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(HANSARD)

Tuesday, November 26, 2013

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Tuesday, November 26, 2013

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

Prayers.

SENATORS' STATEMENTS

PROJECT S.T.E.P.

Hon Vernon White: Honourable senators, I rise today to share some great news about a community partnership in our nation's capital that is changing the lives of young people today and creating a better future for them tomorrow. As you may know from recent newspaper stories and broadcasts, the problem of substance abuse among young Canadians is an issue that hasn't gone away.

As a law enforcement officer, I witnessed the impact of substance abuse among youth first-hand. I met their parents who were at their wits' end, and teachers and community workers who wanted desperately to help but weren't quite sure what to do. I've also seen what happens to kids who become addicted. They lose their identity. They become a small part of what they used to be, living on the street, trying to survive one day at a time. And this huge problem has a long-term consequence: 85 per cent of adults with addictions started abusing drugs or alcohol before the age of 18.

Six years ago, community leaders here in Ottawa came together to address this problem. In 2008, they launched project s.t.e.p., which stands for support, treatment, education and prevention. By the end of 2011, project s.t.e.p. had raised \$3 million to build two residential facilities providing treatment and counselling to youth with addictions. Today, they no longer have to go to the U.S. or elsewhere to combat serious substance abuse issues.

Through this partnership, a school-based treatment, intervention and education program is now offered in all 57 local high schools and three non-mainstream academic settings. The s.t.e.p. program is making a big difference in the lives of kids enrolled in non-mainstream school programs — kids who have left home, are homeless or are in other sorts of trouble. As noted, the first research report on their progress showed that more than 70 per cent reduced their drug use, and more than three quarters had built or rebuilt healthy relationships with family, partners or the community.

Two weeks ago, the partners in project s.t.e.p. received the 2013 Eva's Initiatives' Award for Ending Youth Homelessness. This \$25,000 award recognizes leadership in preventing, reducing and ending youth homelessness. Project s.t.e.p. was one of only four recipients in Canada. The project s.t.e.p. partners will use this funding to continue measuring the progress of youth and will use these research findings to improve these counselling programs.

I have been lucky enough to have been involved with s.t.e.p. from the beginning and was honoured to accept this award with s.t.e.p. co-chair and Member of Parliament Mauril Belanger on behalf of all project s.t.e.p. partners from across Ottawa. Those partners include United Way Ottawa, Ottawa's four school boards, the Sens Foundation, the Ottawa Network for Education, the Champlain Local Health Integration Network, Ottawa Public Health, Health Canada, Maison Fraternité and Rideauwood Addiction and Family Services. Congratulations to all of them.

TRUTH AND RECONCILIATION COMMISSION

BRITISH COLUMBIA RECONCILIATION WEEK

Hon. Lillian Eva Dyck: Honourable senators, I was invited to attend the Truth and Reconciliation Commission meetings in Vancouver in September, and I'm glad I did. The City of Vancouver had declared Reconciliation Week from September 16 to September 22. Both the opening and the closing ceremonies were exceptional.

Reconciliation Week and the TRC events started with thousands of supporters and residential school survivors lining the shores of False Creek, greeting the all-nations canoe gathering — a large flotilla of indigenous paddlers. This was followed by the lighting of the sacred fires ceremony. The sacred fire was kept burning all week in the centre of the Pacific National Exhibition grounds, where the events were held. At the end of the week, support for the event was evident by the thousands of people who joined the reconciliation march through Vancouver.

Honourable senators, listening to the stories of the survivors of Indian residential schools was both heartbreaking and heartwarming. As children, they were treated in a despicable manner. They were deliberately starved, punished severely with a strap, sexually assaulted and raped. This was done by the sisters and priests who were entrusted with their care and who were supposed to care for them. One particular story especially captured my attention. A survivor told how she was sexually abused by a priest, but when she reported him to one of the nuns, the nun wouldn't believe her and made her apologize to the priest. Honourable senators, can you imagine how humiliated, frustrated and powerless that young girl must have felt?

Yet, there was also a common theme of resilience and resistance amongst these children. To counteract starvation, they learned how to steal food; to counteract the violence directed at them, they learned how to protect the younger students, for instance, by advising them to cry loudly when being strapped. This strategy was meant to end the strapping as soon as possible. Another survival strategy was to steal the sacramental wine and get high to drown out the hurt and sorrows of life in an uncaring, unnatural environment. In other words, residential schools taught the students that to survive they had to steal and lie and get drunk to numb the pain.

Decades later, their hearts and souls are still wounded. The survivors suffer from post-traumatic stress disorder. Some have gone through counselling and healing ceremonies and have recovered, but others are still caught in self-destructive lifestyles.

It is sad to say that some members of the public do not comprehend the depth of the hurt and pain that the survivors face; and such people mistakenly believe that all survivors can simply let the past go and get on with their lives without any problems. One of the underlying themes that I heard from the survivors was about having to face constant disbelief and denial of their experiences in residential schools. Nevertheless, they found the courage to share their personal stories in a public forum, so that other Canadians would learn what happened to them in residential schools, so that such abusive activities would never happen again and so that reconciliation can occur.

Honourable senators, I would like to thank the federal government for extending the mandate of the Truth and Reconciliation Commission for another year to June 30, 2015. As I witnessed in Vancouver, the commission is doing the important and necessary work to build a path towards reconciliation and healing.

- (1410)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation of Senior Officials from the Senate of the Republic of Kenya, led by Mrs. Consolata W. Munga, Senior Deputy Clerk. They are the guests of Mr. Gary O'Brien.

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

Hon. Senators: Hear, hear!

KENYA

VISIT OF PARLIAMENTARY OFFICERS TO SENATE

Hon. Gerald J. Comeau: Honourable senators, the Senate of Canada takes great pride in receiving this week senior parliamentary officials from the Senate of Kenya. These include the senior deputy clerk, the director of their committee services, their director of legislative and procedural services, their principal research assistant, their principal legal counsel and their senior assistant Hansard editor. As senators may be aware, Kenyans voted for a new constitution, entailing the implementation of a devolved government system with a bicameral Parliament, comprising a Senate and a National Assembly. The Senate of Kenya is the newest second chamber in the world, and I'm sure all honourable senators wish them great success.

[*Translation*]

A few weeks ago, the Clerk of the Senate of Kenya wrote to our clerk to inform him that in the opinion of his country's Parliament, Kenyan parliamentarians might benefit from the Canadian Parliament's experience with regard to parliamentary procedure and governance.

A visit would be an opportunity for learning, sharing points of view and comparing their plans and operating standards at a time when Kenya's Parliament is coping with the challenges of having a new upper chamber.

[*English*]

This is the third attachment of international parliamentary officials specifically to the Senate of Canada in recent years. In November 2010, we received the Secretary General and other officials from the Council of the Federation of the Federal Assembly of the Russian Federation, and in May 2012, we received the Secretary General and senior officials of the Rajya Sabha of India.

We hope that the attachment of these officers from Kenya is most successful, and we welcome you to the Senate of Canada.

[*Translation*]

LA FÉDÉRATION DES CONSEILS SCOLAIRES FRANCOPHONES DE L'ALBERTA

Hon. Claudette Tardif: Honourable senators, on November 17, I had the pleasure of attending the annual general meeting of the Fédération des conseils scolaires francophones de l'Alberta. The Fédération is made up of four francophone school boards: the FrancoSud board, the Centre-Est board, the Centre-Nord board and the Nord-Ouest No. 1 board.

The Fédération represents 34 francophone schools throughout Alberta. Those schools are attended by 6,500 students. The work of the Fédération is widely recognized throughout the province, and it has become a key player in developing French-language education in Alberta.

Allow me, honourable senators, to go back to the not-so-distant past. I became involved as a parent and educator at the very start of French-language education in Alberta, in the 1980s. Backed by the Charter of Rights and Freedoms, a few small groups of determined parents stood up for our rights and worked on setting up francophone schools in the province. The first francophone schools opened their doors in 1984. They were the Maurice Lavallée school in Edmonton and the Marguerite Bourgeois school in Calgary.

The fight for the right to manage these schools continued and, in 1990, the Supreme Court of Canada ruled that parents had the right to manage their educational institutions. As a result of these

battles and the courage and perseverance of many people who believed in asserting our rights, the Fédération des conseils scolaires francophones de l'Alberta was established 20 years ago.

Today, we have a well-managed education system that is the pride of all the francophones in Alberta. Over the years, the Fédération has constantly made adjustments to meet the growing need for French-language education in the province.

I pay tribute to the Fédération and everyone involved for caring about the quality of French-language education in Alberta and for working hard to assert our rights and to provide quality French-language education for our young people.

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Julia Middleton, Chair of the Commonwealth Study Conference Leaders Program. Honourable senators, Ms. Middleton is the guest of the Honourable Senator Segal.

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

Hon. Senators: Hear, hear!

DR. MARTIN LUTHER KING, JR.

FIFTIETH ANNIVERSARY OF *I HAVE A DREAM* SPEECH

Hon. Don Meredith: Honourable senators, I rise today to recognize an important milestone in the cause of human rights in the modern era.

This year marks the fiftieth anniversary of Dr. Martin Luther King's historic March on Washington for Jobs and Freedom. On that occasion, he stood before hundreds of thousands and delivered his famous *I Have a Dream* speech. It was a watershed moment for the civil rights movement in North America, as well as for the cause of equality and fairness in the rest of the world.

Last summer, I was proud to join fellow Canadians and millions around the world in commemorating this historic occasion on August 28, 1963.

Only a few weeks ago, I had the rare privilege of hearing personal reflections on that very event from none other than Dr. Bernice King, the youngest daughter of Martin Luther King. She is an accomplished Baptist minister, as her father was, and she served as Chief Executive Officer of the King Centre in Atlanta. Her words were driven by her passion and charged by the transformative legacy of her iconic father.

[Senator Tardif]

She said:

So, as we...reflect upon the 50th anniversary of my father's 'I Have A Dream' speech, we also remember that we still have to fight for freedom and justice going forward. There is no such thing as 'we have arrived'. There is still much work to do...

... We have an obligation to take care of each other.

Honourable senators, she laid out a challenge, and I was inspired. It was a powerful appeal that, to me, further fuels our collective pursuit of the greater good.

I was inspired as she spoke of the need for a transformative change, for individual ownership, for a sense of shared responsibility and for the ideal of self-empowerment.

Mostly, she challenged each and all of us to do our part in helping to bring about the much-needed change that we need to see in our world.

Honourable senators, I was also humbled to have the honour of presenting her with the Planet Africa Legend Award. As I reflect on that recent occasion and on the greater meaning of her father's march 50 years ago, I must tell you, as one who is passionate about our young people, I know that my heart is in the right direction, without equivocation. As a community servant who is passionate about helping our young people, I have no doubt that I must redouble my efforts to help improve the outcomes for them through the Greater Toronto Area Faith Alliance Learning Centre, which we established over 11 years ago.

I must continue providing life skills and training to our at-risk youth to help them succeed in life. That is much in line with the call of both Drs. Martin Luther King and Bernice King. It is a call rooted in the aspiration for education, opportunity and self-help.

These principles certainly created opportunity for some, but, honourable senators, each and every one of us will agree with Dr. King that there is still much more work to be done. It is up to you, to me and to every person beyond this chamber who would be so inspired to make a difference. To me, the greater lesson is a foundational capacity for each individual to make a difference. It is said that Rosa Parks sat so that Martin could march, so that Barack could run, so that our kids could fly.

Anything is possible with conviction and hard work. Honourable senators, I ask you to join in paying tribute to Dr. King and the millions who publicly and privately go about trying to make a positive difference. As fellow stewards, we can only hope that our own contributions will hopefully inspire others, especially the young, to the better virtues of the greater collective good. I believe we need to see them fly. Canada needs to see them fly. The future of the world depends upon it.

• (1420)

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

FALL 2013 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2013 fall report of the Auditor General of Canada, pursuant to Subsection 7(5) of the Auditor General Act.

[English]

NATIONAL SECURITY AND DEFENCE

NINTH AND FOURTEENTH REPORTS OF COMMITTEE
TABLED DURING FIRST SESSION OF FORTY-FIRST
PARLIAMENT—DOCUMENTS TABLED ON
NOVEMBER 21, 2013, CONCERNING
GOVERNMENT RESPONSES—
CLARIFICATION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I would like to clarify that the two documents tabled on Thursday, November 21, were communications about the request for government responses, not the responses themselves.

The actual responses will follow in due course. I would ask that the record be adjusted to reflect this.

CONFLICT OF INTEREST FOR SENATORS

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on the Conflict of Interest for Senators, which deals with the expenses incurred by the committee during the First Session of the Forty-first Parliament.

(For text of report, see today's Journals of the Senate, p. 221.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

REPORT PURSUANT TO RULE 12-26(2) TABLED

Hon. Vernon White: Honourable senators, pursuant to rule 12-26(2) of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Rules, Procedures and

the Rights of Parliament, which deals with the expenses incurred by the committee during the First Session of the Forty-first Parliament.

(For text of report, see today's Journals of the Senate, p. 222.)

CRIMINAL CODE NATIONAL DEFENCE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder).

(Bill read first time.)

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

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

THE SENATE

NOTICE OF MOTION TO RECOGNIZE MAY
AS NATIONAL VISION HEALTH MONTH

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

That because vision loss can happen to anyone at any age and as a result thousands of people across Canada are needlessly losing their sight each year, and because many Canadians are not aware that seventy-five per cent of vision loss can be prevented or treated, the Senate recognize the month of May as "National Vision Health Month," to educate Canadians about their vision health and help eliminate avoidable sight loss across the country.

CONFLICT OF INTEREST FOR SENATORS

COMMITTEE AUTHORIZED TO MEET DURING
SITTINGS OF THE SENATE FOR DURATION
OF CURRENT SESSION

Hon. A. Raynell Andreychuk: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That, for the duration of the current session, the Standing Committee on Conflict of Interest for Senators be authorized to sit even though the Senate may then be sitting and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
REFER PAPERS AND DOCUMENTS RECEIVED
DURING FIRST SESSION OF FORTY-FIRST
PARLIAMENT AND INTERSESSIONAL
AUTHORITY TO COMMITTEE

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

That the papers and documents received and/or produced by the Standing Committee on Conflict of Interest for Senators during the First Session of the Forty-first Parliament, and Intersessional Authority be referred to the Standing Committee on Conflict of Interest for Senators.

DISPARITIES IN FIRST NATIONS EDUCATION

NOTICE OF INQUIRY

Hon. Lillian Eva Dyck: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the disparities in educational attainments of First Nations people, inequitable funding of on-reserve schools and insufficient funding for post-secondary education.

[Translation]

QUESTION PERIOD

PUBLIC SAFETY

PROTECTION OF CHILDREN

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Last week we learned that about 40 ultra-Orthodox Jewish families fled Quebec for Ontario to escape the youth protection branch. In Israel — and yes, I said Israel, not Palestine — this kind of community is known by Jews themselves as the “Jewish Taliban.”

The Quebec authorities had received some complaints. The children are allegedly abused. A young girl of just 14 was malnourished and forced to work. The children are not educated. They live a few kilometres away from my country home.

The Criminal Code does not adequately protect children. Your government, the Conservative government, can send a clear message to Canadians that children are not chattel; they have rights under the United Nations Convention on the Rights of the Child, which Canada ratified; and children should not be raised in an environment of threats, terror or violence.

My question is simple: when will your government amend the Criminal Code to remove section 43, which gives parents *carte blanche* to use violence against children, and when will your government launch a public awareness campaign on child development and how to exercise one’s authority without violence?

Hon. Claude Carignan (Leader of the Government): Honourable senators, in response to my colleague’s preamble about a situation that has been condemned and is currently all over the news, I want to say that our government is always looking to prevent violence against children or against any person, whether we are talking about seniors or children. We will continue to set standards and draft bills to ensure that we make protecting people — and, more specifically, children — a priority.

Senator Hervieux-Payette: This summer in Manitoba, provincial authorities removed children from Mennonite families. Eighteen children were removed and 13 adults were charged with abuse. These children were subjected to corporal punishment with whips and belts, among other horrors. We saw the same thing recently in Washington, in the United States, where the parents hit their children with objects such as pipes, and a young girl was killed.

Manitoba’s child protection services wrote to the community and set conditions for the children’s return. The parents may no longer hit their children, with the exception of spanking. Spanking could not be prohibited, since it is authorized under section 43 of the Criminal Code. They received a long letter on the interpretation of reasonable force that was so technical that the average person would have a hard time understanding it.

Mr. Leader, a clear message needs to be sent to Canadians. Violence, mild or severe, reasonable or not, must never be used in child-rearing, and no early childhood expert would deny that.

• (1430)

When will your government protect children and remove section 43? It is much easier to remove a section of the Criminal Code than to add one. This section gives parents licence to use violence against their children by indicating that they have the right to hit them. When will your government support this measure?

Senator Carignan: Honourable senators, our government condemns violence and ensures that the measures that are taken protect individuals and condemn all violent or criminal acts

committed against Canadians, particularly those who are more vulnerable, such as children.

If you would like my comments on your private member's bill in particular, I will leave it to this chamber to properly study your bill.

[English]

ROYAL CANADIAN MOUNTED POLICE—
NATIONAL DNA DATA BANK

Hon. Wilfred P. Moore: Honourable senators, my question is also for the Leader of the Government in the Senate.

I'm referring to the RCMP report, the *National DNA Data Bank of Canada*, recently issued by the RCMP. The report gives a lot of statistics about the number of cases examined and successful convictions rate. However, there doesn't appear to be any documentation or statistics of just how long it takes to receive, analyze and report back to police where the submitted DNA samples are relevant.

I'd like to know why such important information is not included in the report.

[Translation]

Hon. Claude Carignan (Leader of the Government): I'm sorry, senator, but you did not speak loudly enough and the interpreter missed part of your question, so I am not sure what you are asking.

[English]

Senator Moore: Sure. No problem.

I expect you're familiar with this report. It's entitled the *National DNA Data Bank of Canada*, and it was recently issued by the RCMP. It cites a number of statistics about the cases examined and the successful convictions rates, but there are no statistics regarding how long it takes to receive, analyze and report back to the police as to whether the submitted DNA samples were relevant.

I'd like to know why this important information is not included in the report. You may want to take that under advisement.

[Translation]

Senator Carignan: When I was a member of the Standing Senate Committee on Legal and Constitutional Affairs, we looked at the issue of the DNA data bank. I remember hearing about timetables, but I do not remember the details.

I will take your question as notice and try to get back to you as quickly as I can.

[English]

Senator Moore: I have two supplementary questions.

As honourable senators may know, one of the highest profile cases in Atlantic Canada is the Richard Oland homicide case. In that case, the Saint John, New Brunswick police said at the time that RCMP delays at labs were the main cause of the delay in laying charges.

If that case was delayed by RCMP labs, what are the timetables on like cases? Can we assume that they, too, must be encountering significant delays?

[Translation]

Senator Carignan: I will try to have as complete an answer as possible regarding the analyses. I know that there are different types of laboratories. There are some provincial ones as well, so we will try to provide you with the information regarding the federal ones.

[English]

Senator Moore: Honourable senators, the justice department in my province of Nova Scotia had expressed great concern when the closures of the RCMP labs were announced. These dealt mainly with the time it would take for the labs located out of the province to examine evidence sent from my province.

Can the Leader of the Government provide any statistics on the turnaround times for requests sent from Nova Scotia?

[Translation]

Senator Carignan: I understand what you are getting at, and I will make sure that I get you that answer as soon as possible.

[English]

ENVIRONMENT

WARSAW CLIMATE CHANGE CONFERENCE— SELECTION OF CANADIAN DELEGATES

Hon. Hugh Segal: Mr. Speaker, my question is for the Leader of the Government in the Senate, and it relates to the fact of which we are all aware that at the recent Warsaw Climate Change Conference, Elizabeth May, Member of Parliament in the other place and Leader of the Green Party, was part of the Afghan delegation because she had sought permission to be part of the Canadian delegation and that permission was refused.

I wonder if the leader could indicate whether that is a decision made event by event or delegation by delegation by the minister responsible, or whether that is a general policy about the exclusion of opposition parliamentarians from official delegations where a minister is present.

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you for your question, senator. This is a subject that you are quite familiar with. I believe that you have been part of a number of Canadian delegations. As you know, the composition of the Canadian delegation is determined based on a number of criteria, including budgetary restrictions and the expertise required to meet Canada's objectives — in this case, objectives pertaining to climate change. This year, only government representatives were included in the Canadian delegation.

[English]

Senator Segal: Honourable senators, I have a supplementary question. I wonder if the Leader of the Government in the Senate might use his good offices to suggest that a formal statement of what the government's policy is, many of the principles he helpfully laid out for us a few minutes ago, might be public so that all parliamentarians could be aware of that and, if there was some measure of debate or engagement on it, then it could take place in a thoughtful and civilized way in this place and in the other house.

[Translation]

Senator Carignan: As you know, senator, there are many requests and many events requiring a Canadian delegation abroad. The criteria are fairly straightforward. They include budgetary restrictions, the expertise required and the relevance of an individual's presence. In this case, only government representatives were included in the Canadian delegation.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question. On the expertise of parliamentarians, I would hazard a guess that there are no two members of the other place more expert in the matter of climate change than Ms. May and the Honourable Stéphane Dion. Budgetary restrictions are all very well, but on what possible grounds would those two members of the other place be excluded from that delegation?

[Translation]

Senator Carignan: As I said, government representatives made up the delegation that represented Canada at the climate change conference.

Senator Fraser: My question is, why?

Senator Carignan: The reason is that, given budgetary restrictions and the expertise required to meet Canada's objective at this conference, only government representatives were included in the Canadian delegation.

• (1440)

[English]

Hon. Mobina S. B. Jaffer: Leader, I have listened to your answer very carefully. I've been in this place for 12 years, and one of the things I've learned in our democratic country is we go

abroad and show that we are a country of many parties. When we just go with the government, what are we indicating to people who we are encouraging to develop multi-party systems? What message are we giving?

While I'm standing, may I please ask you, when is a decision made and what is the criteria of only taking the governing party's members on a delegation?

Senator D. Smith: Because they're killjoys.

[Translation]

Senator Carignan: As I explained earlier to Senator Segal and reiterated to Senator Fraser, the Canadian delegation this year was formed according to the criteria of the expertise required to achieve Canada's climate change objectives. It was decided that, for this conference, the Canadian delegation would include only government representatives.

[English]

FINANCE

GOVERNMENT SUPPORT FOR SPECIAL OLYMPICS ATHLETES

Hon. Jim Munson: I have a nice question to the good Leader of the Government in the Senate with a positive preamble. I know you might be in shock hearing those words, but this deals with Special Olympics and the athletes that you may have seen on Parliament Hill today in various offices. There are 35,000 of them in the country.

The Finance Minister and your government have been quite generous, and I'm very pleased with that, in supporting Special Olympic athletes, but we only touch about 5 per cent of Canadians with an intellectual disability. There's an opportunity, I believe, for the government to play an even bigger role in terms of financing Special Olympic athletes. What they're requesting is support in the 2014 federal budget and hoping there will be increased federal government support for thousands more with intellectual disabilities.

The question I have for you is maybe to urge you, to ask you to ask cabinet and others in the government to take a hard look at the request. I know it's difficult for funding programs, but in the country that we live in today, I think it's extremely important that we share what wealth we have for those who have intellectual disabilities. I'm asking you to use your good office to get to that good place for our Special Olympic athletes.

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you for your question, senator. Of course, in the coming months, during the Winter Olympic Games, we will have the opportunity to witness the high quality of our Canadian athletes competing in Sochi in both the Olympic and the Paralympic Games.

I think we will stand united in encouraging our athletes so that they not only reach the heights of success, but also inspire all Canadians and people struggling with physical or intellectual

disabilities, by showing them that it is possible to reach the highest levels and practise a sport despite a physical or intellectual disability.

As for your requests, I will forward them to the minister responsible for sport.

[English]

PUBLIC SAFETY

FIREARMS RESEARCH

Hon. Joan Fraser (Deputy Leader of the Opposition): My attention has been caught by news of a couple of studies that the government has undertaken to have conducted. It's seeking for bids for contracts, and they both have to do with firearms.

The first one that interested me was a study that Environment Canada wants to do on the use of lead bullets and shot and their impact on the environment and human health. I can think of quite a number of impacts that bullets might have on human health.

Together with that, I was struck by a request for a proposal for a study on the characteristics of the Canadian firearms industry supplying the civilian market, which is going to be looking at quite a number of things, such as who's manufacturing guns, who's selling them, who's buying, who's exporting and importing, who works in the industry, sales and profitability of the industry. All very interesting information, I'm sure, but I was particularly struck by a statement that is to be found on Public Safety Canada's website, and I quote:

To have an informed national enforcement strategy to address gun crime and trafficking of firearms, the Government of Canada must first have coordinated and comprehensive national firearm intelligence gathering and analysis.

Dare I hope that the government is beginning to see that there might have been some utility to the gun registry?

Senator D. Smith: Dream on.

[Translation]

Hon. Claude Carignan (Leader of the Government): I do not want to comment on the case that is now before the courts as per the Supreme Court decision to hear an appeal.

As for your other comment, we want to ensure that firearm controls apply to criminals and not law-abiding Canadians like farmers or hunters.

[English]

Senator Fraser: The question going before the Supreme Court has everything to do with law and nothing to do with political decisions, or very little to do with political decisions made by governments at various levels.

Criminals are also civilians. Why would we not want all possible information that might be useful in the apprehension of criminals? I just don't follow. Why is this government more interested in the profitability of the gun industry than in the safety of the people who are the victims of guns?

[Translation]

Senator Carignan: Senator Fraser, we have done a lot of work on this issue. We have implemented mandatory minimum sentences for serious gun crimes and cracked down on drive-by and other reckless shootings.

Since 2005, the Canada Border Services Agency has seized almost 30,000 prohibited weapons at the border. We have increased the number of front-line border guards by 26 per cent to ensure that these firearms are seized. We have not spared any effort when it comes to prohibited weapons.

However, as far as the long-gun registry you are referring to is concerned, we think it is not right to target law-abiding citizens, farmers or hunters. Unfortunately, that is what the firearms registry did.

FOREIGN AFFAIRS

IRAN—INTERIM AGREEMENT ON NUCLEAR PROGRAM

Hon. Jean-Claude Rivest: My question is for the Leader of the Government in the Senate and concerns Iran's nuclear program. All Western countries, including the United States, France and England, have lauded this deal as an historic agreement. Why has the Government of Canada, through its Minister of Foreign Affairs, distanced itself from the general consensus among Western countries?

Does this mean that the Government of Canada shares the view of Israel's Prime Minister that this deal is far from an historic agreement and is rather an historic mistake?

• (1450)

Hon. Claude Carignan (Leader of the Government): Senator, with respect to this agreement, Canada has maintained for some time that every diplomatic measure should be taken to ensure that Iran never attains nuclear weapons capability. We appreciate the efforts made by the group known as P5+1, which includes the United States, the United Kingdom, France, Russia, China and Germany.

We will assess the agreement not only on the basis of its terms and conditions, but especially with respect to its verifiable implementation and the unimpeded access to all Iranian nuclear facilities. The agreement cannot be undermined or violated by deception. The Iranian people deserve the freedom and prosperity they have been deprived of for too long by the regime's nuclear ambitions. Until they enjoy that freedom and prosperity, Canadian sanctions will continue to be severe and applied in their entirety.

[English]

PUBLIC SAFETY

SURVEILLANCE OF CANADIANS

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate.

Leader, in the past I've asked various questions with regard to the Communications Security Establishment of Canada, CSEC. In a ruling by the Honourable Justice Richard Mosley of the Federal Court last week, he was looking at the matter of a warrant being issued to CSIS with respect to the communications of two Canadian citizens whose activities were suspicious. I understand they were believed to be a threat to Canada.

As it came out, CSIS couldn't get the communications it wanted, so it went to CSEC, which has a relationship with the so-called Five Eyes community — Canada, the United States, Australia, New Zealand and the United Kingdom. It appears that CSIS and other government agencies are trying to get through the back door what they can't get legally, and that is using CSEC to gather information or to request its colleagues in the Five Eyes community to get information on Canadians. I'd like to know if that is a continuing practice, if your government has taken note of Mr. Justice Mosley's comments and if you're going to put a stop to that improper practice.

[Translation]

Hon. Claude Carignan (Leader of the Government): The senator knows that I cannot comment on matters of national security. Our security organizations are subject to independent oversight and carry out their mandate in accordance with the law, and we expect them to do their job.

[English]

Senator Moore: I have a supplementary question. On August 21, 2012, the annual report of CSEC was issued by the commissioner, the Honourable Robert Décary. In it, he recommended a key thing: that CSEC discuss with CSIS the expansion of an existing practice to protect privacy. Has that been looked at? That's not a great international security issue. It deals with the privacy of Canadians. Has that been dealt with, to your knowledge?

[Translation]

Senator Carignan: As I was saying, senator, I cannot comment on matters of national security. Our security organizations are subject to independent oversight and carry out their mandate in accordance with the law.

[English]

Senator Moore: The court has ruled that the warrant given to CSIS did not cover back-door-gotten information from CSEC, and I want to know if your government is going to obey the law.

[Translation]

Senator Carignan: As I have said, I do not wish to comment on matters of national security involving CSIS. We have organizations in place that are responsible for ensuring that they obey the law.

[English]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

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

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Lillian Eva Dyck: Honourable senators, first I want to thank Senator Cowan, who was intending to speak today, for allowing me to speak instead.

Honourable senators, I intend to focus my remarks on the Speech from the Throne on the section which mentions missing and murdered Aboriginal women. As you know, many people have called for a public inquiry to find out why over 600 Aboriginal women have gone missing or been murdered over the last 30 years. A public inquiry would recommend ways to put a stop to it. Unfortunately, the federal government did not commit to a public inquiry, and the way in which the issue of missing and murdered Aboriginal women was mentioned in the Speech from the Throne was disconcerting, to say the least.

Honourable senators, just a few weeks ago, the UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, called on the government to set up a national inquiry into the

disturbing phenomenon of missing and murdered Aboriginal women. The UN rapporteur's comments echoed numerous calls from Aboriginal leaders across the country, parliamentarians, human rights groups and all provincial premiers for the federal government to step up and establish a national inquiry into the issue of missing and murdered Aboriginal women. However, the federal government did not commit to do so in the Throne Speech.

Under the section entitled "Supporting Victims and Punishing Criminals," there's only brief mention, just two sentences, about the tragic issue of missing and murdered Aboriginal women and girls. All it states is this:

- Aboriginal women are disproportionately the victims of violent crime. Our Government will renew its efforts to address the issue of missing and murdered Aboriginal women.

These two sentences are immediately followed by two other sentences:

- Canadians also know that prostitution victimizes women and threatens the safety of our communities. Our Government will vigorously defend the constitutionality of Canada's prostitution laws.

As I said a few weeks ago during Question Period, I was appalled to hear the issues of missing and murdered Aboriginal women and prostitution spoke of one right after the other in the Throne Speech. It gave the impression that missing and murdered Aboriginal women and prostitution are causally related. Connecting prostitution and missing and murdered Aboriginal women without mentioning other factors does not represent the true or complete story of Aboriginal women who have been disappeared or murdered.

As I said in Question Period a few weeks ago, first the Throne Speech juxtapositioned missing and murdered Aboriginal women with prostitution, and then the Speech from the Throne continued with two sentences about honouring police dogs. It says:

- Finally, our Government recognizes the daily risks taken by police officers and their service animals. It will bring forward Quanto's law in honour of them.

Honourable senators, some of you may know that Quanto was a police dog who was killed while on duty. To sum it up, missing and murdered Aboriginal women, prostitution and dogs were all mentioned, one right after the other, in the Throne Speech; and the dog got top priority.

- (1500)

Aboriginals and other Canadians — men and women — have told me that they were shocked, insulted and angry at the way the Throne Speech mentioned missing and murdered Aboriginal women. Several people commented that the dog, Quanto, was referred to by name but the women were nameless once again; and the dog fared better than the women. Quanto the dog will be honoured with legislation, but not Aboriginal women.

Honourable senators, here are some reactions that were shared with me on the way in which missing and murdered Aboriginal women were addressed in the Throne Speech:

Person one:

Is this a direct quote?! Aboriginal women, prostitutes that should go to jail, and dead police dogs all at the same time!!!! Are you kidding????

This is the reality of how we are seen by our government, how we are treated by our government and where we sit in our government's list of priorities. Even the dog got a name...

Person two:

"Disproportionately" gives short shrift to the historical — and contemporary — colonial racist societal socio-economic policies treatments and attitudes that put every Aboriginal woman at higher risk than all other women in every other group in Canada.

And to pile all women in one category and three sentences later NAME a police dog by NAME!?!?! Why is there not a law to honour these women?!?!? Why cannot ONE of them be named!?!?! Out of the hundreds of names that have been brought forward, our PM lumps their bodies in a pile and then speaks of a police dog by name prefaced by "Finally!"

SO APPALLING!

I am blown away, myself.

Person three:

It is amazing how the government can move forward Quanto's Law so quickly, but needs to "renew its efforts" to address the "issue" of missing and murdered Aboriginal women! The word "honour" is also associated with the dog, but our women are seen as issues...

Person four:

For the Throne Speech to point to "prostitution" rather than the structures of racism and exclusion is another absolutely disgusting point.

Person five:

Oh My gosh — I felt my stomach drop. It was unbelievable.

Person six:

Thrown in there with the dogs! I can't believe it! I don't even know how to react??? I am filled with emotion. I simply cannot believe it.

Person seven:

With respect to the issue of missing and murdered Aboriginal women, we would hope that the “renewed efforts” referenced in the throne speech would include a rethinking of the process for how this issue is addressed — heeding to the calls for a national inquiry (which is supported by a majority of premiers across the country) would be a good start. Furthermore, if some wisdom could prevail, the large volume of data collected through Sisters in Spirit could serve as a foundation for creating the national inquiry.

Honourable senators, those are the reactions I received. The reactions to the way in which missing and murdered Aboriginal women were mentioned in a Speech from the Throne were clear: People were upset and appalled by its lack of empathy and its insensitivity.

Louise Halfe wrote a poem in response to it. It is my honour and privilege to read into the record her poem. Louise Halfe is an internationally known Cree poet and former Poet Laureate of Saskatchewan. Louise retains copyright to the poem.

Where violence lives

My mother drank a bottle of perfix,
Her arm hung loosely in a home-made sling.
A rib protruded from her chest.
We watched, my little sister and I,
Frozen to our seats,
Her being pounded against the fridge,
A broken sealer slashed at her face.

We lived on a small hill
Surrounded by trees, sloughs and
Prairie
Miles from another family
Whom we never visited. A mile or so
From my nohkom and mosoom
Who thought that mother’s beauty
Should hang like dried-bark.

Who would hear the loud silent screams?
Screams, that fifty years later witigo
Gnaws, still frozen, their small eruptions
Crawling inside my skin, doing squats against
My chest, doing jumping jacks against my back.

I never knew mother to sell her beauty
On a busy street and she never laid among
The dogs. Yet, today, October 17th, 2013
The Speech from the Throne said:
Aboriginal women are disproportionately
The victims of violent crime. Our government
Will renew its efforts to address the issue
Of missing and murdered Aboriginal Women.
Canadians also know that prostitution victimizes
Women and threatens the safety of our communities.
Our government will vigorously defend the
Constitutionality of Canada’s prostitution laws.
Finally, our government recognizes the daily risks

Taken by police officers and their service animals.
It will bring forth Quanto’s (police dog) law
In honour of them.

Oh, mother, my poor mother.

Honourable senators, the missing and murdered Aboriginal women and girls and their families deserve better. It was disappointing that the Throne Speech did not commit to a public inquiry, and this was amplified by the disrespectful manner in which missing and murdered Aboriginal women and girls were mentioned. At the very least, they and their families deserve an apology from the Prime Minister’s Office. There may have been no intention to offend the missing and murdered Aboriginal women, their families and others who care about them, but that is the unfortunate outcome.

Surely the Prime Minister’s Office and the government don’t want to leave Canadians with a false, overly simplistic impression that prostitution and the missing and murdered Aboriginal women are closely connected. Surely the Prime Minister and the government don’t want to leave Canadians with the impression that it is all right for police dogs to get higher priority with the promise of legislative honouring, while the missing and murdered Aboriginal women and girls don’t.

With all due respect, on behalf of the missing and murdered Aboriginal women, I ask for a statement of clarification, regret or apology from the Prime Minister’s Office.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Pierrette Ringuette moved the second reading of Bill S-210, An Act to amend the Criminal Code (criminal interest rate).

She said: Honourable senators, after more than two years of research, I am pleased to introduce Bill S-210 to amend section 347 of the Criminal Code, a provision that dates back to 1981.

In short, Bill S-210 would change what is known as the criminal interest rate, currently set at 60 per cent for everyone, to the following: 20 per cent above the Bank of Canada rate, which is currently 1 per cent for individuals, families or households; 60 per cent for a loan of less than \$1 million for business or commercial purposes; and no limit on loans of more than \$1 million for business or commercial purposes.

It is also important to note that the rate of 20 per cent above the Bank of Canada rate also applies to charities and all other not-for-profit organizations. I will go over the details of the proposed changes in a moment, but I would like to briefly explain two other aspects of the change.

[Senator Dyck]

• (1510)

For commercial loans under \$1 million, the criminal rate remains the same at 60 per cent. In our research, we did not find any reason to change this part of the existing legislation.

However, if, during the committee's study of this bill, we are presented with facts and arguments that show there is abuse of loans to small-and-medium-sized businesses, I will not hesitate to amend my bill to ensure that our SMEs are also entitled to the same rate: the Bank of Canada rate plus 20 per cent.

Commercial loans of \$1 million and over are completely exempt from the 60 per cent limit. Our research on the effects of interest rates and our meetings with stakeholders showed that it was clear that large corporations are fully capable of negotiating appropriate financing conditions. Eliminating the existing rules will give them more freedom to negotiate loans requiring high interest rates, such as bridge loans.

Honourable senators, when researching this bill, we looked as far back as 1906, when the Parliament of Canada passed a law called the Money Lenders Act, which limited interest to 12 per cent on loans of \$500 or less.

Thirty-three years later, in 1939, Parliament replaced this statute with the Small Loans Act. Under this legislation, any institution or organization that offered loans of \$500 or more — a figure later increased to \$1,500 — was required to charge interest at the rate of 1 per cent per month and had to apply for a licence or an exemption from the government in order to charge more than 1 per cent.

Thirty-two years later, in 1981 — this happened over several decades — Parliament abolished the Small Loans Act and enshrined section 347 in the Criminal Code, setting a criminal interest rate of 60 per cent per year. This rate is still in effect after 32 years.

We tried to determine why the rate was set at 60 per cent, but there is no record of the discussions leading up to the decision. It appears that the rate of 60 per cent was seen as a way to address criminal activities surrounding questionable loans.

It should be noted that when Parliament approved the criminal interest rate of 60 per cent, the Bank of Canada rate was about 21 per cent, so 60 per cent was roughly three times the Bank of Canada rate.

If we used the same calculation today, the criminal interest rate in section 347 would be 3 per cent. We obviously do not have enough prisons in Canada to house everyone who charges more than 3 per cent interest. By setting the rate at 20 per cent above the Bank of Canada rate, my bill would inject a measure of flexibility into section 347 that is currently missing.

Based on my bill, the criminal interest rate would be 21 per cent today; however, if the Bank of Canada rate increased from 1 per cent to 4 per cent by 2015, for example, the criminal interest rate would rise to 24 per cent.

I believe that a variable interest rate of 20 per cent above the Bank of Canada rate is a more reasonable legislative approach that is fairer to individuals, households and families.

Section 347, as it currently exists in the Criminal Code, seems to focus specifically on loans made by organized crime. We also have a duty, as legislators, to regulate other forms of abusive practices with regard to the interest rates under our authority.

Given that the Bank of Canada rate has been at 1 per cent for several years, why have credit card interest rates been between 19 per cent and 30 per cent? Those rates have remained the same since the 1980s. Why do some service providers, such as Bell and Bell Aliant, charge interest rates of over 42 per cent on their bills? Why do Telus and Rogers charge 26.82 per cent?

Section 347(2) of the Criminal Code defines "interest" as follows:

"interest" means the aggregate of all charges and expenses, whether in the form of a fee, fine, penalty, commission or other similar charge or expense or in any other form, paid or payable for the advancing of credit under an agreement or arrangement, by or on behalf of the person to whom the credit is or is to be advanced, irrespective of the person to whom any such charges and expenses are or are to be paid or payable, but does not include any repayment of credit advanced or any insurance charge, official fee, overdraft charge, required deposit balance or, in the case of a mortgage transaction, any amount required to be paid on account of property taxes.

[English]

In the course of my research, I found various court rulings that confirm the direct relationship required for certain charges to be included in the interest rate for a product or a service.

I believe that, over the years, the criminal rate of 60 per cent has led to many injustices against Canadians, particularly people on a fixed income, students and middle-income and low-income families. These people are the most vulnerable to abusive practices.

In a recent article, the senior manager of a major Canadian bank stated that the bank had two objectives for maximizing revenue from credit cards. The first one was to increase the number of card purchases made by high-income clients in order to maximize retailers' fees. That is the issue of my bill, Bill S-202.

The second objective is to increase the number of clients who do not pay off their credit card each month in order to maximize interest charges.

These are the two objectives of our Canadian banks with regard to increasing their profits for credit cards. Mind you, the second one here should be taken into consideration under the current Bill S-210.

• (1520)

Honourable senators, I believe these practices abuse retailers and citizens, and that at the same time that five major Canadian banks continue to earn record profits as seen in the third quarter

of 2013: Toronto-Dominion, \$1.35 billion; CIBC, \$890 million, an all-time best quarter; the Bank of Montreal, \$1.14 billion, there again, an all-time best quarter; Scotiabank, \$1.77 billion; and the Royal Bank, \$2.3 billion. Those are net quarterly profits.

TransUnion has issued the following figures on consumer debt in Canada. The average Canadian has \$27,131 in consumer debt in 2013, an increase of 3.47 per cent over 2012. Average line of credit debt increased by 2.73 per cent. Instalment loans, not counting mortgages, increased by 5.52 per cent. Automobile borrower debt increased by 3.38 per cent.

Credit card debt increased by 0.8 per cent. Your average credit card debt was \$3,573 in January of 2013. Total Canadian credit card debt is at \$73.7 billion. From 2002 to 2012, the number of credit cards in circulation in Canada increased from 49.9 million to 73.9 million. Net credit card purchases by Canadian consumers increased from \$154 billion in 2002 to \$355.64 billion in 2012. That is an increase of 130 per cent over 10 years.

Honourable senators, as part of my research, I felt it was important to look at the legislation in effect in the U.S. So far, I have found that 18 states have exercised their authority over interest rates by introducing a variable rate with a maximum limit—the same principle, a variable rate. So flexibility is within their legislation, just as Bill S-210 is going to bring to criminal interest rates under the Criminal Code.

Let me give you the pleasure of stating those states and how they base their percentage rate, their basis and the maximum: Kentucky, 4 per cent plus above the Federal Reserve, with a maximum of 19; Alaska, a base of 5 per cent, maximum 5 per cent; Arkansas, 5 per cent plus above the Federal Reserve for a maximum of 17; California, 7 per cent above the Federal Reserve for a maximum of 12 per cent; Delaware, 5 per cent above the Federal Reserve, period — so it is 5 per cent plus Federal Reserve, no max. Well, that's the max. Iowa is at 12 per cent for loans under \$25,000, with the maximum still remaining at 12 per cent; Kansas, 15 per cent, maximum 15 per cent; Minnesota, 8 per cent, maximum 8 per cent; Mississippi, 5 per cent plus the Federal Reserve, with a maximum of 10 per cent; Montana, 6 per cent plus above the Wall Street prime, with a maximum of 15; North Carolina, 6 per cent above the six-month U.S. T-bill for a maximum of 16; North Dakota, 5.5 above the six-month U.S. T-bill, so it is 5.5 plus; Ohio, 8 per cent, maximum cap at 8 per cent; Oregon, 5 per cent plus the Federal Reserve, with a maximum of 12; Rhode Island, 9 per cent plus the Wall Street prime, with a maximum of 21; Tennessee, 4 per cent plus the average state bank, with a maximum of 24; Washington, 4 per cent plus the U.S. T-bill, with a maximum of 12. So the maximum interest rate in these 18 states varies between 5 per cent and 24 per cent. As you have noticed, most of these states have a variable component as my bill proposes.

Now, 15 out of these 18 states are well below the maximum rate of 20 per cent that I'm proposing in my bill.

In late 2006, Canada's Parliament passed Bill C-26 to address the rise in the number of payday loan companies offering small, short-term loans. The bill amended section 347 of the Criminal Code by adding section 347.1 concerning small short-term loans.

[Senator Ringuette]

Provinces can regulate this type of financial product by applying to the Governor-in-Council for a licence.

The new section 347.1(2) exempts from criminal prosecution a person who makes a payday loan if the loan is for \$1,500 or less and the term of the loan is for 62 days or less. The person must also be licensed by a province designated by the Governor-in-Council. That's not too far away.

I recall that Senator Grafstein, when he was Chair of the Senate Banking Committee, expressed concern over Bill C-26. He thought it was impossible for the provinces to make consistent regulations for the public, and that some Canadians would end up paying more than others for the same financial product just because of where they live.

Looking back over events since Bill C-26 was passed, we must face the fact that Senator Grafstein was right about this devolution and the patchwork quilt of regulations cross the country. While my bill is not intended to address the issue specifically, I would like to briefly review the various interest rates introduced by the provinces since the spring of 2007 when Bill C-26 came into force to regulate payday lenders.

Newfoundland and Labrador has no regulations in place. Therefore, the 60 per cent criminal interest rate under the Criminal Code applies.

The rate in Nova Scotia is 31 per cent. Now, when I say 31 per cent, you have to bear in mind the maximum period of 62 days for the loan. If you would take that 31 per cent and put it on an annual basis, it would be quite a lot higher.

• (1530)

British Columbia is at 23 per cent; Alberta, 23 per cent; Saskatchewan, 23 per cent; and Ontario, 21 per cent and they're reviewing that rate right now. Manitoba is at 17 per cent. Last year, it reviewed the 17 per cent and kept the 17 per cent rate. New Brunswick has had legislation in place since 2008. No rate has been put forth so far in the legislation; therefore, the 60 per cent rate of the Criminal Code applies.

For Prince Edward Island, the legislation is in place for 25 per cent. They're waiting for the federal designation and, therefore, the 60 per cent rate applies. Quebec is at 35 per cent maximum annual interest rate, which is a huge difference in comparison to all the other provinces.

Honourable senators, I would like to remind you that my bill does not change section 347.1 of the Criminal Code —

Some Hon. Senators: Oh, oh!

Some Hon. Senators: Order!

Senator Moore: Senator Manning.

The Hon. the Speaker *pro tempore*: Please, colleagues, let's listen to Senator Ringuette. It's quite interesting. Senator Ringuette.

[*English*]

Senator Ringuette: Thank you, Mr. Speaker. Honourable senators, I would like to remind you that my bill does not change subsection 347.1 of the Criminal Code regarding provincial authority to make regulations specifically regarding small payday loans by businesses commonly known as “payday lenders.” However, the bill does offer some protection to citizens when they go to payday lenders for financial products that are not covered by provincial regulations, such as the new line-of-credit products introduced by the payday lenders in Manitoba in 2012 and in Ontario since February 2013.

According to lawyer Byron Williams of the Public Interest Law Centre these new products are modelled on a line of credit and have interest rates of 75 per cent. I'm reading to you from an article that I read two weeks ago. It was about a retired farmer in Manitoba who used this product to take out a \$100-loan for 13 days. He had to pay \$133.18.

Senator Fraser: Over 15 days?

Senator Ringuette: Thirteen days. This is an annualized interest rate of 925 per cent. If the lender in question, CS Financial, had used the financial product regulated in Manitoba, the retired farmer would have paid \$117 instead. That financial product line comes under federal jurisdiction and CS Financial should be investigated with regard to the Criminal Code. I have not heard that they have been. It was 925 per cent to a retired Manitoba farmer. It was in the news, so there's no excuse not to investigate.

These new financial products are not provincially regulated. They are subject to the current maximum interest rate of 59.999 per cent, because at 60 per cent it's a criminal offence, as set out in section 347 of the Criminal Code.

Over the past few years, similar products have become available on Canadian and foreign websites also. Since these sites are not provincially regulated either, the institutions are subject to the Criminal Code. It would be interesting to know how our police monitor their activity, if indeed they do.

[*Translation*]

Honourable senators, this bill is necessary to reduce the abusive practices that for more than 32 years have slipped into various financial products used by Canadians.

I hope that sooner rather than later you will agree to refer Bill S-210 to the Standing Senate Committee on Banking, Trade and Commerce to be studied and reported on. This is important not just for individuals' bottom lines, but also for Canada's overall economy.

Thank you very much.

(On motion of Senator Maltais, debate adjourned.)

GENETIC NON-DISCRIMINATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. James S. Cowan moved second reading of Bill S-201, An Act to prohibit and prevent genetic discrimination.

He said: Honourable senators, I had intended to get to this before now, but other issues have taken over and I haven't been able to complete my research. I would ask leave of the Senate to adjourn the debate in my name for the balance of my time.

(On motion of Senator Cowan, debate adjourned.)

• (1540)

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Grant Mitchell moved second reading of Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity).

He said: Honourable senators, I'm still in the process of preparing my comments and I would ask to move to adjourn the debate for the balance of my time.

(On motion of Senator Mitchell, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Michael L. MacDonald moved second reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

He said: Honourable senators, Senator Runciman is the sponsor of this bill. He's not quite ready to speak. In fact, he's not here today; he's preoccupied with something else. I would ask for the adjournment of the debate in his name.

(On motion of Senator MacDonald, for Senator Runciman, debate adjourned.)

BREAST DENSITY AWARENESS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Yonah Martin (Deputy Leader of the Government) moved second reading of Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

She said: Honourable senators, I wish to inform the Senate that I will not be the sponsor of this bill. Therefore, I would ask that the 45 minutes normally allotted for the bill's sponsor be reserved for another sponsor from our side.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I wonder if Senator Martin could clarify. Did she just move the adjournment? We are willing, on our side, to give the 45 minutes to the genuine sponsor of this bill. I just didn't hear that she had moved the adjournment.

Senator Martin: I move that further debate on the bill be adjourned until the next sitting of the Senate.

(On motion of Senator Martin, debate adjourned.)

[*Translation*]

CORRECTIONS AND CONDITIONAL RELEASE ACTBILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Paul E. McIntyre moved second reading of Bill C-350, An Act to amend the Corrections and Conditional Release Act (accountability of offenders).

He said: Honourable senators, I am very pleased to speak today to Bill C-350, which is intended to help us stand up for victims and hold offenders to account for their actions against victims. This is an issue that is very close to the hearts of Canadians, who wish to see the interests of victims placed ahead of those of offenders.

As a result of the thorough examination conducted in the House of Commons, this bill is a sound and effective piece of legislation that will support the government's ongoing efforts to hold offenders accountable for their actions.

[*English*]

This is why I'm proud to speak to Bill C-350, which would take another step in the right direction toward increasing offender accountability and improving restitution measures. In simple terms, the bill would ensure that any monetary award owed to an offender as a result of a legal action or proceeding against Her

Majesty in Right of Canada would first be put toward financial obligations, including child support and restitution orders. Let me tell honourable members what that means in real terms.

First and foremost, the bill would add wording to the "Purpose" section of the Corrections and Conditional Release Act that refers to encouraging the accountability and responsibility of offenders and ensuring that their obligations to their fellow Canadians are addressed. The addition of these words will put an increased focus on offender accountability as a key purpose of a correctional system that actually corrects criminal behaviour.

Second, Bill C-350 proposes important changes to how debts owed to offenders are distributed. It is extremely difficult for victims and their families to understand why we would allow an offender to receive a monetary award when they themselves are struggling or awaiting financial restitution from the offender as a result of a civil lawsuit. The proposed amendments will help rectify this issue when it involves a payment by the Crown. This is another measure to ensure that offenders will be held accountable for fulfilling legally owed debts.

The bill states that any award owed from a legal judgment against the Crown will be paid on a pro rata basis in the following order of priority: The first priority is that the debt must be paid toward spousal or child support orders.

When we think of victims, we often think only of the individuals or families directly harmed by the offender's actions. The bill before us addresses the needs of an often-overlooked group of people: those innocent individuals who are indirectly impacted by the offender's actions, such as the offender's spouse and children, the families of the offenders. If an offender is the breadwinner in the family, the lion's share of income and financial stability is suddenly gone when the offender is sent to prison. The resulting financial hardship and instability can have immediate and detrimental effects, particularly on children.

An unemployed mother whose spouse is convicted and incarcerated for a crime could suddenly struggle to provide the basic necessities for her children: a warm home, food, clothing and other essentials. It is only reasonable that the debt owed to the offender by the Crown should first provide for these vulnerable individuals.

The next priority is to pay any restitution for damages or injuries caused by the offenders as a result of their offence. Just as importantly, the next two priorities include payment of any victim surcharge orders and any outstanding civil judgments against the offender. Victims can face years of recovery as a result of physical injury or emotional distress. The bill would ensure that the recovery and financial stability of the victims of crime would be taken into account before issuing the balance of a financial award to an offender. It is only after these priorities are addressed that an outstanding amount would be paid to the offender.

Bill C-350 would go a long way toward increasing the accountability of offenders and ensuring that better restitution measures are in place not only for the victims, but for the spouses and children of those offenders.

[*Translation*]

The bill also clarifies that the provisions will apply to the debts for which the Correctional Service of Canada has received a formal legal notice. The onus will be on an individual to provide formal legal notice in the prescribed manner about a payment order. CSC will not actively search for the debts owed by an offender. The bill allows for the exchange of information between CSC and other federal government departments and agencies, subject to other acts of Parliament. It also provides for the development of regulations governing this exchange of information.

Honourable senators, Bill C-350 establishes a prioritized set of obligations that must be met when awards from the Crown are issued to an inmate. However, rest assured that the bill will not interfere with any payments made pursuant to the Indian Residential Schools Settlement Agreement, which addresses a unique social and cultural harm.

[*English*]

I believe the bill is good legislation. Canadians want and deserve to feel safe in their homes and communities. It means that offenders must be held accountable for their actions. Canadians will not stand for a system that allows an offender to file spurious lawsuits or court actions and then be rewarded prior to them making their debts whole.

• (1550)

This legislation is simply common sense. It says that when an offender is incarcerated, there's a reason the person is incarcerated. Why should the offender's family suffer? Why should the victims suffer. Why should the offender, who is incarcerated, reap financial rewards when the victims, both spouse and children, or a direct victim of the offence, are hurting? This strives to right that wrong.

I urge all honourable members to support this important legislation. Thank you.

[*Translation*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Would the senator take a question?

Senator McIntyre: Of course.

Senator Fraser: Do you know how many inmates would have been affected?

[*English*]

I'm referring to criminals, inmates, who would have been affected by this bill had it been in force in recent years.

Senator McIntyre: Thank you for your question, honourable senator. I'm glad you raised that question.

Let me put it this way: As you know, it's a private member's bill. It's not a government bill. Because the proposed legislation isn't a government-sponsored bill, I have to admit that it didn't face Department of Justice scrutiny, as most bills do. It therefore wasn't subject to the department's routine review for constitutionality or regulatory impact.

I would also add that, in my opinion, I think it would have been helpful to notice how many people win cash awards from the courts while behind bars.

Senator Fraser: I have a supplementary question. In the last session of Parliament when this bill was before the Legal and Constitutional Affairs Committee, it is my recollection — and you may have a clearer fix on this than I do, without notes and just counting on my memory — that Corrections Canada told us that they had looked into the question I just asked you, how many inmates would have been affected, and they said that something like four or five people over the past five years would have been captured by this bill.

They also said — correct me again if I'm wrong, Senator McIntyre, but this is my recollection — that in order to implement this bill, they not only would have to negotiate with other federal departments, but they also would have to set up communications and understandings and negotiations with provincial jurisdictions as well because some of the obligations upon the inmate would involve obedience to orders from provincial courts, family support things and that kind of thing. Do you remember that discussion?

Senator McIntyre: I do, yes. Once again, thank you for your question, Senator Fraser.

In our discussions, I do recall that the House of Commons committee looking at the bill asked the Justice Department and the Correctional Service of Canada for statistics on the frequency of prisoners winning monetary damages, and I do recall none was available. You're correct on that point.

The only point I wish to raise is that these people have committed, for the most part, very serious offences. They're incarcerated, and I think they owe an obligation to the victims.

I would also like to add that ordinary Canadians who don't pay maintenance or support orders or civil judgments do face a broad range of legal collection remedies. Every day, these people have garnishments, seizure and sale of assets, diversion of income tax and GST refunds and so on. Convicts likewise should be liable to ready collection of their lawful debts.

Hon. Mobina S. B. Jaffer: Would the senator accept another question?

Senator McIntyre: Yes.

Senator Jaffer: Senator, you and I both are on the Legal Committee, and I may be wrong on this, but I remember that we were going to revisit this bill and look at this very carefully. If I remember clearly — and I may be wrong — the commissioner said it would take hundreds and thousands of dollars to set up the

machinery, because it's complicated. It's with the provincial bodies. For four or five people, it would cost us a lot of money to set up this infrastructure or set up a way to monitor this and then make monies available to the victims. Is that your understanding? Do you think this is a bill we should be studying again when we realized that this was a bill that would cost the country a lot of money to help four or five victims?

Senator McIntyre: Senator Jaffer, thank you for your question. I do recall our discussions before the Senate committee on that issue. Having said this, perhaps, in the long run, we could be looking at some amendments to this bill. Thank you for your question, senator.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

INCOME TAX ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Ghislain Maltais moved second reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

He said: Honourable senators, given that things are changing with respect to this issue in some Canadian provinces, it is difficult for me to complete all my notes. Therefore, I move adjournment of the debate, and I will speak to it later.

(On motion of Senator Maltais, debate adjourned.)

[English]

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY
THE ABILITY OF INDIVIDUALS TO ESTABLISH A
REGISTERED DISABILITY SAVINGS PLAN—
DEBATE ADJOURNED

Hon. Irving Gerstein, for Senator Tkachuk, pursuant to notice of November 21, 2013, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on the ability of individuals to establish a registered disability savings plan (RDSP), with particular emphasis on legal representation and the ability of individuals to enter into a contract; and

That the committee submit its final report to the Senate no later than March 31, 2014, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[Senator Jaffer]

He said: Colleagues, I rise today to seek the Senate's approval to undertake a study on the implementation of the Registered Disability Savings Plan, in particular, issues dealing with legal representation and the ability of individuals to enter into contracts.

• (1600)

Introduced in Budget 2007, RDSPs are tax-assisted savings vehicles to help in ensuring the long-term financial security of Canadians with disabilities. Similar to Registered Retirement Savings Plans, RRSPs, Registered Disability Savings Plans allow for family members and guardians to contribute funds tax-free if the contributor has the permission of the beneficiary. What is at issue and the reason for this study is the ability of some disabled individuals to give their permission.

Unfortunately, a majority of provinces have not updated their relevant contract laws to properly deal with RDSPs. As a result, many individuals who have diminished mental capacities are not able to enter into a contract for the purposes of establishing an RDSP. In some instances, those individuals first have to be declared legally incompetent, which can be a long and expensive process, before family members or guardians can establish an RDSP for them. I acknowledge that British Columbia, Saskatchewan, Manitoba, Newfoundland and Labrador, and Yukon have already put in place legislation to allow their mentally disabled residents access to this useful savings tool.

At the request of the Minister of Finance, the Banking Committee unanimously agreed to study the issue earlier in the spring. However, due to unforeseen circumstances, the committee did not get to it before prorogation. As a result, steering unanimously decided to reintroduce the study for this fall following our consideration of the subject matter of Bill C-4, the proposed budget implementation act. Over the course of the study, the committee intends to hear from the Department of Finance, disability advocacy groups, plan managers, the provinces and territories who have established the necessary legislative framework, and, of course, those who have not.

It is anticipated that we will begin our hearings next week. The committee would then report back to the Senate, as indicated in the motion, no later than March 31, 2014.

Hon. Jim Munson: Would the honourable senator take a question?

Senator Gerstein: Yes.

Senator Munson: How is this different from the plan already in place that Finance Minister Flaherty has talked about over and over again? The plan is used, for example, by people in the autistic community and other communities. Is this different?

Senator Gerstein: It is my understanding that this is different. It is not the same concept as what he has been talking about. The RDSP goes back to 2007 and is in use in five provinces but not all.

Senator Munson: I find this very interesting. Would there be a minimum or maximum amount involved for people to establish a plan? You don't have those details yet, obviously.

Do you know how many Canadians this plan would affect? Are we talking hundreds of thousands of people?

Senator Gerstein: My understanding is that it is not in the hundreds of thousands, but it certainly is in the tens of thousands.

Hon. Pierrette Ringuette: Senator Gerstein, correct me if I'm wrong, but it seems to me that at the end of last June, the next item on the agenda of the Banking Committee was the bill on credit card merchant fees — my bill. It was next in line for study. It is on the Order Paper now.

I have listened to you say carefully that you were acting on a request of the Minister of Finance. I guess this leads me to ask about the priority list. A bill that was tabled six times and was before the Senate Banking Committee at the end of June has been put on the back burner again in order to accommodate a request from the Minister of Finance. Is that how the committee is being directed?

Senator Gerstein: Senator, I thank you for that question. I can assure you that this study was approved unanimously by the steering committee.

Hon. Art Eggleton: Honourable senators, there's been a lot of advocacy on behalf of the poor disabled over issues involving their ability to get enough funds to live on. Some people have suggested, for example, that the Disability Tax Credit be made refundable so that the very low-income people could take advantage of that.

Will this program, as the committee examines it, take into consideration the needs of those who live in poverty and happen to be disabled?

Senator Gerstein: I can assure honourable senators that the study will encourage groups from all backgrounds to present their views on the subject.

Senator Ringuette: Is it not policy, or at least a rule, that the steering committee proposes to the entire committee the issue of a study before that proposal is brought forth for approval in the Senate? Is that not the normal process of committee? As a member of the Banking Committee, I have not attended any meeting since prorogation that has brought forth that special request from the minister.

There's a step lacking in the process here. The steering committee of the Banking Committee should bring forward at

the next meeting, which is tomorrow, the proposal for the study indicated by the honourable senator and remove the motion from the Notice Paper.

To give Senator Gerstein that opportunity, I move the adjournment of debate.

(On motion of Senator Ringuette, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of November 21, 2013, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have the power to sit, Wednesday, November 27, 2013 at 3:15 p.m. even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

He said: Honourable colleagues, the committee had three divisions of Bill C-4 referred to it in the current session with a time limit on debate. The steering committee identified a witness list that it felt would allow us to reach a decision on a report to this chamber. Unfortunately, we were unable to schedule all the witnesses within the usual time frame of committee meetings.

We require an additional hour. Unfortunately, we can't extend a sitting of this committee by an additional hour because some members of the committee have other committees immediately following ours.

Honourable senators, I regret that we have to bring this motion forward here but, in light of the circumstances, I ask for your support.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

(Motion agreed to.)

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

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