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OFFICIAL REPORT
(HANSARD)

Wednesday, October 30, 2013

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Wednesday, October 30, 2013

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

Prayers.

SENATORS' STATEMENTS

ALICE MUNRO, O. ONT.

CONGRATULATIONS ON NOBEL PRIZE
IN LITERATURE 2013

Hon. Janis G. Johnson: Honourable senators, let us segue for a few minutes before we resume our senatorial debates and congratulate one of Canada's national treasures, Alice Munro, for being awarded the Nobel Prize in Literature on October 10. My colleague Senator Black spoke of this last week. I want to remind you she is being celebrated this week in Toronto at the International Festival of Authors.

Munro has long been an icon of Canadian literature, winning the Governor General's Award for fiction on three separate occasions over a six-decade career. Described as the "master of the modern short story," Munro has been writing unique and deep-reaching stories about the lives of ordinary women, beginning with her first major work in 1968, entitled *Dance of the Happy Shades*.

Following her widely acclaimed debut came *Lives of Girls and Women* in 1971, a collection of interlinked stories critics describe as a "novel of formation" or a coming-of-age story.

She wrote stories about women in small-town Canada constrained by the mores of their times and how they lived through the restrictions society imposed. Munro intrigued us with how they handled their lives. Each story has many layers and compelling twists and turns.

Honourable senators, the genius of Alice Munro's writing is her ability to crystallize for the reader those moments we have all had throughout our lives when we grow morally through extraordinary occurrences and difficult experiences: moments of epiphany. I can think of no other writer who does this better. Indeed, Alice Munro has been referred to as "Canada's Chekhov."

Her stories are not easy reads.

Works such as *Who Do You Think You Are?*, *The Moons of Jupiter*, *The Progress of Love*, *Too Much Happiness*, *Dear Life* and many others have enthralled readers of all generations, culminating with the 2009 Man Booker Prize for her lifetime of work. Now with this historic win, a whole new generation of young readers worldwide will be introduced to the masterpieces of this Canadian icon.

While she cannot attend the ceremony in Sweden this December, Canadians from coast to coast will be celebrating her lifetime of great literature.

As she quietly celebrated on Monday in Victoria with another Canadian literary legend, Margaret Atwood, and will on this coming weekend at her tribute in Toronto, we thank her for paving the way for the many other great Canadian women authors whom she has inspired so greatly. Thank you.

FOSTER FAMILIES WEEK

Hon. Elizabeth Hubley: Honourable senators, I rise today to recognize Foster Families Week, which took place October 20 to 26, 2013.

Foster families are an essential part of our society, as they open up their hearts and homes to children and youth who are unable to live with their families. They offer a comfortable, caring and secure home for vulnerable members of our society. Their selfless dedication for the care and well-being of our community's children deserves to be recognized. For that reason, last year Senator Callbeck and I gave Diamond Jubilee medals to an exceptional group of Island foster parents.

Foster families are a very special group of people who are passionate about what they do, and they are some of the most hard-working, generous and dedicated individuals we have in our society.

I would like to take this opportunity to thank all foster families for the essential role they play in our communities and for their dedication to the care and well-being of our community's children. Thank you.

FLOODING IN ALBERTA

Hon. Douglas Black: Honourable colleagues, on June 21, I spoke in this chamber on the devastating flooding that was overrunning significant portions of southern Alberta. My hometown of Canmore and Senator Tannas' hometown of High River were and continue to be affected.

Today I rise to recognize, with great pride, the tremendous collective effort undertaken by Albertans as a result of flooding in southern Alberta. I also want to acknowledge and thank the many Canadians who came to Alberta to assist with cleanup efforts, as well as those who generously donated to flood relief.

The largest natural disaster in Canada's history, the June floods caused damage and dislocation that was frightening. In southern Alberta, a month's worth of rain fell in a span of 12 hours; and this, coupled with the rapid melt of the heavy winter snowpack in the Rockies, washed away homes, bridges, schools, businesses and dreams.

The Government of Alberta estimates the damages will surpass the \$6 billion mark. Sadly, four Albertans lost their lives as a result of these floods.

However, during this time of great hardship, Albertans rallied from across the province to pitch in, contributing countless hours of volunteer service and millions of dollars in flood relief. All levels of government — federal, provincial and municipal — united to deliver support.

Alberta, as we all know, is a can-do province. “Come hell or high water” became our rallying cry as we set about to tackle the problems and alleviate the loss and hardship. Even the Calgary Stampede, “The Greatest Outdoor Show on Earth,” opened on time, with huge crowds. This collective effort made me proud to be an Albertan and a Canadian.

What we can learn from the June floods is that governments must work together to identify where natural disasters are likely to occur and make the decisions and investments now to mitigate the effects of future disasters.

In closing, I want to thank my colleagues in the Senate for the support they showed to me and Albertans during this dark time.

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Nancy Greene Raine: Honourable senators, the Canada-European Union Comprehensive Economic and Trade Agreement, referred to as CETA, will bring benefits to every region of our country, including my home province of British Columbia. It will create new opportunities by opening new markets for Canadian businesses and creating new jobs for Canadian workers.

Businesses and investors will benefit. Consumers will benefit. In fact, all Canadians will benefit too.

• (1410)

The EU has some 500 million people: more than the populations of Canada, the U.S. and Mexico combined. With annual economic activity valued at almost \$17 trillion, the EU is the largest and most lucrative market in the world.

British Columbians will benefit in many areas, with duty-free access for forestry and wood products, new markets for agricultural and agri-food products, new markets for fish and seafood, as well as improved access for professional and technology services.

The forestry industry in B.C. is a huge economic driver in the province. It contributes approximately \$6 billion to Canada’s GDP and the sector employs some 56,000 British Columbians. B.C. accounts for the largest share of Canada’s forestry product exports to the EU. B.C.’s exports are worth approximately \$527 million annually. The new trade agreement will eliminate EU tariffs on forestry products, making them more competitive and creating more sales.

British Columbia’s fish and seafood sectors also contribute significantly to the provincial economy. Over 7,000 British Columbians are employed in this sector. Seafood exports from B.C. to the EU are worth some \$56 million annually. With this trade agreement, almost 90 per cent of these fish and seafood products will be duty free.

Honourable senators, the Canada-European Union trade agreement is a win for all Canadians. It is very good news for our economy. I congratulate everyone who has worked over the years to bring this agreement to fruition.

CITY OF KAMLOOPS, BRITISH COLUMBIA

WINNER OF 2013 COMMUNITIES IN BLOOM INTERNATIONAL CHALLENGE

Hon. Nancy Greene Raine: Honourable senators, before I sit down, may I take the opportunity to salute the city of Kamloops for winning the recent Communities in Bloom International Challenge for cities with a population of more than 50,000 people. More than a beautification contest, the competition looks for examples of civic pride and citizen involvement, and rewards the city’s quality of life and environmental sustainability. The competition is about getting people involved in making their community a better place to live, to work and to visit.

I congratulate the Kamloops Communities in Bloom Committee for fostering civic pride and for their hard work in creating a beautiful city. Well done.

THE HONOURABLE TERRY M. MERCER

CONGRATULATIONS ON HONOURARY DEGREE

Hon. Wilfred P. Moore: Honourable senators, I rise today to extend congratulations to our colleague the Honourable Senator Terry Mercer, who received an honorary degree from our alma mater Saint Mary’s University of Halifax, Nova Scotia, on Friday, October 18.

Senator Mercer graduated from Saint Mary’s in 1971 with a Bachelor of Arts degree. Following a stint in sales, he was executive assistant to the Minister of Labour and Housing for the Province of Nova Scotia from 1974 to 1978. That work was followed by various positions with numerous provincial and national charities, which led to his leadership in fundraising for those institutions. His peers recognized his dedication when they elected him chair of the Association of Fundraising Professionals Foundation for Philanthropy in Canada. He is a Certified Fundraising Executive and has lectured extensively in Canada and the United States on modern, ethical fundraising techniques.

He served as National Director of the Liberal Party of Canada from 1995 to 2003. During that period, Prime Minister Jean Chrétien regularly sought Terry’s opinions on a range of topics. His strong personal values, forged by his education at Saint Mary’s, enabled him to discharge those duties with distinction. In recognition of that leadership and community work, Prime Minister Chrétien appointed him to the Senate of Canada on November 7, 2003.

Senator Mercer has given back to his community, doing yeoman volunteer work for numerous community organizations when they sought out his energy and leadership. One beneficiary of his volunteerism has been Saint Mary's University. His deep personal commitment and work as an alumnus has been exemplary. In recognition of his many achievements and service, Saint Mary's University conferred upon Senator Mercer the degree of Doctor of Civil Law, *Honoris Causa*.

That was a great day for the Mercer family, many of whom were in attendance, including the senator's wife Ellen and their son Michael. I know how proud his parents, the late Bessie and Bob, were as they looked down from the best seats in the house.

Congratulations, Senator Mercer.

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO SUSPEND THE HONOURABLE
SENATOR PATRICK BRAZEAU, THE HONOURABLE
SENATOR MICHAEL DUFFY AND THE HONOURABLE
SENATOR PAMELA WALLIN AND CONTINUE
TO PROVIDE LIFE, MEDICAL AND DENTAL
INSURANCE COVERAGE

Hon. Yonah Martin (Deputy Leader of the Government):
Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That

Notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament;

Notwithstanding the provisions of this motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of the offices and personnel of the senators affected by this motion for the duration of a suspension;

That the Senate order:

- A. The suspension of the Honourable Senator Brazeau for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:
- i) Senator Brazeau, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;

- ii) Senator Brazeau's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of his suspension;
- iii) Senator Brazeau shall not receive any other benefit from the Senate during the duration of his suspension; and
- iv) notwithstanding paragraphs i), ii) and iii), during the period of his suspension, Senator Brazeau shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage; and

That the Senate order:

- B. The suspension of the Honourable Senator Duffy for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- i) Senator Duffy, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- ii) Senator Duffy's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of his suspension;
- iii) Senator Duffy shall not receive any other benefit from the Senate during the duration of his suspension; and
- iv) notwithstanding paragraphs i), ii) and iii), during the period of his suspension, Senator Duffy shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage; and

That the Senate order:

- C. The suspension of the Honourable Senator Wallin for sufficient cause, considering her gross negligence in the management of her parliamentary resources, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- i) Senator Wallin, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- ii) Senator Wallin's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and

telecommunication expenses, shall be suspended for the duration of her suspension;

[*Translation*]

iii) Senator Wallin shall not receive any other benefit from the Senate during the duration of her suspension; and

iv) notwithstanding paragraphs i), ii) and iii), during the period of her suspension, Senator Wallin shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage.

Hon. James S. Cowan (Leader of the Opposition): May I ask for a clarification? Is this a government Notice of Motion?

• (1420)

Hon. Claude Carignan (Leader of the Government): Yes.

The Hon. the Speaker: Yes.

Senator Cowan: Does it now replace the motions that Senator Carignan had placed on the Order Paper before that we have been debating?

Senator Carignan: A motion for the moment.

Senator Cowan: Just so I am clear, we have been debating motions that Senator Carignan has proposed, and several of us have proposed amendments. Some of those amendments have been dealt with and others will be dealt with later. Now what I heard is a government notice of motion that seemed to incorporate at least some of the wording we already have before us. I wasn't comparing the two, but the first part seemed to be identical or similar to Senator Carignan's motion.

Are we now moving to where we're going to have a notice of motion today? Tomorrow, are we going to be dealing with government notices of motions which include what we've been dealing with for the last two weeks in Senator Carignan's motion?

The Hon. the Speaker: Honourable senators, we are under the item Government Notices of Motions. It's a long motion, as we heard it read, which speaks to the importance of having notices on things that are long and complicated. At this stage we have only received a notice, and as I am often told by my students, it's much safer to speak as an historian than a prophet.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TABLING OF DOCUMENTS

Leave having been given to revert to Tabling of Documents:

Hon. Patrick Brazeau: Honourable senators, I'd like to table, in both official languages, an email I had sent on May 16 to the then-chair of the board of internal economy, Senator Tkachuk, as well as an email sent to all senators, dated June 17, 2013.

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

REGIONAL ASSEMBLY AND THE CONFERENCE OF BRANCH CHAIRS OF THE AMERICA REGION, AUGUST 19-22, 2013—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) respecting its participation at the twenty-ninth Regional Assembly and the Conference of Branch Chairs of the America Region of the APF, held in Quebec City, Canada, from August 19 to 22, 2013.

LA FRANCOPHONIE GAMES, SEPTEMBER 11-14, 2013— REPORT TABLED

Hon. Andrée Champagne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) respecting its participation at the VII La Francophonie Games, held in Nice, France, from September 11 to 14, 2013.

QUESTION PERIOD

NATIONAL DEFENCE

COST OF OPERATIONS

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. Would it be possible to obtain an estimate of the cost of overseas operations incurred by the Armed Forces between 1991, the time of the first Gulf War, and 2011, when the Afghanistan operations ended? I would like to know the approximate total cost, including salaries, equipment needs and ammunition, to the Canadian government for these operations.

Hon. Claude Carignan (Leader of the Government): I would like to thank Senator Dallaire for the precise question. As I said yesterday, I will take the question as notice and respond as soon as possible.

Senator Dallaire: We know, without a doubt, that the total will be in the tens of billions of dollars, and I am not even talking about the 168 soldiers who lost their lives during these operations, which represents an incalculable loss. I am talking about the monetary cost.

The reason I ask is that it took a massive investment to prepare these soldiers, sailors and airmen, deploy them and bring them back to Canada. However, the government does not seem as willing to invest in those who survived, in other words our veterans. We have seen figures: \$5 billion over 20 years. Can the

government provide figures that reflect how much it has invested so far to take care of the injured? Did the government do a cost projection for this aspect of the issue?

Senator Carignan: Our government has invested heavily in psychological care and health care for our veterans, to the tune of hundreds of millions of dollars. Canada has one of the highest doctor-to-veteran ratios, and we will continue to take care of our veterans.

Veterans are important to the new Minister of Veterans Affairs, Julian Fantino. He will continue to listen to them and ensure that they receive the care they need. In the coming days, on Remembrance Day in particular, we can reach out to veterans and tell them how proud we are of their service to their country.

Senator Dallaire: Be careful when talking about being proud of the help provided to veterans. First, we often hear that this help is limited and that we should be reasonable. When soldiers are sent overseas, they are given everything they need to win and survive, but when they return injured, we are told the cost has to be reasonable. There is an imbalance between operational expenses and the expenses for veterans when they return.

The mindset is completely different. What bothers me even more is trying to figure out what philosophy this government really has on applying the Charter when we hear lawyers say:

[English]

There is no legal or social responsibility to care for those they ask to put in harm's way.

When you sign up in the forces, you sign what is called an "unlimited liability." No other organization in the country has that clause. There is no option of going, no option of facing risk — that is your duty.

Under that context, do you not believe that we should have a philosophy of providing everything that is essential to ensuring that the veterans and their families don't have to fight again to live decently in this country?

• (1430)

[Translation]

Senator Carignan: While the Speaker *pro tempore* is getting settled in the chair, I wish to take this opportunity to wish him a happy birthday today.

You raised a contentious issue, Senator Dallaire. Of course, it would be inappropriate for me to comment on a case that is currently before the courts. However, I would like to point out that our government has made significant investments to support Canadian veterans; a total of \$5 billion has been invested since the Conservatives came to power in 2006. That money has served to improve financial benefits, create world-class rehabilitation programs and pay tuition fees, all in order to ease veterans' transition to civilian life.

[Senator Dallaire]

Since coming to power, we have made steady progress on helping veterans and their families, and that is what we continue to do. We have increased efforts to give veterans and their families the care and support they need.

[English]

Senator Dallaire: I have a supplementary question. Very good. You have done some work. The question is, under what context? What does "meeting the requirement" mean?

There is a very clear delineation of meeting a requirement when we are in operational theatres. You had a great time of insulting the previous government for seeing our soldiers in green in Afghanistan, where everything is brown. You recognized that, equipment-wise, you had to provide that capability, and it was done in order to meet the challenge.

The problem, though, is that when they came back, the philosophy shifted. Instead of continuing that same level of commitment and concern to the individuals as they are working their way through life with injuries incurred in these operations — along with their families — we shifted to something that has to be reasonable. All of a sudden, affordability comes into it.

In fact, you even introduced with the New Veterans Charter a sort of insurance policy framework, where, contrary to all previous veterans and all previous wars, at the age of 65, everything shuts down. There's no long-term care, nothing — bingo, you are out.

Why did you adopt an insurance policy philosophy versus recognizing that that covenant with the people of Canada, putting people in harm's way for Canadian security, is just as applicable in the theatre of operations as it is when they are home licking their wounds?

Senator Day: Hear, hear!

[Translation]

Senator Carignan: Senator Dallaire, you talked about equipment. As you know, we have invested a great deal in equipment, and we believe it is important that the men and women of the Canadian Forces have the appropriate equipment in order to carry out their duties. That is one of our government's top priorities.

As for investments, I would like to point out that, in eight federal budgets, our government has allocated nearly \$4.7 billion in new funding in order to improve the benefits and services provided to veterans and their families. We have introduced the Enhanced New Veterans Charter Act — you referred to it yourself — offered new options for how veterans receive disability awards and improved benefits for veterans.

With these improvements, seriously injured and ill veterans have access to the financial assistance and support they need and so richly deserve.

We have also created the Hire a Veteran program, which matches Canadian companies with veterans who are transitioning to civilian life. Not everyone can transition to civilian life with a Senate appointment.

We announced a \$150,000 contribution to the Helmets to Hardhats program, which brings together unions and the public and private sectors to offer construction job opportunities to veterans.

In the 2013 Budget we allocated \$65 million to improve the program that provides funeral and burial assistance — an unfortunate reality — by simplifying the process for veterans' estates, and we doubled the amount provided for funeral costs. We have cut down on paperwork and improved service delivery so that veterans can get the care and support they deserve in a timely manner.

Senator Dallaire: I have a supplementary question. You can list all the things you want, but we are not seeing results. As you said, \$67 million has been invested for veterans' funerals, but there is no mention of the need. That amount represents less than half the cost of ammunition for a year of training in the army. Imagine how much was spent to train these people and prepare them for operations.

When veterans return, the budget cuts start adding up. Veterans must pay out of pocket to get care, because the department is not able to pay, as a result of budget cuts. In addition, the government has made cuts to key positions.

I want to come back to a point that I believe is crucial to the debate. The minister recently announced that he wants to conduct a major review of the New Veterans Charter. Could you ask the minister if the Senate could conduct the review instead of the people in the other place, since they play to the cameras? They should come here and the review should be conducted here, because I believe we are able to conduct a more in-depth review, as opposed to something that might be too superficial.

Senator Carignan: I can make the suggestion, if you like. However, I must reiterate our unwavering commitment to veterans. We are demonstrating that commitment by supporting them and integrating them into the labour market. I could list many more measures we have implemented to ensure that our veterans receive an appropriate welcome and transition when they come home and can join the labour market, even if they have some sort of disability.

[English]

THE SENATE

NOTICE OF MOTION—BUSINESS OF THE SENATE

Hon. James S. Cowan (Leader of the Opposition): If I may, I would like to interrupt and ask Senator Carignan a question, and then perhaps my colleagues could pursue their discussion with him on those important issues.

I want to return to the notice of motion that your deputy leader made a few moments ago. I asked for a clarification, which was probably out of order at the time, so I will take the opportunity of Question Period to ask you to clarify the situation.

For eight days, I think, we have been debating your motions, not government motions, but your own motions imposing sanctions on three of our colleagues. Then you attempted to bring in closure or time allocation on non-government business, and that is the subject matter of a point of order which is before our Speaker as we have this conversation.

Now, I understand your deputy leader is proposing a notice of motion that essentially includes the essence of the elements of your motion. It doesn't change the sanctions. It puts them all in one motion and enables those three senators, if they were suspended, to draw or to continue to enjoy the benefits of health and life insurance during the period of suspension. Can you explain what in the world you are doing?

Some Hon. Senators: Hear, hear!

• (1440)

Senator Mitchell: He doesn't know.

Senator Cordy: He is waiting for the PM to phone him!

[Translation]

Hon. Claude Carignan (Leader of the Government): We have to act in good faith. The chamber debated the various motions for several days, and that led to good discussions and exchanges. You will recall that I asked you to support my motions so we could make them non-partisan. You told me then that you appreciated the fact that they were under non-government business, because you would have more leeway to support them, participate in debate and move them forward in a non-partisan way.

Yesterday your side criticized me for giving notice of these motions when government business was called. I was told that if we wanted them to be government business, they should have been called under government business. Your side then engaged in various interventions to extend the debate.

My point is that we have been debating these three motions for several days now; we have spent entire days discussing them. I explained yesterday that we had to move forward with our government's agenda within the next few days. Therefore we decided to present a notice of motion that incorporated some elements from the three notices of motions and included life insurance and dental insurance benefits. These were discussed during the debate and appeared to be justified, since stopping insurance for two years would make it very difficult, if not impossible, for anyone to apply for private life insurance in case of health problems.

In that general spirit of openness and compassion, we decided to move an amended motion.

[English]

Senator Cowan: I appreciate that, Senator Carignan, and I can understand why you would do that.

I just want to know now. Tomorrow, presumably, Senator Martin will actually move the motion, the notice of which she gave today, so we will then have before us a government motion dealing with three senators in the form that she has outlined to us today, and we'll also have three other non-government motions on the books.

Now, a lot of the points that have been made on both sides apply equally to both motions, obviously, but is it your intention to proceed now with the government motion, rather than with the three separate motions? I'm not suggesting one way or the other. I'm asking so we know what is ahead of us because there has been a lot of speculation and confusion in the minds of many people as to how all of this is going down and how it is being managed.

I would like to be clear for our purposes, and I think all colleagues would appreciate clarification from you. I would take it that what you intend to do now is move forward with the government motion, which will be moved tomorrow, notice of which was given today, and, therefore, you will not be proceeding further with your other motions, which are "Other Business." Is that a correct assessment of the situation, senator?

[Translation]

Senator Carignan: For now, it is a government notice of motion. We will see over the next few hours and tomorrow how we intend to proceed. It is important to point out that the debates that have been held on the motions I moved have covered a lot of ground in terms of the arguments from senators on both sides, as I mentioned yesterday in response to the point of order. We do not want to get caught up in procedural issues, which is the path that you began leading us down yesterday with your points of order.

What is important is that we vote on these motions within a relatively short period of time so that we can move forward with the government's agenda, since the chamber has been debating this issue for almost two weeks now.

[English]

Senator Cowan: You would agree with me, Senator Carignan, that the government controls the pace of the government's agenda in this place. Under the Rules, the government has the right — perfectly legitimate — to decide when it calls its items of business up for debate or when it doesn't.

You would also agree that for the past several weeks, we have passed over, at your choice, government business before the chamber, including the Speech from the Throne, to get to other business. The government could have at any time decided that we would debate the government bills that are on the agenda or that we would debate on the Speech from the Throne. That was the government's choice. It was not our choice to debate these motions.

I am sure you would agree that that is a correct assessment of the way in which our Order Paper operates and the way the business of the house is run.

[Translation]

Senator Carignan: I will complete your observation by telling you that, of course, the government has options. However, there is also the possibility of negotiating a schedule with the Leader of the Opposition in order to finalize the debate on government or non-government motions. We have the ability to set a schedule with a deadline. Despite the discussions that we have had over the past few days, I did not receive any suggestions from you about a schedule to finish the debate and move on to the government's agenda, even though I made this suggestion a number of times.

Hon. Joseph A. Day: Thank you, Your Honour. And happy birthday.

[English]

PRIVACY COMMISSIONER

SECURITY OF REVENUE CANADA INFORMATION

Hon. Joseph A. Day: My question is for the Leader of the Government in the Senate. It relates to the Privacy Commissioner and the report that she issued earlier this week.

Her office explained that they have received thousands of complaints with regard to personal information being accessed inappropriately in the Canada Revenue Agency, which the Privacy Commissioner just audited.

Employees are looking into income tax files of neighbours, former partners and others, for goodness knows what reasons. Ms. Stoddart decried these intrusions as becoming a pattern or a systemic situation within the government, and she is seeing a significant trend upward in these intrusions.

Ms. Stoddart stated: "Canadians deserve to have their personal information protected, particularly when they provide it to the government under legal compulsion."

Considering that in the past year the number of complaints to the Privacy Commissioner has increased over 130 per cent, can the Leader of the Government in the Senate confirm that the Privacy Commissioner will have the full support of the executive of the government in working to implement the recommendations that she has made in this report?

• (1450)

[Translation]

Hon. Claude Carignan (Leader of the Government): On the recommendation of the Office of the Privacy Commissioner of Canada, the Canada Revenue Agency has already begun implementing substantial changes that will contribute to protecting taxpayers' privacy. Among those changes, we have the appointment of a Chief Privacy Officer, the development

of a harsher disciplinary policy in order to improve accountability in cases of inappropriate use of information and, finally, improvements to information technology infrastructure for the swift detection of any misuse of information.

Maintaining Canadians' trust, which is essential to the integrity of the tax system, is our priority. We expect the Canada Revenue Agency to continually monitor its operations in order to protect taxpayers' personal information, and we are pleased to have received the report of the Privacy Commissioner. The Canada Revenue Agency has accepted all of the recommendations.

[English]

Senator Day: Thank you very much for your indication of cooperation. I think this is critically important for the citizens of the country to be assured that the information they are being required to give to the government is being properly protected.

One of the interesting and novel suggestions by Jennifer Stoddart, the Privacy Commissioner, is that an individual whose privacy has been breached as a result of information given to the government should be compensated with funds for that breach.

Is that one of the items that is being introduced and supported at this time?

[Translation]

Senator Carignan: CRA has decided to implement the recommendations of the Office of the Commissioner. Every change and every aspect of the report is being heeded with great care. We expect CRA to do whatever it takes to comply with these recommendations.

[English]

Hon. Lillian Eva Dyck: I would like to remind honourable senators that this is not the first time that the federal government has violated the privacy of individual Canadians. A while ago, in this chamber, I raised the case of Cindy Blackstock, the executive director of the First Nations Child & Family Caring Society of Canada.

Ms. Blackstock has been particularly outspoken on the fact that federal funding for child welfare in First Nations communities is at least 22 per cent lower than it is for the provinces.

So she took her claim to the Canadian Human Rights Tribunal. After she filed her Human Rights Tribunal complaint, Aboriginal Affairs and Northern Development Canada and the Justice Department monitored her Facebook and other social media accounts that she had in an effort to stymie her complaint to the tribunal.

Earlier this year, Ms. Blackstock won a decision by the Privacy Commissioner, who stated that the federal government violated her rights repeatedly.

My question to the Leader of the Government in the Senate is this: Does the government have a plan to limit privacy violations by government departments, as in the case of Ms. Blackstock, or will Canadians have to continue to take the federal government to court or to the Privacy Commissioner in order to protect their privacy rights?

[Translation]

Senator Carignan: As I said earlier, mechanisms are being put in place to protect Canadians' personal information and privacy. We expect these mechanisms to comply with the law and the agencies mandated to use personal information do so in accordance with the law.

[English]

Senator Dallaire: Supplementary?

The Hon. the Speaker: No, it is time for delayed answers.

ORDERS OF THE DAY

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, yesterday, after Senator Martin moved Government motion 4, Senator Fraser rose on a point of order. She questioned the propriety of this motion.

Government motion 4 is what can be called a "disposition motion." These are motions establishing specific procedures to determine how the Senate will deal with a particular item or items of business. Such motions are uncommon, but a ruling of April 28, 2004, indicated that they are generally in order. That ruling stated that a motion of this type is not a violation of our Rules and practices. As the ruling noted, "Since the Senate has complete control over the disposition of the motion, it maintains its fundamental privilege to determine its own proceedings."

[Translation]

This particular disposition motion proposes to establish a process to deal with motions 2, 3 and 4 under Other Business. These motions propose to suspend Senators Brazeau, Wallin and Duffy. They were brought forward at the initiative of Senator Carignan. He moved the suspension motions as his own proposals, not as initiatives of the Government. He has been quite clear on this, and proceedings in the Senate have gone forward on that basis.

Any suspension motion is difficult, honourable senators. No senator would deny that. These motions require that the Senate, as a body, consider disciplinary actions. This is part of how we can maintain the reputation of this chamber and public confidence and trust in one of the basic institutions of our system of governance.

[English]

Debate on the motions to date has been vigorous and productive. Many senators have participated, and they have done so in a respectful and serious manner. I wish to thank honourable senators. The process has been dynamic, informative and instructive, not repetitive. The debate has captured the attention of the Canadian public. It has provided information that was previously unknown or not well understood, helping us to better appreciate the work that remains to be done to improve our internal administrative operations.

As I noted in a ruling last week, suspension is a mechanism available to the Senate. Our debate has referenced the use of suspension in other Westminster Parliaments, where it has been exercised with caution, so as not to prejudice external proceedings.

In a court of law there are detailed rules and processes to govern proceedings. In considering the matter of suspension, the Senate is following its longstanding parliamentary Rules and procedures. In a parliamentary body like the Senate, with the very word Parliament coming from *parler*, to speak, we use debate to reach the best possible result. Debate is at the heart of what we do, and it has been the means to explore and evaluate the suspension motions.

[Translation]

Honourable senators, Senator Fraser recognized that disposition motions, although unusual, are available under the practices and procedures of the Senate. She noted the 2004 case to which reference has already been made. Her concern was not about the motion, but the fact that it was brought forward as a Government proposal targeting non-Government business. As such, she asserted, it violates the basic distinction in our Rules between Government Business and Other Business. She characterized this distinction as one of the most important to be found in our Rules. As she explained, a motion can be either a Government motion or a non-Government motion, but it cannot fall into both categories. Senator Fraser argued that, with disposition motion number 4, the Government is seeking to do indirectly what it cannot do directly. She felt this is a dangerous precedent, and must be ruled out of order.

• (1500)

[English]

Honourable senators, later, Senator Cowan spoke to support Senator Fraser. He emphasized the importance of respecting rules and normal processes. He called for caution if the Senate is to lay aside its Rules, practices and precedents. In this vein, he argued, our Rules make a clear distinction between Government and Other Business, giving the government certain tools to advance its business. The Leader of the Opposition said these provisions should be respected.

For her part, Senator McCoy expressed dislike for the regularity with which the Senate is asked to set aside its Rules and its practices, especially when the effect is to truncate debate artificially. After all, she noted, debate is what we do. Instead, she

[The Hon. the Speaker]

asked the Speaker to give his guidance as to how the Senate might proceed, and encouraged us to take the necessary time to consider what we are doing.

A number of other senators also questioned whether the time taken in debate thus far is really so extraordinary, given the importance of the issues under discussion.

[Translation]

Senator Martin argued that while the suspension motions are under Other Business, she did not accept that this prevents the Government from proposing a timeline. The Senate can amend, accept or reject the timeline the Government has proposed. Both Senator Martin and, later, Senator Carignan argued that unlimited debate is not always desirable. In particular, Senator Carignan was concerned that while the questions of suspension are pending, the business of the Senate, and particularly Government Business, is being hampered. He suggested that there will be continual questions about the participation of the three senators. For this reason, he argued that a level of certainty is required, to help bring the debate to an end within a reasonable timeframe.

[English]

At the very outset, let us be clear that disposition motions are part of our practice. The core issue here is that the proposal by Senator Martin dealing with disposition has been brought forward as a Government motion, though it would determine the course of proceedings on the three suspension motions, which are Other Business.

[Translation]

If the disposition motion is accepted as an item in the category of Government Business, time allocation could be applied to the motion. If the Senate agrees to this, the Government would then be able to limit debate on items in the category of Other Business using specific powers that are now clearly reserved only for Government Business.

Since 1991 the Senate has made a distinction between the categories of Government Business and Other Business.

[English]

Honourable senators, Appendix I of the Rules defines Government Business as:

A bill, motion, report or inquiry initiated by the Government. Government business, including items on notice, is contained in a separate category on the Order Paper, and the Leader of the Government or the Deputy Leader may vary the order in which these items are called.

Other Business, on the other hand, is:

Items of non-Government business on the *Order Paper and Notice Paper*. These may include bills, motions, reports or inquiries. Unless the Senate otherwise orders, items of Other Business are called in the order in which they are printed, which is determined by the Rules.

[*Translation*]

Honourable senators, Rule 4-13(1) establishes that Government Business shall have priority over all other business before the Senate. Furthermore, rule 4-13(3) allows the Leader and Deputy Leader of the Government to vary the order of Government Business from that published in the *Order Paper and Notice Paper*.

Other Business, however, is called in its published order, unless the Senate decides otherwise. There are numerous other references in our Rules to the different provisions that apply to Government Business and Other Business. For example, items of Government Business remain on the Order Paper until they are disposed of, but items of non-Government business are dropped if they are called for fifteen consecutive sitting days without being proceeded with. Should motions 2, 3 and 4 not be addressed for 15 consecutive sittings, they too would drop.

In addition, it is significant to note that under Chapter 7 of our Rules, the Government has, as already mentioned, the option of initiating the time allocation processes in relation to items in the category of Government Business.

[*English*]

Honourable senators, there is a coherence in our Rules. Government Business has priority, and there are mechanisms to facilitate its dispatch. As to Other Business, the Senate follows more traditional practices, so that debate is more difficult to curtail. The disposition motion currently before the Senate appears to cross the boundaries between these two categories.

A proposal of this type could, in the long term, distort the basic structure of Senate business, allowing the Government's time allocation powers to, in effect, be applied to items of Other Business. To avoid the long term risks to the integrity of the basic structure of our business, it would be preferable to find a solution to this particular case that avoids establishing such a far-reaching precedent.

Given the Government's important role, it has specific means, already discussed, to secure the dispatch of its business. But even under Other Business, there are ways to seek to curb or limit debate and to come to a decision. The most obvious is by moving the "previous question," which forestalls further amendments, but is only available on the main motion.

[*Translation*]

Honourable senators, my concern as Speaker in this case goes beyond the specifics of this particular point of order. All senators have an obligation to the long term interests of the Senate, to maintain the integrity of its traditions and practices, especially open debate within a clear structure, that have been hallmarks of the Senate since its very beginning. The changes that have been made over the years to modernize our practices, and to establish mechanisms to facilitate the dispatch of Government Business, were made after consideration and reflection. This approach should not change. At the same time, I am aware that the Speaker's preoccupations cannot trump the judgment of the Senate itself, which always remains the final arbiter of any point of order or question of privilege.

[*English*]

Given my concerns, I would strongly urge the Leaders of the Government and Opposition to work out a timeline that would find a solution to the current challenges facing the Senate, without fundamentally distorting the integrity of the basic structure of our business. As chair, I am more than willing to offer any assistance I can.

Honourable senators, this ruling is based on a thorough examination of the matter, including a full review of the Rules, precedents and procedural literature. I have also considered advice from senior advisors, over several meetings in a short period of time. The issues raised are complex, important and sensitive, and could have profound effects on how the Senate works in the future.

• (1510)

[*Translation*]

All senators must consider the appropriate way to respond to the challenges posed in this point of order, since the Senate is a largely self-regulating chamber. Thus far we have conducted ourselves in a manner that does credit to the upper house of Canada's bicameral Parliament, applying the basic approach we have at our disposal, namely debate, thoughtfully and carefully.

[*English*]

Honourable senators, through a disposition motion or other means it is possible to propose a way to end debate. The suspension proposals have been moved as non-Government initiatives. To allow a process that could result in the application of the Government's time allocation powers to non-Government business is not in keeping with the current Rules and practices.

Whatever the final outcome on this specific point, the chair remains available to assist the Senate in finding a solution. The ruling is that Senator Martin's motion is out of order and is to be discharged.

BUSINESS OF THE SENATE

Hon. James S. Cowan (Leader of the Opposition): Mr. Speaker, may I raise a point of order, or perhaps point of clarification?

My friends have been accusing those of us on this side of impeding the passage and the consideration of Government Business. We've just now stood all the items of Government Business that are on the Order Paper. Can we get some indication from the government of when it intends to proceed to debate its own business before this house? As I understand the Rules, we are not in a position to advance their bills or the Speech from the Throne. Since these items have been here, they've stood them every day. They say they want us to deal with their business. When are they going to let us do it?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Mr. Speaker, in my point of order yesterday I explained the importance of being able to dispose of the suspension motions

involving the three senators before beginning to study public and government bills. We need to ensure that this process, and the decisions that are made, are transparent. It needs to be clear that senators are independent and impartial when they take a stand in the debate. That is how we will move forward with government bills once this situation is resolved.

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO AUTHORIZE COMMITTEE TO HEAR TESTIMONY—DEBATE ADJOURNED

Hon. Patrick Brazeau, pursuant to notice of October 22, 2013, moved:

That the Standing Committee on Internal Economy, Budgets and Administration, once the new membership for this session has been appointed pursuant to rule 12-2, be authorized to examine and report on the living allowance of the Honourable Senator Brazeau;

That the committee hear from the senator, who will be entitled to be accompanied by counsel;

That, notwithstanding rule 12-16(1), all proceedings of the committee on this study be held in public; and

That the committee report to the Senate no later than December 20, 2013.

He said: Honourable senators, I'm in the midst of preparing notes with respect to this motion which will clearly demonstrate the total and lack of due process that at least has taken part, I believe, in my situation, and therefore I'd like to adjourn the motion for the remainder of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Brazeau, debate adjourned.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 7-2, the sitting is now suspended until 5:15 p.m. this afternoon, and the bells will start ringing at 5:15 p.m. to call in the senators for the vote at 5:30 p.m.

Just to remind all honourable senators: There are three votes that have been ordered. They will proceed beginning at 5:30 and continue *ad seriatim*, with a five-minute bell between the end of one vote and the taking of the next vote.

The house now stands suspended until the 5:15 p.m. ringing of the bells.

[Senator Carignan]

May I have permission to leave the chair?

Hon. Senators: Agreed.

• (1730)

THE SENATE

MOTION TO SUSPEND THE HONOURABLE SENATOR PATRICK BRAZEAU—SUBSIDIARY MOTION NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Fortin-Duplessis:

That, notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, the Senate order a suspension for the Honourable Senator Brazeau for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this order is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- (a) Senator Brazeau, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- (b) Senator Brazeau's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of the suspension; and
- (c) Senator Brazeau shall not receive any other benefit from the Senate during the duration of the suspension;

That, notwithstanding the provisions of this suspension motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of Senator Brazeau's office and personnel for the duration of the suspension.

On the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser:

That this motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament, when and if the committee is formed, for consideration and report;

That Senator Brazeau be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

The Hon. the Speaker: Honourable senators, the question before the house is the subsidiary motion moved by the Honourable Senator Cowan, seconded by Honourable Senator Fraser:

That this motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament, when and if the committee is formed, for consideration and report;

That Senator Brazeau be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

Subsidiary motion negated on the following division:

YEAS
THE HONOURABLE SENATORS

Callbeck	Joyal
Campbell	Kenny
Chaput	Lovelace Nicholas
Charette-Poulin	Massicotte
Cordy	Mercer
Cowan	Merchant
Dallaire	Mitchell
Dawson	Moore
Day	Munson
Downe	Ringuette
Dyck	Rivest
Eggleton	Robichaud
Fraser	Segal
Furey	Smith (<i>Cobourg</i>)
Hervieux-Payette	Tardif
Hubley	Wallin
Jaffer	Watt—34

NAYS
THE HONOURABLE SENATORS

Andreychuk	Martin
Ataullahjan	McCoy
Batters	McInnis
Bellemare	McIntyre
Beyak	Meredith
Black	Mockler
Boisvenu	Neufeld
Buth	Ngo
Carignan	Nolin
Champagne	Ogilvie
Comeau	Oh
Dagenais	Patterson
Demers	Plett
Doyle	Poirier
Eaton	Raine
Enverga	Rivard

Fortin-Duplessis	Runciman
Frum	Seidman
Gerstein	Seth
Greene	Smith (<i>Saurel</i>)
Housakos	Stewart Olsen
Johnson	Tannas
Lang	Tkachuk
LeBreton	Unger
MacDonald	Verner
Maltais	Wallace
Manning	Wells
Marshall	White—56

ABSTENTIONS
THE HONOURABLE SENATORS

Cools—1

The Hon. the Speaker: Accordingly, the motion is defeated.

MOTION TO SUSPEND THE HONOURABLE
SENATOR PAMELA WALLIN—MOTION
IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Poirier:

That, notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, the Senate order a suspension for the Honourable Senator Wallin for sufficient cause, considering her gross negligence in the management of her parliamentary resources, until such time as this order is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- (a) Senator Wallin, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- (b) Senator Wallin's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of the suspension; and
- (c) Senator Wallin shall not receive any other benefit from the Senate during the duration of the suspension;

That, notwithstanding the provisions of this suspension motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of Senator Wallin's office and personnel for the duration of the suspension;

And on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser:

That this motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report;

That Senator Wallin be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

On the motion in amendment of the Honourable Senator Fraser, seconded by the Honourable Senator Munson:

That the motion be amended by replacing the words “Rules, Procedures and the Rights of Parliament” with the words “Internal Economy, Budgets and Administration”.

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment moved by the Honourable Senator Fraser, seconded by Honourable Senator Munson:

That the motion be amended by replacing the words “Rules, Procedures and the Rights of Parliament” with the words “Internal Economy, Budgets and Administration”.

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Callbeck	Joyal
Chaput	Kenny
Charette-Poulin	Lovlace Nicholas
Cordy	Mercer
Cowan	Merchant
Dallaire	Mitchell
Dawson	Moore
Downe	Munson
Dyck	Rivest
Eggleton	Robichaud
Fraser	Smith (<i>Cobourg</i>)
Furey	Tardif
Hervieux-Payette	Watt—27
Hubley	

NAYS THE HONOURABLE SENATORS

Andreychuk	Martin
Ataullahjan	Massicotte
Batters	McCoy
Bellemare	McInnis

[The Hon. the Speaker]

Beyak	McIntyre
Black	Meredith
Boisvenu	Mockler
Buth	Neufeld
Campbell	Ngo
Carignan	Nolin
Champagne	Ogilvie
Comeau	Oh
Cools	Patterson
Dagenais	Plett
Day	Poirier
Demers	Raine
Doyle	Ringuette
Eaton	Rivard
Enverga	Runciman
Fortin-Duplessis	Segal
Frum	Seidman
Gerstein	Seth
Greene	Smith (<i>Sauvel</i>)
Housakos	Stewart Olsen
Jaffer	Tannas
Johnson	Tkachuk
Lang	Unger
LeBreton	Verner
MacDonald	Wallace
Maltais	Wallin
Manning	Wells
Marshall	White—64

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Accordingly, the motion is defeated.

• (1740)

MOTION TO SUSPEND THE HONOURABLE SENATOR MICHAEL DUFFY—MOTION IN AMENDMENT NEGATED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Poirier:

That, notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, the Senate order a suspension for the Honourable Senator Duffy for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this order is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

(a) Senator Duffy, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;

(b) Senator Duffy’s right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of the suspension; and

(c) Senator Duffy shall not receive any other benefit from the Senate during the duration of the suspension;

That, notwithstanding the provisions of this suspension motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of Senator Duffy’s office and personnel for the duration of the suspension;

And on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Munson:

That this motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report;

That Senator Duffy be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

On the motion in amendment of the Honourable Senator Fraser, seconded by the Honourable Senator Tardif:

That the motion be amended by replacing the words “Rules, Procedures and the Rights of Parliament” with the words “Internal Economy, Budgets and Administration”.

The Hon. the Speaker: Honourable senators, the question before the house is the motion in amendment moved by the Honourable Senator Fraser, seconded by Honourable Senator Tardif:

That the motion be amended by replacing the words “Rules, Procedures and the Rights of Parliament” with the words “Internal Economy, Budgets and Administration”.

Motion in amendment negated on the following division:

YEAS
THE HONOURABLE SENATORS

- | | |
|-----------------|--------------------------|
| Callbeck | Joyal |
| Chaput | Kenny |
| Charette-Poulin | Lovelace Nicholas |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |
| Downe | Munson |
| Dyck | Rivest |
| Eggleton | Robichaud |
| Fraser | Smith (<i>Cobourg</i>) |

- Hervieux-Payette
Hubley

- Tardif
Watt—26

NAYS
THE HONOURABLE SENATORS

- Andreychuk
Ataullahjan
Batters
Bellemare
Beyak
Black
Boisvenu
Buth
Campbell
Carignan
Champagne
Comeau
Cools
Dagenais
Day
Demers
Doyle
Eaton
Enverga
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Jaffer
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall

- Martin
Massicotte
McCoy
McInnis
McIntyre
Meredith
Mockler
Neufeld
Ngo
Nolin
Ogilvie
Oh
Patterson
Plett
Poirier
Raine
Ringuette
Rivard
Runciman
Segal
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Verner
Wallace
Wallin
Wells
White—64

ABSTENTIONS
THE HONOURABLE SENATORS

- Furey—1

- (1750)

MOTION TO SUSPEND THE HONOURABLE SENATOR
PATRICK BRAZEAU—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Fortin-Duplessis:

That, notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, the Senate order a suspension for the Honourable Senator Brazeau for sufficient cause, considering his gross negligence

in the management of his parliamentary resources, until such time as this order is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- (a) Senator Brazeau, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- (b) Senator Brazeau's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of the suspension; and
- (c) Senator Brazeau shall not receive any other benefit from the Senate during the duration of the suspension;

That, notwithstanding the provisions of this suspension motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of Senator Brazeau's office and personnel for the duration of the suspension.

Hon. Elaine McCoy: The debate, as everyone has been saying, has been good and has been far-ranging, but I want to come back and put my position very clearly on the floor of this chamber.

I have maintained all along that had a simple motion come forward to ask these three senators to step aside until all was known and how we might proceed in the most cautious and judicious way, we wouldn't have blinked an eye.

When I have been arguing all along, I have never argued for these three senators. It's obvious that something terrible has happened. What we don't know is what and how that can be characterized, and we still don't know. So to rush to judgment, in my view, is unwise. It's uncharitable and it is not fitting behaviour for a senator of the Canadian Senate.

It is no secret what I have been saying to all those people who email me asking, "What can we do? Please, we need due process." I have been saying to them that I think senators have been looking for a way to find a compromise, and my suggestion is that we hold off until the RCMP have completed their investigations, and then we come back and re-examine the situation.

I have had any number of responses to those emails, people saying, "It's a compromise, but it's a fair one. I hope your senators agree with you."

It's no secret I've spoken of that same possible course of action to many of you senators in this chamber, all around this room, and I've had mostly positive responses, but I haven't seen that proposal on the floor.

We've talked about what is the normal practice in private sector. Anybody who's under investigation by the police is generally asked to pack up, go home and wait until the police investigation is completed before any other proceedings are taken.

We talked about what happens in disciplinary hearings. Senator Dallaire shared with us what would happen in a military setting. For a police investigation, wait until the investigation is concluded to see whether charges are laid or what other action would be suitable to go forward.

We talked about what happens in my profession, the legal profession, in disciplinary hearings. The lawyer is removed from office, essentially given a leave of absence, until the police investigation is complete, and then some course of action is followed, whatever is appropriate.

We've talked about the precedent of the British parliamentary system on two levels, one being whether we have the authority — and, of course, we have; that's not under dispute. But how do they proceed? It's the order in which we proceed that is important here. They have a whole code of conduct. It is in this book. Section 112 of their code of conduct says very clearly that they suspend everything until such time as the police investigations are complete. I will find that and read it into the record. It states:

The police and other agencies investigate allegations of criminal misconduct and the Commissioner will not investigate any related allegation of a breach of the Code while the agency is conducting its own investigation.

They even go further:

The same suspension of investigation applies while related proceedings (for instance, an action for defamation) are before a court of law.

That is what the British Parliament, the British House of Lords, would do, and that is what I suggest is the wise, cautious and appropriately fair behaviour for us to follow.

One of the senators said to me, "It's not my style; my father taught me to never kick somebody when they're down, and I don't like the course of action we're following." Even to give only the health benefits is like kicking someone when they are down and then saying, "Never mind, I'll buy you the Band-Aid."

It is not appropriate. It is not fair, and I would urge you all to consider another option. So I am putting forward an amendment to this motion.

MOTION IN AMENDMENT

Hon. Elaine McCoy: I move that the motion be amended:

- (1) by deleting the first paragraph and replacing it with the following:

That, pursuant to rules 15-2(1) and 15-2(2), and in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, that the Senate order a leave of absence for the Honourable Senator Brazeau to last until the RCMP have concluded their investigations into these matters; and

- (2) that the second paragraph be deleted and be replaced with the following words:

That concurrent with the RCMP investigation, the Speaker, the Government Leader and the Opposition Leader should engage in regular consultations (with each other), with the goal of identifying an appropriate course of action for the Senate to take with respect to Senator Brazeau, when the outcome of the RCMP investigation is known.

It seems to me that would give us all a chance to take a deep breath. It would give us a chance to understand the parameters of what we might do in an appropriate manner moving forward. It would be fair to all individuals, most particularly the senators, and to due process.

We are, at our best — I keep saying this — a council of elders. Elders don't rush to judgment. Elders sit back and take into consideration everything there is to be considered. Elders most particularly show respect for the due process of law when the consequences of these actions could be serious criminal charges. But on the other hand, they may not be, which would open up a different path forward.

I will, in due course, if the opportunity arises, move the same amendment to apply to the motion with respect to Senator Wallin and to the motion with respect to Senator Duffy. I would suggest that this is an appropriate manner in which to go forward.

So I say, do not suspend these senators now. It may be appropriate later. I think the appropriate course of action for us to take at the moment is to suspend our judgment prematurely. Thank you very much.

The Hon. the Speaker: We are now on the motion in amendment of the Honourable Senator McCoy.

- (1800)

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

Senator McCoy: Yes.

Senator Segal: Noting that the senator voted against the proposals to send this matter to committee, and noting that her amendment now calls for a consultation between the leadership of the chamber, both sides and the chair, could I ask her to help us —

The Hon. the Speaker: I apologize, Senator Segal, for interrupting, but it being six o'clock, pursuant to the rules, I leave the chair to return at eight unless there is unanimous consent to not see the clock.

Hon. Senators: Agreed.

The Hon. the Speaker: There is unanimous consent to not see the clock. Senator Segal.

Senator Segal: Could I ask Senator McCoy if she could clarify how she would like to see the chamber address her amendment in view of the fact that, up until earlier today, we had a separate motion dealing with each one of our senatorial colleagues. We now have, as I understand it, a new government motion, which enumerates our colleagues as *A*, *B* and *C*, not allowing us the opportunity to vote separately on those matters.

Your proposition is an amendment to one motion, and you have said, no doubt in the best of faith, that your intention is to make a similar motion with respect to the other senators who are being discussed by us on these days.

Would she give us her best advice as to how we might proceed in view of the range of motions we now face? I'm not asking particularly for any procedural insight, but, based on the spirit of her proposal, could she indicate how she thinks we would be best able to meet the standard of fairness and decency that her amendment very much underlines?

Senator McCoy: Thank you, but you're tempting me greatly.

I would suggest that the notice of motion that was made earlier by Senator Martin be left to stand on the Order Paper and not be moved. That's number one. If it were moved, I would suggest it be defeated.

Number two, I suggest that the other amendments to the other motions be defeated and my amendment be put forward and put to the vote and agreed upon with a majority, at least, if not unanimous accord.

But I will say this: I've been standing against the amendments to refer the matter to either the Rules or Internal Economy Committee. I think Internal would not quite command the respect of Canadians at this time. But in any event, I think they have, as Senator Comeau has said, undertaken a task which is to look at the financial pieces, but there are more questions to be answered than just financial.

Basically, I think that it is premature even to suggest that it go to the Rules Committee. I think that we simply haven't got the foundation; we don't know the parameters; we don't know all of our possibilities.

I'm perfectly willing to trust to Senator Carignan, Senator Cowan and Senator Kinsella, as our Speaker, to have consultations with one another and to seek counsel elsewhere as they see fit. I expect them to be wise; I expect them to come back with information that is pertinent; I expect them to find a process that will keep our honour whole, keep the integrity of this institution whole and see to it that these three people are dealt with in an appropriate fashion. I do not believe that that appropriate fashion will be acquittal — I do not know acquittal of what — I don't know the range of penalties and sanctions that might be appropriate at this stage.

Hon. Gerald J. Comeau: Senator McCoy, are you saying that your side has lost confidence in the work of Internal Economy? Are you speaking on behalf of a number of your colleagues on that side that this chamber has lost confidence in Internal Economy? If so, say it.

Senator McCoy: No. First of all, I have no side. I'm an independent. I suppose if you were just to relax for a little minute, I certainly did not mean to impugn the integrity of that committee.

Let me clarify what I said. It has been to Internal, and people feel that they have dealt with the financial aspect, but that's not all there is, and that's why I'm saying that to send it back there right now I don't think would quite satisfy many Canadians. But we need to know more.

You said it yourself, Senator Comeau. The mandate, as you now chair the Internal Economy Committee, is to look at the finances. There are more questions than just that.

The Hon. the Speaker: Is there further debate?

Hon. Anne C. Cools: Could Senator McCoy explain why this motion shows a leave of absence —

The Hon. the Speaker: First of all, Senator McCoy's time has expired. Is she asking for more time?

Senator McCoy: Yes, if I may, senators, have more time?

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Cools: I wonder if Senator McCoy could explain why this motion, as seconded by myself, employs a leave of absence as distinct and distinguished from the previous motion, which prescribes a suspension?

Senator McCoy: As I suggested earlier, common practice in most walks of life — in corporate life, professional life, the House of Lords — is to suspend judgment until investigations and a proper course of action can be concluded. In effect, you are suspending judgment, giving yourself time to find the pertinent information which gives you sufficient grounds to move forward in the most appropriate manner, which may be even more draconian than a suspension from the Senate.

Senator Cools: I wonder if the Honourable Senator McCoy could touch on the legal consequences of suspension versus a leave of absence. Suspension is very judgmental compared to leave of absence.

Senator McCoy: I think what the honourable senator is suggesting is a suspension is judgment; it is a sanction. A leave of absence leaves the field open to determine what sanctions will be appropriate, and it could be plural and it could include suspension; it could be more draconian than that, in my view. And that is one of the reasons why we need to be so cautious.

Senator Cools: Do you want to move the adjournment? The reason I am taking the adjournment and not speaking tonight is because I accepted the leaders' wish that they want to adjourn very shortly. However, I am taking it on your word that this debate will be continuing tomorrow and that you're not going to

bring any unusual procedure and switch it. So this debate will be continued tomorrow. In that case then, I move adjournment.

(On motion of Senator Cools, debate adjourned.)

• (1810)

MOTION TO SUSPEND THE HONOURABLE SENATOR
PAMELA WALLIN—SUBSIDIARY MOTION—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Poirier:

That, notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, the Senate order a suspension for the Honourable Senator Wallin for sufficient cause, considering her gross negligence in the management of her parliamentary resources, until such time as this order is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- (a) Senator Wallin, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- (b) Senator Wallin's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of the suspension; and
- (c) Senator Wallin shall not receive any other benefit from the Senate during the duration of the suspension;

That, notwithstanding the provisions of this suspension motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of Senator Wallin's office and personnel for the duration of the suspension;

And on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser:

That this motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report;

That Senator Wallin be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

Hon. Yonah Martin (Deputy Leader of the Government): I move the adjournment of the debate in my name.

(On motion of Senator Martin, debate adjourned.)

MOTION TO SUSPEND THE HONOURABLE SENATOR
MICHAEL DUFFY—SUBSIDIARY MOTION—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, P.C., seconded by the Honourable Senator Poirier:

That, notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament, the Senate order a suspension for the Honourable Senator Duffy for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this order is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

- (a) Senator Duffy, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
- (b) Senator Duffy's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of the suspension; and

- (c) Senator Duffy shall not receive any other benefit from the Senate during the duration of the suspension;

That, notwithstanding the provisions of this suspension motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of Senator Duffy's office and personnel for the duration of the suspension;

And on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Munson:

That this motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report;

That Senator Duffy be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

Hon. Yonah Martin (Deputy Leader of the Government): I move the adjournment of the debate in my name.

(On motion of Senator Martin, debate adjourned.)

(The Senate is adjourned until tomorrow at 2 p.m.)

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