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Wednesday, May 8, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, May 8, 2013

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

Prayers.

SENATORS' STATEMENTS

ENVISIONING EQUAL JUSTICE

Hon. Mobina S. B. Jaffer: Honourable senators, in April I attended the Canadian Bar Association's Envisioning Equal Justice Summit in Vancouver. The summit was chaired by Dr. Melina Buckley.

Equal justice means that everyone in our society has the same rights and protections under the law; we all have equal access to the justice system.

The summit brought together broad representation from the justice community to learn about and share views on practical means to build equality by increasing access to justice. Participants included lawyers, judges, paralegals, legal aid and pro bono providers, community legal advocates, public legal information specialists, government policy-makers, law foundation board members and staff, members and staff of administrative tribunals, academics and members of public policy organizations.

At its opening plenary, the summit heard from Maria Campbell, a Metis elder, community advocate, activist, professor and filmmaker. She said that when she was six years old, living in an isolated trapping community in northern Saskatchewan, a young RCMP officer bribed her with an Oh Henry! bar to tell him where her father kept his meat. Her father spent six months in jail. The meat intended to feed the community for the winter was confiscated, and she and a pregnant mother were left to snare rabbits in the bush to feed themselves and the rest of her family until her father came home.

At the summit, Ms. Campbell called for a holistic approach to change that involves looking at the challenges people face. She said, "It doesn't matter how good judges and lawyers are if you don't have enough money to feed your kids and you have to sleep in your car in winter."

Throughout the summit, participants were asked to envision equal justice and develop practical strategies, skills and tools for building a more just society through enhanced and effective approaches to resolving legal problems. The summit began with a poverty simulation, followed by two days of inspiring and interactive sessions to address what was described as a growing access-to-justice gap.

Innovators and knowledge leaders from Canada and around the world outlined leading-edge strategies for solutions. The summit heard that the current situation amounts to an access-to-justice crisis, and participants agreed that progress to address that crisis has stalled. Legal aid was described as a social

program so tattered and torn that it is unrecognizable. Shortfalls hit the most vulnerable populations hardest, but members of the middle class also find that access to legal help is unavailable and unaffordable and that our courts are swamped with unrepresented litigants.

Dr. Buckley identified four main barriers to equal justice: lack of political profile, inadequate coordination and framework for reform, absence of mechanisms to measure change, and gaps in knowledge about what can improve access to justice. Participants agreed that the next step is to develop a cohesive framework and move forward together in a more coordinated way.

Honourable senators, I hope that we, as senators, can help to lead this equal justice discussion and promote positive change to our justice system so that there is truly access to justice for all in our country.

[Translation]

BATTLE OF THE ATLANTIC

Hon. Ghislain Maltais: Honourable senators, last Sunday in Trois-Rivières, in my senatorial district of Shawinigan, veterans of the Second World War and I participated in the commemoration of the Battle of the Atlantic, which was hosted by HMCS *Radisson*.

Today, I would like to pay tribute to our brave soldiers who, despite the difficulties at the time, returned to Canada alive after the war.

I would particularly like to pay tribute to the following individuals:

Benoit Gonthier, age 89, who served from 1943 to 1946 in the Royal Canadian Navy and the British Royal Navy. He fought in the Normandy invasion and ended his career in the Canadian Armed Forces;

Ray Charles Konrad, age 86, who served from 1944 to 1946 on the frigates HMCS *Toronto* and HMCS *Sioux*. He was a member of the Régiment de Trois-Rivières from 1941 to 1943 before joining the Canadian Navy and returned to that regiment as a military police officer from 1955 to 1957;

Gilles Gauthier, age 88, who served from 1944 to 1945 on the frigate HMCS *Springhill*, mainly escorting convoys. Mr. Gauthier did not take his place on the dais, but instead paraded with his Legion colleagues.

Last year, I met Hilarion Chiasson, who is originally from New Brunswick. At age 95, he is the patriarch of our sailors. He served from 1941 to 1945, mainly escorting convoys. He later finished his career as a police officer in Cap-de-la-Madeleine.

Camille Bellerive, who also served in the Canadian Navy, is a medal recipient from the Korean War and a United Nations veteran. He served full time for over 10 years, from 1948 to 1959. He was then awarded a Canadian Forces' Decoration for his many years of work in the cadet movement.

Honourable senators, I would like to emphasize the important role played by our soldiers who are currently serving in Afghanistan, far from their families. As you know, the Battle of the Atlantic cost the lives of over 5,000 Canadian soldiers, who were members of the Royal Canadian Navy, the merchant navy and the air force. These people gave their lives so that, today, all of us here in the Canadian Senate can live in a free and democratic country. We therefore have the duty to remember them and to keep their memory alive for future generations.

[English]

WHO AM I EXHIBITION

Hon. Lillian Eva Dyck: Honourable senators, I would like to bring to your attention an important exhibition entitled "Who Am I? — Bridging the Pacific: from Guangdong to Barkerville and Back." This exhibition was launched on December 11, 2012, and ran through to January 14, 2013, at the Dr. Sun Yat-Sen Classical Chinese Garden in Vancouver. Since then, the exhibit has been travelling and will appear in five Chinese cities on its overseas tour until November 2013.

The exhibition demonstrates through photographs and portraits the history of the Chinese immigrants who came to Barkerville, B.C., in the late 19th and early 20th centuries to mine for gold and carry out business. These photographs and portraits by Chow Dong Hoy, a Chinese-Canadian photographer known for his astonishing documentation of First Nations, Chinese and Caucasian people, allow us to view the lives of Chinese immigrants who came to the Cariboo Region during the gold rush era. These men came to this region of Canada known as Gold Mountain to help support their families at home in China. This important collection gives us a glimpse of their lives, aspirations and work, and takes a closer look at who they were as individuals.

• (1340)

Honourable senators, this remarkable project was initiated when Judy Campbell, CEO of Barkerville Heritage Trust, and Bill Quackenbush, curator and historian from Barkerville Historic Town in British Columbia, accompanied me on my official visit to China in 2009. This exhibit was made possible by collaboration with the officials from the Guangdong Overseas Chinese Museum in Guangzhou, China. Having a father who emigrated to Canada 100 years ago from the village of Xichengli in Guangdong province, I am honoured to have been able to facilitate this exhibition.

Honourable senators, in the late 1800s and early 1900s, Chinese immigrants were forbidden by the Canadian government to bring their families to live with them. Through the Who

Am I? exhibit, their descendants will learn about their ancestors who came to Gold Mountain to help support their families at home in China. The exhibit in China will hopefully illustrate to Chinese citizens our unique and rich Chinese-Canadian story, and further tie the communities that span an ocean closer together.

I congratulate the Barkerville Historic Town and the Guangdong Overseas Chinese Museum in Guangzhou for their success in creating such an important exhibit.

[Translation]

LES VOLTIGEURS DE QUÉBEC

ONE HUNDRED AND FIFTY-FIRST ANNIVERSARY

Hon. Josée Verner: Honourable senators, on May 3 and 4, 2013, I had the pleasure of presiding over the regimental celebrations for Les Voltigeurs de Québec, which is celebrating its 151st anniversary this year.

We will forever remember 2012 and the 150th anniversary celebrations of the first francophone regiment in Canada. We will also remember that the Prime Minister of Canada, the Right Honourable Stephen Harper, reiterated the government's commitment to rebuild the regiment's historic headquarters, the armoury in Quebec City.

This year, the main event of the celebrations took place in front of this symbolic location in Old Quebec, and everyone in Quebec City was invited to watch the regiment's soldiers in a parade and ceremonial drill. As we have already said, the new armoury will help keep the memory, history and priceless heritage of Les Voltigeurs de Québec alive for future generations. It will also help commemorate the historic and proud achievements of the Canadian Voltigeurs during the War of 1812-1815, which inspired the creation of Les Voltigeurs de Québec in 1862. In 2013, we acknowledge the bravery and sacrifice of the Canadian Voltigeurs during that conflict.

This regiment, led by Charles-Michel de Salaberry and made up primarily of French Canadians, distinguished itself in particular at the battles of Châteauguay and Crysler's Farm in the fall of 1813. These two crucial battles ultimately helped save Canada. The Government of Canada honoured the memory of the Canadian Voltigeurs by awarding Les Voltigeurs de Québec the honour of Defence of Canada — 1812-1815 — Défense du Canada; Châteauguay; Crysler's Farm.

Honourable senators, the soldiers in this regiment are proud heirs to and representatives of the honour, bravery and dedication shown — from past to present — by the Canadian Voltigeurs and Les Voltigeurs de Québec, and the sacrifices made to protect our country, our way of life and our fundamental freedoms. Like their predecessors, they continue to represent the French fact within

our Canadian Forces. The rebuilding of Les Voltigeurs de Québec's armoury and the commemoration of the War of 1812-1815 show that Canadians and the Government of Canada are grateful to them and their predecessors.

Honourable senators, join me in wishing them a happy 151st anniversary.

[English]

HEATHER'S HEARTS

Hon. Elizabeth Hubley: Honourable senators, I am always happy to hear about a young person doing something special in his or her community. Heather Manning is a grade 5 student at Fatima Academy in St. Brides, Newfoundland and Labrador. She is raising money for the Janeway Children's Hospital and the new Ronald McDonald House. Last year she raised \$2,100 and hopes to raise even more this year through the sale of Heather's Hearts.

I encourage all young Canadians to follow Heather's lead and become involved in their communities, whether through volunteering, raising money for charity or helping to spread awareness about important issues and events. We all benefit from the efforts and enthusiasm of these engaged and inspiring young people.

I congratulate Heather on her hard work and wish her the best of luck in her campaign on behalf of sick children and their parents. If any honourable senators would like to join me in purchasing one of Heather's Hearts, I am sure Heather's proud dad, Senator Manning, would be happy to provide you with the details.

THE LATE SHIRLEY FIRTH-LARSSON, C.M.

Hon. Nancy Greene Raine: Honourable senators, on Tuesday, April 30, Canada lost an inspirational female athlete and a sporting trailblazer. After battling cancer for a year and a half, Shirley Firth-Larsson passed away in her home in Yellowknife with her family, including her sister Sharon, at her side. She was 59. The twin sisters, Shirley and Sharon Firth, were four-time Olympians representing Canada in cross-country skiing in the Olympics from 1972 to 1984. They grew up in Aklavik and Inuvik, north of the Arctic Circle in the Northwest Territories. Members of the Gwich'in First Nation, they were 14 years old when they became part of an innovative program to introduce cross-country skiing to the youth of Inuvik. With a long winter season, great coaching and support from the community, members of their racing team were soon breaking into the top ranks of Canadian cross-country ski competition.

Marcel Aubut, President of the Canadian Olympic Committee, paid this tribute:

Olympian Shirley Firth Larsson lived an inspiring life, filled to the brim with accomplishments the likes of which many athletes can only dream. As a 29-time National Champion and four-time member of the Canadian Olympic

Team, she proudly represented Canada and the North, serving as a shining example of excellence to Aboriginal women everywhere. Her contribution to sport and to Canada will not be forgotten.

After retiring from competition, Shirley and her husband, Jan Larsson, spent 23 years in France where they raised their three daughters. The family returned to the Northwest Territories in 2005.

Honourable senators, I first met Shirley and Sharon Firth at the 1972 Olympics in Sapporo, Japan, just five years after they had started skiing, and I followed their career with great interest, watching them change from shy young Aboriginal girls to glamorous and poised young women of the world, full of confidence. They have been honoured by their sport by receiving the Order of Canada and most recently the Queen's Diamond Jubilee Medal.

The Speaker of the Legislative Assembly of the Northwest Territories, Jackie Jacobson, expressed his condolences to the Firth-Larsson family last Wednesday:

Shirley was not only my executive assistant, but my good friend, and it was an absolute honour to work with her. She will be missed by many people; she touched so many lives and was such an inspiration to Aboriginal women. The North has lost an amazing person.

Shirley took special pride in her three daughters and her Gwich'in heritage. She was a strong advocate for family values, a healthy lifestyle and believing that you can accomplish anything you want.

Her husband said that his wife did not focus on her achievements in sports:

She always said the past is a part of you but you have to live now and in the future.

He said that she did not even mention sports in the instructions she left for her memorial:

She said, "when you talk about me, talk about family, the importance of family and of mothers in the family, about health, how we always have to strive to stay healthy, about education, and about Christian values like love, forgiveness and hope."

Honourable senators, please join me in sending sincere condolences to the family of Shirley Firth-Larsson.

[Translation]

LE PARLEMENT JEUNESSE DE L'ALBERTA

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, last weekend I had the great pleasure of being involved in the 22nd edition of the Parlement jeunesse de l'Alberta.

[Senator Verner]

As Lieutenant-Governor, I had the honour of reading the Throne Speech, signing the bills that were passed and sharing my experience as a parliamentarian with young leaders from Alberta's francophone community.

The Parlement jeunesse de l'Alberta is a mock parliament organized every year by Francophonie jeunesse de l'Alberta. It helps youth who are 16 to 25 years old learn about the parliamentary system while practising the art of debate and public speaking. On the weekend, almost 80 young Albertans sat in the MLAs' seats in the Legislative Assembly of Alberta.

• (1350)

They had to defend their point of view in the language of Molière and vote for or against bills that were drafted and introduced by young members of the youth parliament cabinet.

During the 22nd parliament, participants had the opportunity to debate four bills on the following topics: facilitating organ donation, legalizing assisted suicide, lowering the voting age and minimizing the impact of video games on young people.

Approximately 20 young people also had the chance to take part in the event by playing the roles of lobbyists who had to represent the interests of fictitious lobby groups or journalists who had to publish a daily newspaper covering the parliament's activities.

The Parlement jeunesse encourages young people to become interested and engaged in politics and helps them develop leadership skills at the same time. It also serves as a forum for discussion for young francophones and francophiles, giving them the opportunity to discuss issues that matter to them. I would like to thank Francophonie jeunesse de l'Alberta for organizing this exciting and rewarding event.

I also wish to congratulate all the participants in the 22nd session of the Parlement jeunesse de l'Alberta on their commitment and the quality of their debates. I was very impressed by their enthusiasm and their interest in participating in this exercise of democracy and discussing the issues and challenges facing our society.

[English]

POLIO

Hon. Salma Ataullahjan: Honourable senators, polio is a disease that has disappeared from our collective consciousness, and with good reason. Since the introduction of a polio vaccine in 1955, Canada has been relatively free of the disease. Worldwide, cases of polio have declined from 380,000 in 1988 to 223 cases in 2012.

Polio, however, has not completely disappeared. It is still endemic in three countries — Afghanistan, Nigeria and Pakistan. Research shows that if we try to contain this disease, rather than eradicate it, polio will return to paralyzing 200,000 people a year.

I recently invited The End of Polio campaign to the Hill on behalf of the Canada-Pakistan Friendship Group. We were joined by Akbar Zeb, High Commissioner of Pakistan, and Minister Julian Fantino, Minister of International Cooperation.

Presently, there are six districts infected with polio in Pakistan. The disease is especially persistent in my home province of Khyber Pukthunkwa and within the ethnic Pukhtun population. Eighty per cent of post-infection paralysis cases involve individuals of Pukhtun ethnicity.

In 2013, there have already been reported six cases of polio in Pakistan. A majority of the cases exist in remote and hard-to-reach areas. Forty per cent of the Federally Administered Tribal Areas, where most Pukhtuns live, are not accessible. Polio eradication workers face risks to their lives and have been targeted and killed in senseless attacks.

Canada has been a global leader on polio eradication, disbursing \$348 million to the Global Polio Eradication Initiative since 2000. At the Global Vaccine Summit in late April, our government announced a further commitment of \$250 million over the next six years.

We have also partnered with the Rotary clubs across Canada in raising more than \$2 million, an amount that was matched dollar-for-dollar by the government and the Bill & Melinda Gates Foundation.

Honourable senators, we are very close to eradicating polio by 2018. If we do so, it would be the second time in history that a human disease is wiped from the globe.

[Translation]

ROUTINE PROCEEDINGS

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

BUREAU MEETING, FEBRUARY 7-9, 2013—
REPORT TABLED

Hon. Andrée Champagne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Assemblée parlementaire de la Francophonie (APF) respecting its participation at the Bureau Meeting of the APF, held in Paris, France, from February 7 to 9, 2013.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON MONITORING THE IMPLEMENTATION OF RECOMMENDATIONS CONTAINED IN A REPORT ON THE STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

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

That notwithstanding the Order of the Senate adopted on November 2, 2011 and June 27, 2012, the date for the final report of the Standing Senate Committee on Human Rights on the monitoring of the implementation of recommendations contained in the committee's report entitled *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children* be extended from June 28, 2013 to June 26, 2014.

[English]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES OF DISCRIMINATION IN HIRING AND PROMOTION PRACTICES OF FEDERAL PUBLIC SERVICE AND LABOUR MARKET OUTCOMES FOR MINORITY GROUPS IN PRIVATE SECTOR

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

That notwithstanding the Order of the Senate adopted on October 26, 2011 and June 27, 2012, the date for the final report of the Standing Senate Committee on Human Rights on issues of discrimination in the hiring and promotion practices of the Federal Public Service, to study the extent to which targets to achieve employment equity are being met, and to examine labour market outcomes for minority groups in the private sector be extended from June 28, 2013 to June 26, 2014.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

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

That notwithstanding the Order of the Senate adopted on June 22, 2011 and June 27, 2012, the date for the final report of the Standing Senate Committee on Human Rights on issues relating to human rights and, inter alia, to review the

machinery of government dealing with Canada's international and national human rights obligations be extended from June 28, 2013 to June 26, 2014.

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

FOOD BANKS—POVERTY AND HUNGER—VOLUNTEERISM

Hon. Elizabeth Hubley: Honourable senators, my question is for the Leader of the Government in the Senate.

It is a very unfortunate reality that in Canada people are hungry and often starving each and every day. Last year, nearly 900,000 Canadians used food banks and a shocking 38 per cent of users were children and youth.

A higher cost of living, higher food prices, stagnant wages and job cuts, combined with the unfair changes to Employment Insurance, will mean that too many Canadians will continue to rely on food banks. Unfortunately, the government's recent budgets have done little to help curb the trend of increasing food bank usage in our country.

• (1400)

When will the government bring in good public policy that will help alleviate poverty and hunger in our country?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I would argue strenuously that the government's policies with regard to connecting people with available jobs, job retraining, the fact that many new jobs have been created, the policies we brought in to support families and many other initiatives are all policies directed towards alleviating the problem of poverty, most specifically child poverty.

Senator Hubley: Honourable senators, on a supplementary question, a recent survey completed by HungerCount for Food Banks Canada found that in some parts of rural Prince Edward Island food bank usage has increased by an astonishing 40 to 50 per cent over the past year and that most clients are working people who simply cannot make a go of it. Many of these clients, who are seasonal workers, fear that with the government's unjust changes to Employment Insurance, they will be forced to continue their reliance on food banks to feed themselves and their families.

Again, when will the government bring in public policy to help alleviate poverty and hunger in our country?

Senator LeBreton: As I have pointed out many times, honourable senators, the Employment Insurance system is there for people who require access to the Employment Insurance, and nothing has changed. This in no way would impact people who, through no fault of their own, have not been able to find work. The Employment Insurance system is there for them; it was there for them in the past and will be there for them in the future.

[Senator Champagne]

The senator may be aware that we recently made an announcement on social finance which shows our government wants to tap into the best ideas and work with not-for-profit organizations and the private sector to better coordinate their efforts and to work with communities to tackle local issues, specifically homelessness, unemployment and poverty.

Again, the government has introduced many policies to assist in this area, including the Working Income Tax Benefit for low-income families, to assure that the issue of poverty is alleviated as it is still a situation that many families face.

Hon. Terry M. Mercer: Honourable senators, Canada's volunteers do things for our communities to take up the slack for lack of funding from different levels of government. These volunteers do things like serve meals at local shelters, stack shelves and distribute food at food banks, and deliver for Meals on Wheels.

With over 4,000 food programs across the country, handling approximately 200 million pounds of food each year, it requires a tremendous amount of volunteers and their time.

What is the federal government doing to help encourage experienced volunteers to continue and encourage more young people to volunteer?

Senator LeBreton: Honourable senators, people who volunteer their time to any good cause are to be applauded and celebrated. All of us, I am sure, in our own private lives, have volunteered for many different endeavours. Obviously, there is a need for more volunteers. This is something that is driven more by the communities and the various organizations that seek out these volunteers.

I do not have a specific answer as to what any of us individually or collectively could do to improve the situation. I do know that Canada is very fortunate in the number of hours that are expended daily by our volunteers all over the country providing much needed services. We should be celebrating them.

Senator Mercer: Volunteers are a key part of it. According to FEED NOVA SCOTIA, the umbrella food bank in my province, the numbers in March of 2012 show that 23,561 Nova Scotians were assisted by food banks; 202,419 meals were served by meal programs and shelters throughout the province during the same time frame; and there has been a 39.3 per cent increase in the number of individuals accessing food banks since 2008. That is shocking.

I should mention that FEED NOVA SCOTIA's executive director, Dianne Swinemar, is retiring after nearly 25 years. I take this opportunity to applaud her for her hard work over the years to help Nova Scotians. As senators just heard from those numbers, her job has not been easy.

Last year alone, over 700 volunteers helped at FEED NOVA SCOTIA and contributed more than 44,000 hours of volunteer time — wow.

I see nothing in the federal budget that will help retain or encourage volunteers like those in Nova Scotia. All I see are cuts to programs like EI, which will undoubtedly increase the activity at food banks and, perhaps, even decrease the number of volunteers available to help.

I ask again: What is the federal government doing to encourage volunteers from across the country to help our food banks and our other food programs?

Senator LeBreton: Honourable senators, first, anyone who accesses food banks obviously requires those services.

Many of us, I am sure, contribute on a regular basis either money or food to food banks. I know I do. I can think of my own community and the efforts that are made to mobilize young people there. The recruitment of volunteers is run by the various service clubs and one particular Roman Catholic high school in the area. Volunteerism involves a huge number of people, and they come into the system through various avenues.

From the federal government's perspective, our aim is to connect Canadians as much as possible to good jobs. We started a new program, the Job Alerts system, to assist people in finding meaningful employment. As one of my colleagues used to say many years ago, the best social policy is a job.

Senator Mercer: On a final supplementary question, I acknowledge the work that people do in communities and, in particular, the work that people in Manotick do and the young people at St. Mark High School in Manotick.

According to Food Banks Canada, on average in 2012, more than 882,000 people each month went to a food bank in Canada, and that represents 11 million visits. That is an increase of over 31 per cent since before the 2008-09 recession. Canadians have seen the problem and have responded with an increase in charitable donations, albeit from a smaller number of people.

This growing old government has failed to respond and has driven more and more people to food banks with programs cuts like those to EI. During this Hunger Awareness Week, and every week throughout the year, is it not our job to fund programs that will encourage volunteers to deal with the problem now and then lower our reliance on food banks?

As I said at last year's National Child Day to guest speaker Katharine Schmidt, head of Food Banks Canada, our job is to put her out of business. Would the minister agree?

Senator LeBreton: Honourable senators, I must confess that I am rather impressed that the senator opposite from the province of Nova Scotia would know the name of Roman Catholic high school in Manotick is St. Mark High School. That is most impressive. The honourable senator either knows a lot about Manotick or he reads the *Manotick Messenger* regularly, which is an excellent newspaper, by the way.

• (1410)

The fact is that we all share his views on the necessity of food banks. None of us likes to see numbers where people have to access food banks. We all applaud the hard work of volunteers. As a matter of fact, when I was Minister of State for Seniors, we commissioned a special study to encourage seniors who had left the active paid workforce but who still had a lot to offer to join the ranks of volunteer workers.

Again, I must point out that the Employment Insurance fund is there for people who need it. We are trying to connect people to good, well-paying jobs. We have brought in many tax measures to remove low-income Canadians completely from the tax rolls. We have the Universal Child Care Benefit, the payment of \$100 per month for each child under the age of six. The government has many policies that are designed to assist people who have low incomes or who, through no fault of their own, are out of work.

Again, and I wish to point this out very firmly, the Employment Insurance system is there for people when they need it.

Senator Mercer: I am thankful for the leader's reminder that she used to be the minister responsible for seniors. I remind her also that I was a member of the Special Senate Committee on Aging, which was ably chaired by former Senator Carstairs. The leader will also remember that the report we filed with this chamber, which she responded to, contained a number of recommendations that dealt specifically with volunteerism and making some adjustments to programs that would make it easier for people to volunteer, particularly for seniors to volunteer, such as lightening the burden for seniors of the cost of transportation, particularly public transit, and making available tax incentives for people to volunteer for things such as food banks.

I ask the leader if she could perhaps again review the recommendations from the Special Committee on Aging.

Senator LeBreton: We have done many things for seniors, of course, including pension income splitting and increasing the amount of money they can earn even at part-time work without having their Guaranteed Income Supplement clawed back.

With regard to transportation, as honourable senators know, most of the transportation systems in this country are run municipally. I remember when I was Minister of State for Seniors, quite a few of them around the Greater Toronto Area had in fact implemented programs because they are the only ones that can and they are responsible for their transit systems for those very reasons, to assist people who are volunteering not to have to be out of pocket for travel expenses.

Hon. Art Eggleton: Honourable senators, the minister talks about the programs that the government has put in place to deal with the issue of hunger, but she does not talk about the results. I think as other honourable senators have indicated in their questions, the situation is getting worse. The studies indicate that more and more people are going to food banks, including children.

Here is another statistic: According to an Angus Reid public opinion survey commissioned by Food Banks Canada, more than one quarter of Canadians have been worried about how they will afford food for themselves and their families at some point during the last year. Think about that — one quarter of Canadians worried about whether they will have enough food for themselves and their families.

Another piece of information they came up with was that one in five parents say they skip meals to ensure there is enough food for their children to eat — one in five parents. These are big statistics in a wealthy Canada that most of us enjoy, but there are some people who are obviously suffering.

In addition to that, 36 per cent of Canadians resort to buying cheaper, not necessarily nutritious, food for themselves and for their families because of the financial struggles they are experiencing. In communities nationwide, complex factors such as health, education and employment are directly impacting Canadians' ability to feed themselves and their families. Simply, many families cannot afford to put sufficient food on the table.

The leader mentioned the Working Income Tax Benefit and said that jobs, in fact, are the best solution and the best social program. Well, many of these people are working and they are still struggling.

The Government of Canada did bring us the Working Income Tax Benefit, the WITB program, but still many of these people cannot benefit from it because it is too small in scale, too small in scope. Will the government increase the scope of the WITB program in its assistance to help the many working Canadians who are still living in poverty?

Senator LeBreton: Honourable senators, Senator Eggleton might have pointed out that the WITB program has assisted 1.5 million Canadians.

In addition to the WITB program, and I have said this before to Senator Eggleton, we increased the amount that families in the two lowest personal income tax brackets can earn before paying taxes. We cut taxes, putting an average of \$3,000 back into the pockets of these families. Of course, all of these changes we brought in as a government assist with the amount of disposable income people have to buy food and necessities. Over 1 million low-income Canadians do not pay income tax any longer at all. We enhanced the National Child Benefit, and of course, the Child Tax Benefit. We brought in the Universal Child Care Benefit, as I mentioned a few moments ago, \$100 a month to children under six, helping 2 million children. Budget 2010 allowed single-parent families to keep more of this benefit after tax. The Child Tax Credit provides more money to over 3 million children and removes 180,000 low-income Canadians from paying income tax.

Obviously, honourable senators, we have a segment in our society that still requires great assistance. Our strong social services clubs, our volunteers and the many religious organizations that assist them are to be commended and applauded.

[Senator LeBreton]

The honourable senator failed to point out that we have made progress. As a matter of fact, UNICEF's report card indicated that Canada has made progress in most indicators of well-being over the last decade and that close to 84 per cent of Canadian children have a high level of life satisfaction; 84 per cent is an impressive number.

The fact that significant numbers of people still do not fall into that category is a concern to us all, and it should be a concern to us all; it is to the government. As I mentioned a moment ago, we are working with various organizations at the community level to bring them together to assist in homelessness and poverty, and of course, we will continue on that good work.

Is it perfect? Of course it is not. Was it ever perfect? Of course not, but to suggest that the government does not take these very human issues seriously is, of course, flat-out wrong.

Senator Eggleton: I did not say anything about their taking it seriously; I just said whatever they are doing is not working because the statistics are getting higher and higher all the time. All of this spin propaganda the leader spouts about different government programs is just not doing the job. The government better review these programs; they are not doing their job. The kind of increases and the kind of changes that were made are paltry compared to what is needed, yet she spins them out here as if the government is doing something, but they are not doing very much at all.

I will ask about another issue that is related to this, which is affordable housing. Four million Canadians are having trouble getting decent, affordable housing in this country. That certainly affects whether they have enough food to put on the table because many of them are paying more than they can afford to for the housing they have. Housing is very important in this country. A home anchors a person and gives them a chance to move on to higher educational attainment or move on to job opportunities if they have that basic need met.

However, here is the problem: Federal social housing operating agreements across the country are beginning to expire, which means that affordable housing providers are losing an important source of funding that has supported more affordable rents for tens of thousands of Canadians. Without a new source of funding, many providers will increase their rents, thereby decreasing the number of affordable units they have in their projects.

• (1420)

I know the government will say they are putting money into the affordable housing program. Yes, I understand that, but that is not enough. Housing units exist today for low-income renters that will cease to be for low-income renters because the government is just allowing these agreements to expire.

Will the government now look at renewing these agreements?

Senator LeBreton: First, honourable senators, I must take issue with Senator Eggleton's comments about spin and the other lines he used. The fact is I was putting facts on the record.

With regard to affordable housing, I would suggest that Senator Eggleton read the budget, Economic Action Plan 2013. In that budget we have renewed the homelessness partnership strategy with funding to move people from shelters and into stable housing. As part of that, we are also providing underlying support for mental health and addiction issues.

PUBLIC SERVICE JOB CUTS—YOUTH AND STUDENT EMPLOYMENT

Hon. Wilfred P. Moore: Honourable senators, my question is also for the Leader of the Government in the Senate. A report tabled last week in Parliament detailed some of the thousands of jobs cut from the federal civil service last year. According to the report, the government cut nearly 1,100 of about 5,300 student positions, a reduction of just over 20 per cent. Furthermore, out of 29,500 part-time positions, the government eliminated 5,550, a cut of just over 18 per cent. Often our young people find work in those part-time positions. *The Hill Times* newspaper states that report shows that students, women and younger members took the biggest hit.

Can the leader explain the rationale for hitting youth and students the hardest among public service job cuts, when the environment for them finding employment is at its lowest point ever?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, with regard to youth employment, the senator specifically dealt with the public service. I will point out that Canada has one of the lowest youth unemployment rates in the G7. This year alone our measures have helped 60,000 youth get the skills they need for the jobs. We have had this discussion before.

We have many young people coming out of our educational institutions who do not have proper skills, so we have brought in measures to assist 60,000 youth to get these skills. We have made a permanent increase to the Canada Summer Jobs Program of 36,000 youth jobs per year, and nearly 400,000 Canadians have received apprenticeship grants since 2007.

I would argue, honourable senators, that the government is extremely focused on employment issues, most particularly youth employment. It is necessary that we, as a society, make sure that our youth are properly trained and educated in those areas where jobs are most wanting.

Senator Moore: On a supplementary question, honourable senators, I want to pick up on the leader's focus. Youth unemployment rates in this country are truly abysmal. Even when factoring in the economic events of 2008, a TD Bank report shows that the age group between 15 and 25 years is still down 250,000 jobs as compared to pre-recession levels.

We know that food bank usage among our youth and students is also at record levels. According to Food Banks Canada:

While children and youth represent 21 per cent of the Canadian population, 38 per cent of those helped by food banks are in this age group.

I spoke to that yesterday. This is very serious stuff, and my colleague Senator Eggleton touched on it. The youth unemployment level sits at 14 per cent, double the national average. I do not care about the G7; I am talking about Canada, a wealthy country. We can do better.

No jobs mean more university or college debt, or no university or college at all. No jobs mean more pressure on parents to provide, and no jobs mean fewer Canadian youth taking their full part in our society.

Where is the youth training? What is the strategy? Basically, the government has failed in looking after our youth. The numbers cannot be disputed. Why has the government failed to do this? Why has it not addressed this youth problem, giving them some hope and encouragement?

Senator LeBreton: As I said a moment ago, honourable senators, many jobs are unfilled in this country because, unfortunately, we have an education system that directs young people into areas where, when they come out of school, there are no jobs. That is why this year alone we helped 60,000 youth get the skills they need. Some 400,000 Canadians have received apprenticeship grants since 2007, and we have made a permanent increase in the Canada Summer Jobs Program.

There is always room for improvement, but I can assure honourable senators that this government, especially in terms of the potential for jobs, which of course help our economy, has specific measures to ensure our young people are trained so that they have the skills to fill the jobs that at the moment are left wanting.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

HUNGER AND FOOD SECURITY

Hon. Jim Munson: Honourable senators, when it comes to feeding Aboriginal people, the government has failed, and it has failed in so many respects.

Honourable senators remember the report from the United Nations Special Rapporteur on the Right to Food. One might remember that report: The government became quite indignant about all that saying, “How dare the United Nations come into this country and talk about food and security and human rights; how dare they do it.” Well, honourable senators, guess what? It is still happening in the rest of the country beyond the 800,000 or 900,000 households that Senator Hubley talked about.

In his report, Mr. de Schutter said that this country is “disconcerted by the deep and severe food insecurity” facing First Nations, Metis, Inuit people and so on. I do not think anything in this budget will add to food security or put food on the table for Aboriginal people.

There are other statistics here, too. Statistics do not lie. Aboriginal people in this country “were found to be four times more likely to experience hunger as a direct result of

poverty.” “More than one quarter of Aboriginal people off reserves and 30 per cent of Inuit children have experienced food insecurity at some point.”

The statistics that come from Food Banks Canada, according to HungerCount 2012, show “First Nations, Metis and Inuit people account for 4 per cent of the Canadian population, yet make up 11 per cent of individuals utilizing food banks.”

I have two questions for the leader.

How can she stand there and say the government is doing so much for Aboriginal people when statistics show us that is not true? Today, Statistics Canada indicated that the Aboriginal population grew by 20 per cent between 2006 and 2011, and the non-Aboriginal population increased by only 5 per cent during the same period.

Honourable senators, with the Aboriginal population in this country growing so rapidly, would the leader not agree that we must act now to ensure that a new generation of First Nations, Metis and Inuit Canadians — children — will not have to face hunger in this country during their lifetime?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, again, we have various programs, including programs to get more food to the North. We have various food programs, but in terms of Aboriginals, this government, through the Department of Aboriginal Affairs and Northern Development, has been working very hard with the leadership in the Aboriginal communities, plus the leadership in the North, to ensure that Aboriginal young people are the people who benefit from resource development and from opening up the North.

• (1430)

The government has undertaken a whole list of endeavours. For anyone to get up and make a blanket statement that we are doing nothing for Aboriginal people is quite incorrect.

Seeing that I am running out of time, I will be very happy to provide Senator Munson with a long list of all the programs the government has undertaken to ensure our Aboriginal people get the quality of life they deserve. We are making many gains with the Aboriginal communities in terms of connecting the younger population to the developing resource economy of Canada.

ORDERS OF THE DAY

QUESTION OF PRIVILEGE

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, yesterday, Senator Cowan raised a question of privilege about media reports suggesting that a witness invited to appear before the Standing Senate Committee on National Security and Defence during its study of Bill C-42 had not done so because of pressures exerted on him by his employer. The bill had been reported earlier

in the sitting, without amendment but with observations. As the Leader of the Opposition explained, Corporal Roland Beaulieu, a member of the RCMP currently on medical leave, had been invited to appear before the committee on Monday, May 6. Senator Cowan indicated that last week Corporal Beaulieu had been informed that if he came to Ottawa to testify his medical leave would be terminated. As a result he did not attend. A number of other honourable senators then participated in consideration of the question of privilege. After these interventions, the chair committed to ruling today.

[Translation]

Before dealing with the substance of the question of privilege — the allegation of deliberate witness intimidation — it should be made clear that the proceedings of the committee at its Monday meeting have not been questioned. The committee heard witnesses, including representatives of the Mounted Police Professional Association of Canada, to which Corporal Beaulieu belongs, and reviewed the bill clause-by-clause. Bill C-42 was then reported back to the Senate. The bill is now on the Order Paper and open to debate at third reading.

[English]

As already noted, the fundamental issue is the protection of witnesses. Privilege is the sum of the rights enjoyed by this house and its members that are necessary for us to conduct our work. We must be mindful that this protection of privilege is not limited to parliamentarians alone. More importantly, with respect to the current situation, witnesses also enjoy a range of protection. As stated at page 267 of the twenty-fourth edition of *Erskine May*, “Any conduct calculated to deter prospective witnesses from giving evidence before either House or a committee is contempt.” *Erskine May* then continues to explain that “It is also a contempt to molest any person attending either House as witnesses, during their attendance in such House or committee,” as are threats against those who have previously appeared. These points are repeated at page 840. Similar statements are made at pages 114 and 115 of the second edition of *House of Commons Procedure and Practice*, which explains that witnesses are protected from threat or intimidation.

On April 13, 2000, the Standing Committee on Privileges, Standing Rules and Orders — now the Standing Committee on Rules, Procedures and the Rights of Parliament — presented its fifth report, dealing with allegations about reprisals against a witness. The report stated in part as follows:

The Senate, and all Senators, view with great seriousness any allegations of possible intimidation or harassment of a witness or potential witness before a Senate committee. In order for the Senate to discharge its functions and duties properly, it must be able to call and hear from witnesses without their being threatened or fearing any repercussions. Any interference with a person who has given evidence before a Senate committee, or who is planning to, is an interference with the Senate itself, and cannot be tolerated.

[Translation]

The essential issue is not whether representatives of the association appeared before the committee. They did. The issue is whether there was a deliberate attempt to impede the appearance of an invited witness, agreed to by the Steering Committee. Witnesses or potential witnesses who fear retaliation, directly or indirectly, arising from their testimony, whether because of implied or direct threats or because previous witnesses or potential witnesses have suffered due to the fact that they appeared or considered appearing, will either be unwilling to appear or, if they do, will not be forthcoming in their evidence. Since this impedes parliamentarians on the committee in the full exercise of their duties, it would represent a breach of privilege.

[English]

Based on the information available, the witness had agreed to travel to Ottawa and come before the committee. He cancelled because an RCMP medical official informed him that, if he did testify, he would be considered able to return to work and his medical leave would be terminated. Furthermore, on the last working day before the committee meeting, it would seem that a new policy was issued by the RCMP, requiring that a member on medical leave seek approval before undertaking certain types of travel. All this could be coincidental, but the chronology of events and the allegations are such as to raise concern.

I will now turn to the four criteria of rule 13-3(1), all of which must be met for a *prima facie* case of privilege to be established. Senator Cowan clearly raised this issue at the first opportunity, thereby meeting this first criterion.

[Translation]

In terms of the second criterion, that the matter must “directly concern the privileges of the Senate, any of its committees or any Senator,” the references to the procedural works already given make clear that this matter does involve the privileges of the Senate and its committees. Unlike many other parliamentary bodies, questions of privilege relating to the work of a committee can be raised in the Senate itself, without requiring a report of the committee.

If there were intent to intimidate the witness, it is clearly a grave and serious breach, therefore meeting the third criterion.

[English]

The final criterion is that a question of privilege must seek a remedy that the Senate can “provide and for which no other parliamentary process is reasonably available.” In this case, the issue is not whether the committee did its work properly. As far as can be ascertained, it did. Instead, the fundamental issue is whether there was a deliberate attempt to prevent a witness from appearing. Were this to be so, it would constitute contempt. The accepted remedy is to treat such issues as cases of privilege. As such, the final criterion has also been fulfilled. This ruling, to be clear, does not establish that there was a deliberate intent to intimidate, which would be a decision for the Senate to eventually make, but rather that there is reason for concern.

The ruling is, therefore, that there is a *prima facie* case of privilege. Senator Cowan can now move a motion either calling on the Senate to take some action or referring the case of privilege to the Rules Committee. The motion must be moved now but will only be considered at the end of Orders of the Day or 8 p.m., whichever comes first. If the Senate adjourns earlier, the motion will be taken up at the next sitting. Debate on the motion can last a maximum of three hours, with each senator limited to speaking once and for no more than 15 minutes. This debate can be adjourned. When debate ends, the Senate will decide on the motion.

REFERRED TO COMMITTEE

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I move that this case of privilege relating to the reported interference with Canadians who wish to appear before our Standing Committee on National Security and Defence be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and reporting.

• (1440)

The Hon. the Speaker: Honourable senators, on debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Shall I put the question to the house now rather than later?

Hon. Senators: Agreed.

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

(Motion agreed to.)

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Daniel Lang moved third 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.

He said: Honourable senators, Canadians have taken a keen interest in modernizing the RCMP to meet the challenges of the 21st century. Minister Toews noted before the committee that:

Over the past several years our government has worked with the RCMP and the commissioner to find the best way forward to strengthen civilian review, modernize the HR system within the RCMP and address issues of harassment. The result is Bill C-42, a comprehensive piece of legislation that will make several significant changes to the RCMP Act to create a modern, accountable, national police force for the future.

Honourable senators, Canadians recognize the limitations of the current system of RCMP oversight. Canadians want to know that public complaints against RCMP officers are handled expeditiously with thoroughness and impartiality. Canadians want greater transparency so that justice is not only done but also seen to be done. Bill C-42 proposes to replace the Commission for Public Complaints Against the RCMP with an arm's-length body to be known as the civilian review and complaints commission. Bill C-42 takes the powers of the CPC and enhances them. The new entity will continue to focus on reviewing public complaints, and it will have enhanced access to all RCMP information required for the investigation of the complaint except cabinet confidences.

It will also have the power to summon witnesses to testify at a hearing. While we have heard some concerns about this power, it is important to recognize that the authority to compel RCMP members to respond to questions during internal investigations about members' conduct has been in existence since 1988 and will not change under Bill C-42.

As the minister indicated:

... the requirement that responses be provided to questions during the investigation of allegations of misconduct is common in most professional fields.

He continued:

It is important to note that, consistent with the protections provided under the Charter of Rights and Freedoms, any response given to a question during a conduct proceeding cannot be used against the member in any civil, administrative or criminal proceeding, except in a conduct proceeding involving an allegation that the member knowingly gave a false statement.

Honourable senators, with regard to incidents relating to alleged misconduct and sexual harassment in the RCMP, the current human resources management framework clearly does not allow for the commissioner to deal with these internal issues expeditiously. That is why a large portion of Bill C-42 is devoted to revamping the RCMP's human resources management framework, particularly in terms of discipline and grievance processes. Bill C-42 will empower front-line managers. Under the bill's provisions, these managers could impose consequences or measures for most contraventions of the code of conduct. For example, managers could impose remedial training or corrective action or could dock the officer's pay. Managers would hand over the case to a conduct board only if the review could lead to the firing of an officer.

Honourable senators, the current grievance process is just as troubling as the process for discipline. Under Bill C-42, a single process would be put in place for both grievances and appeals by members. In this way, the system would be much simpler and more consistent and would operate with greater efficiency. Complementing this formal approach, front-line managers would be encouraged to deal with minor problems informally at the first occurrence before they become official grievances and before they undermine a positive workplace culture.

[The Hon. the Speaker]

These improvements to RCMP management would not be complete without also considering the role of the commissioner. The commissioner currently lacks authority for decisions that should be part of any senior manager's tool kit, including those provided to deputy heads in the public service and senior police leaders. To rectify these shortcomings, the proposed legislation would give the commissioner new authorities. These include, for example, the power to demote and discharge members and to investigate disputes involving workplace harassment. The RCMP commissioner would also have the authority to appoint and promote most commissioned officers and to establish rules with respect to the stoppage of pay and allowances for members who are ordered dismissed by a conduct board or who have been suspended from duty pending the resolution of their conduct matter.

These new powers are important; however, we are informed by the minister, the commissioner and other expert witnesses that there are numerous checks on the authority of the commissioner to ensure that these new powers are exercised following due process and in a manner consistent with human resources policies and guidelines. Ultimately, the minister is responsible for the RCMP and the commissioner.

Honourable senators, in reviewing Bill C-42, concerns were raised relating to the power of the RCMP to conduct an *ex parte* search warrant on a member's home for non-criminal, administrative measures. Honourable senators will recall that the minister indicated before committee that:

... Bill C-42 has a built-in judicial safeguard in that only a justice or provincial court judge has the authority to grant a search warrant or production order. Bill C-42 goes further than those other regimes by requiring that internal authorization be sought from a designated officer prior to an application being brought before a justice.

Honourable senators, the government believes firmly that it is on the right path to transforming the RCMP into the modern, accountable police force that Canadians expect and deserve. Senator Dallaire indicated at committee and in this chamber that transformation and cultural change take a long time to implement. From the RCMP commissioner, senior management and RCMP members, there must be a collective desire to meet this goal.

In reporting the bill back to the house, the committee appended observations that would facilitate cultural change and transformation in the RCMP, including "strong leadership, clear lines of accountability, guidance, ongoing education and greater transparency." Additionally, the committee requested that a "study and review of the implementation of Bill C-42 by the appropriate committees of the Senate and the House of Commons take place three years after the bill comes into effect."

With regard to concerns heard about the proposed transfer of RCMP civilian employees to the public service, the committee urged in its observations:

... Treasury Board to consider all aspects of conversion before any actions are taken to convert civilian RCMP members to public service employees, as set out in Section

86 of Bill C-42. The committee recommends that the principle of fairness and vesting of existing rights of current employees guide the Government's decisions in this matter.

• (1450)

This final observation echoed the comments made by Minister Toews about the possible adverse effects of the transfer of RCMP civilian employees to public service employees. As the minister noted:

The Treasury Board, as the employer, will determine whether this will occur and when...

He went on to inform the committee:

... I can assure the committee and RCMP civilian members that this will not occur until RCMP and Treasury Board pension officials have reviewed the policy considerations and mechanics of converting civilian members to public servants in light of the amendments in Bill C-45, the Jobs and Growth Act, 2012.

Honourable senators, Bill C-42 is a step in the right direction. I urge you to support its passage.

(On motion of Senator Mitchell, debate adjourned.)

INTERNATIONAL BOUNDARY WATERS TREATY ACT INTERNATIONAL RIVER IMPROVEMENTS ACT

BILL TO AMEND—THIRD READING

Hon. Doug Finley moved third reading of Bill C-383, An Act to amend the International Boundary Waters Treaty Act and the International River Improvements Act.

He said: Honourable senators, it is my pleasure to rise today to speak to third reading of Bill C-383, the transboundary waters protection act. If I had thought ahead, I would have performed much the same way as my esteemed colleague, Senator Greene, did yesterday to pass this bill straight through, but I did not want to let down my allegiance to supporters of my Scottish accent.

Raymond Duncan once said, "If the speaker won't boil it down, the audience must sweat it out." Since this is a speech about water, I will keep it short and sweet. It certainly could not be regarded as a dry subject.

Some Hon. Senators: Oh, oh!

Senator Finley: "Saturday Night Live" next week.

Since being introduced in December 2011, this bill has received widespread support in both chambers and from all parties. I am confident we will see it enacted soon. I applaud member of Parliament Larry Miller for the hard work he put into this bill. He saw a need for this legislation and brought it forward. The universal support it has received is testament to the hard work that Larry and his team put into the bill.

Once again, for the benefit of all senators, Bill C-383 amends the International Boundary Waters Treaty Act to provide transboundary waters — those that flow across borders — with the same protections currently in place for boundary waters — those waters that straddle the border.

The bill transfers some definitions and exceptions into the act that are currently found in regulations, it provides for measures to administer and enforce the act and, lastly, it makes a consequential amendment to the International River Improvements Act to ensure that an international river is not used as a conveyance or a pathway to move water in bulk outside of Canada.

As was discussed in committee, Bill C-383 is designed to be complementary legislation, while respecting provincial jurisdiction. The provinces and territories have laws, regulations or policies in place to protect against the bulk removal of water within their boundaries. Water is being protected in this country through a combination of federal and provincial protections.

Bill C-383 is only one example of our government's continued efforts to protect Canada's fresh water and ecosystems. We continue to work within Canada and through bilateral bodies, such as the International Joint Commission, to provide and ensure that this vital resource remains available for generations to come.

Canadians from across this great country take tremendous pride in our waterways. All of us in this chamber recognize that we must not take water for granted. That is why I am pleased and proud to support Larry Miller's private member's bill and thoroughly encourage all honourable senators to do the same.

Hon. Percy E. Downe: Honourable senators, first I wish to join with Senator Finley in congratulating Larry Miller on his bill and the work he has done on the measure. However, I am curious, when this bill is so important, why it is a private member's bill and not a government bill.

The previous legislation that was lost in Parliament was a government bill. The bill was reintroduced by Mr. Miller with one change. He listened to some criticism of the original bill and that criticism was that an individual or a company could basically divert water from a lake or river that was a non-transboundary waterway and connected to a transboundary waterway. He amended the original bill and the changes in this bill deal directly with that, which would not be allowable under this bill. For that he is to be thanked as well.

There are a number of questions about the bill, however. Does it open a NAFTA challenge if a province or private firm challenges it? The bill does not deal with exports. This bill deals with water in its natural state and as such is intended to void the application of trade rules, but is that the case? It may leave Canada open to a trade challenge under NAFTA should a province, together with an American entrepreneur, decide at some point in the future to challenge the bill prohibition on waters exported by pipeline. In other words, rather than resolving the current uncertainty surrounding the status of fresh water under NAFTA, Bill C-383 may amplify this uncertainty.

[Senator Finley]

As well, the bill is incomplete because it fails to cover the vast majority of Canada's fresh water. It leaves out of its scope more than 90 per cent of Canada's water resources. It fails to create an overarching national prohibition against moving water from anywhere in Canada to the United States or elsewhere that would fill the void should a province ever lift the ban on water exports.

The Standing Senate Committee on Foreign Affairs and International Trade heard testimony that a number of years ago there was a proposal before the Government of Newfoundland for the consideration of the export of fresh water in tankers. The Government of Newfoundland decided not to proceed because it did not make financial sense. The question is: Had it made financial sense, would they have proceeded? This bill does not address that, nor was it Mr. Miller's intention. His concern was transborder, but it leads to the question of national responsibility.

Where is the Government of Canada? Where are the bills preventing mass export of fresh water? These were promises made in the 2008 Speech from the Throne and the 2009 Speech from the Throne, and indeed it goes back to the free trade discussions in the 1980s when the then government introduced Bill C-156, which would have banned large-scale water exports. That bill died when Parliament was dissolved for the 1988 election and was never resurrected. This bill addresses a problem. Again, we congratulate Mr. Miller for bringing it forward. We question why the government did not re-introduce its previous government bill, and we look forward to the federal government providing leadership on the outstanding gaps that exist in the possible export of fresh water in Canada.

• (1500)

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

Hon. Senators: Agreed.

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

[Translation]

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Tannas, for the third reading of Bill C-309, An Act to amend the Criminal Code (concealment of identity).

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak at third reading of Bill C-309, An Act to amend the Criminal Code (concealment of identity). Bill C-309 amends sections 65 and 66 of the Criminal Code by creating two new "concealment of identity" offences.

Subsection 65(2) will prohibit anyone from taking part in a riot “while wearing a mask or other disguise to conceal their identity without lawful excuse.” This is an indictable offence punishable by imprisonment for a term not exceeding 10 years.

Subsection 66(2) will prohibit anyone from participating in an unlawful assembly “while wearing a mask or other disguise to conceal their identity without lawful excuse.” This will be a hybrid offence. The offender will be liable to imprisonment for a term not exceeding five years on conviction for an indictable offence.

For a summary conviction, the offender will be liable to a fine not exceeding \$5,000, imprisonment for a term not exceeding six months, or both.

[English]

Honorable senators, the Standing Senate Committee on Legal and Constitutional Affairs heard compelling testimony from legal experts on Bill C-309. The Criminal Lawyers’ Association, for example, testified that it could not support Bill C-309 because

“it is not necessary; it is not modest or restrained; it poses some constitutional issues; and it is ripe for abuse.”

Honourable senators, today I will address the three principal concerns that the committee’s witnesses raised: first, that Bill C-309 is unconstitutional; second, that Bill C-309 is redundant; and third, that Bill C-309 is ineffective relative to the objectives of ensuring public safety and promoting justice.

Honourable senators, several witnesses made strong arguments that Bill C-309 could compromise certain fundamental freedoms enshrined in section 2 of the Canadian Charter of Rights and Freedoms, namely freedom of religion, freedom of expression and freedom of peaceful assembly. In his expert legal submission, Mr. Michael Spratt, a representative of the Criminal Lawyers’ Association testified that there are:

... deleterious and potentially dangerous side effects of this legislation that deal with the people who do not have the *mens rea* and have lawful excuses. This legislation could result in their arrest, prosecution, suspension of their liberties and violation of their Charter rights that would not have arisen before.

Mr. Ryan Clements, representative of the Canadian Council of Criminal Defence Lawyers, spoke to the committee of what he termed a “chilling effect on freedom.” He said:

I come from the position that to have clarity in the law is advantageous. I come from the position that laws that potentially invite Charter challenges should be discouraged, and I think there are sufficient problems with this legislation as it relates to the chilling effect on freedom of speech and assembly as well as to the way it will be applied on the ground level.

In a letter to our committee dated February 6, 2013, Dan MacRury, Chair of the National Criminal Justice Section of the Canadian Bar Association wrote:

There is a risk that the offences proposed in Bill C-309 may be used inappropriately and applied to a group of individuals (an assembly of three or more persons) in such a way as to interfere with legitimate protesters who wish to remain anonymous.

Some of the witnesses’ concerns, honourable senators, stem from a point that I raised at second reading of this bill. As I said at the outset of my speech today, in setting out the two offences, the bill employs the qualifier “without lawful excuse.” The question that remains unanswered in any definitive form is what constitutes lawful excuse.

Professor Stribopoulos of Osgoode Hall Law School, a representative of the Canadian Civil Liberties Association, offered some ideas to the committee:

As a form of political satire, a protester might want to wear a mask or a costume that covers their face. Someone involved in a protest in Canada, for example, that has as its focus events in their homeland might want to conceal their identity because of legitimate concerns about the potential for reprisals abroad for family and friends who are still in that far-off place, whose government is the subject of a protest in Canada, for example, in front of an embassy or consulate. Others might wear face coverings for religious reasons. Each of these examples is entirely legitimate, and none of them raise any public safety concerns. Each example is also constitutionally protected by the Canadian Charter of Rights and Freedoms. In the first two examples, I am, of course, making reference to freedom of expression, and with the last I am speaking of freedom of religion.

Neither Professor Stribopoulos’s examples nor the examples provided by several other witnesses constitute a legal definition of lawful excuse.

On the question of whether this bill will unjustly limit freedom of religion, freedom of expression or freedom of assembly, we are left with a subjective interpretation, clarified neither by the bill itself nor by any existing provision of the Criminal Code. This is especially troubling, honourable senators, because the interpretation of this dangerously ambiguous phrase in the context of a particular case will not be contemplated by lawyers or judges. As Professor Stribopoulos told the committee, deciding what qualifies as a lawful excuse will more often be left to the police in the field. He said:

Also, as the experience with the G20 summit in Toronto demonstrated, the cases of those who are unjustifiably arrested will not ultimately come before the courts.

For example, the police arrested 1,105 people during the G20 summit in Toronto. Yet, only 321 of those arrested ended up in court facing charges and, of those who did, 204 ultimately had the charges against them stayed, withdrawn or dismissed.

In other words, in most cases, what qualifies as a “lawful excuse” will be decided by the police in the field. Given the constitutional rights at stake in this context, and the potential chilling effect on democratically cherished rights like freedom of expression and freedom of religion, these are not questions that should be simply left to the exercise of police discretion.

• (1510)

Why is this so important, honourable senators? As Mr. MacRury, of the Canadian Bar Association, wrote to our committee:

The rights to protest and participate in lawful assemblies are fundamental aspects of our constitutional and democratic rights.

[Bill C-309] risks creating the appearance that some forms of peaceful protest or lawful assembly are being criminalized.

Mr. Paul Champ, a representative of the B.C. Civil Liberties Association, raised similar concerns. He said:

... Bill C-309 does infringe or inhibit one of our most fundamental freedoms: the freedom of assembly. The bill is disproportionate and unnecessary to address the concerns of that have been raised. Someone committing a crime can and should be prosecuted, absolutely. This bill will not change that at all. What it will do is cause a chilling effect on free speech...

[Translation]

I would like to add, honourable senators, that the ambiguity in the expression “lawful excuse” has the potential to put the burden of proof on the accused, which is in violation of paragraph 11(c) of the Charter. That section provides that any person charged with an offence has the right “not to be compelled to be a witness in proceedings against that person in respect of the offence.”

Legal experts who addressed the committee gave testimony that seriously questions the bill’s constitutionality.

We have a duty, honourable senators, to ensure that the laws we pass will not infringe upon the supreme rights guaranteed to all Canadians.

However, the legal questions raised by Bill C-309 go beyond complying with the Canadian Charter of Rights and Freedoms.

Professor Stribopoulos summarized the issue in his testimony before the committee:

Constitutionality should not be the end all and be all of this discussion.

That is the low-water mark.

In terms of criminal law reform, we should be aspiring for much more than having it constitutional.

The question should be whether it is good public policy and, in my submission, for the reasons Mr. Champ and I have outlined this afternoon, it is not.

It does not solve any problems that need fixing, and that is something that has to be borne in mind.

Being constitutional does not make it a good law and, given the potential chilling effect, even though that might not rise to the point of a constitutional infirmity, that is something you should be concerned about because we do not want to chill political dissent in this country.

This is Canada, after all.

We want to encourage political discussion and protest.

[English]

Honourable senators, there are three key points that I draw from Professor Stribopoulos. First, the ambiguity of the term “lawful excuse” and the possibility that it would displace the burden of proof to the accused mean that Bill C-309 would be applied to unduly limit fundamental freedoms, in contravention of our Constitution. This is the first baseline test for legislation that Professor Stribopoulos and other witnesses identified.

Second, the potential for a chilling effect — a term that several witnesses used — offends the spirit of the Constitution. The Charter of Rights and Freedoms is not merely intended to protect freedom; the Charter promotes freedom, too. Bill C-309 does not encourage legitimate political protest and dissent.

Third, Professor Stribopoulos asks: Is Bill C-309 good public policy? Does it solve problems that need solving? Does it do what it purports to do?

Honourable senators, my next two points — first, that Bill C-309 is redundant and, second, that it is ineffective — will seek to answer those questions.

On the first point of redundancy, Mr. Spratt of the Criminal Lawyers’ Association testified:

The situations [in] Vancouver, Toronto and Montreal — those were riots. Those were indictable offences. Wearing a mask and participating in those events attracts criminal liability and an indictable offence under section 351(2). This legislation adds nothing to that. Full stop; nothing. It is already there. Simply saying something twice does not improve what is a problem.

At third reading, Senator Plett stated that the police have no power to arrest individuals taking place in an unlawful assembly while concealing their identity. He called this problem the “gap that the bill fills.” Honourable senators, the existing section 66 of the Criminal Code reads:

Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.

[Senator Jaffer]

Police have the power to arrest individuals taking part in an unlawful assembly regardless of whether they are concealing their identity.

Senator Plett also stated:

Bill C-309 will give police proactive rather than reactive powers to deal with riots and unlawful assemblies.

Honourable senators, respectfully, this is a misrepresentation of the proposed changes to the Criminal Code. The proposed provisions would still require the individual to conceal their identity while — not “before,” but “while” — they commit the offence of rioting or of participating in an unlawful assembly. As Senator Plett pointed out in third reading, Senator Baker and Senator Joyal explored this issue during the committee hearings.

Respectfully, honourable senators, Senators Baker and Joyal did not, to quote Senator Plett, point out “the ability of the police to make arrests pre-emptively under this proposed legislation.” Senator Baker highlighted that the legislation would allow police to charge someone who is participating in an unlawful protest by concealing their identity with a hybrid offence, rather than a summary conviction offence. Someone who is brought in under a hybrid offence, Senator Baker pointed out, will automatically have to be fingerprinted, photographed and have various other particulars taken. Senator Baker also pointed out, however, that if the individual is not found guilty of an indictable offence, he can apply to have his fingerprints and photographs expunged.

Senator Joyal pointed out that Bill C-309 problematically reverses the onus, so that an individual who is wearing a mask during a lawful assembly that changes to an unlawful assembly will be required, by her mere presence, to show why she should be allowed to wear that mask. This bill does not fundamentally change the police’s powers of arrest before rioting begins.

An unlawful assembly, according to section 63 of the Criminal Code, occurs when three or more persons assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear that they will disturb the peace tumultuously. In other words, honourable senators, an unlawful assembly occurs before a riot. According to section 64, “a riot is an unlawful assembly that has begun to disturb the peace.”

Under the existing Criminal Code, honourable senators, a person can be charged with participating in an unlawful assembly under section 63 before they riot. We do not need to pass Bill C-309 to give police that power; it already exists.

The effect of passing redundant legislation could actually make things worse, according to the testimony from Professor Stribopoulos. He said:

Having two needlessly overlapping provisions in the Criminal Code does not help redress the problem of rioters donning masks to conceal their identities. At the same time, it creates its own set of problems. For the police in the field, the question will almost immediately arise as to

which of the offences to charge. If experience is any indication, they will charge both, and that kind of confusion about which to charge and charging both is problematic for the entire justice system — police, prosecution and courts. Overcharging is directly linked to delay in our already overburdened criminal justice system, and this will not help with that at all. It will make it worse.

• (1520)

[Translation]

Honourable senators, this brings me to my final point: Bill C-309 is ineffective. To quote Mr. Spratt:

The obvious reason why so few people were identified in the G20 demonstrations in Toronto and the Vancouver riots is because some of them were wearing masks, which makes it hard to identify. The problem is this bill does not correct that.

This bill sort of makes it doubly illegal to do what was already illegal and what did not deter them in the first place. This bill will not give cameras superpowers to see through masks, and it will not correct the problem of identification.

Mr. Spratt reminded us once again that a redundant law will not assist in identifying anyone or prevent unlawful behaviour.

Mr. Clements, of the Canadian Council of Criminal Defence Lawyers, echoed those comments. I quote:

There is no likelihood whatsoever that this legislation will have an effect on those who choose to riot in those exceptional circumstances, for them to not conceal their identity.

Mr. Champ, of the B.C. Civil Liberties Association, also talked about whether the bill is likely to serve as a deterrent. He said:

Whether there will be deterrence to those who would otherwise engage in unlawful activity is an excellent question. My answer is that obviously there will not. Those who plan to go out and engage in a riot and have a mask ready to go, which it looks like may have happened in the Vancouver riots, and the very small number of Black Bloc characters who went to the G20 with the intention of breaking windows and burning police cars, will not be deterred by this.

They will not be deterred one iota. That is the point of wearing the mask. They go out with the intention of committing a criminal act. Our concern is for those who plan to go out and demonstrate peacefully.

[English]

Honourable senators, this legislation is deficient on several accounts: It threatens fundamental freedoms; it replicates existing Criminal Code provisions; and it does not address the real public

policy objective, which is promoting peaceful protests while protecting the public from rioters and others who assemble unlawfully.

In our desperation to solve problems, we too often resort to legislation. Sadly, we now live in an age of over-legislation. There is a danger in passing laws that propose to deal with a problem but which in reality contribute very little to the solution. There is even more danger in passing a law that fails in its objective and creates new problems.

Moreover, the law to prohibit a person from concealing their identity when committing an indictable offence already exists in our Criminal Code.

[Translation]

Honourable senators, the opinions of the legal experts who appeared before the committee clearly show that Bill C-309 falls into this second category. Not only is the bill completely useless, but it is also extremely harmful. It may well be that this bill violates the Charter, is redundant and discourages peaceful protests but not riots.

Bill C-309, as its short title ambitiously sets out, will not prevent rioters from concealing their identity, but it will cause serious damage to our democratic culture, while placing an even heavier load on our already overburdened justice system. Rather than solving a problem, this bill creates more problems.

I urge all senators to carefully consider the harmful effects that Bill C-309 will have on liberty, justice and safety in Canada if it is passed.

[English]

Hon. Donald Neil Plett: Will the honourable senator take a question?

Senator Jaffer: Yes.

Senator Plett: Thank you. Senator Jaffer took some of the quotes out of the speech that I made, and I am not sure whether the implication given was that I had implied that either Senators Joyal or Baker supported this legislation; that certainly is not what I did and never intended to do.

As honourable senators recall from the committee hearings, it was the defence attorneys who seemed to oppose the legislation and the law enforcement people who supported it; in fact, Chief Chu was very clear in making comments that many of the crimes in the Vancouver riots would have been prevented had this law been in place.

I want to quote Senator Baker and ask Senator Jaffer what she would say about his words. I know she alluded to them in her speech, but I want to quote this for the record.

[Senator Jaffer]

Senator Baker stated on April 18, in asking questions of the witness, Chief Chu from Vancouver:

The one thing I think that you brought to this committee today is the point that the legislation is not completely redundant.

This is from an honourable senator on Senator Jaffer's side.

In other words, you pointed out very cleverly that this will allow someone who perhaps might end up getting charged with a summary conviction offence to have their fingerprints and photograph taken. As you point out correctly —

Again, this is in reference to Chief Chu.

— someone who is brought in under a hybrid offence will automatically have to be fingerprinted, photographed and have various other particulars taken, because it is regarded as a beyond-summary conviction — an indictable offence.

Senator Baker is saying, as I suggested, that it is not entirely redundant. Could the senator comment on that?

Senator Jaffer: I thank Senator Plett for his question. I also want to thank him for joining our committee. I would invite him to come back again to the Legal Committee, as we enjoyed his presence there. I thank the honourable senator for his work on this bill.

The honourable senator stated that Senators Baker and Joyal were not supporting this bill; I never said in my speech they were supporting it. They certainly are not supporting this bill; I can say that with great authority.

The honourable senator said in his speech that defence lawyers are taking certain positions and lawmakers another. I say in all honesty that I spent a whole night worrying about whether I should take the honourable senator up on this issue. I decided that I like him too much and that I would let it go, but now I have no choice but to answer him.

Honourable senators, I have been a lawyer for 40 years, and I am very proud to be a defence lawyer. In my life as a defence lawyer, there have been many people who have been wrongly charged, and there have been many people who I proudly defended because the state is not always correct. Therefore, those defence lawyers who came before us see that reality every day, and I feel that they, as volunteers who come before our committee, do a great service to our state by presenting positions to us regarding where we may be erring. I am proud of the work that defence lawyers do on behalf of Canadians in appearing before the Senate Standing Committee on Legal and Constitutional Affairs.

• (1530)

As for lawmakers, I have never known a lawmaker who would not want another tool in their tool bag to have more tools, but the honourable senator knows — he is a professional plumber — that

more tools do not mean you can do your job correctly; more tools just mean you get confused with how many tools you are going to use. That is what this bill will be doing.

Honourable senators, more tools do not make the difference. I bet that if he were going to show me how to do plumbing, Senator Plett would use the same tools he used 30 years ago because they are the most effective. Respectfully, I suggest that more tools do not make the difference, and I salute the defence lawyers who come before us on a volunteer basis and regularly put the position on behalf of the most marginalized people in our country.

Senator Baker did say that, and I agree. I said in my speech that Senator Baker — and he is a colleague of all of us — has a certain position that this bill is not redundant. I respectfully do not agree with him. He is a member of the Legal Committee, and if he wants to elaborate on that, I am sure he will.

I again want to say to Senator Plett that I enjoyed working with him on this bill.

Senator Plett: I know when I stand I am supposed to ask a question at some point so I will try to put one into this, but I want first to thank Senator Jaffer as well. I enjoyed my time on the committee and am looking forward to sponsoring another piece of legislation that will hopefully go to the Standing Senate Committee on Legal and Constitutional Affairs, and I could again serve during that time.

I thank her for her compliment in recognizing me as a professional plumber. I do have a kitchen wrench, a vice grip and a pipe wrench, but I also need a monkey wrench in order to do the job properly, so more tools allow me to do a better job. Honourable senators, I will leave it at that and not ask another question, other than to thank her very much.

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

[Translation]

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, there remain a few items on the Orders of the Day, including inquiries, which some senators would like to speak to. Pursuant to the order adopted by the Senate, we are supposed to conclude at 4 p.m.

Motion No. 164 proposes that the Honourable Senator Brazeau be authorized to attend meetings of the Standing Committee on Internal Economy, if invited to do so. Given the situation, I seek leave of the Senate to reverse the order of the Orders of the Day so that we may immediately proceed with this motion.

The Hon. the Speaker: Is leave granted, honourable senators, to proceed to the Notice Paper?

Hon. Senators: Agreed.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE THE HONOURABLE SENATOR BRAZEAU TO ATTEND MEETINGS OF THE COMMITTEE DURING ITS REVIEW OF LIVING ALLOWANCES EXPENSE CLAIMS, IF INVITED ADOPTED

Hon. David Tkachuk, pursuant to notice of May 7, 2013, moved:

That, notwithstanding the provisions of rule 15-2(3), the Honourable Senator Brazeau be authorized to attend meetings of the Standing Committee on Internal Economy, Budgets and Administration during its review of living allowances expense claims, if invited to do so.

The Hon. the Speaker: Is there debate? 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.)

[Translation]

PAYMENT CARD NETWORKS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Jaffer, for the second reading of Bill S-215, An Act to amend the Payment Card Networks Act (credit card acceptance fees).

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?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

REFERRED TO COMMITTEE

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

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

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C. (*Cobourg*), seconded by the Honourable Senator Fraser, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*Amendment to the Rules of the Senate*), presented in the Senate on March 5, 2013.

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I had indicated that I would speak to this report in the near future. Unfortunately, I have not finished preparing my notes. Therefore, I ask for adjournment for the remainder of my time.

(On motion of Senator Carignan, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, as Speaker, it is my responsibility to point out that we have rules with respect to items on the Order Paper. According to these rules, when an item on the order reaches the 15th day of debate, it is dropped from the Order Paper.

It seems that we have a certain way of starting debate. Perhaps members of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament would like to review this rule, as it can always be changed if honourable senators so wish.

[*English*]

THE SENATE

MOTION TO AFFIRM VALUES OF THE COMMONWEALTH ADOPTED

On the Order:

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

That whereas the Senate recognizes the values of the Commonwealth of Nations, which include the promotion of democracy, human rights, good governance, the rule of law, individual liberty, egalitarianism, judicial independence and the rights of girls to education—values that the Parliament of Canada has long advanced and defended;

That whereas the Senate recognizes that the Commonwealth is an important association of 54 countries, consisting of 2.4 billion citizens of all faiths and ethnicities, that support each other and work together toward shared goals in democracy and development;

That the Senate take note that the global fight for democracy, the rule of law, religious tolerance and development needs a strong, focused and authoritative Commonwealth;

That the Senate welcome the new Charter of the Commonwealth, which was approved by all Commonwealth Heads of Government in December 2012, and urge its broad circulation in both official languages throughout Canada; and

That the Senate affirm the importance of the Commonwealth to promoting the aforementioned values, which are in the best interest of all nations.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I wholeheartedly support Senator Segal's motion. The framework of common values and goals that the nations of the Commonwealth cooperate under includes democracy, human rights, good governance and the rule of law. We work together because we know that what unites us is more significant than what divides us. I note in particular the importance of the new Charter of the Commonwealth, approved by the heads of government of each of the Commonwealth nations in December of last year and published in Canada in both official languages. I hope all senators will join me in recognizing the Commonwealth's important work in development around the world by supporting this motion.

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.)

MOTION TO DECLARE THE CANADIAN CANOE MUSEUM A CULTURAL ASSET OF NATIONAL SIGNIFICANCE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Greene:

That the Senate declare the Canadian Canoe Museum and its collection a cultural asset of national significance.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am pleased to express support for Senator Frum's motion. The Canadian Canoe Museum is a truly unique facility showcasing our national heritage and the canoe's enduring significance to that heritage.

The museum's artifacts, which represent the world's largest collection of canoes, kayaks and paddled watercraft, come from across our land and in this way are of significance to Canadians from coast to coast to coast. I once again encourage all senators to support this motion and also to visit the Canadian Canoe Museum the next time they find themselves in Peterborough, Ontario.

• (1540)

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.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

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

On the Order:

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

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on the powers and responsibilities of the officers of parliament, and their reporting relationships to the two houses; and

That the committee present its final report no later than March 31, 2014.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Question.

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

[Translation]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, this debate was initiated by Senator Comeau. There have been a number of reports, but important issues were raised by Senator Comeau in this motion, as well as by Senator Joyal when the ruling was handed down on parliamentary privilege, particularly in the case of Kevin Page, the Parliamentary Budget Officer.

This raises more questions. I would like to move adjournment for the remainder of my time so that we can take a more comprehensive position on this matter and provide comments on or even make amendments to this motion.

Hon. Gerald J. Comeau: Honourable senators, I would like to ask Senator Carignan a question. Given that this motion was moved over a year ago, I am wondering if you would like to join me in wishing the motion a happy first anniversary. The first speech on this motion was given on May 1 of last year.

Senator Carignan: Yes, particularly since many people helped to keep it alive. I would like to congratulate all the senators who helped to extend the life of this motion.

(On motion of Senator Carignan, debate adjourned.)

[English]

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan, calling the attention of the Senate to the many contributions of Canadian universities and other post-secondary institutions, as well as research institutes, to Canadian innovation and research, and in particular, to those activities they undertake in partnership with the private and not-for-profit sectors, with financial support from domestic and international sources, for the benefit of Canadians and others the world over.

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to join in this important inquiry on the many contributions of Canadian universities and other post-secondary institutions to Canadian innovation and research.

At the outset, I wish to thank Senator Cowan for providing us with an opportunity to address this important issue.

Canadian innovation, research and development are key drivers in our universities and colleges. Indeed, an innovative society depends on innovative people whose advancements and discoveries have real and lasting impact on the lives of Canadians and citizens of the world.

Canadian universities educate more than 1.5 million students on an annual basis. Enrolment in graduate studies has grown by more than 80 per cent since 2000. In 2011, nearly 148,000 graduate students were enrolled in a Canadian university.

This is very encouraging news for Canada's R&D sector because graduate students are often the ones who collaborate with and assist professors and scientists in conducting innovative research.

In fact, Canadian universities perform more than one third of Canada's research and development. The Association of Universities and Colleges of Canada recognizes the important role innovation plays in the overall success of our universities and colleges. Six months ago, from November 9 to 18, Canadian universities opened their doors to showcase how university and private-sector partnerships are driving innovation in Canada.

The Open Doors, Open Knowledge campaign allowed local communities, partners in government and the private sector access to a variety of campus events across Canada to learn more about innovation in our post-secondary institutions.

According to the AUCC, universities are a \$30 billion enterprise. Innovative research and development initiatives play a huge part in this. More precisely, Canadian universities undertake \$10 billion worth of research activities. Between 55 and 60 per cent of research performed by universities is externally funded. In fact, the federal government is the largest external funder of university research, providing \$3 billion annually for direct costs of research, institutional costs of research, infrastructure and salary support.

In January 2009, the government invested \$2 billion in the creation of the Knowledge Infrastructure Program. KIP is an important element of Canada's Economic Action Plan. This economic stimulus measure helps to maintain and improve research and training facilities at Canadian universities, colleges and CEGEPs.

In the June 2011 Speech from the Throne, the Conservative government said it would "continue to make targeted investments to promote and encourage research and development in Canada's private sector and in our universities, colleges and polytechnics." The government has done just that.

More recently, Budget 2012 provided an additional \$37 million to the granting councils to enhance their support for industry-academic research partnership initiatives. These three councils are the Canadian Institutes of Health Research, the Natural Sciences and Engineering Research Council of Canada and the Social Sciences and Humanities Research Council. They are the main federal agencies that sponsor academic research and related activities.

Most recently, through Budget 2013, the government proposes to provide an additional \$37 million in 2013-14 to support partnerships between business and academic researchers.

As a result of these initiatives and many other actions, Canada continues to be a world leader in post-secondary education research. In fact, according to Economic Action Plan 2013, new

data shows us that Canada ranks first among Group of Seven countries in higher education research and development spending as a share of the economy.

Honourable senators, the Government of Canada continues to invest in research and training facilities at campuses across Canada. Through these investments, it is creating jobs, encouraging more research and development activity and helping to maintain and strengthen the reputation of our Canadian universities.

Today, I wish to focus the balance of my remarks on Saint Mary's University in Halifax, Nova Scotia, and highlight some of the research and development its faculty and students are conducting.

I thank Dr. Kevin Vessey, Associate Vice-President of Research and Dean of the Faculty of Graduate Studies and Research, for providing me with some detailed information on research at SMU.

Saint Mary's is the second-largest university in Nova Scotia, with approximately 8,000 students. It is one of Canada's oldest universities. It traces its beginnings to 1802.

There are four faculties at SMU: Arts, Science, Sobey School of Business and Graduate Studies and Research. The university offers 20 different graduate programs in various areas of strength within the humanities, social sciences and the natural sciences.

There are nearly 100 different universities in Canada. SMU is now ranked in the top 50 of the "Canadian Research University of the Year" ranking. Two years ago, it was ranked 35.

Honourable senators, consider this: In 2009, the Harper government invested over \$11 million through the Knowledge Infrastructure Program to modernize the McNally Building on the SMU campus. In 2011, the renovated facility reopened its doors. The project created new research and training space for 250 graduate students and faculty in a variety of programs, including engineering, math, computer science and physics.

These state-of-the-art facilities are allowing students and faculty alike to conduct some world-class research and find new and innovative ways to make our world greener, more sustainable and high-tech.

Allow me to share with you three examples of research that is currently being conducted at Saint Mary's University in Halifax.

First, three professors from SMU's Department of Geology — along with a team of international researchers — have helped to develop a ground-breaking offshore atlas that indicates the potential in Nova Scotia for offshore reserves. The atlas shows offshore reserves as high as 121 trillion cubic feet of natural gas and 8.15 billion barrels of oil. These three professors are Drs. Jacob Hanley, Andrew MacRae and Georgia Pe-Piper.

What this means is that there are now enhanced geosciences data to show that Nova Scotia's offshore is resource-rich. In other words, these new discoveries can assist decision-makers and governments in building a case to attract more prospective investors to the province.

Honourable senators, this innovative new atlas has already led to some important financial spinoffs. Thanks in part to this new data, Nova Scotia has been successful in attracting more than \$2 billion in investments to the province's offshore in bids from BP and Shell.

• (1550)

For example, BP was the successful bidder for four deepwater exploration blocks offshore Nova Scotia in the hopes of discovering oil in the Atlantic. The area covers almost 14,000 square kilometres and is about 300 kilometres off the coast. BP bid just over \$1 billion for the right to explore this area.

The second project I want to highlight is being conducted by Dr. Danika van Proosdij of the Department of Geography.

Dr. van Proosdij has received a number of grants to set up the Intertidal Coastal Sediment Transport Research Unit at Saint Mary's University. She is currently examining how the twinning of Nova Scotia's Trans-Canada Highway will impact the adjacent coastal environment. She has built a sedimentological lab where she merges geomatic technologies such as geographical information systems and global positioning systems with analyses of sediments and currents.

Her research findings are used in a wide range of areas. They will allow her to evaluate the impact of natural processes such as storm surge, freshwater flooding and coastal erosion on highway infrastructure in the region. Her new lab will permit her to observe sea-level rise, water quality and wave energy. This allows her to determine what vulnerable populations, such as fish, vegetation, migratory shorebirds and invertebrates, are affected. Most particularly, her findings will help design and place, in ideal locations, tidal turbines to harvest the incredible power of the tides in the Bay of Fundy.

Finally, honourable senators, professors at Saint Mary's University chemistry department are also doing some terrific, innovative research. Drs. Robert Singer, Jason Clyburne and Jason Masuda are the founding academic members of the Atlantic Centre for Green Chemistry at SMU. The ACGC pursues basic and applied research in the area of chemical products and processes that use benign substances; reduce waste and energy consumption; make the most efficient use of non-renewable resources; and offer industry a clean, sustainable alternative to traditional chemical and manufacturing processes.

Drs. Singer and Clyburne have also attracted international attention for their research on iconic liquids. Dr. Singer, the director of the Atlantic Centre for Green Chemistry, has developed novel compounds for removing metal ions from waste water. Dr. Clyburne has developed new compounds for removing carbon dioxide from industrial gas emissions.

Last December, these two SMU professors signed licence agreements with GreenCentre Canada at Queen's University in Kingston, Ontario, to create a unique partnership between Saint Mary's scientists and GreenCentre Canada experts.

GreenCentre takes a hands-on approach to commercializing emerging green chemistry innovations originating from academia and industry.

This new agreement will create a unique partnership between SMU professors and GreenCentre experts. Together, they will advance these technologies from laboratory prototypes to large-scale pilot site testing. Drs. Singer and Clyburne's innovative new technologies are now two of more than 20 promising discoveries currently licensed to GreenCentre for further development.

Honourable senators, in conclusion, these are but three specific examples of some of the tremendous work Saint Mary's University is doing in R&D. I congratulate the aforementioned SMU professors and commend the university as a whole for the outstanding contributions they are making to Canada's innovation and research sectors.

Part of the inspiration for this is the leadership of SMU President Dr. Colin Dodds. He has been the driving force behind the university's successful research breakthroughs in recent years. The success of our universities' innovative research and development relies on the strength of the partnership with both public and private sector organizations. Faculty members and students benefit from this collaboration, allowing them to conduct some world-class, state-of-the-art research and development.

The three examples I cited from Saint Mary's University showcase just how innovative and forward-thinking our university researchers and scientists really are.

Honourable senators, Canadian universities are home to a large quantity of intellectual capital. We need to tap into this intellectual capital in order for Canada to be a leader in innovation on the world stage.

(On motion of Senator Champagne, debate adjourned.)

OLD AGE SECURITY

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, if no other honourable senators wish to speak to this, I know Senator Callbeck would like to exercise her right of final reply, so I would like to take the adjournment in her name.

The Hon. the Speaker: It is moved by the Honourable Senator Tardif, seconded by the Honourable Senator Hubley, that this item will now stand in the name of Senator Callbeck. The

obligation of the chair is to advise honourable senators that should Senator Callbeck speak, it will have the effect of concluding debate. Is it agreed, honourable senators?

Hon. Senators: Agreed.

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

[Translation]

ANTI-TERRORISM

MOTION TO AUTHORIZE SPECIAL COMMITTEE TO
STUDY THE CREATION OF A POTENTIAL NATIONAL
SECURITY COMMITTEE OF PARLIAMENTARIANS
AND THE STUDY OF THE ROLE OF WOMEN IN THE
PROCESS OF DERADICALIZATION IN CANADA
AND ABROAD—DEBATE SUSPENDED

Hon. Roméo Antonius Dallaire, pursuant to notice of May 1, 2013, moved:

That the Special Senate Committee on Anti-Terrorism be authorized to examine and report on the creation, role and mandate of a potential National Security Committee of Parliamentarians;

That the Special Senate Committee on Anti-Terrorism be authorized to examine and report on the role of women in the process of deradicalization in Canada and abroad; and

That the Committee submit its final report to the Senate no later than December 31, 2013, and that the Committee retain all powers necessary to publicize its findings until March 31, 2014.

He said: Honourable senators, today I am speaking to a motion that is extremely important because it will help address a critical flaw in our national security system.

In addition, this motion will give parliamentarians new tools to better monitor Canada's intelligence agencies and better understand what we can do to prevent the kind of radicalization that can lead to terrorist attacks.

[English]

What worked during the Cold War is not necessarily what can work today. After the end of the Cold War there was a period where the threat was Eurocentric. The threat was identified, and it even had a uniform at the time. The threat and its ambitions were clear; their doctrine and their ethos were well known, and we also knew that they would function within the conventions established internationally since the Second World War and reinforced during the Cold War. This era of stability in regard to our security changed completely in 1989 with the end of the Cold War, and we stumbled into a whole new era, I would argue, not of stability but of instability.

We are continuously confronted with a whole new series of threats. We are confronted, and often the initiative is taken away from us and the ability to prevent some catastrophic failures and to predict the requirements of our security for the future. We are, for all intents and purposes, less secure now than we were at the height of the Cold War when we had millions of people in uniform facing each other in Europe.

This country, in particular, has had to confront the realization that the scenario has changed. When I commanded the Quebec area in 1995, during the referendum, the Cree tribe wanted to stop electricity coming from Northern Quebec into the New England states because Hydro-Québec wanted to put the province half under water.

I have just started.

(Debate suspended.)

[Translation]

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we have finished government business. It being past 4 p.m. and pursuant to the order adopted by the Senate on October 18, 2011, I declare the Senate continued until Thursday, May 9, 2013, at 1:30 p.m., the Senate so decreeing.

(The Senate adjourned until Thursday, May 9, 2013, at 1:30 p.m.)

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