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Monday, December 9, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Monday, December 9, 2013

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

THE LATE NELSON MANDELA

Hon. Claude Carignan (Leader of the Government): Honourable senators, we are lucky to have been born in a land of freedom. Not all children in this world are so lucky.

Nelson Mandela was born on July 18, 1918, in Nevgo, a small village in South Africa, then a land less inclined to recognize and promote human rights. Here is an excerpt from his book, *Long Walk to Freedom*.

[*English*]

> To be an African in South Africa means that one is politicized from the moment of one's birth, whether one acknowledges it or not. An African child is born in an Africans Only hospital, taken home in an Africans Only bus, lives in an Africans Only area, and attends Africans Only schools, if he attends school at all.
>
> When he grows up, he can hold Africans Only jobs, rent a house in Africans Only townships, ride Africans Only trains, and be stopped at any time of the day or night and be ordered to produce a pass, failing which he will be arrested and thrown in jail.

[*Translation*]

This litany of brutal injustices, indignities and inequalities kindled Nelson Mandela's anger and his desire to fight the system and make a difference for his people. He became a freedom fighter, dedicating his life to the fight for freedom and equality for his people.

He became a formidable lawyer, but left his career behind to organize his people's uprising. He sacrificed his family, his career and his life to fight inequality. A political prisoner condemned to life in jail, he narrowly escaped the death penalty even though he was willing to die in order to free his people from the chains of apartheid.

A noble man, a pacifist who was always respectful of others, he knew that he needed to understand his oppressor. Even as he was being hunted down, falsely accused of terrorism, imprisoned and humiliated, Mandela learned the culture, language and history of his oppressors so that he could forge links that would enable him to persuade them to change so that he could save his people without bloodshed. The man succeeded in guiding his people peacefully toward a better world.

Nelson Mandela's name has become synonymous with respect, wisdom, dignity, courage and forgiveness. He leaves behind a legacy of hope. He taught us that tenacity, conviction and respect can triumph over injustice, discrimination and inequality.

Thank you, Nelson Mandela, for changing your world. Thank you, Nelson Mandela, for changing our world.

[*English*]

Hon. Mobina S. B. Jaffer: Honourable senators, it is with a heavy heart that I rise today to honour the passing of Nelson Mandela. I know that I speak for everyone here when I say we have all lost someone very close to our hearts, and the void he has left will never be filled.

Mandela was a friend of Canada, but more than that, he was a guiding light for all humanity. Honourable senators, we all remember Madiba for how he gave us courage to fight the impossible, to erase injustices in this world. He showed us the way.

As a law student at the University of London, I was one of the organizers lobbying the British people to boycott the services of Barclays Bank, as it supported the South African regime of apartheid. To this day, I very clearly remember the choice words of the bank manager who implored me not to "worry my little mind" with such issues; to be "a good little girl" and go back to studying; as well as many other offensive words. The phrase that I often think about when I want to give up working on difficult human rights abuses is from the manager who told me that "apartheid will always exist in South Africa."

Honourable senators, today South Africa no longer has an apartheid regime. Mandela and many other people changed that, including former Canadian Prime Minister Brian Mulroney and I also want to recognize his efforts today.

I will never forget the day that Nelson Mandela was released from jail. The thought that went through my mind that day was that, with belief, persistence and a lot of courage, you could erase injustice. In the same way, we can continue to fight to eradicate other injustices. Mandela showed us the way to erase injustice. Through his own example, he pushed us all to look within ourselves and ask whether we were doing all that we could to progress humanity.

For a man who was all so eloquent, I could not put it in any other way than to use his own words:

> When a man has done what he considers to be his duty to his people and his country, he can rest in peace. I believe I have made that effort and that is, therefore, why I will sleep for the eternity.

Madiba, you have done your duty for all of humanity, and may you rest in peace.

Now the task is upon us to continue erasing injustices in this world. We have to continue your work with the same belief, persistence and awe-inspiring courage.

Hon. Leo Housakos: Honourable senators, Nelson Mandela was a force of nature, a force for reconciliation, a force for forgiveness and a force for love. The buoys of great men mark every century and Mandela was one of the last.

• (1810)

The accolades and phrases are going to fall like rain from the sky and he deserves every single drop of acknowledgment from a world grateful for preventing a massacre and civil conflict in South Africa.

Apartheid was a terrible system that segregated human beings into citizens and non-citizens; into people and non-persons. It generated hate in South Africa and disgust in most of the world. It was a stain on humanity and a reminder that the world had not evolved all that far from the 19th century.

Apartheid did not collapse from war but decayed from its own inequities and inhumanity.

As Canadians, we should all be proud of the leadership and steadfast support that our country played in support of dignity and humanity because during the darkest hours of apartheid, some nations stood still and turned their back on South Africa — but not Canada. Our role was not only integral in the fight against apartheid, but instrumental in the transition from a South Africa of apartheid to a modern, inclusive and democratic nation. This Canadian leadership is a testament to Canadian courage and Canadian values.

Throughout the dark days of apartheid, Nelson Mandela was the constant beacon who reminded the world, as South Africa came and went in the media, that injustice was drowning his country. When apartheid was all over, South Africa stood at the edge of the precipice. Blacks and Whites feared and expected retribution and collapse of their society.

Mandela faced an insurmountable set of obstacles in keeping his country from the brink of political and economic chaos. He did not succumb to the temptation of revenge for 27 years of hard prison, but instead chose a path of forgiveness. Mandela used the power of the government to advocate for truth and reconciliation. His legacy is not one of victory and war revolution, but instead the love of humanity and the practice of humility.

Honourable senators, he will be greatly missed.

VIOLENCE AGAINST WOMEN

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak about "Be the Peace," an initiative to end violence against women and girls in Nova Scotia, particularly in Lunenburg County and surrounding areas.

Unfortunately, my province has the highest rate of sexual assault in Canada, a rate of 40 per 1,000 aged 15 and over. Females, not surprisingly, make up 85 per cent of the victims of sexual assault. Furthermore, Nova Scotia has the lowest rate of charges, prosecution and conviction.

Depressingly, a one-day snapshot of 402 male offenders in Nova Scotia correctional facilities revealed that fully one third of them are in custody for domestic violence. Violence against women and girls affects everyone. The types of violence perpetrated include verbal, physical, emotional and psychological abuse as well as sexual assault.

The impacts of this violence are enormous. The impact trauma from intimate partner violence and/or sexual assault can include post-traumatic stress disorder akin to that experienced by soldiers in conflict zones. There are long-term consequences as well. Victims of this abuse can face years of poverty and insecurity. A study showed that women who have been involved in violent relationships relied on food banks 20 times the rate of average Canadians. Victims of sexual assault can experience long-term mental health impacts resulting in lost education, work and income.

There are direct costs to the economy as well. Justice Canada reported in 2012 that the total cost of intimate partner violence was $7.4 billion. This covers everything from medical care costs, police, legal bills, moving costs, safety measures, child care and counselling, and on and on the story goes.

The "Be the Peace" initiative is a community-based project to reduce violence against women and girls in Lunenburg, Nova Scotia. "Be the Peace" engages community partners to develop a coordinated community response to this type of violence. Based on collaborative relationships, the initiative also engages men and boys as being essential partners in the effort to end violence against women and girls.

The people who have joined in this initiative are concerned citizens, members of community groups, government agencies, schools, faith ministries, legal institutions, law enforcement, municipal councils, women's groups and those who work to help those affected by violence.

"Be the Peace" understands that the issue of violence against women and girls is fraught with stereotypes, misperceptions and judgments. There are institutional, structural and social barriers which conspire to delay results and solutions from being found.

Be the Peace seeks a community-based and collaborative approach which brings us all together to make a difference and end this violent scourge on our society.

THE LATE NELSON MANDELA

Hon. Don Meredith: Honourable senators, this past Thursday the world lost a great man. Nelson Rolihlahla Mandela, affectionately known as Madiba, succumbed to a lung infection at the age of 95.

I believe that most if not all honourable senators here today are familiar with his accomplishments. He studied law at the University of Witwatersrand. Living in Johannesburg, he joined the African National Congress Party of South Africa, or ANC, and became a founding member of its Youth League. When the South African Party rose to power in 1948, he rose to prominence in the ANC's 1952 Defiance Campaign, which encouraged the nation to not cooperate with laws considered unjust or discriminatory.

Staunchly opposed to apartheid, Mandela spent over 27 years in prison. During this time, Mandela read and spent time in quiet reflection. He worked with his captors to improve the treatment of prisoners, and he mourned the loss of his young son whose funeral he was not permitted to attend.

When he was released in 1990, a time of escalating and mounting civil strife, Mandela emerged with a spirit of forgiveness and worked to achieve reconciliation instead of retribution.

Canada, under the leadership of Prime Minister Mulroney, helped to exert international pressure despite opposition from President Reagan, British Prime Minister Margaret Thatcher and other world leaders, which caused President F.W. de Klerk to work with Mandela to abolish apartheid and establish multiracial elections. In 1994 he became the first Black president of South Africa.

Mandela brought reconciliation and healing to a country struggling with apartheid. His soft-spoken speeches inspired hope amongst all who heard them. His post-politics charitable works are known the world over and he remained a vocal champion of causes he felt passionate about, such as poverty and HIV/AIDS.

While we mourn his passing, it is a comfort to know that his legacy will live on. In addition to the countless parks, schools and squares named in his honour, his name will continue to be associated with humanitarianism, dignity and unyielding optimism.

Honourable senators, as we remember our revered honorary citizen, I ask all those present here today, those listening to this at home and those who will read these words in the days and years to come to not only remember the man but to remember his actions. I ask that you remember what Mandela lived for: the equality of all people, the importance of inspiring and engaging our youth, and the fact that society is only as strong as its weakest members.

As senators, we're faced every day with hard decisions that affect the lives of all Canadians. As we remember Mandela, let us remember our responsibility to enact legislation that brings about positive and meaningful change, laws that eliminate discrimination and uplift the youth of our society.

I stand before you today, on the eve of the UN's Human Rights Day, and urge you, honourable senators, to remember these words of Mandela:

> Our human compassion binds us the one to the other — not in pity or patronizingly, but as human beings who have learned how to turn our common suffering into hope for the future.

Rest in peace, Madiba.

• (1820)

ROUTINE PROCEEDINGS

LINCOLN ALEXANDER DAY BILL

FIRST READING

Hon. Don Meredith introduced Bill S-213, An Act respecting Lincoln Alexander Day.

(Bill read first time.)

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

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

[*Translation*]

QUESTION PERIOD

JUSTICE

VICTIM FINE SURCHARGE

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate.

Ontario Court Justice Colin Westman said the following: "Can you imagine being a person who's got mental illness, who lives under the local underpass, at the hospital or on a park bench, who

eats at the soup kitchen, and you're going to have them pay $100 because they had their day in court?"

In many provinces in Canada, including Ontario, British Columbia and Alberta, some judges are refusing to impose a surcharge on offenders — 55 per cent of whom receive legal aid — in order to finance the Victims Fund.

My question is this: how does the government justify relying on people in need, people with mental health problems, homeless people, to finance their Victims Fund?

Hon. Claude Carignan (Leader of the Government): Thank you, Senator Jaffer, for your question.

We are talking about poverty, and especially the fight against homelessness. As you know, we established a national Homelessness Partnering Strategy that has allocated an additional $1.25 billion, including for affordable housing. Together with the provinces and the territories, we have made major investments to ensure that they have the flexibility to design and carry out programs based on local priorities and needs. That is in addition to the $2 billion already earmarked for fighting homelessness.

With regard to the other part of your question on whether or not someone has the ability to pay a fine, as you know, there are procedures that apply when someone cannot pay a monetary fine.

Senator Jaffer: Thank you, leader. My question is: how does the government justify relying on people in need? These people do not have any money. How can they pay the surcharge in this case?

Senator Carignan: Senator, there are sanctions set out for breaking the law. If the law is broken, those sanctions must be applied, whether they are criminal sanctions, monetary penalties or prison sentences. We want to ensure that victims of crime also receive compensation. The real victims in this case are not the criminals but the people who have lost a loved one and who have been the victim of the alleged offence.

[*English*]

Senator Jaffer: Honourable senators, I would be the first person to say that a victim should be compensated, but when a person is suffering from mental disability, it is difficult not to see that person also has needs.

When this bill respecting a surcharge was studied in the Legal Committee, we were told that a way for a person to pay this money was through working at some program. Unfortunately, those programs don't exist in every province.

My question to the leader is this: Are we a country that will send those who suffer mental disabilities to jail because they don't have $100 to pay the surcharge?

[*Translation*]

Senator Carignan: Senator Jaffer, as you know, there is a process for assessing offenders' mental health and whether they can stand trial and be found criminally responsible. The courts must apply that process to determine whether a person is fit to stand trial and whether he or she can be held criminally responsible.

[*English*]

PUBLIC SAFETY

CORRECTIONAL SERVICE OF CANADA— MENTAL HEALTH SERVICES

Hon. Mobina S. B. Jaffer: Honourable senators, before I came to this place, I was naive, even though I was a lawyer, to think that there would be a way to get help for a person suffering a mental disability. We heard from the Correctional Investigator who said there are more mentally disabled people in jails than in our hospitals. We have at this time, and it is a fact, more mentally disabled people in jail than in hospitals. They are not getting help. Are we going to send more mentally disabled people to jail because they can't afford $100 to pay the surcharge?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, as you know, inmates who need psychological help can get treatment in prison. The Correctional Service of Canada, which manages the country's prisons, must ensure that those who are ill receive the appropriate treatment, no matter what the illness may be.

[*English*]

Senator Jaffer: I appreciate the leader's response, and I don't expect him to know everything required to answer my question, but my understanding is that there isn't psychological help in prisons and that people with mental disabilities do not receive the help they need.

I would ask the leader to provide information on the exact help that exists in prisons for people who have mental disabilities. What professional help exists for these people?

[*Translation*]

Senator Carignan: Senator Jaffer, as I said, our government takes the issue of mental health in prisons very seriously. Since 2006, we have improved access to mental health treatment and to training for correctional officers in prisons; sped up mental health screening; created a mental health strategy for inmates; expanded mental health counselling; and improved staff training.

We have also allocated additional resources to ensure that all inmates are given a mental health assessment in the first 60 days of their sentence. Clearly, prisons are not the ideal place to treat mental illness. However, we will continue to work with our provincial partners to keep our communities safe and to provide access to treatment for those who need it.

[*English*]

Hon. Jane Cordy: Honourable senators, on paper that sounds excellent, but the reality is that within the prison system, it is like a revolving door. Health care professionals dealing with mental health and mental illness are being hired by Corrections Canada but they're not staying. They're not staying because once they get into the system there are not enough resources for them, so they're staying a short time and then leaving. From everything I have read, it is a revolving door, and that's truly unfortunate because many of those who are in prison suffer from poor mental health.

• (1830)

In response to the question by my colleague on the numbers, I know you read all the things that sound great on paper, but could you give us an indication of how many people are working at the various facilities around the country? You may not have that information today, but I would like to know how many people are working in the field of mental health and mental illness in the prisons across Canada.

[*Translation*]

Senator Carignan: Are you referring to federal penitentiaries or provincial institutions? I do not know where you are getting your information to the effect that there is high turnover or a revolving door. Resources are allocated to screening for mental health problems. We have created a mental health strategy for inmates in order to provide psychological support. Staff training in penitentiaries has been improved. A wide range of stakeholders are trained to respond to and prevent mental health problems.

[*English*]

Senator Cordy: Thank you. I am referring to federal institutions. Could you give us an indication of how many people in the field of mental health and mental illness are working at the federal institutions? I wonder if you could also give us numbers for the past five years of how many people have been recruited for the federal institutions to work with the prisoners in the field of mental health and mental illness, and also the retention rates for the past five years for the federal institutions related specifically to mental health and mental illness.

[*Translation*]

Senator Carignan: It is very difficult to give a precise answer to your question. As I just explained, a wide range of people are trained in the prevention and treatment of mental health problems, including professionals, people who provide psychological support, and correctional staff. We are also working with our provincial partners as much as possible on prevention and treatment of mental health issues. It is really difficult to answer your question as it was worded.

[*English*]

Senator Cordy: I would understand that you wouldn't have those statistics on hand. I fully understand that. However, I wonder if you could take it as an answer that you will get from the department or from Corrections Canada to tell us what the recruitment and retention rates are specifically for those hired to work in the field of mental health and mental illness in the federal institutions.

I understand fully that it would be unlikely that you would have that at your fingertips today, but if you could make an effort to get that information I would really appreciate it. Everything that I have read indicates that, in fact, it is a revolving door and people are not staying within the system, but if you have other information I would be delighted not only to read it but also to hear that in fact people are staying in the system for longer periods of time to work in that field.

[*Translation*]

Senator Carignan: Perhaps you could send me the documents you have regarding the revolving doors? That would allow me to address the issue you are referring to more specifically.

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): For starters, I would refer the leader to successive records from the Correctional Investigator, Mr. Howard Sapers, who has documented year after year — but not I think in the detail that Senator Cordy was asking for — the inadequacy of the services available in the Correctional Service. He has not impugned the goodwill of the service; he has simply found that the end result is not what we would all wish. I mean "all" given that these people will mostly be out on the street again and it would be better if they could have treatment.

Most recently Mr. Sapers noted, as I observed last week, that 30 per cent, I think it was, of the relevant positions in the Correctional Service are either vacant or filled by under-qualified people. These are essentially the guards who have received, yes, some training in spotting mental illness but who are truly not qualified to treat any serious problems.

Given that Mr. Sapers has this information, that means it is available, and I join Senator Cordy in asking you to provide it for us, please.

[*Translation*]

Senator Carignan: Thank you, senator, for this clarification. As I explained, since 2006, we have improved access to mental health treatment and to training for correctional officers in prisons. Many people are trained based on the kind of intervention that is required for mental health issues.

[*English*]

NATIONAL DEFENCE

AIRCRAFT PROCUREMENT

Hon. Wilfred P. Moore: My question is also for the Leader of the Government in the Senate.

Mr. Leader, the Office of the Under Secretary of Defense in the United States reports that the F-35 jet fighter unit costs have been increasing significantly, by $19.5 million or 9.7 per cent, since the $199.8 million from the comptroller's data for 2011, and by a further $14.5 million or 7.2 per cent since 2012.

The reasons for the increase in the already high unit costs are related to redesign, including the Chinese hacking into the Lockheed Martin site, which I mentioned here earlier in the Senate, and the redesign is occurring as the F-35 is being tested. There are problems with components, and even the airframe has had to be fixed, which has driven the costs even higher, resulting in the current price of $216 million per aircraft.

We've discussed this — both your predecessor and I — and maybe you were part of the discussion as well. Remembering that $67 million per airplane was the original estimate, I'm wondering what per-unit cost Canada considers to be the limit that we will pay for this fighter, or is there even a limit set?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): I want to clarify that you are talking about the F-35s. I did not understand what sort of aircraft you were referring to, but based on the cost you mentioned, I assume it was the F-35s.

As you know, no money has been spent on acquiring new fighter jets, and we will not purchase any replacements until our seven-point plan is complete. Under this plan, our government is committed to exercising due diligence and looking at all the options to replace Canada's CF-18 fleet, so that we find the right jet at the right price. This process is being overseen by a non-partisan secretariat and a panel of experts, which are coordinating the replacement of Canada's fighter jets.

As for the costs, as I said, no money has been spent. KPMG, an independent third party, has verified the Department of National Defence's life cycle cost estimate for the F-35. Our government has accepted the Auditor General's findings and recommendation.

As you know, a significant portion of the cost difference has to do with the cost of not only procuring, but also maintaining these jets.

[*English*]

Senator Moore: The F-35 is only about 40 per cent through its flight testing. The U.S. Government Accounting Office, the GAO in the United States, has revealed that this flight testing will account for a mere 17 per cent of the F-35's capabilities.

• (1840)

Listen to this one, leader: Testing for actual combat conditions has not begun, and that test will not begin until 2016. Further, the data which will actually indicate just how this aircraft will perform will not come in until 2019, if there are no further delays.

Again, I ask, will the government be committing Canadian taxpayers to the purchase of this airplane without the full knowledge of its capabilities and the increasing costs?

[*Translation*]

Senator Carignan: As I said, the National Fighter Procurement Secretariat is evaluating all of the options to replace Canada's CF-18 fleet. Weighing the options means a complete reassessment of the choices, not just a review of the work done previously. An independent review panel is overseeing that evaluation, thus ensuring a thorough analysis.

[*English*]

Senator Moore: Honourable senators, the F-35 contract is being described as the worst deal the Department of Defense in the United States has ever signed. Further proof of that has come to light in the recent admission by the U.S. government that — after having spent $87.5 billion on research and development, procurement and spare parts — fabrication costs are still increasing. Furthermore, embarrassingly, the data rights do not belong to the government; they remain with Lockheed Martin and Pratt & Whitney. In other words, more money will be spent acquiring these intellectual property rights — at least money we will pay to lawyers to attempt to wrest those rights from those companies.

In fact, the general in charge of the project, Lieutenant-General Bogdan, said:

> . . . little attention was paid to the F-35 data rights ownership issues until about 18 months ago and it is a high priority issue today.

In light of these further delays and errors, can the Leader of the Government put in a word for an open competition to replace the CF-18s and to protect the Canadian taxpayer?

[*Translation*]

Senator Carignan: As I said, no money has been spent to purchase new fighter jets. We will not purchase any replacement aircraft until our seven-point plan is complete. Under that plan, the government is committed to exercising due diligence and looking at all the options to replace Canada's CF-18 fleet, so that we find the right jet at the right price. That process is being overseen by a non-partisan secretariat and a group of experts that will review and coordinate the replacement of the fighter jets.

As I said, we have a seven-point plan. KPMG, an independent third party, is verifying the Department of National Defence's life cycle cost estimates for the F-35. As I said, we have also followed the Auditor General's recommendation in this area.

[*English*]

Senator Moore: Leader, we're at the end of 2013, and the U.S. officials in charge of the development of this aircraft have said that the data that is necessary in terms of its performance won't be available until 2019, assuming there are no further delays. Is this panel going to wait until 2019 to take action to replace the CF-18s, or will it take alternate action in the meantime and get new equipment for the Canadian Air Force?

[*Translation*]

Senator Carignan: Our plan is to review all of the options to replace the CF-18 fleet, while exercising due diligence and ensuring that we get the best jet for the best price.

[*English*]

FOREIGN AFFAIRS

UNITED NATIONS ARMS TRADE TREATY

Hon. Joan Fraser (Deputy Leader of the Opposition): This question is for the Leader of the Government in the Senate.

Last week Senator Moore asked you, Senator Carignan, why Canada is not signing the United Nations Arms Trade Treaty. I would like to put the question again this week, in light of newer information about skyrocketing sales of Canadian guns and ammunition to some very dubious countries.

The Canadian Press has done a very detailed analysis, for which I compliment them, on sales of over 10 years of various categories of weapons, and it has found that only from 2011 to 2012 sales, for example, to Bahrain, Algeria and Iraq rose by 100 per cent, in some cases more. Exports of Canadian weapons to Pakistan were up 98 per cent that year; to Mexico, 93 per cent; to Egypt, 83 per cent. In all cases, these are countries that have recently suffered very serious turmoil. Some are still suffering from very serious turmoil, including an alarming degree of violence.

The United Nations Arms Trade Treaty is supposed to help regulate the sale, the export of weapons to countries where there is a risk that those weapons may be diverted to unsavory, shall we say, users and usage.

I ask again: Why is Canada not signing the treaty?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Honourable senators, this is a two-part question. In terms of signing this treaty, as I explained to Senator Moore in recent weeks, Canada will always strive to keep arms out of the hands of criminals, terrorists and human rights abusers. This is why Canada was among the 154 countries that agreed to proceed with this treaty.

As I said previously, it is important that such a treaty have no impact on responsible law-abiding gun owners, and that it not interfere with the transfer of firearms for recreational purposes such as target shooting or hunting, for example. That is why we will take the time to consult with the provinces and stakeholders to obtain their views on this issue. We are making sure that all the treaties we sign are good for Canada and for Canadians.

With respect to the part of your question about increased sales of weapons to countries that do not respect or are less respectful of fundamental human rights, Canada's export controls are already among the most stringent in the world. All applications related to the export of military goods or technology are reviewed on a case-by-case basis and are approved only when the Department of Foreign Affairs deems that these exports are consistent with Canada's foreign policy and defence policy. The end use and end-users of a proposed export are important considerations in our review.

[*English*]

Senator Fraser: First, this treaty has nothing to do with domestic gun owners or users; nothing to do with the famous law-abiding duck hunters who have made such a fuss over the years to assert what they see as their rights.

This treaty has to do with exporting arms and it was designed to increase the international regulation of that trade. Even the United States, whose gun culture, Lord knows, is even more entrenched than the gun culture in Canada, has signed. Why is Canada delaying?

[*Translation*]

Senator Carignan: We are taking the time to consult the provinces and stakeholders to obtain their views on this issue. We are making sure that all the treaties we sign are good for Canada and for Canadians. I believe this is a matter of respect for our partners, especially the provinces.

• (1850)

[*English*]

Senator Fraser: Well, there was time to do that while we were negotiating the treaty, which we did at some length and quite forcefully. I find myself wondering and hoping that I'm wrong, that whether the resistance to signing this treaty and the increase in sales of arms to those unsavory places that I mentioned earlier has something to do with the government's enunciated shift of foreign policy to concentrate on trade, on increasing trade. Can you disabuse me of that notion?

[*Translation*]

Senator Carignan: I cannot make the link that Senator Fraser is making. We must ensure that when we sign a treaty such as this one in particular, all the provinces and stakeholders are consulted so that we hear their points of view. Our approach is to sign the best treaties. What is good for Canada and Canadians is our only concern.

[*English*]

ORDERS OF THE DAY

COASTAL FISHERIES PROTECTION ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Manning, seconded by the Honourable Senator Meredith, for the third reading of Bill S-3, An Act to amend the Coastal Fisheries Protection Act.

Hon. George Baker: Honourable senators, first of all, I would like to congratulate the government on their announcement today that they met the deadline last Friday to submit their application for extension of an Canada's jurisdiction over the ocean floor out to 350 miles. It's a historic event. It will annex to Canada an area equal in size to the three Prairie provinces put together. It is a remarkable achievement just to have the application in.

That happened on Friday, and I don't know where the publicity people were on behalf of the Government of Canada. I understand that an announcement was made today at 1 p.m. in the foyer of the House of Commons, but certainly we don't know much about it. But it's very important to this bill that we have before us, because this is the Coastal Fisheries Protection Act.

What will happen is that Canada will annex the entire area off the east coast and northeast coast of Canada in which foreign vessels fish. Why is that important? Well, it's important because all of the fishing that takes place takes place with draggers, and in order to fish, they have to drag the bottom of the ocean.

As Senator McInnis will tell you — he's an expert in property law, though he doesn't like it when I say it — that if you have property rights, then you can have control over the soil and subsoil that is being disturbed, and Canada will, for the first time in its history, be able to control what happens to the ocean floor. We would have some 21 nations who fish the continental shelf today, the extension of the continental shelf around Canada of the 21 nations who fish it, Canada will be in the driver's seat once this application is approved by the United Nations.

Similar applications have been approved for Australia, Russia, and, as I understand it, as well for a section of the coast of Norway, but nowhere in the world is the amount of territory to be annexed as extensive as the coastline of Canada.

I think, senators, that there's a role for the Fisheries Committee, or some committee of the Senate, to oversee this and to encourage the UN to hurry with its process of making it a reality.

That's the first thing I wanted to say, to congratulate the government, and also to congratulate, in the case of this bill, the Fisheries Committee. They dealt with the subject matter of this bill adequately, unlike — well, it's the role of the Senate to do it. It has no longer become the role of the House of Commons. So the Senate fulfils that very important role, and it did so with this bill.

Senators, this is a good bill. However, there is one point in the bill that some of us on the committee have some concerns about, and I think it's a lesson that the drafters of legislation have to learn very quickly, and that is a clause in this bill — this bill deals mainly with search and seizure, and there are seven clauses in the bill that deal with search warrants and seizures. Six of the seven clauses are applications granting search and seizure warrants by a justice as defined by section 2 of the Criminal Code, which includes provincial court judges. In other words, the bill will allow Department of Fisheries officers and Customs Canada officers, not police officers — there's another thing we have to be very careful about — to enter a boat, enter a building, enter a slipway, they will be able to go wherever they want to go, look at whatever they want to look at under these six clauses with *ex parte* applications — in secret, in other words — obtained from a provincial court judge.

However, there is one clause in the bill that requires only an *ex parte* application issued by a "justice of the peace," in other words, the lowest person on the rung as far as authorizations are concerned. As the Speaker *pro tempore* will know, it used to be the Narcotics Act, but now it's the Controlled Drugs and Substances Act. He knows that inside out. They are continually quoting him in the courts on this.

This one clause says that you only require a warrant from a justice of the peace, and the section that deals with that is when you need a warrant to go into somebody's home.

Now, to go into a dwelling house under this act, section 7.4(2) states:

> On *ex parte* application, a justice of the peace may issue a warrant authorizing a protection officer to enter a dwelling place, subject to any conditions specified in the warrant, and authorizing any other person named in the warrant to accompany the protection officer, if the justice is satisfied by the information on oath that...
>
> (*b*) entry to the dwelling place is necessary to verify compliance with this Act; and
>
> (*c*) entry was refused by the occupant....

So why should we be concerned about that? A man or a woman's home is his or her castle in law. We've gone a long way in protecting that with various statutes.

You want to enter somebody's home, you need authorization under a general warrant from a judge of the Superior Court. Under Section 487.01, if you want to tap somebody's phone, it must be a judge of the Superior Court. It's not a provincial court judge, and it's not a justice of the peace.

• (1900)

When the department and the minister came to us with this bill a year ago, in committee, the chair, Senator Manning, was good enough to allow all kinds of leeway for us to ask questions on this particular matter, and I congratulate him for that.

The officials said that here is the reason that they have a justice of the peace issuing a warrant:

> ... a justice of the peace can issue a warrant to enter a dwelling to verify compliance with the act. They do not have seizure powers. That can only be accomplished by a search warrant that is executed by the DFO but issued by a court judge.

Then the lawyer for the department restated the issue, saying we must distinguish between warrants, one strictly for the inspection, or the entry warrant into a home:

> ... which can be issued by a justice of the peace in any province. That is simply, as the minister said, to verify compliance with the act...

I asked questions, and then Senator McInnis, as well, verified that justices of the peace come under provincial law, and it's different in every single province as to what they're allowed to do. I pointed out that in Newfoundland and Labrador, they can't even conduct a marriage. They have no powers whatsoever compared to justices of the peace in other provinces. Senator McInnis interjected to support that, saying:

> It is different from province to province. In Nova Scotia, for example, they are all lawyers and they are available 24-7.

Then he said, as far as Newfoundland is concerned:

> ... but as I recall, judges in Newfoundland, when I was in law school, the guys over there told me that you did not even have to be a lawyer to be a judge.

I verified that, because when I was a table officer, the assistant clerk — I was a law clerk and chief clerk — the chief justice of the province had never gone to law school. The chief justice. We were under the old British system whereby you articled.

Anyway, the point is this: This happened a year ago. They came back to our committee last week with a different story. This was no longer the case. What did they say? Well, they said that a justice of the peace is a generic term used to reference judges, all judges, and they were leaving it up to those people who were seeking the warrants, those Fisheries officers, as to whether or not they're going to go to a judge, to a justice of the peace, or to anybody. It was just a generic term and so therefore they thought it was all right.

My goodness, a generic term. Senator McInnis knows the difference of that. He's an expert, as I say, in a great many things, although he doesn't want to admit it.

Let's take Newfoundland first. Here is a case from Newfoundland, *R. v. Saunders*, 2002 Carswell Newfoundland 155, and the judge said:

> Search warrants are obtained on an *ex parte* basis and are not, generally, subject to review until after they have been executed. They are often obtained from justices of the peace who have little legal training and they are often requested on short notice. Justices in this province have extraordinary power. However, many of them have received little if any training. This is unfair to them and makes it impossible for them to fullfil their constitutional obligations. This search warrant illustrates that this is a situation that is no longer acceptable. If the power to issue is going to be granted, then at least a minimum level of training should be provided. It may be time for the province to consider enacting legislation limiting this power to legally trained individuals.

Now, that was back in 2002. After that, in fact, the assignment of justices of the peace changed, those who could become justices of the peace, and their functions were severely limited.

Now, you compare that to the province of Nova Scotia, and it is completely different. They have authority to conduct trials in some cases.

In Ontario, if you look at the case of *Association of Justices of the Peace of Ontario v. Ontario*, 2008 Carswell Ontario 3190, at paragraph 6:

> In broad terms, justices of the peace have jurisdiction over provincial offences...

There are approximately 350 justices of the peace in Ontario. They, along with approximately 280 provincial court judges, preside in almost 200 Ontario courthouses.

A most recent judgment of the Supreme Court of Canada that quoted the Senate of Canada, and not the House of Commons, talked about warrants and justices of the peace and judges. The case is *R v. TELUS*, 2013 Carswell Ontario 3216. Here is the interesting sentence from the Supreme Court of Canada, last year, paragraph 71:

> ... meet the requirements of s. 487.01.... For example, the requirements that a general warrant can only be issued by a judge, not a justice of the peace, and that issuance must be in the best interests of justice themselves serve to ensure that the general warrant remains a rearguard warrant of limited resort.

In other words, a justice of the peace is not a judge that issues those types of warrants; yet we have got this piece of legislation, and the witnesses did quote from other legislation that we have that do exactly the same thing — justices of the peace issuing warrants on a suspicion. That's what this is in this particular bill.

This is to verify compliance with this act. When I looked up that term "verify compliance with this act," I discovered that it was also in the Income Tax Act under a section that deals with

documents, and the Supreme Court of Canada said that it is a very low level of suspicion under which it operates.

In passing this bill, we're passing a bill that says a justice of the peace can issue a warrant to enter somebody's dwelling house on a very low level of suspicion.

I bring this up, honourable senators, because these warrants are issued on a sworn affidavit of a police officer, normally. In this case, it is not a police officer. The authorization is granted by somebody acting judicially based on a standard of suspicion. We have two problems here, as I see it. First, we have got people who are not police officers and, second, entering a dwelling house based on suspicion.

Let me conclude by giving you two examples of why we shouldn't be doing this. I refer to the case of a couple of years ago of two 70-year-old people, a couple living in St. John's, Newfoundland. These two people, Mr. and Mrs. Allan Martin, lived at 78 Carter's Hill. I'm reading from paragraph 4 of *Martin v. Royal Newfoundland Constabulary Public Complaints Commission*.

• (1910)

It says here at paragraph 4:

> Mr. and Mrs. Martin... lived at 78 Carter's Hill for over 44 years. Residing with them at their address was their granddaughter Rebecca, then aged 13 years.

Now, what happened, senators, is that all of a sudden, bursting in through the door with a butting ram and machine guns were police officers who had a search warrant, issued not by a judge of the Superior Court, as recommended by the Supreme Court of Canada, but by people who occupy either the position of a justice of the peace or, in some cases — but not in the particular case I'm referring to — provincial court judges, under section 2 of the Criminal Code.

But here is what happened: The information to obtain the warrant was based on source information. The source had told the police that there were approximately — and I'm quoting from paragraph 2 — "... 60-70 marijuana plants growing in the Martin residence and that an older gentleman lived there and the house had a blue door." A van was parked in the driveway, and the source said "... that the indoor marijuana grow operation at 78 Carter's Hill had a lighting system suspended over the plants which was operated on a timer system 12 hours on and 12 hours off." And so on, in very graphic detail. Senator Campbell has seen these in British Columbia — grow ops. Warrants are issued for grow ops.

This was very detailed source information. The source said that there were two indoor marijuana grow operations directly across the street from one another on Carter's Hill, which he had personally seen within the last week.

So the warrants were issued. The police came down into two homes in the middle of the night. One of the homes was occupied by senior citizens over 70 years of age who had their granddaughter living with them, and the other one across the street contained school children.

So how did this get into case law? It got into case law because Mr. Martin complained, and then he appealed the Chief of Police's judgment to the commission. Then he appealed it to the Superior Court of Newfoundland and Labrador.

What was the conclusion? Let me read it. I am quoting from paragraph 6 of the judgment in the first instance, which was upheld:

> "... It is my belief that our officers were not negligent in their actions. Given the information they had, they were doing their jobs as their mandate dictated. From time to time, mistakes happen..."

And warrants are issued. So the protection of the person swearing the information and the protection of who is judging whether or not a warrant should be given come into play.

What did the Martins get from this? Well, let me just read one sentence. It says:

> ... Mr. Martin was not allowed to move from the chair in which he had been sitting in the kitchen even though he feared greatly for his wife who had a history of heart attack and stroke. He expressed this fear to the police. It was contended that after the search Mrs. Martin required hospital attention and that it was subsequently established that she had suffered a heart attack.

What did they get in the end? As you know, Your Honour, when you go with an application to a Superior Court for a judgment for damages and you lose, you end up with a big bill; you end up having to pay costs. That's the protection in our system, isn't it? Or everybody would be charging everybody with everything. Well, our protection is the costs.

But unfortunately, they did not win this and they were left with costs.

So the protection needs to be there: in the first instance, the person swearing, and in the second instance, the adjudication done by the justice of the peace or the judge in issuing the warrant.

Let me give you another example, because this bill we're approving tonight will also apply to customs officers. Do you ever go through Toronto's Pearson International Airport, coming from another country? There's a raft of cases. I will give you an example of a lady and a gentleman. This one is 218 FTR 287, *Sandra Gregory v. Her Majesty the Queen*. This is in the Federal Court of Canada. This particular lady had gone to Jamaica for a funeral. Paragraph 15 states:

> Gregory is a Canadian citizen residing in Toronto. She has two children and works for Canada Post.... Gregory left for Jamaica by plane to attend an aunt's funeral....

> Prior to her departure from Jamaica, Gregory purchased three bottles of white rum and three bottles of rum cream at the duty free shop at the airport. She packed three bottles of white rum and one bottle of rum cream in a box provided by the shop and attached the shop receipt to the outside of the box....
>
> As Gregory was leaving primary inspection around 11:05 p.m., she was approached by another customs officer who was later identified as Lee. Although Lee's duties generally involve clearing or processing passengers arriving from the United States and overseas travelling by air, that evening he was working on a team called the Flexible Response Team, which required him to rove the area between the primary area and the baggage hold.

You will see them. If you ever come through customs, there are always four people assigned to rove.

This is paragraph 19:

> As part of his roving duties, Lee randomly picked Gregory for questioning. He asked her questions about her trip to Jamaica, including how long she had been away, who had bought her ticket and how many pieces of luggage she had with her....
>
> ... Lee asked her further questions and requested that she produce her travel documents and hand over her purse. He then proceeded to inspect her luggage, first by emptying the entire contents of the purse, including some sanitary pads, onto the desk, much to Gregory's embarrassment.
>
> Lee continued his inspection by turning to the duffle bag containing the bottles of rum cream which had been checked in late....
>
> Taking into account the fact that Gregory had arrived from a drug-source country —

They classified Jamaica as a "drug-source country" in Canada Customs. So are countries in parts of Africa, and so are countries in Europe.

• (1920)

> Her bag had been checked in late, her flight was a high-risk flight, she was travelling alone. Lee concluded that there were reasonable grounds to arrest Gregory after he saw the bottle that contained clear liquid, which he believed to be liquid cocaine.

At paragraph 26:

> At approximately 11:26 p.m., Lee decided that in order to effect the arrest, he would apply handcuffs, thereby eliminating injury to himself, Gregory or anyone else in that area and to eliminate any risk of flight. Gregory was asked to turn around and place her hands behind her back. Bewildered, she complied with the request and slowly brought her hands down. Lee then proceeded to handcuff her. Gregory reacted with stunned disbelief and shouted, "What are you doing? Are you crazy?". Lee advised Gregory that she was under arrest for attempting to smuggle an illegal substance into Canada.

She claimed repeatedly that Lee check the receipt on the box to confirm that she had, in fact, bought the bottles at the duty-free shop in Jamaica. But Mr. Lee refused to do so. These are findings of fact by the court. Lee has no recollection of this. I'm satisfied that Gregory did, in fact, repeatedly ask Lee to check the invoice.

Now, Gregory testified that she told Lee that the handcuffs were too tight, hurting her wrists and so on. And then it goes on:

> At approximately 11:35 p.m., Lee examined the contents of the suspect bottle by pouring them into a plastic bag. No foreign objects were seen to be present. A Narcotic Identification Kit (NIK) test was then conducted and the results were found to be negative. Lee... advised Gregory that she was free to leave.

And then:

> When asked if she wanted the rum cream in the plastic bag, Gregory refused it, saying, "What use is that to me now?"

She was "a nervous wreck" when she left, at paragraph 33. And she then proceeded to the Federal Court and of course she was refused and she had to pay court charges.

Now why was she refused her damages request when it was clearly on the basis of some remote suspicion that this customs officer was able to operate within the law that we passed? What law was it?

Well, let's go to a more recent case called *Kelly v. Palazzo*, 140CRR2D71. Now, here is the headnote, which sort of encapsulates the thing. A customs inspector acting as rover randomly selected plaintiff for questioning. Don't forget a rover is a person who goes out, looks around for anybody who looks suspicious — nervous in this case.

The inspector considered the plaintiff nervous and referred him to secondary inspection. The inspector, on the basis of questioning and the presence of several indicators, suspected the plaintiff had "secreted drugs on or about his person."

Yes, secreted on.

Indicators included source country, travelling alone, lack of cooperation, vagueness and evasion about financial affairs and use of a travel agency.

The inspector detained the plaintiff for a body and "loo" search. This is the Superior Court of Justice; whenever you go to a Superior Court judgment, they always quote the law. What's the law that we passed concerning customs officers that we're about to pass now for fisheries officers, to search somebody's home? Here is the law, at paragraph 11, referring to section 98 of the Customs Act:

> ... if the officer suspects on reasonable grounds that the person has secreted on or about his person" anything that would be a contravention of the *Customs Act*. The strip search can proceed to include a "loo" search...

I'm not going to get into what that means, but it is rather embarrassing and it is to see if they have swallowed any contraband.

> The strip and "loo" search are together considered to be the second type of search.

And then the judge quotes section 98:

> If the officer suspects on reasonable grounds that the person has secreted on or about his person anything in respect of which this Act has been or might be contravened, anything that would afford evidence with respect to a contravention of this Act or any goods the importation or exportation of which is prohibited, controlled or regulated under this or any other Act of Parliament...

Here is what the Supreme Court of Canada said, at paragraph 13, in *R. v Jacques*. The Supreme Court of Canada said this about section 99(1)(*f*) of the Customs Act:

> Parliament has used language which requires the officer neither to believe on reasonable grounds that there is a possibility of smuggling nor to suspect on reasonable grounds that smuggling is, in fact, taking place. A reasonable suspicion of the possibility of smuggling or even of the possibility of an attempt to do so suffices.

So that's the standard that we have passed in the Customs Act.

The point is this: We have got a piece of legislation before us that is going to pass. It is a good piece of legislation. But hidden in the piece of legislation is one clause that allows a justice of the peace, a person who is not a police officer, not trained in these sorts of matters, to go before a justice of the peace and the justice of the peace to issue a warrant to search his or her home on a very faint suspicion.

Now, that's about it.

We dealt with the matter. I'm not saying that because it is based on a suspicion, but, senators, even if it's based on a suspicion, we have to be very careful. The last piece of legislation we passed here in this chamber on the grounds of suspicion, getting a warrant, is 487.012, production order.

That's the last piece of legislation that this Senate passed. A search warrant, a warrant for a production order under 487.012. We went over it in our committee and concern was expressed that the wording of 487.012(3) was this:

> ... there are reasonable grounds to believe that
>
> (*a*) an offence against this Act or any other Act of Parliament has been or is suspected to have been committed...

We expressed some reservations about that. That is the very section that is now being used in all of the warrants that are being issued as far as document production is concerned here in the Senate.

So, senators, I don't really know what to do with this bill because the bill is a good bill. It is needed. My goodness, you have billions of dollars changing hands in the fishery, on the high seas, on our continental shelf. We should be able to do something about it.

• (1930)

We had two meetings, last year and this year. We told the department about our concerns, and this was supported by Senator McInnis, who expressed his opinion on it as well that there was a problem with this. The department consulted with the Department of Justice and came back with two different excuses, neither of which would stand up to any reasonable analysis. I leave it with honourable senators, only to say that the Senate has done its job once again.

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

Hon. Yonah Martin (Deputy Leader of the Government): Question.

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

Hon. Senators: Agreed.

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

APPROPRIATION BILL NO. 4, 2013-14

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-19, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2014.

(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.)

ECONOMIC ACTION PLAN 2013 BILL, NO. 2

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, A second Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013, and other measures.

(Bill read first time.)

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

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-6(1)(f), I move that the bill be placed on the Orders of the Day for second reading at the next sitting of the Senate.

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

Hon. Senators: Agreed.

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

CRIMINAL CODE
NATIONAL DEFENCE ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Paul E. McIntyre moved second reading of Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder).

He said: Honourable senators, I'm pleased to speak today in support of the proposed not criminally responsible reform act. Formerly Bill C-54, it was awaiting second reading debate in the Senate when it died on the Order Paper. Earlier this week, the Minister of Justice reintroduced the bill in the House of Commons and, based on a motion previously passed in the house, we find this proposed legislation back at second reading in the Senate.

Honourable senators will undoubtedly remember that the former Bill C-54 was considered and debated in the House of Commons between February 8, 2013, and June 18, 2013. All parties had a significant opportunity to present their views and be heard on this issue.

In addition to the vigorous debate in the house, the bill was exhaustively studied by the Standing Committee on Justice and Human Rights this past June. Over a period of five days, the Standing Committee on Justice and Human Rights heard from more than 30 witnesses from a wide variety of backgrounds and professional experience. The committee heard testimony from the Minister of Justice and his officials. Victims' advocates, such as the Federal Ombudsman for Victims of Crime, also testified, as did representatives of the Mental Health Commission of Canada, as well as other major mental health organizations. A few board members from two jurisdictions were able to attend, as well as a psychiatrist from one of Canada's busiest forensic institutions. Several members of the legal profession and major non-governmental organizations also testified. All of these witnesses presented valuable viewpoints on what is now Bill C-14. This greatly enriched the study of the not criminally responsible reform bill. The Justice Committee was well served by their participation.

Honourable senators, the committee also had the benefit of hearing directly from a number of victims who had become involved in the criminal justice system as a result of having lost a family member in an incident involving a mentally disordered accused. It took great courage and strength for them to speak to the committee about their loss and express how the justice system could be improved.

The committee heard all of these concerns and proceeded to return the bill to this house with two substantive amendments to improve it further.

Reinstating this bill at second reading in the Senate has saved everyone valuable time. I would like to take a few minutes to remind honourable senators what is included in this bill and why it is so important that the parliamentary review of these proposed reforms be able to continue as expeditiously as possible.

The not criminally responsible reform bill seeks to amend both the mental disorder regimes of the Criminal Code and the National Defence Act to enhance the protection of the public and improve the involvement of victims in the process. The mental disorder regime in both statutes sets out the powers and procedures that govern an accused who has been found either unfit to stand trial or not criminally responsible, NCR, on account of mental disorder.

Individuals who fall under the mental disorder regime are supervised by provincial administrative tribunals referred to as "review boards." Members of review boards come from both the legal and medical communities. Their task is to monitor the progress of the accused person and evaluate their potential risk to the public. They review each case on an annual basis, although in certain circumstances it could be every two years until the individual no longer poses a significant threat to the safety of the public.

Issues of criminal responsibility for individuals who suffer from mental illness have been a vexing issue for policy makers and lawmakers for centuries. These issues are complex and challenging not only from the technical legal perspective but also from a societal perspective.

The not criminally responsible reform bill is a targeted and reasonable response to the concern about high-risk NCR accused who pose a higher risk to the public. The not criminally responsible reform bill has three elements.

First, it seeks to ensure that public safety is the paramount consideration when decisions are made about not criminally responsible and unfit accused. This element is intended to add clarity to an area of the mental disorder regime that has presented some confusion. Although the Supreme Court of Canada has stated on more than one occasion — *Pinet v. St. Thomas Psychiatric Hospital*, 2004 and *R. v. Conway,* 2010 —that public safety is the paramount consideration in determining the proper disposition with respect to an NCR accused, there remains some concern that this interpretation was not being reflected in practice. In fact, various witnesses who testified before the Justice Committee had varying views as to whether public safety was the paramount consideration or simply one of four listed factors to take into consideration. By clarifying that public safety is the paramount consideration in decisions regarding a mentally disordered accused person, the government is ensuring that public safety is the primary consideration of decision-makers.

Second, the bill proposed a new scheme to designate some NCR accused as high-risk accused. This scheme is intended to apply to only the small number of NCR accused who are found by a court to represent an elevated risk to society, so that they should be subject to the extra protection provided through this designation.

• (1940)

The high-risk designation would ensure that an NCR accused would be held in custody in a hospital and could not be considered for any kind of release until the high-risk designation is revoked by the court.

A high-risk NCR accused would not be eligible to receive unescorted passes into the community, and they would only receive escorted passes in narrow circumstances such as for medical reasons. This designation would operate to protect the public by ensuring that NCR accused who pose the highest risk do not have unsupervised access into our community and neighbourhoods.

Another outcome of the high-risk designation is that the review board may extend the time period between reviews. As I mentioned, usually the review board reviews each case on an annual basis, which could be extended up to two years in certain circumstances under the current law.

This bill proposes to provide the review board with the discretion to increase the period of time between reviews of up to three years if the accused person has been designated as a high-risk NCR accused.

The review boards will be able to extend the length of time in two circumstances: if the accused consents to the extension, or if the review board is satisfied on the basis of relevant information that the accused's condition is not likely to improve and that detention remains necessary for the period of the extension.

Third, and finally, the bill also proposed significant changes to the victim-related provisions of the mental disorder regime to improve information-sharing and victim participation in the mental disorder regime.

[*Translation*]

Mr. Speaker, as you know, the government is very committed to addressing the concerns of all victims of crime, not just those impacted through the mental disorder regime.

Over the summer, the minister travelled to many parts of Canada to engage in consultations with stakeholders on developing a federal victims' bill of rights that would provide victims with a more effective voice in the criminal justice and corrections systems.

As the Parliamentary Secretary to the Minister of Justice recently indicated in a press release announcing the end of the cross-country consultations on the victims' bill of rights, and I quote:

> Our Government is taking action to ensure that our streets and communities are safe. This includes enhancing the rights of victims so they know they have a voice in the criminal justice system.

One of the key themes that emerged from these consultations was the desire of victims of crime to be kept informed and involved at every stage of the justice process. The victim-related reforms in the Not Criminally Responsible Reform Act are a step in that direction. They address this concern by increasing the amount of information that would be made available to victims and by ensuring that their safety is considered when decisions are made.

For example, the bill would require courts and review boards to specifically consider the safety of the victim when determining whether a not criminally responsible accused remained a significant threat to the safety of the public.

Another improvement to the victim-related provisions in the mental disorder regime would be a requirement that review boards must now consider in every case whether to make a non-communication order between the victim and the mentally disordered accused. They will also have to consider whether to issue an order preventing an accused from going to a certain place. These elements would be in place to both increase the safety of the victims and ensure their peace of mind.

Victims who are involved in cases as a result of mental disorder provisions have also expressed concern that they have no way of knowing when a not criminally responsible accused is going to be released or discharged into the community. They expressed apprehension about encountering the accused in their neighbourhoods or communities with no warning. In response to this concern, the bill proposes that for victims who want to be notified, the review board would be required to notify them when a not criminally responsible accused was being discharged into the community.

These provisions were amended by the Standing Committee on Justice and Human Rights during its deliberations to increase the amount of information the victim would receive. Specifically, the amendment would provide that a victim could receive

information regarding the intended place of residence of the accused upon discharge. This amendment was intended to ensure that interested victims were made aware if the accused was going to be located in their community upon release. The committee felt that this amendment would be a positive addition to the victim-related components of the Not Criminally Responsible Reform Act, and I agree with them, Mr. Speaker.

It is important to note that the victim-related reforms were supported by every witness who appeared before the Standing Committee on Justice and Human Rights. All of the witnesses who commented on these elements were very supportive.

[*English*]

There are a few final things I would like to emphasize with respect to this legislation, Mr. Speaker. This bill should not be interpreted as implying that people with mental illness are presumptively dangerous. This is not what the bill does.

I can assure all honourable senators that the proposed reforms are consistent with the government's efforts regarding mental illness and the criminal justice system. In addition to seeking to protect the public, they also seek to ensure that mentally disordered accused receive fair and appropriate treatment.

I am not concerned that the proposed "Not Criminally Responsible Reform Act" will have a negative impact on the broader issue of mental illness in the criminal justice system, nor is it intended to fuel stigma against the mentally ill.

Mr. Speaker, before I conclude my discussion on the substance of the bill, I would like to bring to your attention one other amendment that was made to the bill by the Standing Committee on Justice and Human Rights.

This other amendment provides for a parliamentary review of the mental disorder provisions five years following Royal Assent. The committee members unanimously agreed it would be beneficial to review the amendments to ensure that they are having the intended effect.

Given the highly technical nature of this area of the criminal law, I think that honourable senators will agree with me that this amendment is a welcome one and it would likely provide Parliament with valuable information as to the impact of the proposed reforms.

I would encourage all senators to carefully review Bill C-14 and support this initiative, the main focus of which is aimed at protecting the public and addressing the concerns of victims.

Hon. George Baker: Would the honourable senator permit a question?

Senator McIntyre: Certainly, Senator Baker.

Senator Baker: I would like to first point out that Senator McIntyre holds a record in Canada for being the longest-serving member as chairman of what we used to call the NCR Review Board in Canada. He was chairman of the board for 23 years. It's very fortunate that we have Senator McIntyre here before us and that he didn't follow the progress of his brother, who is a Superior Court judge, because it says here "chairperson of the Review Board" — that was Senator McIntyre, for 23 years. The Criminal Code, section 672.4(1) says:

> Subject to subsection (2), the chairperson of a Review Board shall be a judge of the Federal Court or of a superior, district or county court of a province, or a person who is qualified for appointment to, or has retired from, such a judicial office.

My question to Senator McIntyre is this: Is what I've just said all correct? Is it 23 years?

Senator McIntyre: As a matter of fact, I think it's 25.

(On motion of Senator Fraser, for Senator Jaffer, debate adjourned.)

• (1950)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CHANGES TO SENATE'S RULES AND PRACTICES THAT WILL HELP ENSURE SENATE PROCEEDINGS INVOLVING DISCIPLINE OF SENATORS AND OTHERS FOLLOW STANDARDS OF DUE PROCESS— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McCoy, seconded by the Honourable Senator Rivest:
>
> That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on changes to the Senate's Rules and practices that, while recognizing the independence of parliamentary bodies, will help ensure that Senate proceedings involving the discipline of senators and other individuals follow standards of due process and are generally in keeping with other rights, notably those normally protected by the *Canadian Bill of Rights* and the *Canadian Charter of Rights and Freedoms*; and
>
> That the committee submit its final report to the Senate no later than November 30, 2014

Hon. Elaine McCoy: Thank you, honourable senators, for this opportunity to speak to my motion, which is, as you know, to authorize the Rules Committee to recommend for the Senate's attention a procedure that we would follow on a regular basis when disciplining members of the Senate, and others, in the event that their behaviour does not meet established standards.

I wanted particularly to take this opportunity to speak to you before we break for Christmas. There are three points I want to make. First, I do want to say publicly, so that all of you know and so that all the Canadians who are following this issue very closely know, that indeed work is already under way on this very subject. I'll speak to that very briefly.

The second point I wish to make is to draw some context around the subject and, in particular, to address what we might discuss as the role of a senator, which gives some context to what the procedures and the processes are.

Third, I'll say a word or two about that phrase that we all bandy about so frequently, "natural justice and fairness," which is, of course, what I had in mind in the motion itself. I say that we should conduct ourselves with due process, such as is normally protected by the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms.

First, on progress, it has been, I think, a very promising and optimistic view of our senators who have been talking about this subject amongst themselves; I've been involved in many of those conversations. I know there are conversations going on between chairs of committees. I know that in the Rules Committee itself there have been conversations about whether, indeed, we take on this kind of study and task as our next agenda item. Indeed, work is already going on with the objective of crafting a set of guidelines, a road map if you like, for how we would conduct a disciplinary process in the future.

I'm also aware that many senators wish to speak to this motion. I will certainly be looking forward to listening to all of those views. That will help the process of the discussions as they go forward as well. I think that, as much as we can, we should have this as a broad-based discussion amongst all senators. There is more than one way to accomplish a goal, so all of the input we can get, the better.

The second point I wanted to take a moment to discuss is the context. I think it's very important for us to remember what the role of a senator is. I know that when I first arrived in the Senate, I did not know what the job was going to be. I had never been in a job like this before. There are only 105 senators in this whole country. The fact that I had never had this job before and therefore did not know what the role of a senator was is not surprising. It has been my good fortune to be mentored by many of my colleagues who are here and some who are not here — who have either retired or died since I joined — but I think it's a very important subject that we build a consensus on, because it does, in my mind, start to give us the space in which we begin to consider not only how we deal with one another but also how we deal with issues that come before us.

You will, of course, have heard many times now the Speaker, perhaps, and others, myself included, remind all Canadians that the Senate was a deal-maker for Confederation. The only reason Canada is here is because the Senate was agreed upon as an appointed body that would represent regions. Consider the situation today where of the 308 elected members, over 100 come from one region only — that's one third, and they're going to get 16 more the next go round with the redistribution; that far outweighs any other single region in this country. So one of the reasons the Senate is appointed, and it's appointed with numbers, is to counterbalance any regional disparities. Another reason is it is meant to balance what I would call the tyranny of a majority that might in fact be led by the executive branch, the cabinet. That, of course, is the Westminster system. We've talked about that.

The senators' role has been like a council of elders. We review legislation. We advise; we will take a deep breath; we routinely look at things in more depth. Senator Downe was kind enough to give me the statistics on amendments over the last few years. Since 2000, we have passed 217 amendments to bills, 203 of which were accepted by the House of Commons. He also points out that on Bill C-377, whereas the House of Commons heard from only 15 witnesses in front of their committee, the Senate heard from 49 witnesses.

It is typical that as a council of elders we take more time, we look into things more thoroughly and we give the advice to our colleagues and to the Crown based on our experience and expertise. That is what you might call a legislative role.

• (2000)

We also speak to minorities and for minorities, and this is, I think, a role that emerged logically out of our regional representations because all but one of us is a minority. Then we also began to realize that not only do you have communities that are based regionally but you also have communities of interest. Gandhi — or perhaps Churchill; correct me if I'm wrong — said the strength of a democracy is measured in how well it treats its minorities.

So the Senate has taken that role on as a natural role, as well as protecting and aiding and encouraging minorities, communities of interest, whether they be cultural, educational, or charitable causes of one kind or another. They might be sports-based, and we all have examples of those.

Senator Munson, of course, is very active with the growing autism movement.

I think, Senator Andreychuk, you have very close ties and have worked as a tireless advocate and supporter of the Ukrainian community.

We have other communities that many of us reach out to and support as a matter of our public business. That's our contribution as senators.

We also, of course, do long-term studies, and there are many examples we often cite. One of the most recent ones is the mental health study that our Social Affairs Committee did, which led to the very first Mental Health Commission of Canada, which is a feather in the country's cap.

Years ago — I think it was in the 1970s — Senator Lamontagne led that very same committee in putting together a science and technology policy, and that policy is still what is used in this country as the science and technology policy.

The Senate sets the agenda for this country in so many ways, and I could go on and give many more examples of long-term, in-depth thinking, which is why I first came up with the phrase "We are Canada's best think tank," but we're also really Canada's brains trust. That role is exceedingly well carried out.

For all of those various and different pieces of senators' roles, it is very broad. Our job description is not a narrow nine to five by any means, and it has very seldom been articulated. I don't think it's been articulated in any one piece of legislation, nor in any one section of any one rule standing anywhere.

Especially since almost half of us have been here now less than five years, I think it is possibly something that we should begin to discuss amongst ourselves and come to a consensus that carries us forward.

I think we must all remember that though our role is as diverse as the talents and expertise and imagination of 105 elders on this council can possibly make it, there is one thread that actually runs through it all and gives it the commonality, and that is that all of those roles are conducted in the public interest. It all is conducted in order to make Canada the richest and most effective society that we possibly can contribute to. That, ultimately, is the role of the senator.

I will conclude by looking very quickly at why we should put down this road map, if you will, in terms of how we go about disciplining members who do not meet the public interest standard that we impose upon ourselves.

In talking to this issue, first of all I want to say that we have very little experience, in fact, conducting these matters, which is another way of complimenting ourselves on how infrequently it happens. But it is true that we could, in this day and age, do with a refresher, a road map, that reminds us of the steps that we might take.

May I have another —

The Hon. the Speaker *pro tempore*: Is more time is given to Senator McCoy?

Hon. Senators: Agreed.

The Hon. The Speaker *pro tempore*: Five minutes.

Senator McCoy: Really, what they are would be rules of engagement.

My motion is directed not to changing standards, although we may need to or want to change some standards as well, but that's a different issue. This is simply to put down a road map to remind ourselves of the steps that we should take in these circumstances, which are inevitably emotional, and having the road map there reminding us what step or what kind of conduct we should be assuming, how we treat one another, helps keep us focused on the issue rather than on our emotions.

There's no question we all just went through a situation that was very unsettling, and it is always unsettling, especially if there's violent behaviour involved; and bullying, of course, is violent behaviour. Emotions are always flying around at a time like that. Unfortunately, bullying just automatically breeds resentment, and resentment automatically breeds a desire for vengeance. That's when justice can get diminished, if not totally undone.

I'm reminded, when I speak about resentment, and as we and many of you paid tribute to Nelson Mandela, of what he said when he was helping his country bind its wounds, pull itself back together, become a nation — in our case to become a council of elders with respect for one another, to deal with one another honourably.

He said about resentment, which had emerged over the years in South Africa:

> Resentment is like drinking poison and then hoping it will kill your enemies.

We need a road map that reminds us of the honourable conduct that we share with one another when we get into these emotional situations.

At this stage that is all I want to say about this motion, other than to say I'm very pleased that so many senators are of a like mind. I'm very pleased to see so many senators off-line, if you will, not so much in the chamber, but still making progress on bringing something like this road map together, and I'm very much looking forward to hearing other senators' points of view as we move forward on pulling our very own version of a road map, a process, together that is appropriate for the Senate of Canada. When we get back from holidays, we will, I'm sure, make great progress.

The Hon. the Speaker *pro tempore:* Does Senator Cools wish to continue debate now?

Hon. Anne C. Cools: In a few days.

(On motion of Senator Cowan, debate adjourned.)

• (2010)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO FEDERAL GOVERNMENT'S CURRENT AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS AND REFER PAPERS AND EVIDENCE RECEIVED DURING THE FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

Hon. Fabian Manning, pursuant to notice of November 27, 2013, moved:

> That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and to report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First Session of the Forty-first Parliament be referred to the committee; and

That the committee report from time to time to the Senate, but no later than June 30, 2015, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

He said: Honourable senators, the order of reference being sought by the Standing Senate Committee on Fisheries and Oceans is of a broad and general nature, almost identical to one adopted during the previous session of Parliament. It would allow our committee to invite, from time to time, the Minister of Fisheries and Oceans, senior officials and others as required to appear before the committee. They may be called upon to address issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans. In addition, it would permit the committee to begin examination of a matter prior to determining whether a more specific order of reference from the Senate is required.

We do not expect to request a budget for the purpose of this order of reference.

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

Hon Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY AND REFER PAPERS AND EVIDENCE RECEIVED DURING FIRST SESSION OF FORTY-FIRST PARLIAMENT

Hon. Fabian Manning, pursuant to notice of November 27, 2013, moved:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and report on the regulation of aquaculture, current challenges and future prospects for the industry in Canada;

That the papers and evidence received and taken and work accomplished by the committee on this subject during the First Session of the Forty-first Parliament be referred to the committee; and

That the committee report from time to time to the Senate, but no later than June 30, 2015, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

He said: Honourable senators, this particular order of reference is sought by the Standing Senate Committee on Fisheries and Oceans to examine and report on the regulation of aquaculture, its current challenges and its future prospects for the industry here in Canada. It is very similar to an order of reference to study and report on aquaculture adopted by the Senate during the First Session of the Forty-first Parliament. Our committee is very keen to resume the special study during the current session of Parliament. Our plan will be to invite a broad array of witnesses from the Department of Fisheries and Oceans, the aquaculture industry, the scientific research and academic communities, and other stakeholders.

Our committee is planning on travelling in order to hold public hearings and conduct fact-finding missions on the East Coast of Canada, on the West Coast of Canada, and possibly a fact-finding mission outside of Canada. As a result, the budget will be submitted for approval by the Senate, likely for this fiscal year as well as the next fiscal year.

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

Senator Manning: Yes, I would, senator.

Senator Fraser: It sounds like a most valuable study. It also sounds like quite an expensive one, because the places you are going to be travelling to are quite remote. Can I assume that this will be the major budgetary item for your committee in the present and future fiscal year?

Senator Manning: Yes, you may assume that, senator. In the last Parliament, we submitted a three-part budget. One part was for East Coast travel, the second was for West Coast travel and one was for possibly international travel. The budget committee told us at the time that they approved phase one, which was for the East Coast. When we finished that particular visit, which we didn't get to do because of coming up to June of last year, we would have gone back to the budget committee and present for phase two, and then go back again and present for phase three as we go forward. That was the plan, and the plan will be pretty well similar this time around.

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

Hon. Senators: Agreed.

(Motion agreed to.)

STUDY ON MANAGEMENT OF GREY SEAL POPULATION OFF CANADA'S EAST COAST— COMMITTEE AUTHORIZED TO REQUEST A GOVERNMENT RESPONSE TO THE SEVENTH REPORT OF THE COMMITTEE TABLED DURING THE FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

Hon. Fabian Manning, pursuant to notice of November 27, 2013, moved:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the seventh report of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Sustainable*

Management of Grey Seal Populations: A Path Toward the Recovery of Cod and other Groundfish Stocks, tabled in the Senate on October 23, 2012, during the First Session of the Forty-first Parliament, and adopted on April 24, 2013, with the Minister of Fisheries and Oceans being identified as minister responsible for responding to the report, in consultation with the Minister of Health.

He said: I would just like to give a quick overview, honourable senators, if I could.

The seventh report of the Standing Senate Committee on Fisheries and Oceans, which is entitled *The Sustainable Management of Grey Seal Populations: A Path Toward the Recovery of Cod and other Groundfish Stocks*, was tabled in the Senate on October 23, 2012, during the First Session of the Forty-first Parliament. It was adopted by the Senate on April 24, 2013, along with a request for a complete and detailed response from the government. However, the response was not received prior to prorogation. This motion renews the request for a government response and would permit the Minister of Fisheries and Oceans, in consultation with the Minister of Health, to continue working on a response. This motion was endorsed by our committee at its meeting on Tuesday, November 26, 2013.

The Hon. the Speaker: It is your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

STUDY ON LOBSTER FISHERY IN ATLANTIC CANADA AND QUEBEC—COMMITTEE AUTHORIZED TO REQUEST A GOVERNMENT RESPONSE TO THE TENTH REPORT OF THE COMMITTEE TABLED DURING THE FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

Hon. Fabian Manning, pursuant to notice of November 27, 2013, moved:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the tenth report of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Lobster Fishery: Staying on Course,* tabled in the Senate on May 28, 2013, during the First Session of the Forty-first Parliament, and adopted on May 30, 2013, with the Minister of Fisheries and Oceans being identified as minister responsible for responding to the report.

He said: I have a quick overview once again, honourable senators, to make sure everybody is aware. The tenth report of the Senate Standing Committee on Fisheries and Oceans, entitled *The Lobster Fishery: Staying on Course,* was tabled in the Senate on May 28, 2013 during the First Session of the Forty-first Parliament. It was adopted on May 30, 2013, with a request for a complete and detailed response from the government. However, once again, a response was not received prior to prorogation. This motion renews the request for a government response and would permit the Minister of Fisheries and Oceans to continue working on a response. This motion was endorsed by our committee at its meeting on Tuesday, November 26, 2013.

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

Hon. Senators: Agreed.

(Motion agreed to.)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY THE CHALLENGES FACED BY THE CANADIAN BROADCASTING CORPORATION

Hon. Leo Housakos, for Senator Dawson, pursuant to notice of December 3, 2013, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the challenges faced by the Canadian Broadcasting Corporation in relation to the changing environment of broadcasting and communications; and

That the committee report to the Senate from time to time, with a final report no later than June 30, 2015 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

Hon. Joan Fraser (Deputy Leader of the Opposition): I wonder, Senator Housakos, if you could give us some indication of not the importance — I agree it is important — but the breadth and budgetary implications, especially for travel, of this study. I would draw to your attention that the same committee studied the CBC not that long ago.

Senator Housakos: I think the study you are referring to is *Wired to Win!* We were under the general impression at the Transportation and Communications Committee that there hasn't been an in-depth study of the CBC in quite a while. Given the latest events with Rogers Communications outbidding the CBC in such a cornerstone business and such an important revenue flow for the CBC, we thought it was imperative and the timing was right that we do a comprehensive study of CBC/Radio-Canada and its implications to taxpayers. Also, with the ever-changing technology and the platforms that are changing almost on a daily basis in the broadcasting industry, a unanimous decision was taken by the committee that it was a relevant study to do at this point in time.

• (2020)

Senator Fraser: You may be interested, if you check the files, to realize that the last report — the one to which I referred — actually recommended that the CBC get out of the business of broadcasting "Hockey Night in Canada."

Do you plan to travel?

Senator Housakos: Yes, we do. We think it is a study of national importance, and we think that this issue encompasses all the various regions of the country, so we do want to do some strategic travelling as a committee, particularly to western Canada and some of the rural parts of the country where the CBC has an important role to play.

Hon. Wilfred P. Moore: Will you be considering the report that Senator De Bané made earlier this year with regard to Radio Canada?

Senator Housakos: We certainly will. I believe, for one, that it is a very comprehensive report and very relevant to the study we're doing. So the answer is "yes."

[*Translation*]

Hon. Claudette Tardif: I have another question. Are you aware that the Standing Senate Committee on Official Languages — is completing a study on CBC/Radio-Canada and its obligations under the Official Languages — Act, which would related to part of Senator De Bané's report?

Senator Housakos: I was not aware, but we will definitely take that into consideration.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

STUDY ON SOCIAL INCLUSION AND COHESION— COMMITTEE AUTHORIZED TO REQUEST A GOVERNMENT RESPONSE TO THE TWENTY-SIXTH REPORT OF THE COMMITTEE TABLED DURING THE FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of December 3, 2013, moved:

> That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the Twenty-sixth Report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *In From the Margins, Part II: Reducing Barriers to Social Inclusion and Social Cohesion*, tabled in the Senate on June 18, 2013, during the First Session of the Forty-first Parliament, and adopted on June 21, 2013, with the Minister of Employment and Social Development being identified as minister responsible for responding to the report.

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

Hon. Senators: Agreed.

(Motion agreed to.)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO HEAR WITNESSES FROM BCE INC. (BELL CANADA) AND THE PRIVACY COMMISSIONER REGARDING USE OF CUSTOMER DATA

Hon. Leo Housakos, pursuant to notice of December 4, 2013, moved:

> That the Standing Senate Committee on Transport and Communications be authorized to hear from representatives from BCE Inc. (Bell Canada) and the Privacy Commissioner of Canada regarding the practice of collecting and analyzing data from Bell Canada customers for commercial purposes including targeted advertising; and
>
> That the committee submit its final report to the Senate no later than June 30, 2014.

The Hon. the Speaker: Is there debate? Senator Fraser.

Hon. Joan Fraser (Deputy Leader of the Opposition): Similar questions. I notice that this motion, Senator Housakos, stands in your name, so is this your initiative or is it a committee initiative?

Second, would this study involve travel or other unusual expenses?

Senator Housakos: This was my initiative and, again, it was supported unanimously by the committee.

This will be a two-pronged approach. We have two meetings. We're bringing in the Privacy Commissioner on this issue at one meeting. At a second meeting we're bringing in Bell Canada to explain themselves on this particular issue. So there will be no travel required.

It is very specific: two meetings with two specific witnesses with the objective of garnering some information on this issue.

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

Hon. Senators: Agreed.

(Motion agreed to.)

ROYAL CANADIAN MOUNTED POLICE

INQUIRY—ORDER DROPPED

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Mitchell, rose pursuant to notice of October 17, 2013:

> That he will call the attention of the Senate to ongoing cases of sexual harassment in the Royal Canadian Mounted Police.

She said: Colleagues, I know that Senator Mitchell is ready to speak, and he had hoped to be here this evening, but he's been detained elsewhere on fairly important public business. So I wonder if, with your indulgence, we could — we're not supposed to say "restart the clock" — continue the debate.

The Hon. the Speaker: Honourable senators, the *Rules of the Senate* require that, after 15 days, an item, if it's not been spoken to, falls off the Order Paper, and I would not want to be the one changing or not following the rules.

The inquiry can always be put down again. Rewinding the clock is a bad practice that people like to fall into, so I think I will stick by the Rules. It is at 15 days, it has not been moved, and the Rules must be respected.

(Order dropped.)

FORESTRY INDUSTRY

INQUIRY—ORDER RESET

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Mitchell, rose pursuant to notice of October 17, 2013:

> That he will call the attention of the Senate to the forestry industry's efforts to address public criticism about environmental practices and how it could be applied to the energy industry.

She said: Your honour, I rise with the same request as before. Senator Mitchell planned to speak this evening on this matter, which I think we will agree is of some importance to the country's economy. In the end, I would ask leave of colleagues to begin again.

The Hon. the Speaker: There is leave granted, notwithstanding the Rules, that Inquiry No. 2 be deemed to be at day 14.

Senator Fraser: Thank you.

(Order reset.)

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

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