



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, May 9, 2013

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Thursday, May 9, 2013

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

Prayers.

### SENATORS' STATEMENTS

#### SYRIA

##### POLITICAL UNREST AND VIOLENCE

**Hon. Mobina S. B. Jaffer:** Honourable senators, according to the United Nations Office for the Coordination of Humanitarian Affairs, an estimated 6.8 million Syrians, or almost one third of the entire population, require urgent humanitarian assistance. About 3.1 million, or around 50 per cent, of those who currently require assistance are children. Over the past year, humanitarian needs have risen by 5.8 million people, up from 1 million estimated to be in need in March of this year. Almost half of this increase occurred during the first four months of this year.

Over the past months, the number of internally displaced persons in Syria has more than doubled from an estimated 2 million to 4.25 million people. The number of refugees fleeing Syria to neighbouring countries and North Africa increased by almost 850,000 people in the first four months of 2013. As of Monday, May 6, more than 1.4 million Syrian refugees are registered or awaiting registration in Egypt, Iraq, Jordan, Lebanon, Turkey and North Africa.

Honourable senators, the conflict in Syria is not being fought on isolated battlefields. It is being fought in communities, and women and children suffer most. As the International Rescue Committee's Commission on Syrian Refugees reports, rape is a significant and disturbing feature of the conflict in Syria. To quote the commission's report:

The IRC's women's protection team in Lebanon was told of a young girl who was gang-raped and forced to stagger home naked—heightening her shame in a society where modesty is so valued.... In one extreme case, the IRC was told of a father who shot his daughter when an armed group approached to prevent the "disgrace" of her being raped.

In closing, honourable senators, I will quote from the International Civil Society Action Network's brief speaking about Syrian civil society activists.

The international community must recognize their resilience, and aspirations for the future, and support their efforts to withstand the impact of war.

Their work is a testament to the dignity and humanity of Syrians and provides a glimpse of a peaceful pluralistic Syria for which they are striving.

Honourable senators, as I have reported to you, since that brief was published only a few months ago the situation in Syria has worsened considerably. We need to do everything we can to help innocent people, most of them women and children, who are suffering because the war is being fought in their homes.

### COMMERCIAL SEAL INDUSTRY

#### RULING OF THE GENERAL COURT OF THE EUROPEAN UNION

**Hon. Dennis Glen Patterson:** Honourable senators, I rise to express my outrage at the April 25 decision of the General Court of the European Union to reject, on a technicality, an appeal from Inuit of Canada on the European Union regulation banning the import of seal products to Europe.

In a press release announcing their decision, the court, in an extraordinarily self-satisfied and self-justifying statement, devoted the first sentence of the release to an assertion that:

EU law protects the fundamental economic and social interests of Inuit communities which hunt seal as an integral part of their culture and identity.

However, the court's same judgment, referring to the Inuit concerns that the European seal ban drastically reduces the market for seal products and thereby the return to Inuit hunters, said:

Such considerations, which are very general in nature and not substantiated, do not demonstrate that the Inuit communities have suffered harm which is disproportionate compared with the objective pursued by the basic regulation.

That objective, the court ruled, is to harmonize the regulatory regime throughout the EU after several member states expressed what the court described as serious concerns by members of the public and governments sensitive to animal welfare considerations.

Logically, the court's conclusion is that the Inuit did suffer proportionate harm—whatever that means—or that the court is indifferent if they did. I read this as asserting that the EU need to harmonize markets in Europe is infinitely more important than the harm caused to the Inuit traditional way of life.

Nunavut Tunngavik Incorporated President Cathy Towtongie expressed her outrage over the court's attitude towards Inuit in the following terms:

Respect for Indigenous Peoples in the contemporary world means accepting that Indigenous Peoples are best positioned to know their self-interests. It is arrogant and condescending for an EU court to claim to know better

particularly when it is abundantly clear that the seal ban adds to the difficult economic and social challenges being faced by Inuit. It amounts to an attack on our way of life.

The Court also paternalistically rejected the assertion of Inuit in the case that their traditional seal hunt has always been practised in a humane and efficient manner, instead endorsing the European Food Safety Authority assertion that:

... although it might be possible to kill and skin seals in such a way as to avoid unnecessary pain, distress, fear or other forms of suffering, given the conditions in which seal hunting occurs, consistent verification and control of hunters' compliance with animal welfare requirements is not feasible in practice or, at least, is very difficult to achieve in an effective way...

In other words, we do not trust the Inuit assertion because we cannot monitor their seal hunt.

No wonder NTI President Cathy Towtongie called the EU Court decision colonial.

I congratulate Inuit Tapiriit Kanatami and our government for supporting them in their efforts to overturn the European ban on seal products.

An appeal remains before the EU court, which I am hopeful will be judged on its merits and will show respect for the Inuit traditional way of life, culture and identity as the EU Court claims it wants to do.

• (1340)

#### GENETICALLY MODIFIED ALFALFA SEED

**Hon. Pana Merchant:** Honourable senators, the possibility of the contamination of crops in Western Canada through the introduction of genetically modified alfalfa seed in eastern Ontario is of grave concern to organic farmers who ask that the government delay and reassess the sale of genetically modified alfalfa.

Roundup Ready alfalfa is in the process of registration for release in Canada. The distribution of seed would initially be confined to eastern Ontario.

Canada's Western provinces dominate Canadian alfalfa production, with 87.6 per cent of Canadian alfalfa being produced in the West. In contrast, all of Ontario accounts for only 8 per cent of the Canadian production.

Both the National Farmers Union and the Organic Council of Canada predict that organically grown crops are in danger of contamination by pollen from genetically modified alfalfa regardless of where genetically modified seed is planted. The Canadian Biotechnology Action Network predicts that seed

spillage and seed escape will be spread by both leafcutter bees and honeybees and by pollinators, through volunteer and feral alfalfa. They assert the inevitable contamination of crops because of alfalfa's outcrossing abilities.

Supporters of the distribution registration argue that the principles of freedom of choice should prevail, allowing farmers in eastern Ontario to purchase the seed as they wish.

Such arguments are of absolutely no comfort to the farmers of Western Canada whose livelihood is in danger — the livelihood of both organic and non-organic producers.

Genetically modified alfalfa stands alone as requiring the most careful scrutiny because it is air and bee disseminated. Wind- and bee-borne genetically modified alfalfa is qualitatively different from other genetically modified seed in its contagious capacity to permeate organic and non-organic farm operations alike.

Study and time will determine whether genetic modification is a service or a disservice to economically feeding a growing world population.

I urge the minister and officials of Agriculture Canada to engage in heightened due diligence in this matter by responding to the concerns of Western Canadian farmers.

[Translation]

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of a distinguished delegation from the Constituent Assembly of the Tunisian Republic, which is visiting Canada as part of the G8's Deauville Partnership.

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

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

[English]

#### KOREAN WAR

##### SIXTY-SECOND ANNIVERSARY OF THE BATTLE OF KAPYONG

**Hon. Yonah Martin:** Honourable senators, it is my honour to rise today to pay tribute to the remarkable group of more than 32,000 Canadians who served in the Korean War and during the tense peacekeeping years following the signing of the armistice.

[Translation]

I am the daughter of two survivors of the Korean War. My family remembers when Canadian troops arrived on the shores of the Korean peninsula to defend our people against the communist forces of the North.

[ Senator Patterson ]

[English]

We remember their courage and dedicated service. We remember the thousands of Canadians inflicted with battle wounds and scars of the war. We remember the 516 Canadians who made the ultimate sacrifice. Like all of our veterans, Canada's veterans of the Korean War deserve our utmost gratitude and respect.

All honourable senators paid them their due respect with passage of Bill S-213, the Korean War Veterans Day Bill in this very chamber. I wish to share with you the good news that, at committee this morning, it was passed unanimously and will be presented in the house tomorrow to be considered for third reading.

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

**Senator Martin:** I thank MP Blaine Calkins, whose great uncle lies at peace at the United Nations cemetery in Busan, for the sponsorship.

Today, we are also reminded of the ongoing civil war as North Korea recently voided the armistice agreement that had ended the hostilities on July 27, 1953. The war is certainly not over, and we watch with concern and hope for a peaceful way forward.

[Translation]

Minister Blaney has designated 2013 as the Year of the Korean War Veteran in order to mark the 60<sup>th</sup> anniversary of the Korean War Armistice.

[English]

That is why certificates of recognition are being awarded this year to Canada's remaining veterans of the Korean War. That is also why our government partnered with the Republic of Korea in supporting 36 Korean War veterans to participate in the most recent Korea Revisit program, organized by the Korean Ministry of Patriots and Veterans Affairs for the sixty-second anniversary of the Battle of Kapyong in April.

It is well known that the Battle of Kapyong was a key milestone in the Korean War. Despite being outnumbered, despite facing a withering assault and eventually being surrounded, the Canadians dug into Hill 677 and held their ground, protecting a vital route south to Seoul.

[Translation]

Furthermore, the Princess Patricia's Canadian Light Infantry carried out an artillery and mortar strike and inflicted so much damage on the enemy that it slowed down the spring offensive.

[English]

The Battle of Kapyong certainly changed the course of the war, and our government is proud to remember these Canadian heroes who prevailed against all odds.

Lest we forget.

## AUTISM

### SUPPORT FOR FAMILIES

**Hon. Jim Munson:** Honourable senators, last week an Ottawa couple made a heart-wrenching decision after 19 years of intense stress and worry for their autistic son's safety. Amanda Telford and Alex Chiasson decided the time had come to give up the fight. Philippe is non-verbal. He wanders, regularly slipping out of the house only to be found hours later and kilometres from home. He has diabetes, and the inside of his home is fraught with danger. Imagine what it must be like for his parents.

They made a desperate decision. With the sleepless nights and the diminishing of their own health, the full weight fell on their shoulders. Last Wednesday, this couple dropped their son off, perhaps forever, at a developmental services office right here in Ottawa, and the family's private torments become public.

Honourable senators, this is happening all across this country. There are tens of thousands of families struggling to find and pay for care and accommodation for their adult children with autism spectrum and other disorders. The *Ottawa Citizen* reported that 12,000 families in Ontario alone are currently waiting for some kind of supported living accommodation for their developmental disorders.

Granted, the government has put together a national surveillance program, which is in the early stages, and there is a research chair at York University. However, it is not enough. We need more to be done.

Here in the Senate, as we all know, six years ago, in 2007, we had a report, *Pay Now or Pay Later: Autism Families in Crisis*. Every autistic family in this country wants a national autism spectrum disorder strategy. We have one for diabetes, for cancer, for mental health and for heart disease. Where is our strategy for ASD? The federal government has yet to invest — and it needs to invest — in our best hope.

We have this option. The report was called *Pay Now or Pay Later: Autism Families in Crisis*, as I said. The “pay later” time has already come.

The latest news on Philippe is that the Ministry of Health in Ontario has joined social services to devise a solution that meets his distinct needs, but there must be a national solution. Philippe's

mother sees the model here as one to be used across the country. In her words, "It's not rocket science.... It should have been available right from the get-go." That really says it all.

Our hearts and thoughts are with Amanda Telford and her husband.

• (1350)

## IRAN

### BAHA'I PRISONERS

**Hon. Roméo Antonius Dallaire:** Honourable senators, this month marks the fifth anniversary of the imprisonment of seven former leaders of the Baha'i community in the Islamic Republic of Iran — Mrs. Mahvash Sabet, Mr. Behrouz Tavakkoli, Mr. Vahid Tizfahm, Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi and Mr. Saeid Rezaie. The alleged crime is being Baha'i or, as the Iranian regime describes it, spreading corruption on earth.

Five years, one quarter of the 20-year sentence — that is the longest sentence ever handed down to Iranian prisoners of conscience. Of course, the number is really irrelevant. What is relevant is what the sentence signals. It is a sign of the Iranian regime's growing intolerance. It is an indication of the increasingly repressive measures that the Iranian regime is willing to implement, along with arbitrary arrests, public vilification, the seizure of property and the denial of post-secondary education, business permits and many other benefits of citizenship in order to execute its official state policy of eliminating the Baha'is.

Even more concerning is a promise that the next 15 years will be as repressive as the previous and for more decades than we want to count.

We cannot sit silently while the Iranian government decapitates the Baha'i leadership and incinerates their institutions. We must not wait until the next massacre to act. Are we going to prevent a genocide or not?

Last year, in this fine institution, I joined Senator Jaffer and Senator Segal in bringing attention to the plight of the Baha'is in Iran. We raised that amidst concerns about nuclear proliferation. Being a member of Pugwash, I am most keen on that aspect. However, I am concerned not only about nuclear non-proliferation and state-sponsored terrorism, but that we not lose sight of the dire human rights conditions of the approximately 300,000 Iranian Baha'is. In spite of challenges facing Citizenship and Immigration Canada, we asked that we do not close our doors to Iranian Baha'is seeking refuge from persecution in Iran and we, in fact, should offer — and we maybe even talk to the government through an intermediary — the Iranian government to work out a deal to permit them to possibly enter this country more favourably.

Lastly, we asked that the Office of Religious Freedom, where the government has finally put a warm body, take up the cause of the Iranian Baha'is and join with similar offices worldwide in launching an international campaign to end the persecution of the Baha'is in Iran.

[ Senator Munson ]

Today I wish to reiterate this call and ask that we join the international campaign calling for the release of these seven Baha'is and also the prevention of the Baha'i genocide in Iran.

[Translation]

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Christian Bergeron and Nathalie Lanteigne.

They are the guests of the Honourable Senator Boissvenu.

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

[English]

## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### TWENTY-SECOND REPORT OF COMMITTEE PRESENTED

**Hon. David Tkachuk:** Honourable senators, I would like to start by thanking the leadership on both sides, Senator Cowan and Senator LeBreton, for supporting the process, and at numerous meetings supporting the members of the steering committee, the subcommittee and the Internal Economy Committee. I would like to thank all members of Internal Economy for the work they have done in this process. I would like to especially thank my deputy chair, Senator Furey, and Senator Stewart Olsen, member of the steering committee, as well as Senator Marshall, who chaired the subcommittee on the audits for Senator Brazeau and Senator Harb.

Honourable senators, we who sit in this chamber are entirely beholden to the taxpayers for the jobs we have and the work we do. They depend on us to be careful with their money and transparent in how we account for it. They deserve no less, and they will get no less.

On February 28, 2013, in this place, I spoke to you about the issue of living expense claims as they relate to senators' primary and secondary residences. Shortly thereafter, the Standing Committee on Internal Economy, Budgets and Administration tabled its nineteenth report on this issue and both referred to the fact that three senators' expense claims have been referred to outside auditors for review. These audits, which relate to the expense claims of Senator Harb, Senator Brazeau and Senator Duffy, have been completed.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Your Honour, I rise on a point of order.

Your Honour, are we not at Presenting or Tabling Reports? There is no report. No one has received a copy of the report. We have no document before us.

**The Hon. the Speaker:** We are on Presenting or Tabling Reports from Standing or Special Committees. The chair has recognized Senator Tkachuk, who is presenting a report, I believe.

**Senator Tkachuk:** The process that we have gone through has raised serious questions in the media and among Canadians about our institution and our ability to govern our own activities. This was a crisis, pure and simple.

**Hon. Wilfred P. Moore:** I would like to know whether or not the senator intends to table a report. Normally what happens in this chamber is that a report is tabled and then people make remarks. Today's procedure is not the way it usually happens.

**The Hon. the Speaker:** Honourable senators, I have called for Presenting or Tabling Reports from Standing or Special Committees. I recognize Senator Tkachuk, who is presenting a report.

**Some Hon. Senators:** Where?

**The Hon. the Speaker:** Perhaps others have the ability to predict what is happening. I do not have that ability. Should there be a point of order that needs to be raised, there is an appropriate time at which to do that. Perhaps this is by way of preamble to the presentation; I do not know. Let us ask Senator Tkachuk what his intent is here.

**Senator Tkachuk:** I am going to present the report, honourable senators.

Each of us is here because of our service to our community, to our profession or to our political party. I tell new senators that God has blessed us; we are privileged to be here. However, at the same time, as we have found out at great cost to this institution, any mistakes we make are magnified tenfold. That is because, as an unelected democratic institution, the ones we govern do not have the ability to "throw the rascals out." We are protected by parliamentary privilege and by constitutional requirements. We therefore have a higher obligation, and how seriously we take it will determine our future.

Hard-working Canadians do not just expect us to do the right thing; they demand it, and it is not easy. We are dealing with our colleagues. They are our peers, people we know and work with, and now we have to judge them. I cannot say that I have enjoyed this, nor has any member of Internal Economy who worked with me on this.

The reports of the outside auditors will be tabled here today. There are three of them, one for each senator. Each has been written with great deliberation.

**The Hon. the Speaker:** I am sorry, honourable senators. I think I have heard enough such that perhaps at this point we should have the presentation of the report. Is the honourable senator presenting a report or tabling a report?

**Senator Tkachuk:** I am presenting the report.

**The Hon. the Speaker:** Perhaps the report should be presented.

**Senator Tkachuk:** Yes, I will present the report.

**The Hon. the Speaker:** Debate on the report will occur at the appropriate time.

• (1400)

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

Thursday, May 9, 2013

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

## TWENTY-SECOND REPORT

**A Clerk at the Table:** The twenty-second report:

Recent media reports with respect to Senator Michael Duffy's living allowances in the National Capital Region (NCR) were a matter of discussion. The Senate Administration was asked to provide a summary report of Senator Duffy's travel patterns between Prince Edward Island, his province of appointment, and the NCR. The travel summary raised concerns, whereby, on February 14, 2013, your Committee determined that it should amend a current contract with Deloitte for an examination of two senators' claims to include an examination of Senator Duffy's claims.

**Hon. George J. Furey:** On a point of order, the reports were presented by my colleague Senator Tkachuk, but they should have been presented as majority reports of the committee and not just as regular reports of the committee, which would lead people to believe they were unanimous.

**A Clerk at the Table:**

Deloitte was asked to review Senator Duffy's travel claims and supporting documentation to determine whether the travel occurred or could have occurred; to categorize the claims as appropriate, subject to reimbursement to the Receiver General, or subject to consideration and determination by the Standing Committee on Internal Economy, Budgets and Administration; as well as to assess where the primary residence was located for Senator Duffy.

Deloitte was provided with all documentation internal to the Senate that could be relevant to its examination. In addition, Deloitte requested documentation directly from Senator Duffy and/or his counsel. This request was not met.

On February 22, 2013, Senator Duffy wrote to me, in my capacity as Chair of the Standing Committee on Internal Economy, Budgets and Administration. He said that he had filled out the Senate forms in good faith, but that he "may

have been mistaken.” He stated his intent to “repay the housing allowance that I have collected to date.” Senator Duffy asked to be provided with the amount to be repaid in order to “settle this matter in full.” Repayment was subsequently made in the amount of \$90,172.24.

Deloitte completed its report (attached as an Appendix) based on available information, including Senator Duffy’s travel claims, which provided third party proof of travel from commercial carriers, and Senate telecommunications invoices for the Senate mobile phone assigned to Senator Duffy. Deloitte was able to confirm within 94 percent accuracy and another three percent likelihood Senator Duffy’s location during the period of review, i.e., Ottawa versus his declared primary residence, PEI. Three percent of the time, his location was unknown. This information is fundamental to our determination regarding Senator Duffy’s eligibility to claim expenses.

Deloitte noted that, prior to the adoption of the *Senators’ Travel Policy* on June 5, 2012, a definition of primary residence did not appear in Senate policy instruments. Deloitte further noted that, “The regulations and guidelines applicable during the period of our review do not include criteria for determining primary residence.” Given this, Deloitte reported that they were unable “to assess the status of the primary residence declared by Senator Duffy against existing regulations and guidelines.” However, they did conclude that “all of the trips between Ottawa/Gatineau and PEI claimed by Senator Duffy occurred.”

Your Committee acknowledges Deloitte’s finding that criteria for determining primary residence are lacking and this is being addressed by your Committee.

Deloitte’s report has informed our determination of the appropriateness of the living expense claims filed by Senator Duffy. Senator Duffy was found to have spent approximately 30 percent or 164 of the 549 days in the period of review at his declared primary residence.

Your Committee therefore recommends:

1. That the living expenses claimed by Senator Duffy dating back to the time of his appointment have been properly reimbursed by him; and
2. That living and travel expense claims submitted for reimbursement by Senator Duffy be monitored from the date of the adoption of this report for a period not less than one year.

Respectfully submitted,

DAVID TKACHUK  
*Chair*

(For text of Deloitte report, see today’s Journals of the Senate, Appendix A, p. 2253.)

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

**Senator Tkachuk:** With leave, later this day.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

Honourable senators, when shall this report be taken into consideration?

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

#### TWENTY-THIRD REPORT OF COMMITTEE PRESENTED

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

Thursday, May 9, 2013

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

#### TWENTY-THIRD REPORT

**A Clerk at the Table:** The twenty-third report:

On November 22, 2012, your Committee created a Subcommittee on Living Allowances to investigate media reports with respect to Senator Patrick Brazeau’s living allowances in the National Capital Region (NCR); and to inquire into and report on all matters relating to living allowances in the NCR.

The Subcommittee began its examination of Senator Brazeau’s living allowance claims with an internal review of all Senate policy instruments relating to living and travel expenses, together with Senator Brazeau’s claims and related documents. The period of review was established as April 2011 to September 30, 2012, or from the time that Senator Brazeau began to claim living expenses for a rented home in the NCR to the last month that full invoices and other records were available to the Subcommittee. Documents internal to the Senate Administration, specifically telecommunications invoices for Senator Brazeau’s mobile phone supplied by the Senate, assisted your Subcommittee to notionally establish Senator Brazeau’s location during the period of review, i.e., Ottawa versus his declared primary residence, Maniwaki. The information and analyses provided to the Subcommittee raised a number of questions that warranted discussion with Senator Brazeau directly. The Subcommittee therefore invited the Honourable Patrick Brazeau to attend its meeting of December 11, 2012 at 6 p.m. Senator Brazeau was accompanied by his lawyer.

The internal review of Senator Brazeau’s claims represented many employee work-hours and resulted in issues that merited an external third party review of the information. Your Subcommittee therefore referred the



claims and related findings to Deloitte. A contract was entered into with Deloitte on January 3, 2013, for an independent examination of living and travel expense claims and related documents for Senator Brazeau, dating back to April 2011.

Deloitte was asked to review the travel claims and supporting documentation to determine whether the travel occurred or could have occurred; to categorize the claims as appropriate, subject to reimbursement to the Receiver General, or subject to consideration and determination by the Standing Committee on Internal Economy, Budgets and Administration; as well as to assess where the primary residence was located for Senator Brazeau. Deloitte conducted an examination of Senator Brazeau's claims, for which their report is attached as an Appendix. Deloitte's examination provides analysis of the claims and, using a variety of sources, Deloitte was able to confirm with a high degree of accuracy Senator Brazeau's location during the period of review, that is from April 1, 2011 to September 30, 2012. This information is fundamental to our determination of the Senator's primary residence.

In its report, Deloitte noted that prior to the adoption of the *Senators' Travel Policy* on June 5, 2012, a definition of primary residence did not appear in Senate policy instruments. Deloitte further noted that, "The regulations and guidelines applicable during the period of our review do not include criteria for determining primary residence." Given this, Deloitte reported that they were "not able to assess the status of the primary residence declared by Senator Brazeau against existing regulations and guidelines." However, they did conclude that all of the trips between the Senator's respective primary and secondary residence "did take place or could have taken place."

Your Committee acknowledges Deloitte's observation regarding the absence of criteria for determining primary residence. It is nonetheless our conclusion that the Primary and Secondary Residence Declaration form in force during the scope of these investigations and signed by Senator Brazeau is amply clear, as is the purpose and intent of the guidelines (as of June 2012, policy) to reimburse living expenses. In summary, the Declaration requires Senators to affirm whether their *primary* residence is "within 100 kilometres from Parliament Hill" or is "more than 100 kilometres from Parliament Hill." The purpose and intent of the policy instrument is to allow Senators, who do not have their home within 100 kilometres of Parliament Hill and would not be in Ottawa if it were not for the fact that they are Senators who must attend Senate business, to not incur additional costs for accommodations while in Ottawa to attend Senate business. To claim living expenses in the NCR, any residence owned or rented by a Senator must be a *secondary* residence, not the place where he or she ordinarily lives, for use by the Senator while in the NCR for Senate business. Your Subcommittee considers this language to be unambiguous and, plainly, if a Senator resides primarily in the NCR, he or she should not be claiming living expenses for the NCR.

Deloitte's reports have been very helpful to our determination of the appropriateness of the living expense claims filed. Senator Brazeau was found to have spent approximately 10 percent of the 549 days in the period of review at his declared primary residence of Maniwaki, with an additional 13 identified day trips to the Maniwaki area.

It is therefore the conclusion of your Committee that, based on the evidence presented in the examination report, while recognizing the ties of Senator Brazeau with Maniwaki, his level of presence at his primary residence does not support such a declaration. It is contrary to the meaning of the word "primary" and to the purpose and intent of the provision of living allowance in the NCR.

Your Committee therefore recommends:

1. That Senator Brazeau be ordered to reimburse the Receiver General for Canada for any living and related mileage expenses reimbursed to him by the Senate of Canada for the period from April 1, 2011 to date, with interest at prime rate plus one percent; and
2. That expense claims submitted for reimbursement by Senator Brazeau be overseen by the Subcommittee on Agenda and Procedure of the Standing Committee on Internal Economy, Budgets and Administration, from the date of the adoption of this report for a period not less than one year.

Your Committee would like to thank the members of the Subcommittee on Living Allowances in the NCR, Senators Marshall, Comeau and Campbell for their work on this examination.

Respectfully submitted,

DAVID TKACHUK  
*Chair*

(For text of Deloitte report, see today's Journals of the Senate, Appendix B, p. 2341.)

• (1410)

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

**Senator Tkachuk:** Honourable senators, with leave of the Senate, I move that the report be considered later this day.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

Honourable senators, when shall this report be taken into consideration?

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

• (1420)

#### TWENTY-FOURTH REPORT OF COMMITTEE PRESENTED

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

Thursday, May 9, 2013

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#### TWENTY-FOURTH REPORT

**A Clerk at the Table:** The twenty-fourth report:

On November 22, 2012, your Committee created a Subcommittee on Living Allowances to investigate media reports with respect to Senator Brazeau's living allowances in the National Capital Region (NCR); to inquire into and report on all matters relating to living allowances in the NCR; and, as of December 6, 2012, to investigate media reports with respect to Senator Mac Harb's living allowances in the NCR.

Your Subcommittee began its examination of Senator Harb's living allowance claims with an internal review of all Senate policy instruments relating to Senators' living and travel expenses. In keeping with its concurrent review of Senator Brazeau's claims, your Subcommittee determined that the period of review be established as April 2011 to September 30, 2012. Documents relating to Senator Harb's living and travel expense claims for this period of review were obtained by your Subcommittee.

Given the Subcommittee's experience in conducting one claims review internally, internal analysis was not undertaken for Senator Harb's claims. Rather, a contract was issued on January 3, 2013, for an examination of all claims and related documents for Senator Harb, dating back to April 2011.

Deloitte was asked to review the travel claims and supporting documentation to determine whether the travel occurred or could have occurred; to categorize the claims as appropriate, subject to reimbursement to the Receiver General, or subject to consideration and determination by the Standing Committee on Internal Economy, Budgets and

Administration; as well as to assess where the primary residence was located for Senator Harb. Deloitte conducted an examination of Senator Harb's claims, for which their report is attached as an Appendix. Deloitte's examination provides analyses of the claims and, using a variety of sources, the accountants were able to confirm with a high degree of accuracy Senator Harb's locations during the period of review, that is from April 1, 2011 to September 30, 2012. This information is fundamental to our determination of Senator Harb's primary residence.

In its report, Deloitte noted that, prior to the adoption of the *Senators' Travel Policy* on June 5, 2012, a definition of primary residence did not appear in Senate policy instruments. Deloitte further noted that, "The regulations and guidelines applicable during the period of our review do not include criteria for determining primary residence." Given this, Deloitte reported that they were "not able to assess the status of the primary residence declared by Senator Harb against existing regulations and guidelines." However, they did conclude that all of the trips between the Senator's respective primary and secondary residence "did take place or could have taken place."

Your Committee acknowledges Deloitte's observation regarding the absence of criteria for determining primary residence. It is nonetheless our conclusion that the Primary and Secondary Residence Declaration form in force during the scope of these investigations and signed by Senator Harb is amply clear, as is the purpose and intent of the guidelines (as of June 2012, policy) to reimburse living expenses. In summary, the Declaration requires Senators to affirm whether their *primary* residence is "within 100 kilometres from Parliament Hill" or is "more than 100 kilometres from Parliament Hill." The purpose and intent of the policy instrument is to allow Senators, who do not have their home within 100 kilometres of Parliament Hill and would not be in Ottawa if it were not for the fact that they are Senators who must attend Senate business, to not incur additional costs for accommodations while in Ottawa to attend Senate business. To claim living expenses in the NCR, any residence owned or rented by a Senator must be a *secondary* residence, not the place where he or she ordinarily lives, for use by the Senator while in the NCR for Senate business. Your Subcommittee considers this language to be unambiguous and, plainly, if a Senator resides primarily in the NCR, he or she should not be claiming living expenses for the NCR.

Deloitte's reports have been very helpful to our determination of the appropriateness of the living expense claims filed. Senator Harb was found to have spent approximately 21 percent of 549 days at his declared primary residence of Westmeath, with two additional identified day trips. Additionally, Senator Harb was found to use his Ottawa address for several official purposes, and his travel patterns were consistently Ottawa-Westmeath-Ottawa, denoting that Ottawa was his default or primary location.

It is therefore the conclusion of this Committee that, based on the evidence presented in the examination report, Senator Harb's level of presence at his declared primary

residence does not support such a declaration. It is contrary to the meaning of the word “primary” and to the purpose and intent of the provision of living allowance in the NCR.

Your Committee therefore recommends:

1. That Senator Harb be ordered to reimburse the Receiver General for Canada for any living and related mileage expenses reimbursed to him by the Senate of Canada for the period from April 1, 2011 to date with interest at prime rate plus one percent;
2. That an internal investigation of Senator Harb’s travel patterns and living expense claims be extended to the period prior to April 1, 2011; and
3. That expense claims submitted for reimbursement by Senator Harb be overseen by the Subcommittee on Agenda and Procedure of the Standing Committee on Internal Economy, Budgets and Administration, from the date of the adoption of this report for a period not less than one year.

Your Committee would like to thank the members of the Subcommittee on Living Allowances in the NCR, Senators Marshall, Comeau and Campbell for their work on this examination.

Respectfully submitted,

DAVID TKACHUK  
*Chair*

(For text of Deloitte report, see today’s Journals of the Senate, Appendix C, p. 2432.)

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

**Senator Tkachuk:** With leave, later this day.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

Honourable senators, when shall this report be taken into consideration?

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

## TWENTY-FIFTH REPORT OF COMMITTEE PRESENTED

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

Thursday, May 9<sup>th</sup>, 2013

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

## TWENTY-FIFTH REPORT

**A Clerk at the Table:** The twenty-fifth report:

On February 28, 2013, the Internal Economy Committee presented a report concerning the payment of allowances to senators whose primary residence is more than 100 kilometers from Parliament Hill. In order to improve stewardship of Senate operations with respect to primary and secondary declarations, your Committee made the following recommendations which were agreed to by the Senate:

- (a) That accompanying their primary residence declaration each senator furnish a driver’s licence, a health card and the relevant page of their income tax form each and every time the declaration is signed. This declaration is signed annually for the purpose of claiming living expenses in the NCR;
- (b) That the Internal Economy Committee instruct management to standardize terminology in the Senate’s policy instruments; and
- (c) That the *Senators’ Travel Policy* be reviewed to comply with primary residence declarations.

Following the adoption by the Senate of its report, your Committee has reviewed all policies and guidelines relating to senators’ travel with the aim of improving internal controls and risk mitigation, and increasing transparency and public understanding of the Senate and its work.

Your Committee now makes the following recommendations:

1. That section 4 of Chapter 1:02 of the *Senate Administrative Rules* which states: “Senators act on their personal honour and Senators are presumed to have acted honourably in carrying out their administrative functions unless and until the Senate or the Internal Economy Committee determines otherwise”, be deleted.
2. That in order to harmonize the residence terminology in Senate policy instruments, the *Senate Administrative Rules* be amended by replacing the existing definitions “National Capital residence” and “provincial residence” with the definitions “National

Capital accommodation” and “provincial residence” set out in Appendix “A” to this Report, and that your Committee amend the *Senators’ Travel Policy* to replace its existing residence terminology with the terminology being proposed for the *Senate Administrative Rules*. The revised terminology is for financial and administrative purposes only.

3. That in order to more effectively assess compliance of travel claims with policy, travellers be required to provide the specific purpose for each trip. Although names of participants at a meeting or event need not to be disclosed, they should be kept for audit purposes.
4. That travellers be required to maintain a road travel log for all mileage claims and that such claims and supporting road travel logs be subject to regular audits.
5. That travellers be required to provide receipts when seeking reimbursement of taxi expenses, regardless of the cost and that Senate policies be amended accordingly.
6. That, with respect to reimbursement of per diems under the Living Allowances in the NCR budget when on travel status within the National Capital Region, eligible travellers be entitled to claim such per diems for days when the Senate sits, when attending Senate Committee meetings, or Senate and National Caucus meetings and up to twenty additional days when working on Senate-related business.
7. That the 64-point travel system be amended to provide a maximum of 52 points for regular Senate business travel (between a senator’s province/territory of appointment and the National Capital Region), Senate business travel within a senator’s province/territory, and, up to a maximum of 4 points for travel to New York (for United Nations business only) and Washington, D.C. —

**Hon. Wilfred P. Moore:** Honourable senators, on a point of order, procedure, whatever, we do not have the report on this side.

I have just been advised by the page that we had to ask for a copy of this report. I thought upon being tabled it would have automatically been delivered to every member of the chamber. Is there some rule I do not know about?

**Senator Tkachuk:** It is filed electronically; you can look it up.

**The Hon. the Speaker:** Honourable senators, the report is being presented. It is being read by the table, and it is being distributed, I understand, as it is being read.

Would the table continue reading the report, please?

**A Clerk at the Table:**

7. That the 64-point travel system be amended to provide a maximum of 52 points for regular Senate business travel (between a senator’s province/territory of appointment and the National Capital Region), Senate business travel within a senator’s province/territory, and, up to a maximum of 4 points for travel to New York (for United Nations business only) and Washington, D.C. —

**Senator Moore:** On a point of order. I did not get an answer to my question. I was told that we had to request a copy of the report. Am I not aware of something here? This is for the benefit of the other side as well.

**The Hon. the Speaker:** Honourable senators, the copies are being distributed. It is being read by the table. The table will continue reading the report.

**Senator Moore:** Do I not —

**The Hon. the Speaker:** This is the way we are proceeding. I consider it appropriate. The table is reading the report, and hard copies are being distributed.

**A Clerk at the Table:**

— and that a limit of 12 points be established for regional and national travel on Senate business.

8. That the selection of a senator’s designated traveller be restricted to the senator’s spouse or partner, with the exception of senators who occupy the Leader of the Government or of the Opposition positions; and that travel provisions be amended to indicate that the designated traveller must be travelling with the senator or for the purpose of joining the senator.
9. That the Senate Administration be required to provide monthly reports on travel patterns to the Steering Committee.
10. That, for reporting and point calculation purposes, the categories of travel be amended as follows: “*Regular Senate Business Travel*” (travel between the senator’s province/territory of appointment and the National Capital Region) and “*Other Senate Business Travel*” (all other categories of travel: provincial/territorial; regional; national and international).
11. That the use of the 64-point travel system by senators for international travel be limited to travel to New York (for United Nations business only) and Washington, D.C. up to a maximum of four points per fiscal year.

[ A Clerk at the Table ]

12. That the Internal Economy Committee be authorized make necessary consequential amendments to all existing policies and guidelines and to designate the dates that the above recommendations shall take effect and communicate them to senators.

Respectfully submitted,

DAVID TKACHUK  
*Chair*

(For text of Appendix "A", see today's Journals of the Senate, Appendix D, p. 2525.)

• (1430)

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

**Senator Tkachuk:** Honourable senators, with leave of the Senate, I move that the report be considered later this day.

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

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Leave is not granted.

Honourable senators, when shall this report be taken into consideration?

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

#### BUSINESS OF THE SENATE

**Hon. Anne C. Cools:** Is it possible for senators to get copies?

**The Hon. the Speaker:** Honourable senators, I am told they are being circulated.

**Senator Cools:** No one should move any motion until every senator has a copy in their hands.

[Translation]

**Hon. Fernand Robichaud:** Honourable senators, for greater clarity, we have received the 23rd, 24th and 25th reports of the Internal Economy Committee, as well as three reports from Deloitte. Shall we assume that the Deloitte reports are deemed to have been presented at the same time as the committee reports?

**The Hon. the Speaker:** Yes. The Deloitte reports are appended to the first three reports tabled this afternoon. The 25th report also has an appendix.

#### IMMIGRATION AND REFUGEE PROTECTION ACT

##### BILL TO AMEND—TWENTY-FOURTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

**Hon. Kelvin Kenneth Ogilvie**, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, May 9, 2013

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

##### TWENTY-FOURTH REPORT

Your committee, to which was referred Bill C-43, An Act to amend the Immigration and Refugee Protection Act, has, in obedience to the order of reference of Thursday, April 25, 2013, examined the said bill and now reports the same without amendment.

Respectfully submitted,

KELVIN K. OGILVIE  
*Chair*

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

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

[English]

#### CRIMINAL CODE

##### BILL TO AMEND—TWENTY-SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

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

Thursday, May 9, 2013

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

##### TWENTY-SIXTH REPORT

Your committee, to which was referred Bill S-16, An Act to amend the Criminal Code (trafficking in contraband tobacco), has, in obedience to the order of reference of Tuesday, April 16, 2013, examined the said Bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

BOB RUNCIMAN  
*Chair*

(For text of observations, see today's Journals of the Senate, p. 2246.)

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

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

### NORTHERN JOBS AND GROWTH BILL

TENTH REPORT OF ENERGY, THE  
ENVIRONMENT AND NATURAL  
RESOURCES COMMITTEE  
PRESENTED

**Hon. Richard Neufeld,** Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, May 9, 2013

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

### TENTH REPORT

Your committee, to which was referred Bill C-47, An Act to enact the Nunavut Planning and Project Assessment Act and the Northwest Territories Surface Rights Board Act and to make related and consequential amendments to other Acts, has, in obedience to the order of reference of Tuesday, April 16, 2013, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

RICHARD NEUFELD  
*Chair*

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

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

### INTER-PARLIAMENTARY UNION

ASSEMBLY AND RELATED MEETINGS,  
MARCH 31-APRIL 5, 2012—  
REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union respecting its participation at the One hundred and Twenty-sixth Inter-parliamentary Union Assembly and Related Meetings, held in Kampala, Uganda, from March 31 to April 5, 2012.

ASSEMBLY AND RELATED MEETINGS,  
MARCH 22-27, 2013—REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union respecting its participation at the One hundred and Twenty-eighth Inter-parliamentary Union Assembly and Related Meetings, held in Quito, Ecuador, from March 22 to 27, 2013.

MEETING OF THE STEERING COMMITTEE OF THE  
TWELVE PLUS GROUP, FEBRUARY 25, 2013—  
REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union respecting its participation at the Meeting of the Steering Committee of the Twelve Plus Group, held in Paris, France, on February 25, 2013.

SESSION OF THE UNITED NATIONS COMMISSION ON  
THE STATUS OF WOMEN, MARCH 5, 2013—  
REPORT TABLED

**Hon. Salma Ataullahjan:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Inter-Parliamentary Union respecting its participation at the Fifty-seventh Session of the United Nations Commission on the Status of Women, held in New York, New York, United States of America, on March 5, 2013.

### COMMONWEALTH PARLIAMENTARY ASSOCIATION

WESTMINSTER SEMINAR ON PRACTICE AND  
PROCEDURE, MARCH 9-12, 2012—  
REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association (CPA) to the Sixty-first Westminster Seminar on Practice and Procedure, held in London, United Kingdom, from March 9 to 12, 2012.

## QUESTION PERIOD

### NATURAL RESOURCES

#### PROPOSED PIPELINE PROJECTS—SAFETY STANDARDS

**Hon. Grant Mitchell:** Honourable senators, it turns out that one of the major pipeline companies in Canada has failed, over a long period of time, to meet prescribed safety and environmental standards laid out in legislation and regulation for the protection of our environment and of the Canadian people. In fact, 117 of 125 pumping stations in their network have been without backup, a second source of power, for their emergency pipeline valve shutoffs. Was it a conscious Harper government decision to turn a blind eye on the implementation of these important safety standards, or was it a clear indication of the Harper government's pure incompetence?

**Hon. Marjory LeBreton (Leader of the Government):** I thank Senator Mitchell for the question. Honourable senators, this particular incident was in the media and I read about it. I do not have specific details with which to respond, so I will take the question as notice.

• (1440)

**Senator Mitchell:** Thank you, and thank you for thanking me for my question.

The ability to get the permission to build the Keystone, the Gateway, the Kinder Morgan, or the West-East pipeline that will ultimately go through Quebec hinges on the people of those jurisdictions giving Canada and companies the social licence to build those projects. What kind of message does it send to the people of these jurisdictions, whose permission, whose social licence, is fundamentally required before we would ever be able to build these projects? What kind of message does it send when the Government of Canada cannot, even with any kind of competence, see and ensure that the basic safety and environmental standards laid out in their own legislation, in their own regulations, are implemented properly and forcefully and followed up on in a rigorous way?

**Senator LeBreton:** The fact of the matter, honourable senators, is that companies in Canada are required to comply with National Energy Board rules and regulations. The government has increased the number of pipeline inspections and audits to ensure that we have the safest pipeline system in the world. As a result of these increased inspections and audits, there has been also an increase in reported incidents.

**Senator Mitchell:** After almost eight years as the head of the government, this Prime Minister has been unable to build a pipeline in energy rich Canada to extend and diversify markets. Imagine that: After eight years, this supposedly great leader has not been able to deliver a pipeline.

Will this new embarrassment finally provoke the Prime Minister to provide real national leadership, international leadership, maybe to go down to Keystone and make the case himself and back up the Premier of Alberta or, as is becoming increasingly clear, is this Prime Minister just not up to the challenge of that kind of leadership?

**Senator LeBreton:** I have answered that question before, many times, honourable senators. The Prime Minister, many ministers of our government, the Canadian ambassador to Washington and many parliamentary organizations have gone to Washington. The Prime Minister has made the case for Canada and our pipeline delivery system directly, many times, with the President of the United States.

**Senator Mitchell:** Maybe I could ask this question in a different way. Can the leader give an explanation of why the Prime Minister of Canada would not want to go down to Washington himself to make public statements, to give a speech at the Washington, D.C. Chamber of Commerce, to defend the interest of Canada, to defend the interest of the Alberta energy industry and to back up the Premier of Alberta? Why would the Prime Minister not want to wake up every morning and do that? What kind of Prime Minister is he?

**Senator Segal:** A great Prime Minister; the best we have had in 20 years!

**Senator LeBreton:** That is right, honourable senators. I hope the microphone picked up the honourable senator's comments. I agree 100 per cent. He is a great Prime Minister, the best we have had in 20 years or perhaps much longer than that.

The honourable senators know full well that we have agreements with the United States. He knows full well that we are a major energy supplier to the United States. It is in both their interest and ours to have a secure energy supply. The Prime Minister, directly with the President of the United States, many cabinet ministers, our excellent ambassador in the United States and, of course, the premiers, are all making a good case for the pipeline, which I am pleased to note is overwhelmingly supported by the general public in the United States and Canada.

[Translation]

### INDUSTRY

#### RESULTS OF THE NATIONAL HOUSEHOLD SURVEY

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

Yesterday, Statistics Canada released its National Household Survey. The data in this survey is provided voluntarily, since the government did away with the long-form census. Officially, they got rid of it to protect individual freedoms, but in reality, I think they got rid of it for ideological reasons and to win votes.

What did we learn? The response rate decreased from 94 per cent to 68 per cent. Statistics Canada warned that it is nearly impossible to compare the results to those of previous years. The data on the poor and our most vulnerable members of society — I am thinking in particular of Aboriginals, and the President of the Congress of Aboriginal Peoples expressed outrage about this — could be skewed, since these individuals are less likely to spontaneously respond to this type of survey, and as a result of the low response rates, Statistics Canada chose not to disclose certain data related to a quarter of Canadian municipalities — 1,128 communities — compared to the 200 that were left out after the mandatory census in 2006, most of which were rural and first nations communities.

A census is not a formality; it is a way to plan our country's future by developing public policy based on facts. It is a way to make provisions for Canada's economy based on facts, not on assumptions, provisions such as the EI reform.

The government's current policies are jeopardizing Canada's economy. Do history and science have no relevance if they do not correspond to the Prime Minister's ideology, or does the government believe in scientific proof?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, my honourable friend's questions are much the same as the questions she asked when we moved from the mandatory long-form census to a voluntary one.

The fact is that the National Household Survey does provide useful and useable data, representing 97 per cent of the Canadian population. In fact, more Canadians responded to the National Household Survey than its predecessor, the mandatory long-form census. I can only report to the honourable senator what the census manager at Statistics Canada said:

At the national, provincial level, all of this information is pretty solid. It's high quality.

Obviously, this is the first time the voluntary household survey has been undertaken. Our government will be looking at options to improve the quality and reliability of the data that will be generated by the next survey, but at the same time we will be very mindful of the privacy of the Canadian public.

[Translation]

**Senator Hervieux-Payette:** The leader has a good memory. It is true that I have asked questions before, which were clearly always scientifically based, about the quality of the information that we just received from the National Household Survey. Believe me, I have grandchildren in university right now, and the statistics course is one of the most demanding courses and one of the

hardest to pass. Sending a questionnaire to everyone and waiting for people to send it back if and when they see fit is too simplistic. We are talking about a significant drop, from 94 per cent to 68 per cent. As far as I know, that is significant. The figures that we are now being given are no longer statistically representative of the Canadian population. That has been clearly established.

After squandering the opportunity to obtain reliable data by abolishing the long-form census and terminating federal funding for research centres such as the Experimental Lakes Area, the government has decided to eliminate funding for basic research and change the priorities of the National Research Council in order to focus on applied research and science, as though theoretical science has never had any practical applications. We need to learn to walk before we can run. If we do not do the theoretical research, we cannot do practical research.

In short, honourable senators, the leader is focusing on commercializing research while collecting biased data on Canadians. The government thinks it is worthwhile to conduct basic research but no longer tasks a world-renowned institution with that responsibility.

Canadians are wondering how they can prepare for the future and for the 21st century knowledge economy in order to create jobs for the future. I would like to quote Dr. Tarik Möröy, president of the world-renowned Institut de recherche clinique de Montreal. He said:

Canada's political choices are leading it down a slippery slope that will limit the country's discoveries and innovation.

• (1450)

The countries that are rich today are rich because of important discoveries and the resulting development.

It was not a miracle, nor was it by chance. Basic research lays the foundation for practical discoveries.

Can the Leader of the Government in the Senate tell us how the government hopes to stimulate breakthroughs and innovation in Canada by turning its back on basic science in research facilities, the Experimental Lakes Area and Statistics Canada? What is behind its philosophy of governance, if not ideology?

[English]

**Senator LeBreton:** Honourable senators, again, as the Statistics Canada census manager said, these are very strong data.

With regard to our investments, the senator is incorrect; we vastly increased investments in science and research, including basic research. Canada is ranked number one in the G7 for support for higher education research and development, and the independent Council of Canadian Academies reports now that Canada ranks fourth in the world. Our support for basic research has been and will remain strong.

I will repeat that we believe that basic research must remain strong. At the same time, we will continue to work on bringing our innovative products and ideas to market. We must have basic

[ Senator Hervieux-Payette ]



research, but we have to do the connectors. We are and have been investing — and we will continue to invest — a significant sum of money in research, including basic research.

## PRIME MINISTER'S OFFICE

### MEDIA MONITORING

**Hon. Wilfred P. Moore:** Honourable senators, my question is also for the Leader of the Government in the Senate. We discovered today that her leader has been playing gumshoe with his own MPs for the past two years, and that this media surveillance has cost the taxpayers of Canada \$2.4 million. Using a little math on this media monitoring, over two years that \$2.4 million equals \$100,000 a month, \$23,000 a week and \$4,600 a day, which would probably cover a mortgage payment for a middle-class family. That is \$3,700 per MP monitored over those two years, almost as much as Jason Kenney pays for limousines.

This sort of paranoia might be found in North Korea or Zimbabwe, but here in Canada, the true north, strong and free?

Why did the Prime Minister not just check with Parl Media, which is free, or why did he not just go ask his MPs what they are up to? Not only does he snoop on his MPs, but he did the same thing with regard to Mr. Trudeau and Mr. Rae of the other place.

Can the leader explain to Canadians how the Harper government can justify such an utter waste of their money, all the while telling Canadians to reign in their own spending?

**Hon. Marjory LeBreton (Leader of the Government):** First, honourable senators, we have changed the media monitoring system, and those changes have saved nearly \$100 million since 2008. Therefore, the premise of the question is incorrect.

The government pays attention to media stories that are relevant to the activities of government and Parliament. We follow issues that are important and relevant to Canadians.

The reporting on the activities of members of Parliament is captured in those data, and we are very proud and pleased that our members of Parliament and their activities are being picked up in the media. Unlike the case under the father of the honourable senator's present leader, we do not consider backbench members of Parliament to be nobodies.

**Senator Moore:** Honourable senators, the leader can try to go back in history, but she is the one in that seat now. If she cannot handle the heat, she should get out of the kitchen.

I do not know why Canadian taxpayers should be expected to pay for the work of the reformed Conservative Party. If the government wants to monitor its own people, it should do that on the members' own dime. It should not expect Canadian taxpayers to pay for that. It is absolutely unconscionable.

I would like to explain to all the people on the street in Canada that we are spending their money to monitor our MPs to see how they are doing. We will also watch the leaders in the opposition, just to see how they are doing. What kind of regime is that?

**An Hon. Senator:** McCarthy.

**An Hon. Senator:** Authoritarian.

**Senator Moore:** This is a Big Brother situation. I do not know what it is.

**An Hon. Senator:** Paranoid.

**Senator Moore:** It does not justify things to say, "We used to spend \$100 million; now we are spending just \$24 million." That is not the thing; it is what it is being spent on. The government should not be spending even one dime on this sort of thing.

The big picture is that the government spent \$23 million doing media monitoring in the past two years. This is such a colossal waste of money. Just think what this could have been used for in the summer with young students. At about \$3,200, that is about 7,600 student jobs in the summer. Those are young Canadians who will now not have a chance to make a few bucks to pay their way and help their tuition as they go to university or community college, whatever they may be studying.

Why is this government so out of touch with Canadians, and why is the leader's party not doing more to help our youth?

**Senator LeBreton:** First, honourable senators, I have been the Leader of the Government in the Senate for seven and a half years, and I do not need any lessons from the honourable senator about "if you cannot take the heat, get out of the kitchen." I simply gave him the accurate answer, that we have saved \$100 million.

As my grandchildren would say to each other when someone has let something get to them, "I do not know what is bothering you today, Senator Moore, but I would suggest you chill out a bit."

The fact is that we have saved \$100 million. We have a media monitoring process that monitors the media for news stories and issues that are relevant to Parliament, to members of Parliament and to the government. If members of Parliament say something relevant and are in the news — reporting on their activities and this is reported in the media — that is not questioning them or watching over them. That is to be celebrated — that they are actually being reported for things they do, unlike in the past when they were treated like a bunch of nobodies.

**Senator Moore:** Honourable senators, it is a very curious response. There is something I would like to know, and I think I know the answer, anyway: Without breaching caucus secrets, did the Leader of the Government in the Senate tell all of her members in the House of Commons, "We will be monitoring you — everything you say and do; taxpayers will pay for it, so do not worry about it"? Did she tell them that? Did she tell Mr. Rae and Mr. Trudeau that she would be monitoring them?

**Senator LeBreton:** Honourable senators, we have had media monitoring services in Parliament.

By the way, this was a story by Althia Raj of *The Huffington Post*, and the honourable senator could ask her what the motives were, after she wrote her wonderful book on you-know-who.

The fact is that we have changed the media monitoring and we have saved \$100 million. When members of Parliament and senators show up in the media monitoring, that means they have said something in the media that is newsworthy and worthwhile. Therefore, if they say something newsworthy and worthwhile, it shows up in media monitoring. It is as simple as that. There is no ulterior motive. It is just that they get reported in the media monitoring.

Furthermore, we have saved the taxpayer. Imagine how many jobs we have been able to create with the \$100 million we have saved.

**Senator Moore:** Where did you put the \$100 million? Maybe it was over in the false lake — the billion dollars spent on a 48-hour photo op.

**Senator Carignan:** Question?

**Senator Moore:** Where has the money gone?

**Senator LeBreton:** First, all of the monies that have been spent by the government — and the Auditor General reported on that in terms of reporting on Parliament — which I point out again, four and a half years of the previous government, so maybe that is where it is. However, at least it is reported in public documents, unlike the \$40 million that got shovelled out the back door in the sponsorship scandal.

• (1500)

## FOREIGN AFFAIRS

### SYRIA—HUMANITARIAN AID FOR REFUGEES

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is for the Leader of the Government in the Senate. According to the United Nations Office for the Coordination of Humanitarian Affairs, Syrian refugees now constitute more than 10 per cent of the population in Lebanon. In Jordan, the population has increased by 6 per cent as a result of the refugee influx. As of Monday, May 6, more than 1.4 million Syrian refugees were registered or awaiting registration in Egypt, Iraq, Jordan, Lebanon, Turkey and North Africa.

I commend the government for its work with the International Red Cross; the Red Crescent movement in Turkey; UNICEF in Jordan and Iraq; and the UN Refugee Agency in London. I understand that since January 2012, Canada has allocated \$48.5 million to international humanitarian assistance efforts in Syria and neighbouring countries, but sadly the situation is worsening. The number of refugees fleeing Syria to neighbouring countries and North Africa increased by almost 850,000 people in the first four months of 2013. Canada's foreign minister has admitted that we have to do more.

What additional funds will the government make available to provide humanitarian assistance to refugees, both those still in Syria and those who have fled to neighbouring countries?

[ Senator LeBreton ]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question, and for one that actually makes some sense. I have some data that I will read to the honourable senator.

Honourable senators know that the government has been providing assistance with food, water, housing and safety for the hundreds of thousands of people who have fled Syria since 2011. Minister Kenney has met and spoken with Syrian Canadians across the country on many occasions about the crisis in Syria. Canada is one of the world's largest donors of relief for Syrian refugees. The minister recently visited Syrian refugee camps in Turkey, where he announced that the government is contributing an additional \$1.5 million to the Red Cross to help address the needs of those who have fled. This funding will provide food, water and shelter, as well as items such as hygiene kits, blankets, heaters and clothing for up to 170,000 displaced Syrians.

Honourable senators, Canada respects the international consensus reflected in the UNHCR recommendations and is working closely with the United Nations with a view to assisting these refugees.

**Senator Jaffer:** Honourable senators, I have a supplementary question for the leader. I am presently working with Syrian women trying to make changes in their country. They are community workers simply trying to make a change. I hear about what is happening to them, and I have never in my life heard such things. I would not be able to repeat it here because I would not be able to get through my question.

How many Syrian refugees have we brought to Canada since this crisis began?

**Senator LeBreton:** I do not know that, but I will take the honourable senator's question as notice.

## TREASURY BOARD

### AUDITOR GENERAL'S REPORT—ANTI-TERRORISM ALLOCATIONS

**Hon. Joseph A. Day:** Honourable senators, my question is a follow-up to a question that I asked last week with respect to the Auditor General's report on the missing \$3.1 billion.

The Prime Minister has commented that obviously something has to change in this regard. The President of the Treasury Board spoke about the boxes in the basement. He said that the answer is somewhere in those boxes in the basement of Treasury Board.

I know that there is a commitment by the government to change the rules going forward, but my concern is the \$3.1 billion. To put all minds at ease, could the leader tell honourable senators what steps the government is planning to take to look into those boxes in the basement to determine what happened to the \$3.1 billion?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I quoted the Auditor General last week when he said, "We didn't find anything that gave us cause for

concern that money was used in any way it should not have been.” This was reported in the way that departments report their funds.

The honourable senator is right, and I can assure him that Treasury Board is seized of this matter. As I would like to know too, I will ask them, in the honourable senator’s name, to provide information on the process they are following to identify how this money was accounted for.

**Senator Day:** Honourable senators, I asked this question for the good of all parliamentarians. I am not suggesting for a moment that there has been any underhandedness with respect to the funds and how they have been used. However, the Auditor General said that he did not have enough information one way or the other to determine where those funds went. That is the problem.

I appreciate very much the leader’s undertaking to know let honourable senators know what steps are being taken to trace the \$3.1 billion.

**Senator LeBreton:** Honourable senators, as the Auditor General worked his way through the various departments, one would like to think there would be a process in place whereby he would be provided with the information needed to write his report.

I will most definitely answer the honourable senator’s question with a delayed answer.

[Translation]

#### DELAYED ANSWER TO ORAL QUESTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the answer to an oral question asked by the Honourable Senator Fraser on October 18, 2012, concerning mental health.

#### PUBLIC SAFETY

##### SPECIAL NEEDS OF PRISONERS

*(Response to question raised by Hon. Joan Fraser on October 18, 2012)*

Improving capacity to address the mental health needs of offenders is a key priority for the Correctional Service Canada (CSC) and improvements to the mental health continuum of care are being implemented. CSC has a comprehensive Mental Health Strategy and critical aspects of this Strategy are being implemented as a result of funds received in Budgets 2005, 2007, 2008 and 2010. From 2005-2011, CSC received \$89.9M in federal funding to implement critical aspects of the Mental Health Strategy.

CSC is currently delivering a continuum of mental health services to meet the needs of offenders from intake to warrant expiry, including building capacity in federal

institutions and supporting offenders to return safely to communities. For instance:

- CSC has fully implemented a computerized system to screen new offenders at intake.
- Institutions have put in place an inter-disciplinary team of mental health professionals to provide essential mental health services and supports.
- Five accredited Regional Treatment Centres provide care for men offenders with the most serious mental health conditions who require in-patient treatment beds. The Treatment Centre in the Prairies and the Institut Philippe-Pinel, a provincial psychiatric facility in Quebec, have units for intensive mental health treatment of women offenders.
- Clinical discharge planners assist offenders with severe mental disorders in their release planning and transition to the community. Mental health professionals, working out of parole offices, provide support to offenders with mental disorders living in the community.

In the past few years, approximately 8,000 CSC staff working in both the institutions and in the community received the Fundamentals of Mental Health Training. An additional 480 non-CSC staff and community partners also received the training.

On October 31, 2012, Federal-Provincial-Territorial Ministers responsible for Justice and Public Safety engaged in in-depth discussions on key justice and public safety issues currently facing Canadians. Ministers acknowledged that persons with mental health issues present significant challenges for the justice system and especially for correctional systems. They agreed that close collaboration is required between jurisdictions in order to better address the needs of the mentally ill. Some jurisdictions are implementing their own mental health strategies and agreed to share best practices and information with others.

In November 2008, the Heads of Corrections created the Federal-Provincial-Territorial Working Group on Mental Health. The Working Group on Mental Health serves as an advisory body on mental health to the Heads of Corrections and in 2008 was tasked to develop a Mental Health Strategy for Corrections in Canada, not to be confused with CSC’s own Mental Health Strategy. The Strategy was finalized in June 2011 and first-year activities have begun. The Mental Health Strategy for Corrections in Canada is a multi-year undertaking. Canada’s Federal-Provincial-Territorial correctional jurisdictions are continuing to develop partnerships with criminal justice, social and health service providers to develop a continuum of mental health care that will ensure offenders’ access to the range of services that Canada has to offer.

CSC's Mental Health Strategy and the Mental Health Strategy for Corrections in Canada supports the *Safe Streets and Communities Act*, particularly the addition of mental health care as stated in the principles of the Act as follows: "correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and are responsive to the special needs of women, aboriginal peoples, persons requiring mental health care and other groups."

[English]

## ORDERS OF THE DAY

### POINT OF ORDER

#### SPEAKER'S RULING RESERVED

**Hon. Wilfred P. Moore:** Honourable senators, I rise on a point of order. Earlier today, the Chair of the Standing Committee on Internal Economy, Budgets and Administration presented the twenty-fifth report of the committee. The table clerk was reading the report. On this side, senators did not have a copy of it, and I do not know if senators opposite had a copy.

I asked a page to bring a copy and was told that I had to request it. I was told that she had instructions to that effect. I am not aware of that procedure. Since I have been in the Senate, normally when a report is tabled copies are distributed so that we may follow along with the procedure, as is done when His Honour makes rulings on points of order. It allows honourable senators to follow along and remain abreast of what is happening.

Honourable senators, I would like a ruling on this procedure. It may be a simple matter of miscommunication between the page staff, but I do not know. I have never heard of this before and would ask His Honour to look into it and make a ruling.

**The Hon. the Speaker:** Do other senators wish to comment?

[Translation]

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, my understanding is that reports are now distributed only upon request, in keeping with the paper conservation policy. When a senator requests a copy, the page will distribute it.

We received an electronic copy on our little devices at the exact same time. One of the reasons we are allowed to have these electronic devices in the chamber is that we receive electronic versions of reports.

[English]

**Hon. Hugh Segal:** Honourable senators, I rise to speak to the point of order. This obsession with the digital world is not only threatening civilization but also the management of discussion and debate in this chamber. The notion that for material sent to

senators' offices we might have to request receipt of it in written form is an appropriate, but in my view misguided, way to try to save on the paper structure.

However, when a matter is being tabled in this chamber for discussion when this chamber in its wisdom chooses to proceed, the notion that one should have to download a multi-page report from one's BlackBerry, if you happen to have one with you, strikes me as a victory by the digital world over history, civilization and the Canadian way. I hope that His Honour will rule in favour of the point of order.

• (1510)

**The Hon. the Speaker:** I shall be happy to take the matter under consideration because I, too, like to be clear on the matter and will not use George Orwell's publications as a parliamentary procedural text.

[Translation]

## CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Dyck, for the second reading of Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity).

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, before the Honourable Senator Segal speaks, I just wanted to indicate that I wish to reserve in my name the 45 minutes that have been allocated to those of us on this side of the chamber.

[English]

**Hon. Hugh Segal:** Honourable senators, the amendments to the Human Rights Act and the Criminal Code proposed in this bill are timely and necessary. They are about extending the protection in these laws to a minority of Canadians who face particular challenges. That is what human rights is all about. That is what civilization at its best is all about. I support this legislation before us without reservation.

I will cite the testimony of Shelly Glover, Member of Parliament for St. Boniface, an MP for whom I have great respect and a former Winnipeg police officer, in her elegant testimony before a committee in the other place on this bill. She said:

To give hope and opportunity to transgendered people through a bill like this, to give them hope in knowing they will have clarity every single time they report, every single time they want to go before a commission or a tribunal, that gender identity means they can be a transgendered

[ Senator Carignan ]

individual and not have to rely on sex, which to most people means plumbing, or disability, which is not what many of them feel, I think is imperative. I think it's imperative that this move forward. I think it's imperative that we, as Canadians and parliamentarians, embrace the notion that we are inviting other Canadians to feel the sense of belonging that this will bill will give them.

When people say it's symbolic only, I disagree wholeheartedly. I want transgendered individuals to feel they can go to a police service, that they can go to a court, knowing full well that gender identity is in the Criminal Code and the Canadian Human Rights Act. I agree with the Canadian Bar Association when they say it will also provide clarity and public acknowledgment. I agree with Mr. Fine, who asks that there be a leaning towards more explicit language, which is what this bill will do. And I agree with all of the two-spirited people I spoke with at Safe Night off Winnipeg Streets recently who said this is an important bill.

Many who are sincerely opposed to this bill have raised the spectre of the protections included in it somehow giving licence to a transgendered individual to use public or school lavatories as predatory sites without any sanction. This is an undue and baseless fear.

Let me quote Randal Garrison, MP, the distinguished and courageous sponsor of this legislation, from his speech on February 27 of this year:

There were some concerns about "gender expression" being less well defined in law and that this would somehow open the gates to abusive practices on the basis of the gender identity bill. I will be very frank and talk about the main one of those, which was the concern that somehow people could use this bill to gain illegitimate access to public bathrooms and change rooms in order to commit what would always be criminal acts of assault.

I contacted the jurisdictions in the United States that have had these provisions in place for a very long time. Four of those did reply, those being California, Iowa, Colorado and the state of Washington. All of them reported the same thing: there have been no instances in any of those states of attempts to use the protections for transgendered people for illegal or illegitimate purposes — no incidents, zero, none.

Honourable senators, this bill has multi-partisan support in the other place and I respectfully submit that it warrants bipartisan support in this chamber, because whatever partisan divides we face, whatever pettiness sometimes invades our rhetoric on all sides, however ideologies of the left or right proscribe our creativity and constructive ability to cooperate, I appeal in humility and sincerity to our better natures and our more noble shared aspirations for coming together around this legislation.

I subscribe to the view that a society is not in the end judged by how the wealthiest and most powerful make out, how those with the loudest voices and most efficient lobbies survive and prosper.

We are judged most accurately by how those who are most vulnerable make their way and experience genuine equality of opportunity.

Transgendered Canadians and those who are seeking to redress their personal struggle are indeed a minority among us, but that minority status should not diminish their rights to protection from discrimination; it should ensure protection of those rights as fully as we can.

Honourable senators in this chamber will remember when, decades ago, we tolerated in Canada discrimination based on gender, based on age, based on religion, based on colour and race, and based on sexual orientation. All of these have been addressed, at least in terms of our formal laws and Constitution if not yet completely in practice. However, over time function follows form and the values of the Magna Carta of 1215; Mr. Diefenbaker's Bill of Rights of 1960; the Charter of Rights and Freedoms advanced by Mr. Trudeau in 1982 with the help of Premiers Davis and Hatfield and made stronger by activists like our Senator Nancy Ruth and millions of other women; and changes in human rights codes to protect different sexual orientations have all headed in the same direction, and Bill C-279 continues that step forward.

As a Conservative, the fact that this will set us apart from dictatorships like Iran, Saudi Arabia and many others makes me very comfortable and happy. If we work together and proceed to advance this bill, we will all feel even prouder to be Canadians living in the best country in the world where no legitimate rights are set aside or willfully ignored.

(On motion of Senator Carignan, debate adjourned.)

## CANADIAN HUMAN RIGHTS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

**Hon. Joseph A. Day:** Honourable senators, let me congratulate the Honourable Senator Segal on his speech on Bill C-279. Senator Segal just spoke about amendments to the Criminal Code, and that is one area where human rights legislation appears. The other is with respect to the Human Rights Act.

• (1520)

I will be speaking now with respect to Bill C-304, and I will be speaking against this particular amendment. The earlier bill expands human rights protection, but this bill purports to restrict the protection that we have for our citizens.

Honourable senators, the bill seeks to repeal section 13 of the Canadian Human Rights Act, as well as to make primary consequential amendments to various other sections of the bill.

Section 13 relates to prohibiting communication by Internet and other telecommunications means that is likely to expose a person or persons to hatred or contempt.

I would like to remind honourable senators that my home province of New Brunswick has made a not insignificant contribution in the area of human rights, both nationally and internationally.

Former Member of Parliament from Fundy Royal, Mr. Gordon Fairweather, was appointed the first Chief Commissioner of the Canadian Human Rights Commission in 1977, a position he held for 10 years.

John Peters Humphrey, of whom you may remember me speaking in this chamber previously, was a New Brunswick native who wrote the first draft of the Universal Declaration of Human Rights for the United Nations.

Finally, our very own Speaker, Senator Kinsella, held the chairmanship of the Atlantic Human Rights Centre for over 20 years in New Brunswick.

I have listened carefully to the arguments made here in this place and have reviewed the arguments made both for and against this legislation in this place and the other place. The debate is helpful with respect to the removal of this section of the Canadian Human Rights Act, honourable senators, but we are talking about a section that has been in the act since 1977.

The interventions have helped to give context surrounding the bill, as well as to clarify the intent of the bill. Furthermore, they have helped to illustrate some of the ramifications and unintended consequences that this piece of legislation could potentially bring about — and I might argue will most likely bring about — if it were to pass.

Honourable senators, if this legislation were necessary to fix a problem that was seriously impeding the rights of Canadians, one would expect it would be a government bill and not a private member's bill. Being a private member's initiative would therefore suggest that this is not government policy. There can and should be independent assessment by all members of this chamber, and an assessment with respect to the action that is proposed in removing this section from the human rights legislation can be voted on independently since it is not government policy.

There are some fundamental questions, honourable senators, that must be asked when considering any piece of legislation that purports to remove, in this case, the prohibition of hate speech on the Internet and other telecommunications means:

How will Canada, as a country, improve with the removal of this particular prohibition? Who will benefit? Who will suffer? Will the removal of the hate speech prohibition have an adverse effect, and are there any unintended consequences that we can perceive?

Legislation should principally serve to unite. It should be for the betterment of our country, our provinces, our communities and citizens. This bill essentially confuses and muddles Canadian values and will end up dividing rather than uniting Canadians.

We are a nation that espouses equality, compassion and understanding. We enjoy a free society, but, as has been noted by Senator Munson, our freedoms come with responsibilities. There are no absolutes. Freedom of expression is one of those freedoms we cherish, as was pointed out by Senator Finley when he presented this bill in this chamber.

In speaking on the bill in the other place, Irwin Cotler outlined a number of limitations on freedom of expression that have been accepted by society in the interests of protecting fundamental human values and ensuring equality amongst all citizens. For example, perjury, treasonable speech, child pornography, libellous and defamatory speech and misleading advertising are all examples of limitations on the freedom of speech that society has accepted.

Why not a limitation on freedom of speech, and this one — a prohibition against hate speech? That has been, as I indicated, on the books for many years. It was studied by the Supreme Court of Canada and found to be a valid limitation. The Supreme Court came to that conclusion when it ruled that this very section 13 — the prohibition on hate speech — was a justifiable limitation on the freedom of speech in the case of the *Canada (Human Rights Commission) v. Taylor* in 1990.

One starts with freedom of speech in section 2 of the Charter, and then section 1 says there may be some limitations on these rights and freedoms if justified. That is what the Supreme Court of Canada found with respect to this section.

One of the arguments we have heard from proponents of this bill to remove that section is that people are already protected from hate speech under the Criminal Code. However, as noted by Senator Kinsella in his intervention, and by Senator Nolin, the Criminal Code is punitive legislation. Our Canadian Human Rights Act was not meant to be punitive legislation but rather to complement the more onerous and restrictive criminal law sanctions.

If I may quote from Senator Kinsella's intervention in reference to the purpose of the human rights laws:

They were meant to be educative.... It was meant to be conciliatory, because it was based on old labour law which operated on the basis of not seeking punishment, but being corrective and allowing us, as a matter of public policy, to grow our country where equality rights are protected by statutory law.

It is a very important point that was made by Speaker Kinsella. Anti-discrimination law, such as the Canadian Human Rights Act, is just but one piece of the puzzle. It operates independently of the Criminal Code but complements it. One piece of legislation seeks to educate and serve as a preventative measure. The other serves as a punitive measure. While we as Canadians tend to pride ourselves on the value of equality, compassion and understanding, removing section 13 will potentially put these very values at risk.

How compassionate will a victim of hate speech consider our nation to be? How equal will a resident feel after being victimized through hate speech? Will citizens enjoy freedom of expression after they have been marginalized and bullied through hate speech? Not likely, honourable senators.

Being discriminated against on the basis of being an identifiable group is not an issue that has dissipated in our society. It is very much alive and continues to be fuelled by some who cannot accept those who are different from themselves.

• (1530)

This became evident when this legislation was first introduced in the other place. A well-known white supremacist group cheered this legislation when it was introduced as a “huge victory for freedom in Canada.” By passing this legislation, we would effectively be giving groups like this, which I know all honourable senators in this chamber would agree are reprehensible in their very nature, more freedom to spew their misinformed, malicious, hate-filled views to other Canadians. Indeed, honourable senators, the Canadian Bar Association aptly argued, in a submission to Parliament in 2010, that:

The social evil of promoting hatred against identifiable groups has not diminished in the past decade. Indeed, with the emergence of the Internet, its propagation has become more widespread and more sophisticated than in the past.

Senator Finley has argued that all of our other rights and freedoms depend upon our ability to express ourselves freely, without reprisal from the state. While I agree in principle with the honourable senator's statement, I do not accept that the right could or should be exercised to the detriment of the rights of others. In September of last year, our Prime Minister accepted the World Statesman award. In his acceptance speech, Prime Minister Harper said the following:

... Canada seeks, in an uncertain world, to articulate a foreign policy that builds on certain principles.

These principles are rooted in our own country's ancient heritage and long practice of freedom, democracy, human rights and the rule of law.

Why are we seeking to jeopardize principles that are, according to our Prime Minister, rooted so deeply in our country's heritage? Mr. Harper went on to say:

... Canadians are proud, fiercely proud, of the reputation we have established for both a competitive economy and a compassionate society, and for the unparalleled combination of cultural diversity and harmony which draws to us peoples of all nations.

He is talking about the unparalleled combination of cultural diversity and harmony, honourable senators. In the *Taylor* case, the then Chief Justice Dickson made a statement that I want to bring to your attention. He stated that hate propaganda:

... undermines the dignity and self-worth of target group members and, more generally, contributes to disharmonious relations among various racial, cultural and religious

groups, as a result eroding the tolerance and open-mindedness that must flourish in a multicultural society which is committed to the idea of equality.

Honourable senators, the Prime Minister has indicated that we are a society of cultural diversity and harmony, and the message of Chief Justice Dickson, as he then was, was very clear, that hate literature has no place in that type of society.

The target groups, honourable senators, may and do change. At one time the target group might have been a religious group, Catholics, for example. Let us talk about reality. People of colour, at one time, were clearly a target group. The Irish, in my area, were a target group. Aboriginals, more recently, are a target group. Women are a target group, and Muslims because of certain radicals within that group. The principle remains the same, even though the target groups may evolve, and the legislation is there, honourable senators, to cover that particular situation.

Another five minutes?

**The Hon. the Speaker:** Is it agreed?

**Hon. Senators:** Agreed.

**Senator Day:** Thank you. Honourable senators, with this legislation, I worry that we are in danger of losing sight of what is important in our society and how to go about maintaining fundamental values. We cannot let legislation like this allow us to forget why anti-discrimination laws were created in the first place. They were not born without reason, honourable senators. They stem from our experiences in the past. They stem from the will of Canadians to put behind us past practices that were not acceptable and to make our country inclusive, a country that sees equality of all as a fundamental right, even if it means minor restrictions on those freedoms that we cherish.

Honourable senators, I urge you to vote against this legislation.

**Hon. Serge Joyal:** Would the honourable senator entertain a question?

**Senator Day:** I would be pleased to do so.

**Senator Joyal:** I listened to you carefully, and the question that crossed my mind is the following: All of the Canadian provinces have human rights acts, and I think that is a very important element in the overall picture of how we address human rights in Canada. Are you aware of any province that has taken the initiative to adopt legislation with a similar effect to that which this bill is aiming for, that is, to remove the protection against hate speech in their provincial legislation?

**Senator Day:** Thank you for the question. I am not aware of any province or territory that has removed hate speech from one of the prohibited discriminatory acts, and I know that the provision exists in provincial human rights codes. I know there has been a lot of debate on this subject federally and in some of

the provinces, but one has only to look at the evolving society to know how important this legislation is and that it should remain as part of the human rights legislation.

**Senator Segal:** In associating myself with Senator Day's comments and indicating my support for them, I do want to ask his view, because he is not only a distinguished senator but also a distinguished counsellor of law, of some of the difficulties that have emerged when provincial human rights commissions have engaged on human rights issues. I think of what happened in B.C. with respect to *Maclean's* magazine. That was arbitrary and seemed to be operating on the basis of a presumption of guilt as opposed to a presumption of innocence. I wonder whether he would be supportive of an inquiry or a take-note debate, in this place, about some of those procedural problems that I think have to some extent fueled the concern about the provision in the federal Human Rights Act and generated a desire to remove the provision under which some of those things have taken place in the provinces. I support his view on this. I do not support the proposed amendment, but I wonder if he would be prepared to share his views on some of those procedural problems in our provincial jurisdictions.

**Senator Day:** I thank the honourable senator for his question and the opportunity to expand not on the tight limits of this particular bill nor on my speech but on some of the other issues generally. A number of improvements could be made to the human rights legislation. Every province and territory has a similar type of human rights legislation. There is always the concern of forum shopping that we see from time to time, the same issue being brought up in more than one place. I would refer honourable senators to the submission that was made by the Canadian Bar Association to the other place when they were starting such an inquiry. A good number of interesting points were made at that time, many of which I would adopt. I would, therefore, be pleased to join with you in a discussion of some of those issues — broader issues than are in this particular bill, but important points in any event.

(On motion of Senator Cowan, debate adjourned.)

• (1540)

## MISSING AND MURDERED ABORIGINAL WOMEN

### INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. Mobina S. B. Jaffer:** Honourable senators, I want to speak on this inquiry when we return. May I please adjourn this for the remainder of my time?

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

[ Senator Day ]

**Hon. Senators:** Agreed.

(On motion of Senator Jaffer, debate adjourned.)

[Translation]

## VIOLENCE AGAINST WOMEN

### INQUIRY—DEBATE ADJOURNED

**Hon. Donald H. Oliver** rose pursuant to notice of April 23, 2013:

That he will call the attention of the Senate to the need to engage in a national conversation to call for the elimination of violence against women, of all ages, in all its forms including physical, sexual, or psychological abuse, and, in particular, on how we, as a national legislative body, can take the lead in educating, preventing, increasing national and global awareness on gender equality and reaffirming that violence against women constitutes a violation of the rights and fundamental freedoms of each individual.

He said: Honourable senators, I am proud to speak today to the inquiry on violence against women, which I presented on April 23, pursuant to rule 5-6(2).

As I mentioned previously, I was motivated to address this subject following the tragic death last month of Rehtaeh Parsons of Halifax. As you know, this young woman died on April 8 by her own hand.

In November 2011, four boys allegedly sexually assaulted Rehtaeh at a party. A photo of the assault was sent around by email, posted on social media, and distributed around her school. Afterwards, Rehtaeh was relentlessly humiliated, harassed and bullied at school and on the Internet. The police investigation did not result in any charges.

I want to take a moment to offer my sincere condolences to Rehtaeh's family and friends.

Honourable senators, this tragedy is unacceptable. No one — man or woman — should be tormented like that. That is why I believe it is high time for the Senate of Canada to engage in a national conversation to raise awareness and to try to eliminate violence against women and young girls.

[English]

At the outset, it is important to define what constitutes violence against women.

Twenty years ago this year, in 1993, the UN Declaration on the Elimination of Violence against Women defined violence against women as:

... any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.



Violence against women also occurs much more often than we think and many people do not know exactly what constitutes a violent act.

For instance, a 2002 EKOS Research public study on family violence showed that:

...there was a lack of consensus about the behaviours that should be considered family violence - a relatively low percentage of respondents were willing to "always" include pushing, grabbing or shoving, throwing, smashing, hitting, kicking things, kicking, biting or hitting with a fist.

These are, indeed, violent acts.

According to the United Nations, the most common forms of violence against women are: first, physical violence, ranging from slapping and hitting to assault and murder; second, emotional or psychological violence involving systematic undermining of an individual's self-confidence, intimidation and verbal abuse; third, sexual violence, which encompasses all non-consensual or coerced sexual activity, including incest and rape; fourth, financial violence, involving partial or total loss of control of one's finances; and, fifth, neglect, involving deliberate denial of human rights and the necessities of life.

Here at home, it was in 1991 that the Parliament of Canada formally recognized December 6 as the National Day of Remembrance and Action on Violence Against Women. This day was selected in honour of the 14 women who were shot and killed in a gender-based act of violence at the École Polytechnique de Montréal on December 6, 1989.

This commemorative day encourages us to consider the women and girls for whom violence is a daily reality, and to remember those who have died as a result of gender-based violence. Most importantly, it is a day to consider concrete actions to eliminate all forms of violence against women and girls.

Despite this increased awareness and many preventive measures, violence against women remains a serious problem both in Canada and around the world. These crimes of epidemic proportions impact millions of families and communities.

Honourable senators, consider these troubling statistics: In 2011 alone, more than 200,000 women and girls were victims of violent crimes in Canada. These numbers are based on police-reported data only. There are, of course, many other cases of violence against women that are not reported to the appropriate authorities. Therefore, these numbers are particularly unreliable because of significant under-reporting.

Overall, men were responsible for 83 per cent of police-reported violence committed against women. Most commonly, the accused was the woman's intimate partner.

The Canadian Women's Foundation recently conducted a survey which shows us that 67 per cent of Canadians have known a woman who has experienced physical or sexual abuse.

Some women are also more likely to be victims of violent crimes because of a number of factors, including ethnicity, caste, class, migrant or refugee status, age, religion, sexual orientation, marital status, disability or HIV status. In Canada, for instance, Aboriginal women are almost three times more likely than non-Aboriginal women to report being the victim of a violent crime, including spousal violence.

Things are not any better on the world stage. According to World Bank data, women aged 15 to 44 are more at risk from rape and domestic violence than from cancer, car accidents, war and malaria. In fact, recent data shows us that 6 out of 10 women in the world will have experienced some form of physical or sexual violence in their lifetime. International data also shows us that the most common form of violence experienced by women is physical violence inflicted by an intimate partner, with women beaten, coerced into sex or otherwise abused. In fact, 35 per cent of murders of women in the world are committed by an intimate partner. Between 40 per cent and 50 per cent of women in European Union countries experience unwanted sexual advances, physical contact or other forms of sexual harassment in their workplace.

• (1550)

Let us now look at some numbers from specific countries. In South Africa, a woman is killed every six hours by an intimate partner. In Switzerland, 22.3 per cent of women experience sexual violence by non-partners in their lifetime. In Australia, one in three women have experienced physical violence since the age of 15, and almost one in five have experienced sexual violence. In the United States, 83 per cent of girls aged 12 to 16 experience some form of sexual harassment in public schools, a place where kids should feel safe. Approximately 40 per cent of African-American women report coercive contact of a sexual nature.

Sexual violence in war-torn or conflicted areas is also very common and affects millions of women and young girls. The Honourable Senator Dallaire has often addressed this issue in the Senate.

Rape has long been used as a tactic of war, with violence against women during or after armed conflicts reported in every international and non-international war zone. For instance, during the 1994 genocide in Rwanda, between 250,000 and 500,000 women were raped. The rape of women and girls is pervasive in the conflict in the Darfur region of Sudan. According to one study, in the Democratic Republic of Congo, about 48 women are raped every hour. Research shows that 12 per cent of the country's women have been raped at least once, and the crisis is not confined to conflict areas.

Honourable senators, violence against women is a worldwide pandemic and one that must be dealt with because its consequences are so widespread.

Women who are subject to violence in any of its many forms suffer from a range of health problems in addition to the immediate physical and emotional impacts. A 2013 Statistics Canada report explains that "women's overall quality of life can be adversely affected over an entire lifetime." Based on the 2009

General Society Survey on Victimization, the report shows us four major areas where violence against women has a considerable impact on a women's life are: first, self-perceived safety, health and well-being; second, emotional impacts; third, physical consequences; and fourth, societal impacts.

As the United Nations states, the ability of women who have been victims of violent acts to participate in public life is also diminished. Violence against women harms and impoverishes individuals, families, circles of friends, businesses, communities and nations across generations and reinforces other violence prevalent in society.

There are also important financial government expenditures related to violence against women. The cost of intimate partner violence in the United States alone exceeds \$5.8 billion a year. In Canada, the annual cost is well over \$1 billion annually, which includes the cost for the criminal justice system's response for police and health and social care, such as counselling and training.

Honourable senators, we have before us an opportunity as a nation to come together and say, "No more."

I believe there are three key elements that can assist us in our quest to reduce the number of women and girls who are victims of violence: awareness, prevention and education. A number of measures, initiatives and programs are available. Allow me to share with you some of the things we can do to reduce violence against women.

In 2008, the IPU held a parliamentary conference on gender equality. A 152-page outcome document was published entitled *A Parliamentary Response to Violence Against Women*. The report recommends six priorities for parliaments to address violence against women, including building a strong and effective legal framework; securing effective implementation of legislation; and education, sensitization and heightening the visibility of violence against women.

Furthermore, the IPU report suggests that in order to help define policy objectives, parliamentarians should network with civil society and the NGO community. The report also stresses the importance of making prevention the strategic focus of new and existing policies. It says:

Investing in prevention implies confronting the root causes of violence against women, the only way to stop violence from occurring. This requires a transformational approach that seeks primarily to change behaviour and attitudes at the community level. In this regard, particular efforts should be made to work closely with adolescents and men, and policies tailored to target these two strategic groups.

One such example is right here in Ottawa. Crime Prevention Ottawa, a community-based crime prevention organization, has targeted potential offenders in one of its recent campaigns called "Don't be that guy." The campaign takes a refreshing and new approach to tackling sexual violence among youth aged 19 to 25.

Instead of placing responsibility for preventing sexual assault in the hands of victims, the publicity posters appeal to potential offenders. These posters were placed in men's washrooms in participating bars in the city and in other spots that men frequent.

Another fine example is the Justice Education Society in British Columbia. It has created an innovative initiative called Youth Against Violence — Preventing Violence Against Women and Girls. The program helps educate and mobilize youth leaders to assist them in taking action on ending violence against women and girls. Participants study a number of facets of this complex problem, such as the role of the media, cyberbullying, dating violence and domestic abuse. Interactive exercises help youth participants better understand these challenging issues and address them more effectively.

Furthermore, Dr. Holly Johnson, a University of Ottawa professor whose key research interests are intimate partner violence and sexual violence, published a report with Jenna MacKay of Carleton University in May 2011 entitled *Building Prevention: Sexual Violence, Youth and Drinking*. The 67-page report is the outcome of an Ottawa-based study that explored the connections between sexual violence and drinking among young people. The objective of the paper was to stimulate broader discussion about prevention strategies for the Ottawa community. They write:

A broad health promotion strategy is important for youth violence prevention as numerous high risk and harmful behaviours among youth are inter-related.

Allow me to take directly from the report a few of the elements of successful sexual violence prevention programs: first, changing attitudes and beliefs among young people, their peer networks, and the broader community that provide a climate where sexual violence is tolerated; second, engaging peers or young adults to deliver prevention messages; third, approaching men as allies and inviting them to take an active role in preventing violence against women; fourth, including a gender component and discussions about gender roles and peer pressure; and fifth, providing repeated and sustained messages.

Indeed, as Dr. Johnson once wrote, "public awareness campaigns are designed to change community-level norms and individual-level attitudes... and research has shown that attitudes towards violence against women can be shaped and altered by a changing social consensus."

I agree with Dr. Johnson, and I am not the only one. Allow me to refer to a column I read in *The Globe and Mail* by Denise Balkissoon, a freelance writer, which was published on April 17, after Rehtaeh's death. She argues that a publicity campaign on violence against women could greatly benefit from strong messaging, similar to drunk-driving campaigns of years past. She writes:

Drunk driving is a formerly tolerated act that's become acknowledged as a repulsive crime, in large part through smart use of words and pictures. Arrests in Canada, and fatalities in the U.S., have dropped by about half since the

1980s, when Mothers Against Drunk Driving began airing explicit ads identifying the perpetrators, victims, and human costs of drunk driving. It was a specific message, with specific goals.

She adds:

One huge success of anti-drunk driving campaigns was the targeting of bystanders, those who stood by and did nothing after someone who'd had too much got behind the wheel. Again, the message was direct — letting dinner party guests drive home after a boozy feast made you culpable. If they hurt themselves, or someone else, you were guilty, too.

When it comes to drunk driving, everyone decent now takes the bystander's responsibility seriously."

I support such an approach for violence against women.

**The Hon. the Speaker:** Five minutes? Agreed?

**Hon. Senators:** Agreed.

**Senator Oliver:** Thank you, honourable senators.

In order to prevent future victims, we need to educate and to increase awareness. Like Ms. Balkissoon, I believe that a strong campaign should focus on everyone's role in combating violence against women, particularly the role of bystanders in calling out offenders and would-be perpetrators.

• (1600)

Like Ms. Balkissoon, I believe that a strong campaign should focus on everyone's role in combatting violence against women, particularly the role of bystanders in calling out offenders and would-be perpetrators.

For example, Ms. Balkissoon refers to a coalition of rape crisis centres in Ontario that tried not to label all men as potential rapists and all women as potential victims. Rather, the Draw the Line campaign paints everyone as potential bystanders to sexual violence with the same responsibilities.

Therefore, as individuals we have a role to play in eradicating violence against women and girls by not only supporting and empowering them but by putting a stop to it when witnessing it. We must be part of the global movement that will no longer tolerate violence against women and stand up for equality.

In conclusion, honourable senators, it is time the Senate takes the lead as a major legislative body to say enough is enough when

it comes to violence against women. The facts are there. This is a problem that needs to be dealt with now.

Dr. Johnson writes that achieving success in the prevention of violence against women is a complex and challenging task. I agree, but we are up to the challenge. She adds that while violence prevention programs have shown promise in changing attitudes supportive of violence against women, at least in the short term, efforts to change attitudes at the individual level can be easily undermined by societal-level norms and cultural context. Comprehensive strategies are needed that involve social institutions, cultural norms, attitudinal changes at the individual level and supports for victims.

Honourable senators, we do indeed have a lot of work ahead of us to eradicate violence against women. We can no longer be complacent. We owe it to ourselves and to the millions of women around the world who have been victimized.

It is my hope that other senators will participate in this debate and take up the challenge of ensuring that all Canadians join the movement to condemn violence against women, to educate, prevent and raise awareness.

(On motion of Senator Fortin-Duplessis, debate adjourned.)

[Translation]

## ADJOURNMENT

### MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

**Hon. Gerald J. Comeau (Acting Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 21, 2013, at 6 p.m., and that rule 3-3(1) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, May 21, 2013, at 6 p.m.)

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