court of Canada might agree with Senator Cools and say that it has no jurisdiction over such a matter. However, in any case, I would suggest that if she wishes to raise the matter on a substantive motion, and I would encourage her to do so, that it be done after the courts have resolved the matter, the more so because, as Senator Cools reminds honourable senators, the Speaker of the Senate is involved in this case.

I will move to what I take to be the second part of Senator Cools' question of privilege, which concerns what has happened recently and what she raised in her written notice at the earliest opportunity. I do not dispute that. This has to do with Mr. Kevin Page's remarks at a meeting held late last week of the OECD's network of parliamentary budget officials. According to the press,

that was where Mr. Page reported on his famous conflicts with the government and departments over the amount of information and the timeliness of the information that he is entitled to. That conflict is well known, but his remarks to the PBO network are recent.

Was it a contempt of Parliament for him to make those remarks? I cannot believe that it was. The OECD Network of Parliamentary Budget Officials is, as honourable senators might gather from the title, a formal group established by the eminently respectable Organisation for Economic Co-operation and Development. It has existed since 2009. Reading from an official OECD document, I learn that at the core of its "discussions are the institutional arrangements for, practices of and challenges faced by parliamentary budget institutions." That is precisely what Mr. Page appears to have been discussing. He may have been discussing it in slightly stronger language than we are accustomed to hearing from public servants of one sort or another, but it seems to me that he was talking about was participation in the core mandate of a group that this country is part of.

Honourable senators, parliamentary privilege at its heart has to do with the ability of parliamentarians and of each house of Parliament to fulfill their parliamentary functions. That is so clear and is the first point made in chapter 2 on privilege of *Beauchesne's Parliamentary Rules & Forms*. In the sixth edition, citation 24 states:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions....

I cannot believe that a speech given in Ottawa to an international group by the Parliamentary Budget Officer has in any way impeded us directly or indirectly or by repute from carrying out our parliamentary functions. It was a speech, period; and it was a speech rehearsing things of which every single parliamentarian has been aware for months and months, if not years. We know that the Parliamentary Budget Officer and the government do not agree on their interpretation of the mandate set out for him in the Parliament of Canada Act. The relevant experts were read into the record by Senator Cools, so I will not repeat them. However, I cannot honestly believe, honourable senators, that the Senate of Canada is such a tender hothouse flower that it is impeded in its parliamentary functions by the mere delivery of a speech by a member of the staff of the Library of Parliament.

Hon. Grant Mitchell: Honourable senators, I was not planning to speak on this matter, but Senator Cools' thoughtful and provocative remarks have inspired me to do so.

• (1750)

As my colleague Senator Fraser indicated, Senator Cools has, as always, thought these kinds of constitutional and parliamentary process issues through so well. She has certainly done it again this time.

It is provocative because, like Senator Fraser, I disagree with Senator Cools' conclusion and with the suggestion that there is a point or question of privilege in this regard. In fact, as she began to speak, I thought she was going to support the Parliamentary Budget Officer and call a question of privilege because, in my estimation, the government has put up a number of barriers to his ability to do the job that he has been directed to do and given a mandate to do by legislation passed by both sides of this house. I was quite surprised.

My feeling is that one of the greatest inhibitors to the successful ability of members of Parliament in both houses to do their job has been their inability to get objective information against which they could compare the information that is provided by the government. Before the Parliamentary Budget Officer, all we had to rely upon was information through the Minister of Finance, the Prime Minister and others, basically provided to us by the Department of Finance. I am not saying that there are not excellent, professional, intelligent, brilliant people in the Finance Department. There are, but clearly their mandate is to support a single perspective, that of the government. I felt that the Conservative Party, in its run-up to becoming the government, was right in proposing that there should be a parliamentary budget officer, an officer that could reflect another view, and that that officer would be beholden not to the government but to members of Parliament, both deputies in the House of Commons and senators. I think that that office has performed extremely well, and one of the concerns I have with this question of privilege is the explicit criticism of Kevin Page, the Parliamentary Budget Officer. I think that he should be congratulated, thanked and asked to come back and continue. He has forged new ground.

At the same time, there have been limits to his ability to do his job. One was the suggestion, over time, that his budget was being starved so that he did not have the resources to do what he needed to do, despite the fact that he did, with 12 people, a remarkable job and has been right so many times. I point out how he belled the cat, as it were, on the inadequate, inaccurate F-35 information that we were receiving from government. He did this with 12 people. It is brilliant work. He should be congratulated, not diminished.

To the extent that he needs to get information to do that job, it is outlined in his legislation that he has the right to get that information. His recourse might have been to come to Parliament, although I do not know how he would ever get it there if there were those he worked with and for who either did not want to bring it or did not want to bring it in a way that would have an effect. I am quite happy that he is prepared to go to court to fight for what is his mandate within his legislation.

You might find, Your Honour, that you defer to the technical, well-placed and well-presented arguments of Senator Cools in that regard — the fact that Mr. Page might not have the power to

go to court, for example, although I would agree with Senator Fraser that the courts could determine that. In the end, if that is the case, then I would ask that you applaud his efforts, to the extent that you can, and recommend changes in accordance with whatever weaknesses you might have found, recommendations that would demonstrate how his office could be strengthened. He could be made more independent, for example. He could be given the power to go to court, for example, so that implied in that would be thanking him for what he has done and also recognizing, with gratitude, the fact that he has outlined, in his actions, certain weaknesses in his legislation. If that is the case and if you rule that to be the case, we could take steps, based on that kind of recommendation of yours, to correct that and to strengthen that body for the future. I would close by saying that, far from being critical of that body, I think we need more offices like that. We probably need a science and technology research officer who can give us some objectivity in that regard. We probably need an officer of Aboriginal affairs who can give us objectivity in that regard to give us power on our side, away from government. We lament the fact that government is centralizing its power, that the Prime Minister has so much power. The quickest way to defend that, to build parliamentarians' power, is to give them resources. I would go so far as to say that we should also give our committees more resources so that we hire and manage those budgets ourselves and have more control over the people working for us. That would begin to give power, both for committees here and in the other place. That would begin to give power to parliamentarians, and we would begin to rebalance and pull back some of the power that so many Canadians and so many parliamentarians lament has been increasingly concentrated, over time, in the Prime Minister and the executive branch.

The Hon. the Speaker: Honourable senators, there are a number of things. First, the clock. I would like to get a sense of the house. I have a suggestion. I would like to hear much more debate. What we have heard so far has been excellent and will be extremely helpful to the Speaker, so I wonder whether the house would have a sense — as has been done in the past — to suspend this debate and also to allow all honourable senators to reflect upon it. Perhaps, at the scroll meetings, the house leaders could indicate whether or not we could continue this after Government Business tomorrow or at some other time. Is that agreeable to the house?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the debate on the question of privilege will be continued at the next sitting of the Senate.

(Debate suspended.)

(The Senate adjourned until Wednesday, February 27, 2013, at 1:30 p.m.)

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