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Wednesday, April 17, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, April 17, 2013

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

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE RALPH PHILLIP KLEIN, O.C., A.O.E.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to pay tribute to the late Honourable Ralph Klein, twelfth Premier of Alberta and thirty-second Mayor of Calgary. Like millions of Albertans back home, I was saddened to learn of his passing on March 29.

Premier Klein was a unique and gifted political force who acted with straightforwardness, passion and never a trace of pretence. His life of service to Alberta was marked by many notable events, such as the 1988 Calgary Olympics, over which he presided as mayor; his success in balancing our province's books; and perhaps most memorably, the natural resources boom and accompanying era of growth and opportunity in the province.

I will remember Premier Klein most for his role in securing the future of the Faculté Saint-Jean — now called the Campus Saint-Jean — the faculty of which I was the dean at the University of Alberta from 1995 to 2003.

When I became dean, the Faculté was at a crossroads. In many ways, its future was in question. In particular, the student residence was a century-old building badly in need of substantial work. No one had invested in the needed maintenance, and by the time I took over, the state of the building was so bad, a number of people were ready to simply tear it down. This would have been devastating, not only for the Faculté, but also for the francophone community, which had a long and deep attachment to the building that went far beyond its current use as a student residence.

I asked for a window of three years to see what I could accomplish, and the largest, most overwhelming task was the challenge of raising all the money that would be required. I had never done fundraising of that magnitude in my life. To give you an idea of what we found ourselves up against, early on I met with someone I will call a very senior civil servant in the Alberta government. He told me flat out that he would never put money into bricks and mortar for that building, for that institution, that is, for the French-speaking faculty within the university.

That made it pretty clear I was not going to get much help from civil servants, so I switched to political avenues. There was a very big Progressive Conservative event coming up, and I knew that Premier Klein would be there. I was not very political in those days, but I went. There were over 1,000 people there; I did not even know how to find Premier Klein. There was no head table, so I asked one of the serving staff; I figured they must know where

he was seated. They did, and I made my way over to his table. Naturally, a crowd of people was gathered around him. I walked up, introduced myself and explained that we needed money for the Faculté and for the renovation of the student residence and construction of a new residence. He said, "How much do you need?" and told me to write the amount on a napkin sitting there on the table. I am very glad to say that I wrote the amount down on the napkin and that we got what we asked for: \$1 million from that napkin request.

That was the beginning of an intense lobbying process in which I took that pledge and leveraged the provincial commitment with the federal commitment with the municipal commitment and then, of course, with supporters from the university to obtain our objective. In the end, we got the bricks and mortar, saved the building and grew the reputation and visibility of the Faculté Saint-Jean.

I will always be grateful to Premier Klein for making that crucial initial commitment. After touring the renovated residence with his lovely wife, Colleen, at the official opening, he would then often refer to the Faculté as "the best-kept secret in the West."

I know that many across Alberta and Canada have their own Ralph Klein stories, their own memories of this political maverick. I join Calgarians, Albertans and Canadians in paying tribute to Premier Klein. My thoughts are with his family and many friends and colleagues as they grieve.

Hon. Senators: Hear, hear!

• (1340)

THE LATE THE RIGHT HONOURABLE BARONESS THATCHER, L.G., O.M.

Hon. Doug Finley: Honourable senators, it is with sadness and pride that I pay tribute to Baroness Thatcher.

Consider Britain in 1979, after the "winter of discontent," regarded as the sick man of Europe due to the so-called "British disease": strikes, low productivity, excessive union power, rampant inflation, unfettered government spending and high taxes. Most experts had written Britain off, predicting a permanent decline. The Iron Lady rejected this. She relied on individual liberty, competition and private enterprise, supporting the free market, rejecting the vices of socialism, reducing the size of government and returning the proceeds to the taxpayer.

Thatcherism works. Tony Blair wrote that "Britain needed the industrial and economic reforms of the Thatcher period." Blair is often described as Thatcher's greatest legacy, a Labour leader who rejected socialism and supported free market economics.

The growth rate of the average real earnings climbed from 0.32 per cent per year prior to her mandate to 1.66 per cent per year since 1980.

Government spending fell; taxes were cut; industries were privatized; and the economy flourished. Not content with just fighting domestic issues, Thatcher actively confronted tyranny globally. When Argentina invaded the Falkland Islands, Britain immediately responded, liberated the islands, shocking dictators and Soviets alike, who anticipated that they would not retaliate. Thatcher was the only European leader with the courage to allow American planes to use her domestic air bases to respond to the terrorist attacks led by Moammar Gadhafi. When Saddam Hussein invaded Kuwait, Margaret Thatcher advised President Bush: “Now is not the time to get wobbly.”

More significantly, she helped end the Cold War, earning her famous nickname, “the Iron Lady,” from the Soviets. Like Ronald Regan, Thatcher believed that it is “weakness, not strength, that brings about wars.”

Thatcher was the first major world leader to meet with Mikhail Gorbachev and to actively recognize the potential for cooperation. Very few politicians have the principle and fortitude that Thatcher had, prepared and able to make necessary, difficult decisions no matter how unpopular.

She stood resolute against strikes, protests, a wavering caucus and even assassination attempts. Facing pressure to dilute her economic policies, she clearly stated, “You turn if you want to. The lady’s not for turning.”

The Economist described Margaret Thatcher’s biggest legacy as “the spread of freedom” and “the revival of a liberal economic tradition that had gone into retreat after 1945.”

Last year, seeing a way that Canada could honour Margaret Thatcher, I had a motion drafted that would have made her an honorary Canadian citizen. I will not be able to table such a motion now. Her contributions in ending the Cold War, her economic stewardship and her principled leadership justified her for that honour.

Stephen Harper is one leader who has often looked to Margaret Thatcher for inspiration. He continues to steer Canada down the right economic path, enabling a principled foreign policy, ensuring that Canada stands with her friends. We are no longer content to be a sideline player on the world stage.

May Baroness Thatcher rest in peace. Her legacy goes on.

BIG BROTHERS BIG SISTERS CANADA

ONE HUNDREDTH ANNIVERSARY

Hon. Jim Munson: Honourable senators, Big Brothers Big Sisters Canada is 100 years old and is marking this important anniversary with some great activities.

As I speak, 100 delegates are in Ottawa, and those 100 delegates were in the Senate having discussions, which was wonderful. Senator Meredith was here for that. I talked to many of the Big Brothers and Big Sisters and those involved, and tonight Big

Brother Donovan Bailey and a guy named Bobby Orr will be discussing their ideas for improving communities and improving lives.

I had the chance to meet quite a few delegates while they were here and I was really impressed. Talk about a motivated and engaged group.

Whenever I hear that old cliché that children are our future, I always say, “Yes, but they are also our today.” It is today that children need to be included, engaged and respected.

There are currently 33,000 children in Big Brothers Big Sisters mentoring programs across Canada. These programs ensure that each of them has a friend, an important friend, someone who will listen, who will respect them and who will ask, “What do you think?” — someone to help them live up to their potential and realize that anything in life is possible.

Big Brothers Big Sisters Canada’s approach is simple, and its impact is life-changing.

As an example, the Centre for Addiction and Mental Health has just released a report on its five-year study on mentoring. Findings in the report include evidence that girls with mentors are significantly less likely to bully and get in fights than girls without mentors. Boys with mentors are three times less likely to suffer anxiety related to peer pressure and have fewer emotional problems than boys without mentors.

As a teenager, I had a mentor, a coach who helped me adjust and make friends after moving from a small town in New Brunswick to the big city of Montreal. I know that I would not be the person I am today without having had that person in my life. I would not be standing in the Senate today without his encouragement and guidance.

We have all had mentors. They matter hugely. Big Brothers Big Sisters Canada gets this. It is a wonderful organization that has helped generations of Canadians live up to their true potential.

Honourable senators, we have so many opportunities at hand to learn more about the organization and the people it serves. I hope you will join me and thousands of other Canadians in celebrating 100 years of Big Brothers Big Sisters Canada.

ENERGY DEVELOPMENT

Hon. Doug Black: Honourable senators, I am pleased to speak to you today for the first time as your colleague in this chamber.

Hon. Senators: Hear, hear!

Senator Black: May I start by simply thanking all senators and the Senate staff for the warm and genuinely helpful welcome that has been extended to me, to my family and to my staff.

May I also acknowledge and welcome my friend and now colleague Senator Scott Tannas to the chamber. I know that his experience and knowledge of Alberta will serve us all very well.

Energy issues are critically important to me, to Alberta and to Canada. Energy development and particularly energy exports

drive our economy. The scale of this sector is impressive. Canadian energy exports were valued at \$112 billion in 2011. Energy development creates job, encourages R & D and provides significant revenue to governments.

In the Senate, we have the opportunity to bring attention to the critical issues that face our country. One of these critical issues — perhaps the most critical issue — is the lack of infrastructure to provide sufficient access for our oil and gas to world markets.

By allowing our investments in energy transportation infrastructure, particularly pipelines, to fall behind investments in production, Canada finds itself today in the position of selling our oil and gas far below international market prices. This unfortunate situation comes at an enormous cost and demands our full attention to resolve as quickly as possible.

The facts are daunting. In recent years, Canada has exported 99 per cent of our energy to the United States. Now technological developments resulting in tremendous shale gas and tight oil production in the U.S. have changed the energy game in North America. Our American neighbours are expected to become the world's largest oil producer in 2017 and are expected to be net exporters as early as 2025.

This is most concerning when we consider the challenges facing the approval of the Keystone XL pipeline into the United States, together with the ongoing challenges of reaching international markets through other Canadian routes.

Today, there is a genuine threat that Canada will not be able to sell its products to the markets that demand them and that our traditional market, the United States, will no longer need them. That would represent a dramatic lost opportunity with significant lost wealth.

• (1350)

The Canadian Energy Research Institute estimates that our lack of infrastructure to export energy costs Canada \$75 million per day. CIBC forecasts that the lost opportunity, in terms of producer revenues and government royalties, will be more than \$50 billion over the next three years alone.

Unfortunately, some Canadians assume that solving Canada's market access problem will only benefit energy-producing provinces. This is simply not the case. The federal budget of March 21, 2013, has estimated that the federal government will lose approximately \$4 billion in tax revenue this year due to discounted oil and gas prices.

The Government of Alberta has estimated that it will lose an additional \$6.2 billion this year and Saskatchewan has estimated that it will lose an additional \$280 million — all because of the constrained market access that is depressing the price that we obtain for our resources.

Consider the lost opportunity —

The Hon. the Speaker: Order. I would underscore that time for Senators' Statements is three minutes. Usually we are given a heads-up when one of the clerks at the table rises.

[Senator Black]

We will now turn to a very pleasant announcement.

[*Translation*]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of the Honourable Marie-Claude Blais, Q.C., Minister of Justice, Attorney General and Minister responsible for Women's Issues for New Brunswick.

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

Hon. Senators: Hear, hear!

[*English*]

THE LATE PATRICIA DUMAS

Hon. Catherine S. Callbeck: Honourable senators, I rise today to pay tribute to the late Patricia Dumas who passed away suddenly on March 28.

Ms. Dumas was an exceptional woman who made her mark in every area she pursued. Professionally, she began in the performing arts and wrote a play about the explorer Étienne Brûlé which was produced in Toronto. She worked as a political journalist for *Le Devoir* and Radio-Canada and then made the jump to political adviser.

She moved to Ottawa to take on the role of communications director for Flora MacDonald and later served as a senior adviser to a number of federal and provincial politicians, including Lucien Bouchard and Jean Charest. After retiring, she became a professional translator and was pursuing her doctoral degree in translation when she passed away.

Her contributions in voluntary service are equally impressive. Ms. Dumas was a founding member of Equal Voice, which is dedicated to electing more women to all levels of political office in Canada. When Equal Voice was first established, she tirelessly translated their website into French and continued to translate their media releases and other materials.

Later she led the research and writing of Canada's first online bilingual campaign school, Equal Voice's Getting to the Gate, and in February 2006 the school was launched. During a conference presentation later that year, Patricia said:

This virtual tool aims to educate women of all ages, origins and walks of life on the importance of political involvement and to provide them with information and tools to get involved.

She was right. Women from across the country have participated in the program since its launch more than six years ago. Its resounding success has led to a version customized for First Nations, Inuit and Métis women entitled Deep Roots, Strong Wings.

Honourable senators, Patricia Dumas was well loved and a woman full of vitality and boundless energy. She was a tireless

volunteer and deeply dedicated to the goal of electing more women to government.

I would like to extend my deepest condolences to her three children, Louis, Jean-Michel and Julie Paré, their father Paul, and her beloved grandchildren, as well as to her many friends and colleagues. I have no doubt that she will be greatly missed by all who had the good fortune to know her.

THE LATE RITA MACNEIL, C.M., O.N.S.

Hon. Tom McInnis: Honourable senators, I, too, rise today for the first time here in the Senate.

Hon. Senators: Hear, hear!

Senator McInnis: Unfortunately, it is to speak about a sad subject, the passing of a musical giant, Rita MacNeil from Big Pond, Cape Breton.

Canada, Nova Scotia and, in particular, the Island of Cape Breton have lost one of the kindest, gentlest, personable individuals ever to grace the Canadian airwaves and concert halls in Canada and beyond.

Rita, as she was affectionately known, struggled to succeed as a singer early on. Not many believed in her, however, her mother Renee saw her talent and gave her great encouragement, which was the genesis of her song “Reason to Believe.”

Rita enjoyed and sang music from several genres: country, folk, rhythm and blues and rock. However, it was when she sang that Celtic music that we would put the volume on loud and rise to our feet in the concert venues.

We enjoyed Rita’s songs because they were about families and the ordinary person’s dream, trials and tribulations, and real life. There were so many favourites to choose from, however, there could be none finer than Rita McNeil performing “Working Man” with The Men of the Deepes.

As mentioned, she had a very shy personality, yet was a very determined person inside. She led the country charts in Canada in 1990, at a time when artists like Garth Brooks and Clint Black were in their prime.

Rita hosted a wonderful television variety show for four years, winning a Gemini Award in 1996. She was inducted as a Member of the Order of Canada in 1992 and the Order of Nova Scotia in 2005.

Honourable senators, we are all aware of the success of music, particularly country music, in Nashville, Tennessee. On a smaller scale, Rita made the island of Cape Breton our Nashville of the North. She led the way and opened so many doors and opportunities for not only her fellow Cape Bretoners, but Atlantic Canadians who are literally performing around the world today. In fact, it is rarely referenced that not only was she a pillar in the music industry, but she became a catalyst and a driving force in building the economic benefits that have employed so many individuals over the years.

Honourable senators, the citizens of Big Pond, where Rita was born and operated a tea room, and all Canadians today are mourning a great loss — the loss of a person who has passed too soon.

May I take this opportunity, on behalf of all senators, to offer our sincere condolences to the family.

Hon. Senators: Hear, hear.

[Translation]

ROUTINE PROCEEDINGS

STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY

EIGHTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

Hon. Dennis Dawson: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on Transport and Communications, entitled *One Size Doesn’t Fit All: The Future Growth and Competitiveness of Canadian Air Travel*, which pertains to the emerging issues related to the Canadian airline industry.

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

[English]

GENETIC NON-DISCRIMINATION BILL

FIRST READING

Hon. James S. Cowan (Leader of the Opposition) introduced Bill S-218, an Act to prohibit and prevent genetic discrimination.

(Bill read first time.)

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

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

• (1400)

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL MEETING WITH MEMBERS OF THE U.S. SENATE, MAY 14-15, 2012—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States

Inter-Parliamentary Group respecting its participation at the Annual Meeting with Members of the U.S. Senate, held in Washington, D.C., United States of America, from May 14 to 15, 2012.

ANNUAL CONFERENCE OF THE SOUTHEASTERN
UNITED STATES-CANADIAN PROVINCES
ALLIANCE, MAY 20-22, 2012—
REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Fifth Annual Conference of the Southeastern United States-Canadian Provinces (SEUS-CP) Alliance, held in Myrtle Beach, South Carolina, United States of America, from May 20 to 22, 2012.

NATIONAL GOVERNORS ASSOCIATION ANNUAL
MEETING, JULY 12-15, 2012—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the National Governors Association Annual Meeting, held in Williamsburg, Virginia, United States of America, from July 12 to 15, 2012.

CANADIAN/AMERICAN BORDER TRADE ALLIANCE
CONFERENCE, SEPTEMBER 23-25, 2012—
REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Canadian/American Border Trade Alliance Conference (BTA), held in Washington, D.C., United States of America, from September 23 to 25, 2012.

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE TEMPORARY FOREIGN WORKER PROGRAM

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to:

- review the temporary foreign workers program and the possible abuse of the system through the hiring of foreign workers to replace qualified and available Canadian workers;
- review the criteria and procedure to application assessment and approval;
- review the criteria and procedure for compiling a labour market opinion;

[Senator Johnson]

- review the criteria and procedure for assessing qualifications of foreign workers;
- review interdepartmental procedures and responsibilities regarding foreign workers in Canada;
- provide recommendations to ensure that the program cannot be abused in any way that negatively affects Canadian workers; and

That the Committee submit its final report no later than April 30, 2014, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*English*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 12-7(4), be authorized to examine such issues as may arise from time to time relating to foreign relations and international trade generally; and

That the committee report to the Senate no later than March 31, 2014.

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

TEMPORARY FOREIGN WORKER PROGRAM

Hon. Art Eggleton: Honourable senators, my question is to the Leader of the Government in the Senate.

Recently we have seen a backlash by Canadians concerning the Temporary Foreign Worker Program. It is important to note that the program was first brought forward many years ago by a Liberal government to address particular problems with the Canadian workforce.

The program set out a careful balance between protecting the jobs and wages of Canadian workers, and protecting Canadians' access to employment opportunities, first and foremost. The program assisted businesses and corporations that had legitimate difficulty in finding workers. It also protected the dignity of temporary foreign workers by ensuring that they were paid a fair wage and treated fairly in terms of working conditions.

Since 2006, we have seen that this balance has been knocked out of sync. The government has skewed the system, removing important protections for Canadian workers and treating temporary foreign workers unfairly. The program went from 140,000 temporary workers in 2006, when the unemployment rate was 6.3 per cent in Canada, to 340,000 temporary foreign workers last year, and we have an unemployment rate of 7.6 per cent. In recent years, the government has made this program more enticing for employers by allowing them to pay foreign workers up to 15 per cent less than Canadians. This has driven down wages and conditions for Canadians and temporary foreign workers across the country.

Honourable senators, this skewed balance has played out right across the country. Last fall, the HD Mining International situation in B.C. came to light. Canadian miners were not hired for mining jobs because they were not able to speak Mandarin, and HRSDC approved the hiring of foreign workers to take those jobs. At the Transport and Communications Committee, and specific to the report just filed today with respect to the airline situation in the country, we heard from the Canadian Air Line Pilots Association that there were shortages and that some airline companies were hiring pilots under this program, fully knowing that Canadian pilots, they said, were available for the jobs.

This is unacceptable, honourable senators. Therefore, will the government commit to revising this system and to doing so in an open and transparent manner so we can see the results?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, first, I wish to correct one point that the honourable senator made. Contrary to reports, employers cannot pay temporary foreign workers less than they pay Canadians working in the same job.

With regard to the Temporary Foreign Worker Program, absolutely, honourable senators, the original and current intent of the program is to assist employers in finding temporary help in cases where there are absolute and acute labour shortages. We know there are many places across the country where there are absolute and acute labour shortages.

In the budget tabled recently, we committed to fixing the program to ensure that Canadians have first crack at all available jobs.

The government and Minister Finley in particular were very concerned about recent issues that were raised in the media and that came to light. As a result of those reports, they are investigating the situation with a view to correcting it.

Senator Eggleton: As a member of the Standing Senate Committee on Social Affairs, Science and Technology, I can tell honourable senators that when we recently examined legislation and policy changes by the government, it was quite clear — we questioned the minister on it — that companies could hire people at a lower rate than what Canadians could get paid. It is up to 15 per cent less, and it is that kind of thing that feeds into the system abuse that is happening.

I will ask about the Auditor General, who made a report three years ago that was critical of the program, saying it was not run

efficiently or effectively, and that it was not only failing Canadians but foreign workers, as well. The Auditor General said that the government paid lip service to the report, and they did not fix the program.

The Auditor General recommended that the government should carry out an evaluation of the Temporary Foreign Worker Program. In response, the department agreed to do that, and they said they would have the results by 2010-11.

Where are the results? We have not heard anything. Where are they? Why should we believe that the government will now study this and that it will try to make these changes just referred to when it was not done before? The promise was broken before, so why should we believe it now?

• (1410)

Senator LeBreton: Honourable senators, again, that is incorrect with regard to the pay scale. Employers cannot pay temporary foreign workers less than Canadians doing the same job.

As the Prime Minister pointed out when questioned about this in Calgary last week, the intent of the program is to help employers find temporary help in cases where there are acute shortages, and that is the government's intention. As the Prime Minister indicated in that media conference, we have been working for some time to address some of the issues that came to light last fall as a result of the case that the honourable senator mentioned.

I know that Senator Eggleton and his fellow party supporters will choose not to believe me — and that is fine, I do not expect them to — but the fact is that we committed in the budget to fix this program to ensure that Canadians have the first crack at all available jobs.

It is clearly obvious, and one need only watch the news or read the newspapers to know this, that many industries in this country are unable to advance their work plans because of severe shortages of trained, skilled workers, particularly in the trades. That is one reason the government has focused particularly on ensuring that Canadians be trained and educated to do the jobs that are available.

Senator Eggleton: I hope this time we do get a report. We are still waiting on the report from 2010-11. The government agreed with the Auditor General that things needed correcting, but then nothing was done. I hope this time the leader really means it.

Yesterday, members of this party in the House of Commons tried to get a motion passed that would have been helpful in this regard. They suggested a special parliamentary committee to study the matter in an open and transparent manner. Why did the government vote that motion down?

Senator LeBreton: Honourable senators, the government, the Prime Minister and Minister Finley were already working in this area. Moving a motion in Parliament is interesting, but we are well on our way to addressing these issues.

[Translation]

Hon. Pierrette Ringuette: Honourable senators, my question is for the Leader of the Government in the Senate. I would like her to explain to this chamber how the Temporary Foreign Worker Program is there to help the industry and not to replace Canadians, when it is already clear that in the case of the Royal Bank and iGATE, this program helped supply work visas to people who came from India to learn how to do the job for the Royal Bank.

When this issue came to light a few weeks ago, why did Minister Kenney not suspend the temporary visas of the workers who were in the process of learning how to do the job of Canadian workers who were already qualified? Why did the Minister of Citizenship and Immigration, Mr. Kenney, not suspend the work visas so that he and the Minister of Human Resources and Skills Development, Ms. Finley, could conduct an investigation? Why were the permits not suspended?

[English]

Senator LeBreton: Honourable senators, I will give the same answer. Senator Ringuette referenced the Royal Bank of Canada. As I have already indicated, Minister Finley and the government were very concerned about those recent issues, and the government is investigating. Minister Finley is seized of this matter.

As I just said in response to Senator Eggleton, as the Prime Minister indicated last week when he was in Calgary, because of other issues surrounding the Temporary Foreign Worker Program, the government was already working on addressing these issues. We also committed to do this in the budget recently tabled in the House of Commons.

Senator Ringuette: The fact of the matter is, honourable senators, that since November the leader has expressed concern and the government has been reviewing. Nothing has been done with regard to the over 200 Chinese foreign workers in B.C. who are taking the jobs of over 300 Canadian workers who have applied for the same jobs but whose language skills are not, unfortunately, up to par.

The fact is that the government is maintaining work permits for people working at RBC through iGate rather than suspending their work permits while studying the facts. The fact is that RBC workers have already been given notice that they are losing their jobs, and they are qualified. The fact is that the government is agreeing with what is happening in the workplace.

Senator LeBreton: The fact is that we committed in the budget to fixing the program to ensure that Canadians have first crack at all available jobs.

[Translation]

Senator Ringuette: Honourable senators, I really enjoy our debates because in a few minutes, as usual, the Leader of the Government in the Senate will probably not respond to the fundamental question asked, but will instead — like her caucus colleagues — resort to personal attacks. That would not surprise me.

I want to get back to the fundamental question: did the Auditor General raise concerns to the government in 2009 about the fact that the program was unmonitored? This applies not only to Ms. Finley's department, but also to Jason Kenney's department and to the border protection agency.

In reality, the leader's government should have listened to the Auditor General's demand for a complete review of the issue. Instead, in last year's omnibus Bill C-38, the government made it easier for the program to be misused. Previously, Canadian employers looking for workers were asked to advertise job openings for at least six weeks. The government cut the time from six weeks to seven days. It asked employers that used foreign workers to pay them the average wage in that community for a similar job.

• (1420)

I can understand if the leader is not familiar with Bill C-18 in its entirety because it is rather lengthy, but it introduces measures whereby employers pay workers on this type of visa 15 per cent less. Such is the reality, honourable senators. The reality is that the government has never given this file the attention it deserved since 2009 and now we have situations in which qualified Canadian workers are losing their jobs because of the government's ineffectiveness.

[English]

Senator LeBreton: Honourable senators, the Temporary Foreign Worker Program is a good program that was brought in by the previous government, as Senator Eggleton pointed out. It meets a need as many industries in this country are unable to fulfill their commitments because of a severe shortage of skilled workers.

Some events last fall and in particular the situation at the Royal Bank of Canada, as referenced by Senator Ringuette, have shone some light on areas that require immediate attention. That is what the minister is doing, and that is what the government committed to do in the budget. The honourable senator continues to repeat that companies are paying wages that are 15 per cent lower, but that is incorrect. They cannot pay temporary foreign workers less than they pay Canadians for the same job.

I will not respond to the honourable senator's comments about character assassination. I do not engage in such activity. I state only the truth based on information on the public record. That is not character assassination; I simply state the facts.

The government committed in the budget to addressing this problem. I applaud the Prime Minister; the Minister of Human Resources and Skills Development Canada, Diane Finley; and cabinet colleagues for being seized of this issue and for addressing all of the concerns.

Senator Ringuette: Honourable senators, Minister Kenney retains the power to rescind those temporary work visas in respect of the Royal Bank of Canada and iGATE, which would be the responsible thing to do. I hope that it will take only one or

two months, not three years, to review the situation. The immediate priority is for Minister Kenney to rescind those work visas until the issue is resolved.

Senator LeBreton: Honourable senators, the Royal Bank of Canada has responded with the head of the Royal Bank of Canada addressing some of the issues.

The Temporary Foreign Worker Program is a good one, although there are some issues with it that require attention and action; and that is precisely what the government is doing and what the government committed to doing in the budget tabled last month.

Senator Ringuette: Honourable senators, am I to interpret that as meaning no to removing those temporary foreign visas until a full-fledged investigation into the issue is done or at least asking the leader's cabinet colleagues to do so?

Senator LeBreton: The honourable senator can interpret whatever she wants to interpret. I simply said that the Temporary Foreign Worker Program is a good program. There are some issues that must be dealt with, and the government is dealing with those issues. I will not comment on the actions of one of my ministerial colleagues because we work on such issues as a government. Minister Kenney, like any other minister in the government, is supportive of this good program but is concerned about some of the issues raised. He, the Minister of Human Resources and Skills Development Canada, and other colleagues are working to resolve these issues.

Senator Ringuette: Honourable senators, my question was simple and required only a response of yes or no. Will the leader ask Minister Kenney to remove those temporary work visas so that qualified Canadian workers at the Royal Bank of Canada may continue to work in Canada and not be replaced, at least until a full-fledged investigation is complete?

Honourable senators, 40 qualified Canadians will lose their family income. That is not an issue of politics. My question requires an answer of yes or no: Will the leader ask her cabinet colleague, Minister Kenney, to remove those temporary visas so that Canadian workers may keep their jobs while the issue is being investigated?

Senator LeBreton: Honourable senators, I have indicated that the government is investigating the iGATE issue. There were serious concerns, but let us allow the process to work and wait for the result of the investigation.

I cannot speak for the Royal Bank of Canada. With regard to Canadians working for the Royal Bank of Canada, I understand from media reports that the head of the Royal Bank of Canada has indicated that no Canadians will lose their jobs. To comment further on the bank is not part of my responsibility as the Leader of the Government in the Senate.

CANADIAN HERITAGE

CHARTER OF RIGHTS AND FREEDOMS— THIRTY-FIRST ANNIVERSARY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, today is the thirty-first anniversary of the Canadian Charter of Rights and Freedoms.

Some Hon. Senators: Hear, hear!

Senator Cowan: It is a great day. Public opinion research over the past 30 years has shown consistently that after medicare, the Charter of Rights and Freedoms is seen by Canadians as one of the defining characteristics of Canada.

More than a year ago, I introduced an inquiry calling the attention of the Senate to the then thirtieth anniversary of the Charter of Rights and Freedoms, which, as I have said, is a source of pride for all Canadians and a symbol of our national identity. I would add that it built on the very worthwhile beginnings of Prime Minister Diefenbaker's Canadian Bill of Rights in 1960. To date, not one member of the honourable leader's party has spoken to this inquiry, while 11 senators on this side have pointed to the positive impact that the Charter of Rights and Freedoms has had on so many aspects of our society.

The government did nothing last year to commemorate the thirtieth anniversary and, presumably, will do nothing today to commemorate the thirty-first anniversary. Why does the leader's government refuse to acknowledge the critical role that the Charter of Rights and Freedoms has played in shaping Canada's just and open society?

• (1430)

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Cowan for the question. It will give me an opportunity to comment, since I do realize that this is the anniversary. I remember exactly what I was doing. I was driving my parents home from Florida, across the U.S.-Canada border, and I was listening to it on the radio.

I will put on the record an article written for *Historica* about the Charter of Rights and Freedoms, dated August 6, 2002:

How best to promote and protect the freedoms we cherish is a constant in political history, and two recent Canadian prime ministers — Pierre Trudeau and John Diefenbaker — made this quest a priority of their careers. Trudeau is well remembered as the originator of the 1982 Charter of Rights and Freedoms, but few recognize that the Charter built on the foundation —

I appreciate Senator Cowan's acknowledgment.

— of the 1960 Bill of Rights, Diefenbaker's proudest achievement.

Diefenbaker and Trudeau's contribution to Canada's development of human rights is part of a western tradition of freedom that goes back to ancient Greece.

Then this article goes on to say:

Through most of Canada's history, we were content to abide by these British precedents...

Of course, this was before the Constitution was repatriated.

But a young lawyer in Prince Albert, Sask., thought Canada needed more. Diefenbaker was a passionate advocate —

All of this to say we never celebrate Diefenbaker in this way.

— for the rights of the downtrodden, and as early as 1936 he had begun to draft a Canadian Bill of Rights.

Elected to the House of Commons in 1940, Diefenbaker began to introduce annually a private member's bill enunciating a made-in-Canada Bill of Rights.

Becoming leader of the Conservative Party in 1956, Diefenbaker stunned Canada with an upset victory over the Liberal Party in 1957, and work on a Canadian Bill of Rights began immediately.

Believing that Canada's internment of the Japanese during the Second World War was a disgrace, —

Under another government, I might add.

— he told the House of Commons that a Bill of Rights "would make Parliament freedom-conscious."

In August 1960, his cherished Bill of Rights was proclaimed.

...

Trudeau took Diefenbaker's Bill of Rights one step further by adding critical provisions of his own on language rights and then waging a decades-long battle to persuade provincial governments of the necessity of a charter binding on all levels of government. In 1982, the Constitution was finally amended and the charter came into force.

The difference between Diefenbaker and Trudeau was that Diefenbaker left the Bill of Rights as a federal jurisdiction. The article concludes:

But this would have never happened —

Referring to Trudeau's charter.

— if Diefenbaker had not lit the way with his life-long dedication to human rights.

Who wrote that, honourable senators? Tom Axworthy.

Senator Cowan: Perhaps the leader was not listening to my question, but I acknowledged the fact that the Charter of Rights and Freedoms built on Prime Minister Diefenbaker's Bill of Rights.

If the leader would care to reread the speech I gave when I launched my inquiry, she would know that I paid tribute to Prime Minister Diefenbaker for his lifetime of commitment to this.

The difference is, as the leader points out, one was a bill of the Parliament of Canada. The Charter of Rights and Freedoms is part of the Constitution of Canada. It is above and cannot be changed by an ordinary act of Parliament. It takes nothing away from the contributions of Prime Minister Diefenbaker to the development of this, but I ask the leader to acknowledge in a different way than simply acknowledging where she happened to

be driving when the Charter of Rights and Freedoms was passed, and reading from an article by Tom Axworthy that is a dozen years old.

Why does the honourable leader's government not acknowledge the importance of this fundamental part, this fundamental aspect, this fundamental symbol of Canadian identity? Why can the leader not stand and do that?

Senator LeBreton: Honourable senators, it is interesting because we have been the government for over seven years now, and every single piece of legislation, everything we discuss in cabinet and everything we do is mindful of the Charter of Rights and Freedoms.

Some Hon. Senators: Hear, hear.

[*Translation*]

ORDERS OF THE DAY

TAX CONVENTIONS IMPLEMENTATION BILL, 2013

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Brown, for the second reading of Bill S-17, An Act to implement conventions, protocols, agreements and a supplementary convention, concluded between Canada and Namibia, Serbia, Poland, Hong Kong, Luxembourg and Switzerland, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes.

Hon. Céline Hervieux-Payette: Honourable senators, I am pleased to speak to this bill, which, I must point out, is further to 90 other agreements and statutes that have allowed other countries to establish communications with Canada. This is not a first so much as a continuation in order to help us improve our trade relations with most OECD countries.

However, in the present case, we are dealing with much more modest countries, such as Namibia and Serbia. We have to set apart countries like Poland, Serbia, Namibia, Luxembourg, Switzerland, and Hong Kong, because in this bill we are dealing with information that would be exchanged to prevent tax evasion.

The Liberal Party supports these measures in principle because they are in keeping with the framework agreements that were prepared by the OECD and will be used to improve our relations with those countries. Nonetheless, honourable senators, for your benefit, I would like to provide an overview of what it means to reduce double taxation.

With respect to the countries for which we want to eliminate double taxation, the rate of taxation was generally 25 per cent. From the perspective of Canadian business people with foreign

[Senator LeBreton]

operations, this was not conducive to foreign trade or the establishment of new Canadian businesses abroad.

In reference to this bill, Senator Greene, the government member responsible for the bill, referred mainly to Hong Kong. If I may, I would like to speak about Poland specifically because it is a country that does business with Bombardier, a very important corporation in Quebec and throughout the world. I will also mention Pratt & Whitney. These are cutting-edge, high technology corporations that can supply railway equipment to Europe, among others, and generate a lot of revenue by doing business with these countries.

We do not have a problem with the principle of the bill. Basically, even if the talk right now is all about tax havens, we must realize that if we want to ask for information from a foreign country — and, in this case, facilitate requests for information from officials in countries such as Switzerland and Luxembourg — we have to begin by doing our homework and knowing what information to ask for. We also have to have someone in charge of requesting this information.

A substantial \$66.5 million reduction in the Canada Revenue Agency budget means that there are 707 fewer employees to check tax returns. It is difficult to believe that more work will be done, especially since there will be fewer employees to do the work. Seven hundred is a large number of people.

Second, budget cuts of \$120 million mean that there will be 254 fewer employees to detect non-compliance through risk assessment and investigation.

• (1440)

On the one hand, the government is demonstrating that it intends to sign conventions and create legislation to ensure that these conventions are implemented, but on the other hand, there are no public servants waiting on the other end to enforce these laws. This appears to be a pretty common method for this government, in its efforts to wipe out the deficit. In other words, anywhere the Conservatives think they can bring in some money to help pay down the deficit, they send in public servants. My concern is that, although we support the convention, I think its application on a day-to-day basis is at issue.

As honourable senators probably know, in March 2013, the Chair of the Standing Senate Committee on Banking, Trade and Commerce and I presented a report on money laundering. I would remind honourable senators that we have a specific agency, FINTRAC, whose mission is to collect data to allow the government, through the Canada Revenue Agency, to find out what is going on with people who do not pay their taxes.

As our report indicates — and this is not particularly encouraging — in 2011, the Canada Revenue Agency received 147 communications from FINTRAC and collected \$27 million. Unfortunately, I must tell you that it costs exactly \$64.3 million to operate that agency. On the one hand, after following up on the matter, we are recuperating \$27 million in taxes that should have been paid and were not, and on the other hand, as the report on tax havens and tax evasion indicates, the Montreal newspaper *Les Affaires* indicated losses of between \$9.2 billion and \$14.5 billion. Thus, in 2013-14, that money alone would be enough to help

Mr. Harper achieve his targets without having to make cuts left, right and centre. The government would do well to start with people who have offshore accounts and do not pay their taxes.

Certain measures in this legislation deal with two relatively obscure countries—Switzerland and Luxembourg. I will be referring to notes that were given to me, since I do not know the topic all that well given that I have never invested money in those countries. I can tell you that this new legislation will allow the following

[*English*]

According to the protocol, a tax authority is not able to refuse to disclose information on the basis that the authority does not collect the information for domestic tax purposes. The information is held by a financial institution, trust, foundation or trustee, and the information relates to an ownership interest.

[*Translation*]

We will now have a protocol, an agreement with Luxembourg, to obtain information on Canadians who have used that country to hide money from the Canada Revenue Agency. However, someone has to ask for that information. What concerns me is that this will not necessarily happen if we do not have the employees to make that request for information.

The agreement with Luxembourg is fairly comprehensive. I would like to read the agreement.

We will ask for the following:

[*English*]

I will paraphrase: the identity of the person under examination or investigation in respect of whom the request is being made; a description of the information sought, including its nature and the form in which the applicant wishes to receive the information; the tax purpose for which the information is being sought; the grounds for believing that the information requested is held by the other country or is in the possession or control of a person within the jurisdiction of the other country; to the extent possible, the name and address of any person believed to be in possession of the requested information; and a statement that the applicant has pursued all means available in its own country to obtain the information except where those means would give rise to disproportionate difficulties.

Understand that this is the mandate of the technocrats at the Canada Revenue Agency. If 700 people are fired or released on the one hand and 254 on the other hand, I do not know how this part of the convention will be applied.

[*Translation*]

Then there is Switzerland. Unless there is someone here who has not read the newspapers for the past year, you will know that we have been closely following the list provided by a Spanish-Italian national, Hervé Falciani. The Spanish government recently released him on bail, and the Swiss authorities have been unsuccessful in having him extradited to Switzerland because he says he stole a list of people who had not paid or are not paying their taxes and who have secret accounts in Switzerland.

Needless to say, we wonder how many of these people in Canada have sent their cheque to the Canadian government. We have a program for people who are feeling some remorse; it is a bit like confession. People go see the priest, confess their sins and are given his blessing. In this case, they go see the Canada Revenue Agency and say, "I hid \$1 million or \$2 million from you, maybe more." And then they pay taxes on that amount.

This is a very widespread practice, and we know that dictators from a number of countries throughout the world were putting their money in these bank accounts, where complete discretion was guaranteed.

Right now, this convention does not go very far, but it says that:

[*English*]

In that convention, over and above what was done in 1997, the name of the person under examination or investigation, or other information related to identification, can be provided, and the name and address of any person believed to be in possession of the requested information.

[*Translation*]

The veil will therefore be a bit thinner, and we will have a better chance of recovering some money.

I would like to come back to the primary purpose of the legislation, which is to prevent double taxation, and give you an idea of our business dealings with these countries.

In 2012, the amount Canadian companies received from business dealings with Namibia was \$9.8 million. This treaty is not going to make companies rich, but there is still something to be gained from dealings with this country.

Canadian companies received \$10.5 million from dealings with Serbia and \$445 million from dealings with Poland. My colleague spoke about Hong Kong. Canada's exports to Hong Kong total \$2.64 billion. Canadian companies receive \$175 million per year from dealings with Luxembourg and \$870 million a year from dealings with Switzerland. In their case, the amount does not represent a reduction in terms of double taxation, which was the primary goal, but this was still a significant measure.

I would like to invite honourable senators to look at these changes, particularly on behalf of their constituents. Namibia, as well as all the others, had a double taxation rate of 25 per cent on dividends, royalties, interest payments and retirement pensions. Now, the rate for dividends will be only 5 per cent. It will be more for interest payments and royalties, but for pensions, there will be no interest. That is certainly an improvement.

The situation is similar for Serbia. Serbia had a double taxation rate of 25 per cent. From now on, the rate will be 5 per cent for dividends, 10 per cent for interest and royalties, and zero per cent for pensions. However, a rate of 15 per cent may have to be paid in some exceptional cases.

[Senator Hervieux-Payette]

• (1450)

As for Poland, a country with which we do a lot more trade, dividends drop from 25 per cent to 5 per cent, interest represents 10 per cent, copyright royalties represent 5 per cent, and all other kinds of royalties represent 10 per cent. As for pensions, that number is 15 per cent. This constitutes an improvement that could lead to more trade.

Now, as for Hong Kong, that number is 25 per cent. It is somewhat surprising that we only very recently concluded such a treaty with a country like Hong Kong, with which we do several billion dollars' worth of trade. The Canadian west coast is home to many citizens of Hong Kong, who suffered this double taxation for a very long time. Dividends will drop from 25 per cent to 5 per cent, and interest will be at 10 per cent — two measures have to do with interest, depending on whether the people are connected or not. Royalties will come in at 10 per cent. Our colleagues on the other side of the country will welcome this measure.

Canadian direct investment in Hong Kong is worth \$8.142 billion annually. That is a significant amount. Our trade with Poland is worth somewhat less, but still, \$1.540 billion is extremely significant.

In conclusion, passing this bill is not the final step. The next step is ratification or implementation to allow the two countries to harmonize with one another, since each country will have to adopt its own legislation. The first step is therefore negotiating agreements; the second step is legislation; and the third step is implementation. In other words, we still have some work to do.

We hope that this matter will be settled before long. Canada is always described as a trading nation. Therefore, these agreements must be entered into because the current situation is detrimental to Canadian investors. In my opinion, much remains to be done. If there are 90 conventions and we add fewer than 10, there are still more than 100 countries without double taxation agreements.

It is important to remember that the Department of Finance has very few employees — in fact, fewer than five — working on this matter. This is a highly technical area. The government should do more and commit more resources to ensure that more protocols such as this one are negotiated. In view of the fact that our trade with Namibia amounts to only a few million dollars a year, it is important that we look to other countries with which we have not signed such conventions. Whether the countries are in the Asia-Pacific region, Europe or Africa, we must move more quickly with negotiations.

For these reasons, my colleagues and I will support this bill. We can discuss it further in committee.

[*English*]

Hon. Wilfred P. Moore: I wonder whether the honourable senator would take a question.

Senator Hervieux-Payette: Yes.

Senator Moore: Honourable senators, I am interested in the prevention of fiscal evasion with respect to taxes aspect of the bill, particularly with regard to Luxembourg and Switzerland. Has

Canada received in recent years any lists of Canadian names from those countries that may have accounts held by Canadians in them? If we did, I expect the Canada Revenue Agency would have received those names. What has happened with regard to those names?

Senator Hervieux-Payette: I wish I could answer the honourable senator's question, because I have the feeling that, after the CBC inquiry, not even the minister knows the names of those who are in fact evading taxes. I just hope that it will be a priority and that, rather than going to court, we will task our own officers in the department with the requests and the inquiries. It is totally abnormal that it would be the press doing the job of the government.

We have billions of dollars to recover, between \$9 billion and \$14 billion. This would offset the deficit and start paying our debt. I hope the staff will be put into action, either for this or for HSBC. As far as I am concerned, I have not seen many of the HSBC people and not enough of them are asked to pay or are brought before the court.

Senator Moore: Has Canada been able to recover any monies from these account holders to date from these two countries?

Senator Hervieux-Payette: I have no clue, honourable senators. If I was the leader of the government, maybe I would know the answer. As far as I am concerned, I just know the information about what we have not received, not what we have received. I hope, like the honourable senator, that the government will put in motion a special team and that they will do their job and collect the money from all those taxpayers.

I know the terms in French are "evasion fiscale," which is a crime, and "évitement fiscale," which is not a crime. It is fairer, but it is at the margins and one needs quite a good lawyer to interpret it.

[*Translation*]

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

Hon. Senators: Question!

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Smith (*Saurel*), for the second reading of Bill C-42, An Act to amend the Royal Canadian Mounted Police Act and to make related and consequential amendments to other Acts.

Hon. Roméo Antonius Dallaire: Honourable senators, I think this is the beginning of reform for the RCMP and its corporate structure. I hope that what we are doing will help restore the respect and high regard Canadians have for this institution that is fundamental to our country's security.

I would first like to talk about some aspects of the bill. I will then share why I believe that Bill C-42 is only the beginning, not the end. After the debate at second reading and the study in committee, I think that we will realize that this measure is very important but that it does not fully address the problem.

[*English*]

Bill C-42 aims to establish a new independent civilian commission, the Civilian Review and Complaints Commission for the RCMP — let us call it the commission — to replace the existing Commission for Public Complaints Against the RCMP. The bill also gives the force of law to a provisional policy of the Royal Canadian Mounted Police in investigations of serious incidents involving members of the RCMP.

Bill C-42 also introduces changes to the enforcement of disciplinary measures and the handling of grievances and of the human resources management framework thereof in order to expedite the processing of serious misconduct cases in the RCMP by its members and to improve performance of the organization and protection of its members.

• (1500)

This is not an insignificant exercise, and one might wonder why we would have to introduce such a bill into an institution that is supposed to be the personification of everything that is just and correct within our Canadian society. It is a large organization, and there are people who do not necessarily play by all the rules. In such a circumstance, it is essential that the RCMP have an institution that makes it capable of self-policing, of bringing discipline and of ensuring that people wearing that uniform and those civilians serving within the RCMP actually perform their duties according to the law.

The powers of the commissioner have been increased extensively, which permits the RCMP to have a body that is independent, that can bring about the investigations and that also has the authority to influence promotions and the curtailment of promotions of people up to the rank of deputy commissioner. That is a lot of power given to this organization. It also has the

power to make recommendations to the commissioner if it disagrees with the possible promotion or duties being performed by a deputy commissioner.

We are touching significantly the hierarchy of the institution and ensuring that the hierarchy is, in itself, ethical, moral, of course, and legal in the performance of its duties.

The bill is quite extensive in the details, but it also has certain other areas that must be brought out and noted, particularly the grievances scenario. Grievance, in the RCMP, was nearly a voluntary exercise and, as such, lacked rigour. Not only that, but it also lacked transparency in the process within the chain of command. It also lacked responsiveness. Grievances could be as long as five years. It eats away at people's morale if that much time is needed to get a response to something they are grieving, particularly with authorities above them or for their own benefit with regard to how they are being treated by the institution. This bill is slashing into that process, and this new commission will have the authority to accelerate and be engaged significantly in the process of grievances and to prevent interference by the chain of command in the grievance process.

The new civilian review and complaints commission that will be established will be made up of a small team. Senator Mitchell was speaking of it yesterday. Five people will be named by order-in-council, and they are to be people who have had no links whatsoever with the RCMP. That closely resembles what we saw happening after the Somalia commission in the Canadian Armed Forces, where we instituted the civilian oversight committees.

There is a whole series of provisions in the bill that I do not want to go through in detail here because I believe they will be looked at in committee once the bill gets there. This is not a bad bill. This is a bill that is a good foundation for a process. This is what I am trying to get at with my presentation here on second reading.

We are commencing a process of bringing into today's world an institution that is one of the two most conservative bastions of our society. The other one was the army, and that one went through 15 years of reform before it was able to show the Canadian people that it had grasped that, as an institution, it was not to be an instrument to hold the nation back but a value-added institution for the future of the nation. It is a tool of the nation in order to continue to progress, not an instrument holding us back because it is living in a sort of Neanderthal state. On the contrary, it is very up with how society has evolved its values, how society looks at ethical performance, how it needs transparency and how it expects a level of performance that is close to impeccable.

There is an old dictum in the army that if you are to be in command, you must be impeccable. If you are not, you are vulnerable. If you are vulnerable, then your credibility to be able to perform the full breadth of your responsibilities is called into question.

This bill is that starting point to bring to the RCMP a recognition that it needs to bring about certain reforms to ensure that at all levels people are acting according not only to the law but also to the values, the ethics and, essentially, the ethos. The

ethos of a paramilitary organization is often difficult to define, but essentially it is the character of the institution. It is its atmosphere, its culture, the way it looks at things, the way it responds to its internal structures in order to meet the missions given to it.

The whole harassment complaint exercise is already before the Standing Senate Committee on National Security and Defence, and this legislation will go a long way in resolving it. When an institution has such a problem, that problem often comes from attitudinal scenarios. For years after the Armed Forces were ordered to permit women to be in combat arms, it took essentially a return by legislation to force the Armed Forces to permit women in combat arms. When it did that, the leadership simply said, "It is the law now; implement it." As they did so, of course, we saw many catastrophic scenarios of people not prepared to handle either the change in the philosophical approach of having women within the leadership structure or the cohesion method of the units, because it was built on a male-dominated, fraternal cohesion. All of a sudden, that had to be changed. You cannot just throw that in and expect people to change automatically. We had, for years and years, right up until the Somalia scenario, this attitude that boys will be boys, so it is really not that bad if they tell dirty jokes, if they are hanging pornographic things on their command post walls, if there are slides in commentary to women in the forces and on and on. It took the senior leadership to not only bring forward a zero-tolerance atmosphere but to actually purge certain people in order to make the example for others that we do not function like that anymore.

I use the term "purge" because it came out of another term that was used at the time to bring the institution into the modern era and respond to what people were expecting of it, and that was "reform." We actually conducted a reform of the officer corps. Many of the complaints that we have been seeing and that we hope that this legislation will start to rectify come from the troops, the officers, the lower ranks, the NCOs. You rarely hear it from the more senior officers. If the young officers are being victimized or feel that they are not being treated fairly, equitably and ethically by the senior leadership, then one has to go to the senior leadership to see if there is a problem there. It was evident that we had some problems with attitude, and some problems comprehending the new culture required of our era that society had established and that we could not simply stay separate from.

• (1510)

Therefore, we went through a very deliberate process of re-educating senior officers so that they comprehend the environment in which they are functioning. Some of them simply could not understand it and so they left. A general officer serves at the pleasure of the Queen with one month's notice to be fired. Some of them were.

That established an attitude within the institution. They said they worked on these guys — who had a lot of credibility — and people showed deference to them. They had a lot of institutional memory of the forces. When it was shown that they trying to be changed — that a lot of effort was made to bring them into the modern era — and they refused to do it and were ultimately fired, it was considered by those watching at the middle ranks to be quite a ruthless methodology. However, it was seen as fair. They

were given full opportunity and a lot of time was spent by senior officers trying to inculcate this significant shift in atmosphere, culture and what fundamentally was ethos.

Those who simply could not change were told to leave. One does not have to fire or purge 100 of them; in fact, only a couple were fired. It was enough that those who were watching them had two options. Option one was to say, "If so and so cannot live with this new context and I know who he was and what he has done, I guess I cannot either," and they left. We had a bunch who simply resigned because they realized that they were not going to win and that the new philosophy of the institution was going to take over.

The other gang looked at this and said, "Obviously this guy, in the end, did not understand, and I want to serve," and they too continued to serve. Then they were brought in by the fact that one had shown that the institution was going to establish this credibility base, it was bringing in its ethos, it was instituting ethics, bringing in a whole new education framework. I do not speak of instruction; I speak of education of the senior officers, the middle officers, and of course the troops who felt that they were entering a different institution.

It took a decade to do it. It took some legislation, particularly on the National Defence Act, to change some of the rules.

Bill C-42 is the first step in giving some powers to certain entities that will transparently apply them — hopefully with rigour — in order to implement these changes. There is a risk with this exercise in the way this bill has been written.

May I have another five minutes, please?

The Hon. the Speaker: Agreed?

Hon. Senators: Agreed.

Senator Dallaire: They are not listening anyway.

The exercise in question is that the new commissioner, with his extraordinary and very useful power, will be able to delegate both the authority and the responsibility of some of those powers to lower-level commanders, like divisional commanders, not down to the sergeant, but certainly at that deputy level.

That makes sense in an institution that is structured the way the RCMP is — spread across the country, it has many players involved. That is exactly what was happening within the forces, and so they have given that sort of capability here.

What is missing is whether those officers who will be delegated this authority have changed. Have they acquired that new ethos? Has the institution really sold them on what we expect of the RCMP, of what we expect of that institution, of zero tolerance in regard to harassment, abuse of power, non-ethical performance of their duties and of course any criminal activity? Has that been inculcated? Has there been a demonstration that that is actually in motion and has been applied?

With the new commissioner there for a year doing a lot of things, I think the jury is still out on that side. If all we are going to see is Bill C-42 and we do not see the commissioner taking a

grip of the organization and spending 99 per cent of his time out of his office and influencing his institution, his organization, I fear that we might see some pretty stupid mistakes being made in the future by this delegated authority. The saving grace to it, however, is the revision authority that the commissioner has to ultimately override a subordinate officer's decision.

Honourable senators, this is a positive start. It does not go far enough. It could have gone farther, and I hope that as we study it, we will be able to influence it. However, at the same time, I hope we will be able to influence the institution by the rigour of Senate committees in discussions. We will be able to influence the institution to realize that, by the by, there is some legislation, but there is a lot of internal work to do. It is your responsibility and yours alone to bring the RCMP to the level of respect and also into the era in which we find ourselves, where we expect its ethos, its ethics and its sense of responsibility to its own members, let alone the community, to be of the highest standard.

Hon. Joseph A. Day: Honourable senators, I will move the adjournment of the debate in the name of Senator Kenny.

(On motion of Senator Day, for Senator Kenny, debate adjourned.)

THE ESTIMATES, 2012-13

MAIN ESTIMATES—SEVENTEENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the adoption of the seventeenth report of the Standing Senate Committee on National Finance (*2012-2013 Main Estimates*), tabled in the Senate on March 20, 2013.

Hon. Joseph A. Day: Honourable senators, this is a report of the Standing Senate Committee on National Finance with respect to last fiscal year's Main Estimates. I have already spoken on this matter, but I have made inquiries of both sides of the chamber, and I believe that the chamber is ready for the question on this matter.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET 2013

INQUIRY—DEBATE ADJOURNED

Hon. Michael L. MacDonald rose pursuant to notice of Senator Carignan on March 25, 2013:

That he will call the attention of the Senate to the budget entitled: *Economic Action Plan 2013: Jobs, Growth and Long-Term Prosperity*, tabled in the House of Commons on March 21, 2013 by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 25, 2013.

He said: Honourable senators, I would like to speak to one of subjects in the budget this year, the palliative and end-of-care provisions. In the budget, \$3 million has been provided to the Pallium Foundation of Canada to support training in palliative care to front-line health care providers.

I want to say a few words to acknowledge the important issue of advance care planning in Canada. I am a member of the Champion's Council of the Canadian Hospice Palliative Care Association, the national voice for hospice palliative care in Canada. Established in 1991, the CHPCA provides direction in advancing and advocating for quality end-of-life hospice palliative care. The work of the association's volunteer board of directors, which is composed of hospice palliative care workers and volunteers from Canadian provinces and territories as well as members at large, focuses on public policy education and awareness.

• (1520)

As a member of the Champion's Council, I support the CHPCA's goal to ensure that Canadians with a progressive, life-limiting illness and their families have access to high-quality, compassionate and cost-effective care from a variety of professionals.

Honourable senators may be wondering what advance care planning really means or what exactly it entails. It is a process of reflection and communication, a time to reflect on values and wishes and a time to let others know of your future health and personal care preferences in the event that you become incapable of consenting to or refusing treatment or other care. This means having discussions with family and friends and establishing a substitute decision maker, a person who will speak for you if you cannot. It could also include writing down one's wishes and may even involve talking with health care providers and financial and legal professionals.

In a recent Ipsos Reid poll, it was discovered that 86 per cent of Canadians have not heard of advance care planning and that fewer than half have had a discussion with a family member or friend about health care treatments if they were ill and unable to communicate. By continuing to advocate for change, we can ensure that more Canadians have these important discussions before it is too late.

I would like to encourage all honourable senators to attend today's reception on the occasion of the Champion's Council Life Blanket Campaign reveal event, being held today in Room 237-C

in Centre Block at 4:30 p.m. It is hosted by Speaker Kinsella, Speaker Scheer and me.

I am committed to helping the Canadian Hospice Palliative Care Association succeed in its pursuit of excellence and care for persons approaching end of life so that the burden of suffering, loneliness and grief is lessened. To this end, I wholeheartedly support the CHPCA's mission to declare April 16 as Canada's National Advance Care Planning Day, a date that would be shared with National Healthcare Decisions Day in the U.S.

In support of this undertaking, I would like to bring to honourable senators' attention a number of facts: An estimated quarter of a million Canadian died in 2011-12, and the rate of death is projected to increase 21 per cent by the year 2020. The increasing demand for services at end of life is placing additional pressure on health care costs and budgets.

Advance care planning is a process of thinking about and communicating wishes for end-of-life care, and communicating end-of-life care wishes with family, friends and health care professionals. It also involves naming a substitute decision maker.

Canadians who do advance care planning, and their caregivers, report greater satisfaction with end-of-life care and are more likely to take advantage of hospice palliative resources or to die at home. I wish to raise awareness of these options available to citizens and to encourage conversations about planning for end of life.

In light of this, I fully support the proclamation and declaration that April 16, 2013, and each year thereafter shall be known as National Advance Care Planning Day in Canada. Honourable senators, the Canadian Hospice Palliative Care Association does noble and selfless work. I urge all honourable senators to support them, particularly in their establishment of the National Advance Care Planning Day in Canada.

(On motion of Senator Carignan, debate adjourned.)

STUDY ON PRESCRIPTION PHARMACEUTICALS

TWENTIETH REPORT OF SOCIAL AFFAIRS, SCIENCE
AND TECHNOLOGY COMMITTEE AND REQUEST
FOR GOVERNMENT RESPONSE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the twentieth report (interim) of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Prescription Pharmaceuticals in Canada: Post-Approval Monitoring of Safety and Effectiveness*, tabled in the Senate on March 26, 2013.

Hon. Kelvin Kenneth Ogilvie moved:

That the report be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Health being identified as minister responsible for responding to the report.

He said: Honourable senators, it is my pleasure to speak today on the twentieth report of the Standing Senate Committee on Social Affairs, Science and Technology, a report on the post-approval monitoring of the safety and effectiveness of prescription pharmaceuticals.

This is our second report from a four-part study on prescription pharmaceuticals in Canada.

Before I comment on the report itself, I want to acknowledge all members of the committee and thank them for their work on this report. I especially want to thank Senator Eggleton, our deputy chair, and Senator Seidman, both members of the steering committee. I also want to thank the clerk of the committee, Jessica Richardson. We are also indebted to Sonya Norris, our superb analyst and writer from the Library of Parliament.

Our first report in this series, *Canada's Clinical Trial Infrastructure: A Prescription for Improved Access to New Medicines*, dealt with the assessment of safety and efficacy of new drug submissions. In that report, we noted the importance of clinical trials to the health of Canadians, to our general economy and to our research infrastructure. However, we also noted that clinical trials are in decline in Canada, and we made important recommendations to improve the situation and to increase the transparency of trial results.

A clinical trial is only the first — however important — step in the adventure of a new drug. Once a drug is approved for use in the market, the real-world experience begins.

Health Canada is responsible for monitoring the “real-world effectiveness” of pharmaceuticals for the protection of Canadians. Traditionally, Health Canada has relied on reports of adverse drug reactions, the so-called ADRs, to identify safety signals and to issue necessary advisories or warnings. In Canada, it is mandatory for drug manufacturers to report adverse drug reactions when they are made aware of them, but it is voluntary for health professionals and the general public. Unfortunately, the number of adverse reactions reported is only a very small percentage of the total actual adverse reactions experienced; estimates vary between 1 per cent and 5 per cent.

Health Canada has acknowledged the need to adopt a life-cycle approach to drug regulations, and it indicated to the committee that regulatory modernization is a departmental priority. A life-cycle approach means a deliberate effort to monitor the benefits and risks of a drug throughout its entire use by the public.

One recent and potentially very important development has been the creation of the Drug Safety and Effectiveness Network, DSEN, within the Canadian Institutes of Health Research. Its objective is to carry out additional research on potential safety signals identified by Health Canada. The creation of the DSEN helps to move post-approval monitoring from a traditional approach of relying on adverse reaction reports to a more active surveillance model. However, the committee is concerned that Canada is neither keeping pace with international requirements, nor following the legislative regulatory and policy models needed to optimize the post-approval monitoring of prescription drugs in Canada.

• (1530)

In response, this report makes 19 recommendations that address issues such as: legislative and regulatory reform; the independence and effectiveness of the drug safety network; the drug safety network research model; data collection through electronic health records; adverse drug reaction reporting; post-approval strategies for population subgroups; communication strategies; and implementing the necessary changes in response to the Auditor General's 2011 report on regulating pharmaceuticals.

In terms of legislative and regulatory reform, the committee was told by almost all witnesses that Canada's Food and Drugs Act is outdated and in need of modernization. Consistent with the committee's observations in the report on clinical trials that modernization is essential to Canada's management of pharmaceuticals, the committee recommends additional elements of pharmaceutical policy that must be implemented. This includes drug legislation that provides additional authorities to the federal government, and regulatory reform must accompany a modernized legislative framework.

The committee is calling on the Minister of Health to implement comprehensive regulatory reform that applies a life-cycle approach to drug management, including long-term studies of drug safety, beginning in 2013.

The committee further specifies that the new approach to drug regulation must ensure that funding of post-approval activities is increased such that pre- and post-approval activities are equally funded by the department.

The committee agrees with witnesses that the drug safety network must be free of undue influence. The drug safety network must operate independently and benefit from: sustained funding; budgetary independence from CIHR; and the creation of a mechanism to review the drug safety network findings; and, where relevant, it must monitor the actions taken by Health Canada in response to those findings.

The committee further agrees with witnesses that the research model currently used by the drug safety network could be enhanced. As such, the committee suggests that the drug safety network could be used as a means to actively monitor and report on adverse drug reactions. In this regard, the committee sees a further role for the research network capacity recommended in the clinical trials report in the active post-approval surveillance.

The committee believes that the electronic health record is a highly underutilized resource in benefiting Canadians. One aspect of a comprehensive electronic health record is data regarding dispensed prescriptions and the committee notes the success of British Columbia's PharmaNet in this regard. The committee recommends that the Minister of Health discuss with provincial and territorial counterparts the implementation of similar systems. Further, the committee urges compatibility and linkability of dispensed prescription drug databases with patient electronic medical records and electronic health records.

The committee would like to see adverse drug reporting facilitated by linking the electronic adverse drug reaction form through patient electronic medical records and electronic health records.

Strengthened post-approval monitoring of drugs is essential in protecting specific subgroups of the population, such as children, pregnant and nursing women, and the elderly. These groups are not normally included in the clinical trial phase. The committee notes that research conducted within the drug safety network in response to queries submitted by Health Canada or other stakeholders may result in identification of issues among these populations. It recommends that such secondary findings be considered for follow-up studies.

Witnesses spoke of the need to improve and standardize the information being provided to those consuming prescription pharmaceuticals. Health Canada should implement standardized patient information leaflets, PILs, and prohibit the sale of any prescription drug unless accompanied by its PIL. The proposed patient information leaflet should also include information about the Health Canada website and phone number to which adverse reactions can be reported.

Witnesses also spoke of the need to improve communication about new drugs and drugs with potential safety concerns through labeling. In this regard, the committee is recommending that Health Canada adopt the labeling requirements that have been implemented in the United States and the United Kingdom that identify new products, drugs with a higher incidence of adverse reactions, and drugs that are linked to serious side effects.

Health Canada should become more timely and transparent in its identification of potential safety signals. The committee recommends that Health Canada provide information about the risk management plans that have been submitted by drug manufacturers; the safety signals that have been identified; the status of subsequent assessments; and the drugs for which manufacturers must conduct post-approval studies, including long-term follow-up.

The committee notes the fall 2011 report of the Auditor General of Canada on the regulation of pharmaceuticals. The committee would like Health Canada to provide assurance that it has implemented all necessary changes in response to that report.

The committee acknowledges that Health Canada has improved its approach to post-approval monitoring of prescription pharmaceuticals in recent years. The department has implemented promising initiatives, such as the Drug Safety and Effectiveness Network, and has worked to improve efficiencies of post-approval monitoring activities within the Marketed Health Products Directorate of Health Canada. However, there is still work to be done in its management of prescription pharmaceuticals. Health Canada and the Drug Safety and Effectiveness Network must continue their efforts in this regard.

The committee would like to see this report's recommendations implemented quickly in order to improve the safety of prescription drugs, to increase transparency in their management, and to foster trust among Canadians in our drug regulatory regime.

Honourable senators, I emphasize the extremely important opportunity that is largely underutilized through the weaknesses in data collection in post-approval monitoring of

pharmaceuticals. In the real world, post-approval pharmaceuticals are used by all subsets of the population. It is critical that timely feedback on the impact of pharmaceuticals is collected, analyzed and utilized to refine prescribing, especially to children, pregnant women and the elderly. It is essential information in the emerging field of personalized medicine.

The real world use of pharmaceuticals often leads to the observation of off-label uses of great benefit to humanity. With the electronic capabilities available today, it is inexcusable that we do not have a much better system for the monitoring of prescription drug effects on Canadians. We are missing the biggest and best source of information on the benefits and risks of drugs for our citizens.

On behalf of the committee, I ask honourable senators to support the adoption of the report.

Hon. Catherine S. Callbeck: Would the honourable senator take a question?

Senator Ogilvie: Yes.

Senator Callbeck: I thank the honourable senator for his explanation regarding the report. I was not here for all of it, so I may have missed this point. I heard the honourable senator talk about the reporting of adverse effects of drugs and that the reporting done by health professionals is very low.

Did the report cover ways that reporting might be increased? What can we do to get those professionals to report adverse effects?

Senator Ogilvie: I thank the honourable senator for her important question on a matter that we addressed throughout the study.

The committee heard from a full range of witnesses who spoke to this issue. The majority of them who have looked at this issue in detail have observed that, in those jurisdictions where health care providers are legislated to report adverse drug reactions, they have failed in that regard.

• (1540)

Honourable senators have probably seen some discussion in the press recently about Canada providing legislation to require health professionals to do so. The evidence indicates that is not effective at all. Indeed, if you think about the issue of health care professionals having to comply to legislation and what that might do in that area, you would know, if you thought about it very long, that there is no way you could enforce legislation of that nature in any event.

Rather, the witnesses articulated many reasons that an electronic reporting system that is user-friendly and available to the patient as well as health care professionals, in an easy electronic form to make the report quickly to Health Canada, is the only way that we can significantly increase such reporting.

For example, let us suppose this patient information leaflet had an email address for Health Canada to report any adverse reaction that we, as patients, might feel after we have been given a

new prescription. We could simply report that directly. Right now, patients make very few adverse reports. In fact, the evidence suggested that many patients who suffer some sort of serious reaction, or what that they consider serious — perhaps tremendous upset or a feeling of discomfort — simply discard their medication and do not complete their medication and sometimes do not even report it to their doctors because they would have to make an appointment and go back to see them.

Our report identifies that if we can make it easy for health care providers and patients to place an electronic report to Health Canada, then that is far and away the best way to make that provision.

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

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendments to the *Rules of the Senate*), presented in the Senate on March 19, 2013.

Hon. David P. Smith moved the adoption of the report.

He said: Honourable senators, I am pleased to rise to speak briefly to proposed rule changes contained in the Standing Committee on Rules, Procedures and the Rights of Parliament's seventh report. These changes seek to clarify some aspects relating to speaking time.

The first change would make more explicit that the two periods of 45 minutes when speaking to a bill are meant for the sponsor and the critic. That is, in fact, our practice. However, the rules actually say that it is the first and second speakers who have those 45-minute periods. Our committee concluded it should be clear and explicit that the two periods of 45 minutes be for the sponsor and the critic. I do not think anyone would quarrel with that. That is the intent, so let us make it clear.

Also, through additions to the terminology, we have sought to make it clear that either the sponsor or the critic could be a senator other than a member of the government or opposition parties. This may not happen very often. However, with respect to the critic, that senator would be designated by the leader or deputy leader of the side other than that of the sponsor, but those individuals could choose an independent senator, as we all agreed that such an option should be theoretically possible. That may not happen too often, but it should not be precluded and we unanimously agreed on that.

The second change deals with the situation where a motion for the adoption of a tabled report is only moved after debate has started. Such cases are rare but, at the moment, senators who spoke before the motion was moved could speak again for their full normal time. While recognizing that the existence of a motion

changes the nature of the order, there were concerns that, in practice, this was close to giving them a second chance to speak to the same item of business.

We therefore propose that if a motion to adopt a tabled report is only adopted after consideration has started, the senators who spoke before the motion was moved would be able to speak to the motion, but for a maximum of five minutes. This would allow them to speak to the specific issue of whether the report should be adopted or not, but would serve to circumvent the possibility of debating anew the entire content of the report.

I would point out that these changes were adopted unanimously by both sides of our committee. The culture of our committee is to think of the institution of the Senate and avoid partisan tactics. Accordingly, we do not bring forward proposed changes to the rules unless they have been agreed to by both sides. In this case, they were also run by management of each side.

(On motion of Senator Carignan, debate adjourned.)

SIXTH REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendments to the *Rules of the Senate*), presented in the Senate on March 6, 2013.

Hon. David P. Smith moved the adoption of the report.

He said: Honourable senators, I am pleased to rise to speak to a proposal from the Standing Committee on Rules, Procedures and Rights of Parliament that we believe offers a way to improve the provisions dealing with tributes. This amendment would keep the period of 15 minutes for tributes, but would now have it split among a maximum of three senators to be chosen by the senator to whom tributes are being paid. In the case of a former senator, the choice would be by the former senator or, if he or she were unavailable, a representative. We believe that this is appropriate to ensure that the senators paying tribute have a really close personal link to the senator in question.

We also propose limiting the period for acknowledgments to a maximum of 30 minutes, as opposed to the unlimited time currently available.

The committee does, however, recognize that more than three senators typically wish to offer tributes to a retiring or former colleague. For that reason, we also propose to set up a process whereby an inquiry for tributes — and honourable senators all know where inquiries on are on the Order Paper — can be placed on the Notice Paper on the same day, without notice, by one of the leaders or deputy leaders. During such an inquiry for tributes, speaking time would be limited to three minutes, as is now the case for all tributes. This will allow many more colleagues to take part.

• (1550)

As to these proposed rule changes — and honourable senators will note that I spoke to one a few minutes ago — our approach is to bring to the Senate proposed amendments in smaller blocks that are easier to understand, so that it is not all or nothing. We are doing them piecemeal. I believe this change will not disrupt the Senate in its work and I commend it to honourable senators for your consideration.

Once again, this recommendation was supported unanimously by both sides and run by both managements.

With regard to this particular report, I wish to pay tribute to former Senator Stratton, who served on our committee for years. He was very much committed to the culture that I referred to in my previous report — looking at the institution and not being partisan.

There have been some tribute situations that went on endlessly. Senator Stratton did not want a lot of tributes for himself. It was unfortunate that he literally did not come the last week. I told him that, if there were tributes, I was going to pay one to him and was going to be nice and generous. He really had the interests of the institution at heart.

I wanted to pay tribute to him now because he was quite involved in this. He, himself, would have probably banned tributes, but we hope to just clear it up a bit.

With my two motions today, we now have four reports from the Standing Senate Committee on Rules, Procedures and the Rights of Parliament on the Order Paper: the fourth, which was tabled in December; the fifth; the sixth; and the seventh. Our steering committee met today and we are hopeful that these can be dealt with before the summer.

If people want to speak against them, that is fine. If people want to vote against them, that is fine. Whatever happens, happens. However, there have been, collectively, hundreds of hours of senators' time spent on developing these reports in good faith, with the kind of culture that we need more of around here, looking at the institution rather than a partisan approach.

I honestly hope that we will have cooperation from individuals on both sides so that we can decide what we are doing with these four reports. If we have not dealt with them before the summer and there is a prorogation, I would hate to see all that work, effort and goodwill flushed away.

(On motion of Senator Carignan, debate adjourned.)

MOTION TO AUTHORIZE COMMITTEE TO STUDY CASE
OF PRIVILEGE RELATING TO THE ACTIONS OF THE
PARLIAMENTARY BUDGET OFFICER—MOTION
TO REFER TO COMMITTEE OF THE WHOLE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion, as amended, of the Honourable Senator Cools, seconded by the Honourable Senator Comeau:

That this case of privilege, relating to the actions of the Parliamentary Budget Officer, be referred to the Standing

[Senator Smith]

Committee on Rules, Procedures and the Rights of Parliament for consideration, in particular with respect to the consequences for the Senate, for the Senate Speaker, for the Parliament of Canada and for the country's international relations;

And on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Cowan, that the question be referred to a Committee of the Whole for consideration.

Hon. Joan Fraser: Honourable senators, you may recall that I had just risen to my feet to address this issue when Senator Cools raised her point of order, which, of course, as the Speaker confirmed to me, cut off debate.

I do still wish to speak to this matter. I think it is an important one. Unfortunately, one or two elements of my notes have slipped out of my folder, so I will ask you to adjourn this debate in my name while I get them back in the file.

Hon. Gerald J. Comeau: Honourable senators, I would certainly agree with that. If Senator Fraser would allow me a few comments, I would be more than agreeable that it be adjourned in her name.

I wish to clarify remarks I made on March 5, during debate on this motion. I said:

The courts have also recognized that there is an inherent danger in both the judicial and legislative branches considering the same matters at the same time, a point that was reiterated in *Southam Inc. v. Canada (Attorney General)* when Justice Iacobucci cited a 1974 British decision which says in part:

It is well known that in the past, there have been dangerous strains between the law courts and Parliament — dangerous because each institution has its own particular role to play in our constitution, and because collision between the two institutions is likely to impair their power to vouchsafe those constitutional rights for which citizens depend on them.

Honourable senators, while the quote I provided is accurate, I did, unfortunately, give the wrong citation. The quote is, in fact, from the Supreme Court of Canada decision on *Canada (Auditor General) v. Canada (Minister of Energy, Mines and Resources)*, [1989], rather than *Southam Inc. v. Canada (Attorney General)*. I would like to thank those people who were vigilant in catching this error and bringing it to my attention. I apologize for any confusion this misattribution may have caused.

The Hon. the Speaker: I thank the honourable senator for the correction.

(On the motion of Senator Fraser, debate adjourned.)

[*Translation*]

ACCESS TO JUSTICE IN FRENCH

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif, calling the attention of the Senate to access to Justice in French in francophone Minority Communities.

Hon. Maria Chaput: Honourable senators, Senator Charette-Poulin is still preparing her notes on this and hopes to speak to this motion soon. I therefore move adjournment of the debate in her name.

(On motion of Senator Chaput, for Senator Charette-Poulin, debate adjourned.)

(The Senate adjourned until Thursday, April 18, 2013, at 1:30 p.m.)

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