



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Wednesday, April 9, 2014

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Wednesday, April 9, 2014

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

Prayers.

### SENATORS' STATEMENTS

#### RWANDAN GENOCIDE

##### TWENTIETH ANNIVERSARY

**Hon. Roméo Antonius Dallaire:** Honourable senators, this week marks the twentieth anniversary of the 1994 genocide in Rwanda. On this occasion, we mourn the dead and we celebrate the courage of the survivors, those who bear the weight of history and the physical, emotional and psychological wounds from this unimaginable horror.

This is also a time for deep reflections on what we must learn from the legacy of that terrible spring in 1994. First, there is the acknowledgement of the value of all humans as being worthy of our care, compassion and, where necessary, our protection, as the world failed to observe in Rwanda at the time of the genocide.

As I have said in this chamber before, all humans are human; no one human is more human than any other.

A second thing to learn is the need for serious leadership on the world stage to ensure that the mistakes of Rwanda, Darfur, Congo, and now Syria and the Central African Republic are not continuously growing or being repeated by the international community.

We are in serious need of the presence not of political elites but of statesmen — people who have the flexibility of mind, the humility and the courage to take risks in order to intervene early and with innovative thoughts that curtail such catastrophes. On this subject, our country has reasons to celebrate: as examples, the contribution of Canadian diplomats to the adoption of the responsibility-to-protect principles, to the creation of the International Criminal Court through the Rome Statute, and to other efforts to promote peace and security throughout the world. We were intelligentsia in the UN and are recognized by the world. It is time for our country to return to that proud heritage and provide the international community with these assets.

Third, it is our duty to remember and reject revisionism and genocide denial, which, as scholarship has shown, work only to reinjure those who have been wounded in these awful tragedies.

Colleagues, let me end my remarks with a few words of thanks for all those who continue to stand with us in these difficult times of remembrance and who, with concrete gestures, have helped mark the sombre anniversary throughout the country. I thank first my colleagues from the Rwandan mission who travelled to Ottawa this weekend to mark the occasion of that catastrophic mission and the impact on them and their families. All came,

except one who is still fighting in the Congo as chief of staff of the brigade, another who is a security officer in Yemen, and the last one who was absent because he committed suicide five years ago.

I want to thank our commander-in-chief, the Governor General, for receiving us and for acknowledging through him and his wife the concerns of the operational stress injuries incurred by those who try to go in and assist.

I wish to thank Speaker Kinsella for receiving us in his quarters for a lunch and for taking the time here to explain the extraordinary room to those who were injured with me who appreciated the opportunity to sit in the Red Chamber and to be so educated and recognized as Canadians.

I wish to thank the Speaker of the House of Commons, Andrew Scheer, for letting the house also recognize us at the end of Question Period. I must say that one of my colleagues said, "This reminds me of some of the negotiations we were having for ceasefires during the Rwandan genocide."

I wish to thank Senator Day for his statement on that day.

I want to thank members of all political parties who took the opportunity to mark this occasion in both chambers, MP Belanger in particular. I want to thank the Mayor of Montreal, Denis Coderre, who organized a remembrance event that was second to none.

I want to thank the survivors and associations that continue to show courage and leadership throughout the remembrance process. And I want to thank you, my colleagues, for being so generous with your concerns towards me.

Thank you.

#### BATTLE OF VIMY RIDGE

##### NINETY-SEVENTH ANNIVERSARY

**Hon. Daniel Lang:** Today, Canada's flag flies at half-mast as we pay tribute to a generation of Canadians from across this nation who on this day 97 years ago converged on a ridge in France called Vimy. Now that we have entered the era where the memories of the gallant are no longer heard but now only read and seen in paintings such as we have here in the Senate chamber, it is incumbent upon us to bear witness to their devotion and duty in their own words.

I have been drawn over the past few days to the remembrances of Canon F.G. Scott, Padre of 1st Canadian Division. He recalled:

Never was the spirit of comradeship higher in the Canadian Corps. Never was there a greater sense of unity. The task laid upon us was a tremendous one, but in the heart of each man, from private to general, was the determination that it

should be performed. On that Easter night, the battalions took their places in the line. The men at the guns, which had hitherto been conceal and kept silent, were ready to open fire at zero hour, and all along that front the eager heart of Canada waited impatiently for the dawn.

• (1340)

Honourable senators, Canadians broke that dawn with an indomitable fighting spirit, one that has been instilled among all those who continue to serve our Crown and country.

And as we remember today where a grand and vast nation stood first as Canada, we will never forget that courage and sacrifice that bore our nation one of its finest hours.

Padre Scott wrote after the battle, and upon meeting a British staff officer on his way to headquarters from the front line, the officer asked him if he was a Canadian. When he replied yes, the officer replied, "I congratulate you upon it." But with a typical Canadian modesty, he reminded the officer that the British artillery fought alongside the four Canadian divisions.

The British officer replied, "That may be, but never since the world began have men made a charge with a finer spirit."

God save our Queen and God bless Canada.

[Translation]

## WORLD WAR I

### ROLE OF FRENCH CANADIANS

**Hon. Serge Joyal:** Honourable senators, last Friday, at my own expense, I attended a commemorative symposium on World War I in Paris, at the Hôtel national des invalides, which houses the military museum. The theme of the symposium was Quebec's participation in the war.

Thirteen French and Canadian historians spoke. I want to share some figures about this war, which are absolutely staggering to think of now.

In total, there were more than 120 million people involved in the war on both sides. Of those, 15 million died and 34 million were injured.

It is difficult to imagine the scope of that devastation today.

The war was fought in mud-filled trenches that stretched for thousands of kilometres along the front lines, and in an attempt to move forward a few hundred metres, thousands of soldiers would lose their lives, often needlessly, as troops ended up back where they started.

Canada, as a dominion within the British Empire, was automatically involved in the war, although it was able to

choose how many soldiers and how much equipment it would send.

Canada sent nearly 700,000 soldiers. Of that number, 68,000 lost their lives — most of them are buried in Flanders and France — and more than 280,000 were injured. Nearly 10 per cent of the Canadian population at the time served in the war. That is a huge number for a country that was fighting on foreign soil.

In total, 39,000 French Canadians served in the armed forces. Of those soldiers, 21,470 were Quebecers and 8,750 were Acadians and francophones from elsewhere in the country. There is little known about their participation even today. Few historians have focused on it, even though they made such a remarkable contribution.

Quite early in the war, Canada realized that it needed to create a unit for unilingual French Canadians, so that they could be trained and commanded in French. Thus, the 22nd Infantry Battalion was created. After the war, it became known as the Royal 22<sup>e</sup> Régiment. Our colleague, Senator Dallaire, is a distinguished representative of that regiment.

This battalion distinguished itself at the Battle of Vimy Ridge, which we are commemorating today, April 9. It is a victory that has remained one of Canada's finest military moments.

Honourable senators, what do these events tell us about ourselves, about how we define our connection to Canada and our connection to France, England and America?

I would like to conclude by saying that next fall, the Canada-France Interparliamentary Association, led by our colleagues, Senators Claudette Tardif and Michel Rivard, will sponsor a joint commemorative symposium with French parliamentarians. The first public session will be held here, in Parliament, during the week of November 11. This interparliamentary symposium will give us an opportunity to reassess the understanding that we have, 100 years later, of the Great War — the "Der des Ders" as it's known in German — so that current generations, who live in a different reality, can remember. It will also help us better understand why it is important to keep a close connection with the past and what it takes to maintain peace in contemporary times.

### VIOLENCE AGAINST CHILDREN AND YOUTH

**Hon. Jacques Demers:** Honourable senators, I would like to begin by mentioning that my speech will include some dates from the past, but I will explain the reasons for that.

[English]

I would like to sincerely thank both sides for their tremendous efforts for young children who are battered and killed.

[Translation]

On November 30, 2002, Jeffrey Baldwin, a five-year-old boy living in Toronto, died tragically. Starved, neglected, beaten, little Jeffrey died at the hands of his violent grandparents after a short

[ Senator Lang ]

life. This case was settled 20 years after the fact, which is why I had to turn the clock back so far.

On December 6, 2008, young J  r  my Bastien-Perron died at the hands of his stepmother. He was severely beaten and hit on the head 37 times before succumbing to his injuries. Here again, this case was settled much later.

[English]

Every year Statistics Canada publishes a report entitled *Family Violence in Canada: A Statistical Profile*. Their most recent report highlights some troubling facts: Violence against children is still widely underreported, especially for children between the ages of zero to six years old since they're unable or reluctant to seek help at such a young age. Children and youth are five times more likely to be sexually abused or physically abused.

Family members account for one quarter of those accused of violence against children and youth. Infants and toddlers are most likely to be victimized by family members and, as I mentioned, these crimes go unreported for the most part. The rate of family homicide is high for infants between the ages of one and three, and shaken baby syndrome is the most common death within the age group. Less than half of family violence incidents result in charges, most often because of a lack of sufficient evidence to press charges.

[Translation]

Jeffrey and J  r  my were five years old. Statistics show that the older the child is, the more likely it is that the abuse will be reported to the police. Again, the most vulnerable age group is 0 to 6, a period when children are very dependent on their parents and unable or afraid to report the abuse.

This means that we must come together in our communities and equip ourselves to be as vigilant as possible in looking for the signs and symptoms of child abuse. This is especially true in the case of infants and toddlers. Unfortunately, they cannot protect themselves or report their abusers.

[English]

It's all of us. In my opinion, after five years here, senators are very powerful. We have a lot of friends. We must talk about this subject because most of the time, in all of the abuse that I have looked at, people said they knew but were afraid to express themselves or come forward. That's very sad.

[Translation]

The adults around children have a responsibility to protect them. We can prevent deaths like Jeffrey's and J  r  my's in the future by being aware of what constitutes abuse and by being proactive instead of reactive when we have doubts about a child's safety.

Let's work together to ensure that the J  r  mys and Jeffreys of tomorrow do not become a statistic.

[English]

I know we are not in the United States, but I will mention a boy, who was not quite five this year, and was killed. It happens not because it is a mistake; it happens everywhere in Canada. The father was in jail and he left the child to his girlfriend. She put him outside naked on the balcony twice when the temperature was 20 degrees below zero. Eventually, with abuse, he died. No sympathy, no cries.

I stand before you as one of those children. I'm not looking for anything else but to ask you to stand up as well. You are so powerful and capable of doing that. Thank you very much for listening to me.

• (1350)

### NATIONAL VOLUNTEER WEEK

**Hon. Catherine S. Callbeck:** Honourable senators, I'm very pleased to say a few words today on the subject of National Volunteer Week.

Beginning in 1943, to honour the contributions of women during the Second World War, National Volunteer Week has grown into a cross-country celebration to recognize and honour the tremendous contributions of Canadian volunteers.

In honour of this week, Volunteer Canada has established the Volunt-Hear Hotline, which is a toll-free number where people can call to leave a brief message, thanking volunteers and expressing how volunteers have made a difference in their lives. It's a wonderful opportunity to thank Canadian volunteers personally for their hard work and dedication to their communities and to their country.

Every day, from coast to coast to coast, volunteers give of their time and their energy in service to others. They may drive people to cancer treatments or coach at a hockey practice. They may camp with the Girl Guides or teach guitar lessons at a Boys and Girls Club. They may canvass for a charitable organization or provide hospice care to an ailing senior.

All in all, Statistics Canada tells us that more than 13 million Canadians, nearly half the adult population, have volunteered to work with a voluntary organization or have helped out regularly, providing services or supports to others in their community. These dedicated people volunteer for more than 2 billion hours a year, which is the equivalent of nearly 1.1 million full-time jobs.

As I have proudly pointed out in the past, Islanders have been recognized for their dedication and hard work in the volunteer sector. Prince Edward Island has the second highest volunteer rate in the country. Fifty-six per cent of our adult population volunteer in some way in their communities and beyond. In total, all that volunteering accounts for more than 9 million hours, or the equivalent of about 4,500 full-time jobs.

Honourable senators, please join me in thanking all volunteers, both in my home province of Prince Edward Island and across the country, for their commitment, generosity of spirit and

tremendous hard work. They are truly the lifeblood of our communities.

[Translation]

## RWANDAN GENOCIDE

### TWENTIETH ANNIVERSARY

**Hon. Andrée Champagne:** Honourable senators, on April 7, 1994, humanity witnessed one of its most lamentable failures. In the space of 100 days, 800,000 people were killed as the whole world looked on. It was the fastest genocide in history; the number of people killed every day was unprecedented.

On April 7, 1994, humanity failed Rwanda, humanity failed Rwandans, and humanity failed the entire human race. That failure is mine, it is yours and it is ours. We let a country get swept up in violence and cut short the lives of fathers, mothers, brothers, sisters, sons and daughters, people like you and me who just wanted to live their lives.

As president of the Assemblée parlementaire de la Francophonie, I would like to express my sympathy for and solidarity with the Rwandan people on this, the 20th anniversary of the genocide. I would also like to applaud the Rwandan people for their resilience and the considerable progress they have achieved over the past two decades.

Women's rights have advanced dramatically, homosexuality has been decriminalized, and the death penalty has been abolished. There is still a lot to do, and I know that Canada is ready to support Rwanda alongside the APF and other parliamentary associations. I truly believe that dialogue among peoples and among parliamentarians can prevent a failure like April 7, 1994, from ever happening again.

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

## ROUTINE PROCEEDINGS

### ADJOURNMENT

#### NOTICE OF MOTION

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

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, April 29, 2014, at 2 p.m.

[English]

## QUESTION PERIOD

### DEMOCRATIC REFORM

#### FAIR ELECTIONS BILL

**Hon. Jane Cordy:** Honourable senators, I am proud today to ask a question that I have received from political science student Jennifer Perimal, from Vancouver, who I believe is sitting in the gallery.

I believe Jennifer is in the gallery. We've never met. Welcome to the Senate of Canada, and thank you very much for your interest in politics and for taking the time to write a question to us that we can ask in the Senate of Canada.

Jennifer's question is for the Leader of the Government in the Senate:

Bill C-23's anti-vouching provisions will eliminate a significant number of otherwise eligible voters, who may be well-intentioned citizens who were too busy to update the address on their ID. Do you think this is fair? What would you say to a young student eager to cast their vote and contribute to our functioning democracy, but who is undergoing residential transition during elections and gets turned away because of your new law?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I would like to thank Senator Cordy for her question, which I believe I have already answered.

There is now a pre-study being done of Bill C-23, which requires voters to show one of 39 pieces of ID to identify themselves and validate their address. Identifying oneself is obviously an essential condition for exercising the right to vote.

In any electoral reform process, it is important to maintain public confidence in the law and the results. Therefore, we must ensure that the legislative provisions encourage people to exercise their right to vote and that public confidence in the results is also protected.

Any reasonable person who wants to exercise their right to vote can certainly provide one of the 39 pieces of ID or one of the proofs of address listed in the bill. I have already read them out. I do not know if you would like me to repeat them, but I imagine you do not. I have children in university who sometimes move. There is a multitude of documents they can use as proof of their address.

• (1400)

[English]

**Senator Cordy:** As a follow-up in my own words, we've had witness after witness testify on the house side and on the Senate side in our pre-study. We've had expert after expert testify on the

house side and on the Senate side. We've had a letter signed by 160 academic experts in the field of political science. They all said there's a problem with this bill.

I would ask again what Jennifer was asking. Like you, my daughters didn't attend university in Dartmouth or Halifax. They attended a university out of town. Elections came up while they were out of town. They were able to vote not because they had anything going to their address at the university residence but because somebody was able to vouch for one of my daughters who was in the residence of St. Francis Xavier University in Nova Scotia. She voted because someone was able to vouch for her.

What do you say to the young student who is eager to vote? We've done all this work trying to promote young people voting. For many university students, it's their first time voting and they're proud of that. They don't have anything with their address because they're living in a university residence and the bills are going to their parents' home address. They don't have anything being sent to them at their university residence.

What would you say to a young student who is eager to cast their vote?

[Translation]

**Senator Carignan:** I would say that the 39th document on the list allows students to use a student residence document. Students can also use the admission form on which they gave their local address where they are studying. There are a number of documents on the list that show students' addresses. They include bills for utilities — telephone, cable — and for public utilities — electricity, natural gas and water.

When I was a student in Sherbrooke, I received an electricity bill. I had also signed a lease, which showed the address where I was living in Sherbrooke. If students want to exercise their right to vote and they live somewhere other than at their parents' home, they can use documents from among the 39 documents on the list, many of which can be used to prove their address. If they are renting a room, they still have to sign a lease and they can get a document to prove their address.

Voting is a constitutional right. When we want to exercise that right, we must prove our identity and address. Requiring this identification seems reasonable to me. The ultimate goal of all this is to maintain public confidence in the Canadian electoral system.

[English]

**Senator Cordy:** Thank you for the response.

Many of the pieces of identification you mentioned don't have an address on them. A passport doesn't have an address, and the health card in Nova Scotia doesn't have an address. I will move to something else related to the bill.

To support this government's misguided attempt to eliminate voter vouching policies, members of the Conservative government have made accusations of widespread voting irregularities. We heard comments from Mr. Butt, a Conservative member of Parliament, who later retracted a statement that he had personally witnessed cases of voter irregularities.

Yesterday at committee, I was surprised when Senator McInnis said that he personally had witnessed thousands and thousands of questionable votes on the streets of Dartmouth and Halifax. I've lived in Dartmouth since 1975. I have voted in every provincial and federal election in my riding of Dartmouth. I voted when Senator McInnis ran as the Conservative candidate in my riding. I voted when Senator MacDonald ran as the Conservative candidate in my riding. I didn't vote for either of them, mind you, but I did vote in those elections.

I worked in many of those elections between 1975 and 2014, and I've not seen thousands and thousands of irregularities on the streets of Dartmouth. I've not witnessed thousands and thousands of irregularities that Senator McInnis has witnessed in Dartmouth.

If your government feels that one of your caucus colleagues has seen thousands and thousands of irregularities, would you not recommend that they let Elections Canada know about this?

[Translation]

**Senator Carignan:** Senator, you mentioned irregularities. Reports have shown that there were many irregularities with the use of vouching. In fact, the senator who is sitting just three seats away from you said herself a few days ago that she had been the victim of an irregularity and that someone had voted in her name. It seems to me that you have reliable witnesses very close to you who have said that identity theft exists in the electoral system, and that is unacceptable. The bill seeks to restore people's trust so that they have confidence in the electoral process and in the fairness and lawfulness of the results.

[English]

**Senator Cordy:** Even if every senator in this chamber —

**Senator McInnis:** Can I rise on a point of privilege?

**Senator Cordy:** Not during Question Period.

Even if every senator in this place said that they had seen an irregularity, that would not be thousands and thousands of irregularities in one vote. This is just for one riding of Dartmouth and Halifax, another riding.

I'd like to know whether the member of your caucus has documented proof of these irregularities that he has personally witnessed. If so, perhaps you could suggest that he appear as a witness before the committee.

[Translation]

**Senator Carignan:** Senator, you are trying to make the debate personal. I believe that one of the witnesses who appeared today, an expert from the United Kingdom, said that we should not make it personal. I think we need to get back to the subject of the bill, examine it in its entirety and look at the goal of the provisions. I think it is a good bill. The committee is studying it. The Senate committee and the House of Commons committee are both examining it. If you have any amendments to propose, you

can make suggestions that will be included in the report sent to the House of Commons. I think it is a good thing for the Senate and the House to work together to improve the bill.

One thing is certain. If you ask people anywhere in Canada whether they think it is important for people to have to show ID to vote, you will see that almost everyone thinks that it is essential to do so.

[English]

## BUSINESS OF THE SENATE

**The Hon. the Speaker:** Honourable senators, as you would expect me to meet my responsibilities in the maintenance of order, I draw all honourable senators' attention to revised rule 2-11 of the *Rules of the Senate*, at page 6 of the new publication, which speaks to the process that must be followed when there are visitors in the gallery. It says:

A Senator who wishes to call attention to the presence in the gallery of a distinguished visitor shall give the Speaker written notice to that effect. The Speaker may then inform the Senate accordingly and offer words of welcome.

• (1410)

The words are very similar to the previous publication of our Rules, which said:

Senators wishing to draw the attention of the Senate to the presence in the gallery of a distinguished visitor shall do so by prior written notice to the Speaker. The Speaker shall, when the visitor is in the gallery, rise and draw the attention of the Senate to the presence in the gallery of that visitor.

I must encourage all honourable senators to follow the *Rules of the Senate* when they wish to have a visitor recognized in the gallery.

**Hon. Jane Cordy:** I would like to apologize to you, Your Honour, for having welcomed somebody to the gallery. I will try very hard not to do that ever again.

## DEMOCRATIC REFORM

### FAIR ELECTIONS BILL

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Colleagues, I suppose I could, if I wished, turn this into a question of privilege, but I'd rather not. Senator Carignan has acquired a habit — for him, no doubt, a happy habit — of referring to a reference I made some days ago in this place to the fact that I had once been — once — been the victim of electoral fraud. He has done so several times now in Question Period. He is, I think, distorting the sense of what I was saying on that occasion.

[ Senator Carignan ]

I'm quite sure I've voted in even more elections than Senator Cordy. This happened to me once. I have told the story many times in the years since it happened, and I'm always greeted with incredulity because nobody to whom I have spoken has ever experienced any such thing.

The point I was trying to make was that, yes, in a free and democratic system on occasion there will be some abuses, and that is a price we pay for keeping our system as free and keeping the ability to vote as accessible as we possibly can. I said at the time that I did not think my own experience — at the time I didn't think and I don't think it now — was worth appealing for a change in the law.

I would therefore ask Senator Carignan if he would kindly, the next time he's defending the bill, choose another example.

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

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I try to use the most eloquent examples —

**Some Hon. Senators:** Oh, oh!

**Senator Carignan:** I thought this example was appropriate, but I will try to find others. I don't know if there are other colleagues who have experienced this and would like to say so.

[English]

**Hon. James S. Cowan (Leader of the Opposition):** I agree with Senator Carignan that in something like this it is always a question of balance. In designing laws like this, one has to balance the need to prevent irregularity, on the one hand, with, on the other, the need to encourage people to exercise their right to vote. I'm sure he would agree with me on that.

Allegations, reports and comments have been made about large numbers of irregularities, large numbers of people who are impersonating others and voting improperly, and the government's response is to eliminate vouching. That has provoked a reaction from many people who say that that's the wrong way to go, that that's an overreaction.

In order to put this into perspective and to enable us to strike the proper balance, Senator Carignan, I'm sure you don't have this information at hand, but can you undertake to find out and report back to us as quickly as you can, before we're asked to pass judgment on this bill, exactly how many reported cases of irregularities there were in each of, say, the last two federal elections, how many prosecutions resulted from those allegations and how many convictions were recorded as a result of trials or guilty pleas in such cases?

I think that would give us all a sense of perspective so that we can strike the proper balance between preventing irregularities,



preventing abuse and, at the same time, encouraging as many people as possible to exercise their constitutional right to vote.

[Translation]

**Senator Carignan:** Senator, there is something that I feel is important. You mentioned irregularities. One report states that there were approximately 50,000 minor irregularities of different types. In a close vote, if these irregularities occur mainly in one riding, they could nullify the election. This report does exist and you have read it.

However, trying to discuss specific cases also leads the debate off track. The fact that charges were not laid does not mean that the irregularities did not occur. I believe you would agree with me on that. I believe that the bill seeks to ensure that the electoral system is as fair as possible, allows voters to exercise their right to vote with confidence and also allows them to trust the system.

It seems to me that at the very least, people should be asked to identify themselves before they vote and should be able to provide proof of their identity in order to exercise the constitutional right to vote. I don't think it is too much to ask of anyone. There is a list of 39 documents that may be required. You heard Senator Cordy's question earlier. It is easy. She gave the example of a student who no longer lives at home. A student who no longer lives at home lives somewhere else and has a lease, telephone service, hydro, or an Internet service agreement. There are no university students, or very few, who do not have a cellphone or Internet service, even if only for their work.

There are so many ways for people to prove their address and identity that I think that this is a very reasonable requirement, considering how important it is to protect Canadians' confidence in the electoral system.

[English]

**Senator Cowan:** A supplementary, if I may, Your Honour: My question, Senator Carignan, was whether you would provide us with the details. You mentioned irregularities. I think the figure you used was 50,000. Does that mean that 50,000 people voted who shouldn't have voted? Perhaps they voted in the wrong place. Perhaps there was some other irregularity other than the fact that they were impersonating someone else or otherwise not entitled to vote.

I'm not suggesting that that would be the only consideration that would enter our minds when we're considering the striking of this balance, but can you obtain and provide to us the information that I requested?

[Translation]

**Senator Carignan:** It is difficult for me to answer your question because if someone impersonated another person, we don't know who it was. You can ask Senator Fraser — I apologize to her for mentioning her again — if she knows who voted in her place. No one knows. Someone presented herself as Joan Fraser and voted. We don't know who that person is, so we cannot charge her. You can't try to pull out statistics on charges that were filed or not filed. The person who voted in someone else's name used a false name, so it's impossible to find out who it was.

• (1420)

[English]

## NATIONAL REVENUE

### CANADA REVENUE AGENCY—SECURITY

**Hon. Leo Housakos:** Honourable senators, my question is for the Leader of the Government in the Senate.

Many honourable senators have no doubt heard of the Canada Revenue Agency's decision to close e-filing accounts and tax return applications as a precaution until they can be sure the risks have been eliminated arising from the new Heartbleed bug.

Could the Leader of the Government in the Senate inform all honourable senators and the people of Canada about Canada Revenue Agency's decision in regard to this and of the steps the government is taking to protect Canadians by ensuring that companies make their customers aware of online privacy breaches?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I would like to thank the honourable senator for his excellent question. I don't think I am wrong in saying that this is one of the best questions asked by Canadians so far.

Because of information received late yesterday evening about an international Internet security vulnerability — a virus dubbed the Heartbleed bug — the Canada Revenue Agency temporarily blocked public access to its online services in order to safeguard the integrity of taxpayers' personal information.

The services were blocked as a preventative measure. Applications affected include EFILE, NETFILE, My Account and My Business Account.

The CRA recognizes that this problem may represent a significant inconvenience for Canadians and is fully engaged in resolving this matter and restoring online services as soon as possible in a manner that ensures the private information of Canadians remains safe and secure.

This incident will be taken into consideration if taxpayers are unable to file their income tax return on time because of this service interruption.

I would like to take this opportunity to draw attention to the importance of Bill S-4, the Digital Privacy Act, which was introduced this week and would help protect Canadians by requiring companies to inform consumers if their personal information has been stolen or compromised.

According to section 10(4), the notification must contain sufficient information to allow the individual to understand how significant the breach is to them and to take steps, if any are possible, to reduce the risk of harm that could result from it or to mitigate that harm.

This bill should allow us to achieve our goal of protecting personal information, but also protecting individuals from the consequences of such a breach.

What is more, the Interim Privacy Commissioner of Canada, Chantal Bernier, said that she was pleased that the government was addressing issues such as data breaches in Bill S-4. She said that the bill contained some very positive measures for protecting Canadians' privacy.

This is something we take very seriously, with regard to the Agency and the preventative measures taken to ensure that Canadians' personal information cannot be stolen and used, as well as the legislation that we have to study in the chamber to protect Canadians from this type of breach of privacy.

## EMPLOYMENT AND SOCIAL DEVELOPMENT

### PROTECTION OF PRIVACY

**Hon. Pierrette Ringuette:** Can the Leader of the Government in the Senate tell us whether Bill S-4 will also apply to government, as in the case of the student loans? Some information was lost and no one knows whose hands it ended up in. No one knows what type of protection will be provided for those students' information. There cannot be a double standard. If you want to impose certain things on businesses, then those things must also be imposed on government.

**Hon. Claude Carignan (Leader of the Government):** I thank the honourable senator for her question. As you noted, it is unacceptable that the department lost that information. We thank the Privacy Commissioner for her work. The department accepted the commissioner's recommendations, and most of those recommendations have already been acted on. The department has indicated to Minister Kenney that all the recommendations will be implemented by fall. The report acknowledges that the department has made significant progress in implementing many of the recommendations, and the commissioner is confident that her office does not have to intervene again at this time with regard to the breach of information on student loans.

It seems clear to me that the bill must ensure that, when there is a breach of privacy, all of the information is protected and the breach is disclosed. If other improvements or clarifications are proposed when the bill is studied by the Senate and in committee, they will be examined and incorporated where appropriate, as with any bill.

[English]

### QUESTION OF PRIVILEGE

**Hon. Tom McInnis:** Mr. Speaker, I rise on a point of privilege. Earlier in Question Period, a fellow senator from Nova Scotia made a statement that I said yesterday in the hearings that we were having with respect to the fair elections act; and she made the statement that I had said that I had witnessed thousands of fraudulent votes that have taken place in Halifax-Dartmouth. I presume she has written record of that in front of her to make that accusation.

[ Senator Carignan ]

What I said was, over my extensive political career and working on dozens of elections, that I have experienced voter fraud in Halifax-Dartmouth, where I used to live. I used to drive people to the polls and so on. That is what I said.

To make an accusation that something else has been said, if my words — sometimes when we're in questions, if they get rumbled together or whatever, I certainly did not say that. I was saying that about the country when I was talking about voter fraud in the thousands, alleged to have taken place, not in Halifax-Dartmouth.

Unfortunately, because of comments like this, some person in the media has reported it and has said that I made these comments. I've been here today expecting that this might be raised and responding to dozens and dozens of emails on this. It's amazing how a lie — you have heard the saying — can be halfway around the world before the truth gets its boots laced up. That's pretty much the case here.

If my words were rumbled together, there was no intent whatsoever, and I certainly would apologize with respect to that. But that is not what I intended, and I do not believe that's what I said.

**Hon. Jane Cordy:** Thank you. I actually watched it. It was on "Power and Politics" last night. I watched the video. I actually wrote down the words that you said. I do know that you said: "I witnessed it personally on the streets of Halifax and Dartmouth. It's a problem."

You referred to questionable votes, I think was the term that you used. I don't have the written document in front of me. I just have notes that I took watching "Power and Politics" and watching it on the screen.

I've not spoken about this to anybody until I raised it today, because I was raising a question about vouching.

As a citizen of Dartmouth, who has voted in many — all the elections since 1975 — your words that I saw last night caused me great concern. I worked very hard in all of these elections. My candidate lost in the last election, not by that many votes. If there were thousands and thousands of votes, as you suggested, that were questionable, then I would think that you would want to discuss that with Elections Canada.

**Senator McInnis:** Mr. Speaker, may I respond to that?

It is amazing. We're all honourable in here, allegedly. Isn't it amazing that you would stand here today in a rush to make a comment without checking it out.

• (1430)

Mr. Speaker, she has not taken the time to see the written record.

You make that accusation for political gain to make some question here in Question Period? Isn't that quite remarkable?

Please check the record. As I said, if my words got run together, which I hope they did not, I will expect an apology.

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

**Senator Cordy:** I do have part of what you said, and what you said was:

Thank you for coming this morning.

I have a quick comment and then a question. I'm not as old as Senator Plett so I've not been involved in as many elections, but I have since the age of 16. I can tell you that vouching is a problem. It's not just vouching. I've witnessed it personally on the streets of Halifax and Dartmouth. It is a problem.

Many of these people, first of all, don't even know who the candidates are and haven't been involved. That doesn't absolve them from the right to vote; I realize that. I've seen people take them in and almost mark their ballot. That's how serious this is, and it's thousands and thousands.

That's from the record.

**Senator McInnis:** Not in Halifax-Dartmouth. Now we're getting to the truth. Not in Halifax-Dartmouth. It has been commented over there by others, other than I, that it is thousands and thousands across the country.

Be practical. How could I witness thousands and thousands in Halifax? Why would I make that comment?

**Senator Mitchell:** I don't know.

**Senator McInnis:** As I said in my earlier statement, I consider myself honourable and truthful. If I make a mistake or make statements that are untrue, I will absolutely stand and apologize.

That is not the statement that you alleged that I made.

**The Hon. the Speaker:** Honourable senators, I will examine the record and, in the meantime, take the matter under advisement.

the Senate will address the items in the following order: Third reading of Bill S-2, followed by Motion No. 27, followed by all remaining items in the order that they appear on the Order Paper.

## STATUTORY INSTRUMENTS ACT STATUTORY INSTRUMENTS REGULATIONS

### BILL TO AMEND—THIRD READING

**Hon. David M. Wells** moved third reading of Bill S-2, An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations.

He said: Honourable senators, today I rise to speak to you about Bill S-2, the incorporation by reference and regulations act.

I would first like to thank my colleagues on the Senate Standing Committee on Legal and Constitutional Affairs for their swift consideration of the bill, relying on the relevant testimony of witnesses heard before and the important work that the committee had previously completed.

Incorporation by reference has already become an important component of modern regulation and is used extensively in existing federal regulations. The witnesses that the Senate committee heard previously were supportive of the use of incorporation by reference and notably the incorporation by reference of documents as they may be amended from time to time as a way to achieve effective and responsive regulation in a fiscally responsible manner.

After years of experience with federal regulations using the technique of incorporation by reference, we know that regulators will frequently rely on both international and national standards to achieve their regulatory objectives.

The Standing Senate Committee heard witnesses from the Standards Council of Canada who testified that giving regulators immediate access to the best technology and best expertise in any area will offer the best protection to the health and safety of Canadians. These witnesses provided testimony that many hundreds of standards are already incorporated by reference, and that use of these standards goes a long way to ensuring that our international obligations are met. Use of the technique ensures that our obligations relating to avoiding technical barriers to trade are satisfied, that unnecessary duplication is avoided, and that regulatory alignment is promoted. Indeed, the successful experience to date in using these materials and others in federal regulations will also inform the future use of this technique.

Bill S-2 builds on this positive work forward in many ways.

Enactment of this legislation will settle the debate between the Standing Joint Committee on the Scrutiny of Regulations and the government, who have long disagreed about when ambulatory incorporation by reference can be used. This bill responds to one of the committee's fundamental concerns by creating an express legal basis for the use of the technique so that there can be no longer legal debate as to whether incorporation by reference can and cannot be used.

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business,

Also, Bill S-2 will impose for the first time in federal legislation an obligation on regulation-makers to ensure that the material that their regulations incorporate by reference is accessible. This positive obligation will provide regulated communities with the assurance that such material will be available to them with a reasonable amount of effort on their part. The bill will, at the same time, provide regulators with the necessary flexibility to adapt to the many types and sources of material that may be incorporated. The approach to accessibility in Bill S-2 avoids any duplication or costs by recognizing that much of the material that is incorporated by reference is already accessible, without the regulation-maker needing to take further steps in many cases.

For example, federal regulations often incorporate by reference provincial or territorial legislation in order to facilitate intergovernmental cooperation. Provincial and territorial legislation is already widely accessible through the Internet and no further steps on the part of the federal regulators would be necessary. To require further action would result in unnecessary costs. Similarly, standards produced by organizations operating under the auspices of the Standards Council of Canada are readily accessible from the expert bodies that write them at a reasonable cost.

Bill S-2 also includes provisions to make sure that a regulated person could not be subject to penalties or other sanctions if that incorporated material is not accessible. Both the obligation relating to accessibility and the corresponding protections respond to concerns of the Standing Joint Committee on the Scrutiny of Regulations.

There are a few important themes that merit emphasizing with respect to this proposed legislation.

One important point to remember is that incorporation by reference is a technique to implement regulation-making powers that Parliament has already entrusted to the regulation-making authorities, and the choice to use incorporation by reference, or not, allows the delegate to consider how best to implement the broad policy objectives that Parliament has established. As with all regulation-making powers, the use of incorporation by reference must fall within the four corners of the regulation-making power that Parliament has already conferred. This is an important factor that operates to shape the use of the technique of incorporation by reference and will continue to do so in the future.

Another important clarification is that although Bill S-2 creates an express obligation on regulation-making authorities to ensure that documents are accessible, this obligation relating to accessibility is distinct from and not intended to change the constitutional obligations related to bilingual legislation. The overarching principles established by the Supreme Court of Canada in 1992 are in no way altered by the language of this bill. The principle that material can be incorporated by reference in only one official language only when there is a legitimate need to do so remains untouched by the bill.

It is also important to recall that the mandate of the Standing Joint Committee on the Scrutiny of Regulations is not altered in any way as a result of Bill S-2. As is the case now, the joint committee will continue to be able to review and scrutinize the

manner in which incorporation by reference is used to ensure that it falls within the scope of authority conferred by this act or a particular act. By the same token, it is and will remain open to the committee to continue to review incorporated material at any point, whether at that time that the regulation is first published or in the future after amendments have been made to the incorporated material.

Ultimately, it is in the interests of regulators to ensure that the material that they incorporate by reference is accessible, understandable and enforceable. The goal of Bill S-2 is to confirm access to a drafting technique which is already one of the regulatory tools available to a regulator when it designs its programs. The successful use of this technique to date will continue to inform the guidance that the government gives to regulators about how to most effectively use this technique, while ensuring that the requirements of accessibility and enforceability are satisfied.

• (1440)

In conclusion, Bill S-2 will ensure that the government has access to a key tool that has already become an important element of modern regulation. Incorporation by reference, and, in particular, ambulatory incorporation by reference, helps to ensure that regulations are immediately responsive and efficient. At the same time, Bill S-2 will ensure that the rules, such as accessibility and protections for the regulated public, are spelled out clearly in the legislation, so that there is no longer any doubt.

This proposed legislation offers both flexibility and safeguards, and demonstrates that Canada is on the leading edge of regulation-making and in ensuring that its regulators have access to the best tools.

Thank you, honourable senators.

[Translation]

**Hon. Céline Hervieux-Payette:** First of all, I would like to tell all those who do not intend to listen closely to my speech that I said almost everything I had to say when I spoke at second reading. However, I would perhaps remind those who are interested in this issue of the spirit in which I examined this bill.

I would like to remind my colleagues that I have been a member of the Standing Joint Committee on Scrutiny of Regulations for over 15 years. I clearly have an interest in the issues dealt with by this committee because they are fairly dry for anyone who was not born with a legal mind. There is a great deal of documentation, but, fortunately, we also have an extremely competent staff. I would like to recognize their work here today. I can tell you that the law clerks from the House and the Senate who work with the joint committee do an extraordinary job.

The reason I have some serious reservations about Bill S-2 and do not support it is that the bill is a way of fast-tracking things, when there is always a way to amend regulations, even though people say the process is very complicated. The main reason why I believe that a regulation should remain a regulation and that no one should try to slip something else into it through the back door has to do with publication and consultation. Everyone involved,

everyone affected by the regulations, can tell the legislator what they think, and the legislator will have to take those comments into account.

In this case, when regulations are changed through incorporation by reference, there is no consultation and no feedback. All this is done by public servants. I must say that those affected should be concerned about this way of doing things, as am I.

Since the same time frames do not apply, things can be done quite quickly. I think the biggest problem is the lack of transparency.

At no point have we been told that there will be a central registry with daily online updates. I believe that there are approximately 30,000 federal regulations and 3,000 laws, and every one of those regulations can include incorporation by reference. Imagine what a headache that will be for taxpayers and their lawyers who have to dig through all of the regulations and find the material that was incorporated by reference, the document that pertains to the regulation. Regulations themselves are easy enough to find because they are public.

For incorporation by reference, there's nothing in the law that requires the government to develop a system searchable by day, subject and regulation. From an accessibility perspective, I can tell you right now that, technically speaking, this bill makes no promises at all.

There's also the cost. We have to consider the fact that if a taxpayer has to consult experts for help managing his business, and if those experts have to spend hours and hours making sure they've covered all of the angles that incorporation by reference covers, there are hourly rates and bills, and it gets to be a massive burden on businesses even though the government always says it wants to reduce the regulatory burden.

The other problem is that, despite what my colleague who just spoke claimed, nowhere in the law is there anything that requires the incorporation by reference of an international document, an American document, a European document or an international standard to be bilingual. That is a problem right off the bat. This will affect what I consider to be strategic sectors, such as health, transportation and many other sectors where the issues are global.

In my previous speech, I talked about the problem with railway regulations regarding the incident in Quebec. The regulations are currently being changed. But even in that case, the people affected are not really satisfied with the amount of consultation. And we are talking about the regulations. When it comes to incorporation by reference, there won't be any consultation.

What also troubles me is that one of the general principles of law is that "ignorance of the law is no excuse." This applies to everyone. In this case, however, the legislator, somewhat ridiculously in section 18.6, exonerates people, saying that perhaps they should have been familiar with the incorporation by reference, but they didn't know about it because they couldn't find it. Thus, there will be no finding of guilt or administrative sanction if they did not follow the incorporation by reference. So this will be done in a pretty informal manner. Except that for regulations, this is quite shocking.

Section 18.7 is the height of disrespect for a system of law; it introduces retroactivity. In the case of regulations where incorporation by reference was made illegally a number of years ago, suddenly one day, they will automatically become legal. I don't have to tell you that I see very little merit in that section.

Why don't I believe that this bill will improve our legal system, and the management of businesses and the government? On the one hand, because we spend our time saying that we want to be transparent, when in fact, this bill will make the regulatory process more obscure. On the other hand, when it comes to accountability, if you didn't find the incorporation by reference, don't worry, because you won't face any sanctions anyway. Anyone who finds it will be required to follow it, but anyone can just say that they didn't follow it because they didn't know about it. We cannot have two systems of law. There is only one system of law. People need to know which regulations they must follow.

We want to move forward with this bill. In the past few days we have all spoken to the professional associations, to the plumbers, who have come here. The plumbers told me that they were worried that American standards would sneak in through the back door. You are familiar with what American lobbies can do. This means that Canadian and American standards are not similar. We are talking about anything technical or technological, the components that are used in this industry. The problem in this case is that the standards will not necessarily be bilingual and they will also not reflect our climate.

The way construction is done in Florida may not work in Montreal and probably would not have worked in Ottawa this past year. I think we need properties and buildings that can withstand bad weather.

If I wanted to support incorporation by reference for the sake of efficiency, because that is what is being promoted, there are two types of incorporation by reference. The first type is closed. It does not change and we don't need to worry about it changing over time. There is also open incorporation by reference. If you adopt it in 2014, then in 2015 through incorporation by reference you change the standards, and in 2017 you change the standards again, and so on.

• (1450)

However, each time, there is no registry, no publication. Finding it, especially with 30,000 regulations, is like finding a needle in a haystack.

I cannot recommend to my colleagues that they support this bill. I believe that it might be convenient for the public service. However, it would seem to me, honourable senators, that it is up to us to decide how our government will work, and it is not up to the public service to tell us how to reduce their workload.

As a member of the Standing Joint Committee on Scrutiny of Regulations, I am also skeptical. I have sat on this committee for 19 years except for the brief two-year period when I was the Leader of the Opposition in the Senate, and I realize that, over the past three or four years, rather than working by consensus, we have voted more often than in the previous 15 years. In other words, we have become partisan. The people who come to this committee have received their marching orders from the

government, and, rather than accepting their responsibilities and determining whether regulations are consistent with the legislation, they allow their decisions to be dictated to them. We have even had to vote to determine whether or not we would send a letter to the minister.

I personally have no confidence in this method. It is far too permissive, and I would recommend that my colleagues not support this bill.

[English]

**Hon. Joseph A. Day:** A question to the honourable senator, if she's prepared to take one.

We have seen incorporation by reference in the past on various pieces of legislation and in omnibus bills. I have commented on this in the past, and my concern has always been the imprecision, the impreciseness of incorporating by reference something that is in existence now or may be in existence in the future. It is "as now exists or in the future." It is always that "in the future" that concerns me.

If you want to be a law-abiding citizen and you want to know what the rule is, you first go to the law. The law has regulations that flow from it. Now those regulations have incorporated into them some standards of whatever body, so you have look up those other standards that are incorporated by reference into the regulations. Finally, you have to determine whether what has been incorporated by reference has been amended. If so, how was it amended, and when was it last amended? That is what applies to me.

Honourable senators, this sounds to me like an amazing make-work project for lawyers to help people abide by the law. Are you in agreement with that process in the way I have explained it?

[Translation]

**Senator Hervieux-Payette:** I must say that I am not surprised that my colleague has grasped the thrust of the bill so well, but I will say that it is in keeping with a standard that he knows well and His Honour also knows well and that states, in Latin: *Delegatus non potest delegare*.

I think that the thing that bothers us about this is that at the end of the day, people are being referred to a third document that can change over time and there is no registry, no way to find it other than by searching through an incredible number of regulations, references and standards. This serves only the interest of the administration, and certainly not that of the taxpayers.

[English]

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

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Wells, seconded by the Honourable

[ Senator Hervieux-Payette ]

Senator Beyak, that the bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** Those in favour of the motion please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** Those against the adoption of the motion, please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** In my opinion the "yeas" have it.

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

## ECONOMIC ACTION PLAN 2014 BILL, NO. 1

### CERTAIN COMMITTEES AUTHORIZED TO STUDY SUBJECT MATTER

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Demers:

That, in accordance with rule 10-11(1), the Standing Senate Committee on National Finance be authorized to examine the subject-matter of all of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures, introduced in the House of Commons on March 28, 2014, in advance of the said bill coming before the Senate;

That the Standing Senate Committee on National Finance be authorized to sit for the purposes of its study of the subject-matter of Bill C-31 even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, in addition, and notwithstanding any normal practice:

1. The following committees be separately authorized to examine the subject-matter of the following elements contained in Bill C-31 in advance of it coming before the Senate:
  - (a) the Standing Senate Committee on Transport and Communications: those elements contained in Divisions 15, 16 and 28 of Part 6;

- (b) the Standing Senate Committee on Social Affairs, Science and Technology: those elements contained in Divisions 11, 17, 20, 27 and 30 of Part 6;
  - (c) the Standing Senate Committee on National Security and Defence: those elements contained in Divisions 1 and 7 of Part 6;
  - (d) the Standing Senate Committee on Banking, Trade and Commerce: those elements contained in Parts 2, 3 and 4 and Divisions 2, 3, 4, 8, 13, 14, 19, 22, 24 and 25 of Part 6;
2. The various committees listed in point one that are authorized to examine the subject-matter of particular elements of Bill C-31 submit their final reports to the Senate no later than June 19, 2014;
  3. As the reports from the various committees authorized to examine the subject-matter of particular elements of Bill C-31 are tabled in the Senate, they be placed on the Orders of the Day for consideration at the next sitting; and
  4. The Standing Senate Committee on National Finance be simultaneously authorized to take any reports tabled under point three into consideration during its study of the subject-matter of all of Bill C-31.

#### MOTION IN AMENDMENT

**Hon. Elizabeth Marshall:** Honourable senators, in amendment, I move that the motion be amended by adding, at the end of paragraph (d) after the semi-colon, the following:

“(e) the Standing Senate Committee on Legal and Constitutional Affairs: those elements contained in Division 5 of Part 6;”.

She said: Honourable senators, as everybody knows, for the last several years we have been splitting up the budget bill and referring it to various committees of the Senate. After discussion between the deputy leader on the government side and the deputy leader on the other side, it has been agreed that Part 6, Division 5, clauses 164 and 165, relating to the Judge's Act, should go to Senate Standing Committee on Legal and Constitutional Affairs to be looked at and studied.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I would like to say that I strongly support this amendment, and I thank the government for moving it.

When we first saw the list of allocations of parts of this pre-study to different committees, I noted in negotiations with the government that precedent was for any matter concerning judges to go to the Legal and Constitutional Affairs Committee. I greatly appreciate the government's willingness to say, “Oops, yes, that's right. That's the precedent and that's what we will do.”

I believe this is a good example of how the Senate should work. It would be a good precedent.

Ideally, we wouldn't have to be doing this at all because we wouldn't have to face omnibus bills, but it is not the Senate that determines whether or not omnibus bills come to it, and over the years we have established a habit of parcelling out portions of omnibus bills to the committees that are best equipped in expertise and experience to handle them. That's what we're doing here today.

It is, in my view, clear that the Legal and Constitutional Affairs Committee has not only the tradition but the actual experience and expertise to handle this particular portion of the budget implementation act and, so as I have said, colleagues, I strongly support this amendment.

**Hon. Joseph A. Day:** I should say a few words on this since the Standing Senate Committee on National Finance will be called upon to do quite a bit of the work, as you will see in paragraph 4 of this motion.

**The Hon. the Speaker pro tempore:** Do you want to speak specifically on paragraph (d) or on the amendment that we are now debating?

**Senator Day:** I thought I could speak on both at the same time.

**The Hon. the Speaker pro tempore:** We should first go to the amendment. I will put the question on the amendment and then we will go back to the main motion. Then I think it would be appropriate for you to speak at that moment.

**Senator Day:** Thank you. I will divide my comments into two parts.

I support the amendment.

**The Hon. the Speaker pro tempore:** Good.

**Senator Cowan:** Great speech.

• (1500)

[Translation]

**Hon. Fernand Robichaud:** Mr. Speaker, even though my colleagues on this side of the chamber agree with this amendment, and even though I might agree in another context, I am voting against it because I do not agree with the omnibus bills we are presented with.

Thank you.

[English]

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** Those in favour please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** Those against please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the “yeas” have it.

(Motion in amendment agreed to, on division.)

**The Hon. the Speaker *pro tempore*:** On debate on the main motion.

**Senator Day:** The proponent of the motion may wish to speak first, Your Honour, and then I would reply. I don’t mean to take this person’s time.

**The Hon. the Speaker *pro tempore*:** Seeing no one, I recognize you.

**Senator Day:** Thank you, Your Honour. I’m generally in support of the concept of trying to share the work on something like an omnibus bill. I share the view of Senator Robichaud that we should not encourage this kind of budget omnibus bill. Given the fact that we have it, I believe this is a step in the right direction as a manner to handle it.

I point out that paragraph 4 requires the Standing Senate Committee on National Finance to do a portion of the work on this omnibus bill, with certain sections to look at, but, in addition to that, to review all of the other reports from all of the other committees and all of the work that the other committees are doing.

I’m concerned that those reports aren’t required to be in until June 19 of this year. Then, the Standing Senate Committee on National Finance is going to be required to study those reports if the bill has arrived or wait for the bill to come, and then study the entire bill and conduct clause-by-clause consideration on all clauses, not just the ones they’ve studied.

My first concern is that June 19, I believe, which appears in paragraph 2 of Motion No. 27, is too close to the end of this particular spring session.

My second concern is in regard to requiring one committee to do all of the clause-by-clause consideration following this pre-study. If we’re having a pre-study, why not have the same division and the same commitment to divide the bill when it comes? Pre-study is to study the bill before it comes here. Why not take the bill when it comes here and divide the bill into the same different categories that we’re dividing the pre-study into and let each of

the committees conduct clause-by-clause consideration on the clauses that they have studied? We’re not proposing that here, and that’s not what’s intended, implicit in paragraph 4, where the National Finance Committee is required to consider all of the reports and to have, in effect, a knowledge of the entire bill ready to do a clause-by-clause consideration of the whole bill.

For that reason, I’m reluctant to support this, and I will abstain from supporting it because I believe it is not going far enough. I share the comment of Senator Robichaud that, in principle, we shouldn’t be encouraging these particular omnibus financial budget bills, but we should divide them up. We have taken one step. We haven’t gone far enough.

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** Those in favour please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** Those against please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** The “yeas” have it. I’m not recording abstentions on a voice vote.

(Motion as amended agreed to, on division.)

## THE ESTIMATES, 2013-14

### MAIN ESTIMATES—SEVENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the adoption of the seventh report of the Standing Senate Committee on National Finance (Main Estimates 2013-2014), tabled in the Senate on March 25, 2014.

**Hon. Catherine S. Callbeck:** Honourable senators, I wish to say a few words on this motion on the Main Estimates 2013-14, which the National Finance Committee has been studying for a number of months.



We've already heard from the Deputy Chair, Senator L. Smith, and we had an overview from the Chair, Senator Day. I wish to speak about a couple of areas because they deal with spending in the departments.

The first area I want to talk about is regarding some incredible, revealing testimony we received from the Parliamentary Budget Officer regarding government cuts. It's been well documented that the former PBO, Kevin Page, and, now, the current PBO, Jean-Denis Fréchette, have had a remarkably difficult time trying to get information on billions of dollars in government cuts, most of that stemming from the 2012 Spending Review and Deficit Reduction Action Plan. In fact, it was so bad that Mr. Page ended up taking the federal government to court to try to get the information that he needed to actually find out what programs, services and positions would be eliminated in these reductions.

Since Mr. Page's departure from the PBO, Mr. Fréchette has continued the battle to try to get information, and he has actually been forced to, as a last resort, file access-to-information requests to try to figure out what's happening inside the departments.

He told the committee:

The PBO has not yet received from federal departments and agencies complete service-level data that is necessary to assess the fiscal sustainability of the Budget 2012 cuts. Almost 40 per cent of the performance of programs in 2012-13 cannot be evaluated due to end-year changes to targets, incomplete data or insufficient evidence.

I remind honourable senators that the mandate of the Parliamentary Budget Officer is to provide independent analysis to the Senate and the House of Commons about the state of the nation's finances, estimates of the government and trends in the national economy.

I asked our witnesses from PBO if they could fulfill their mandate that I've just quoted. I want to read part of that transcript from the National Finance Committee meeting on January 28, where this was discussed.

I said:

So, really, the bottom line here is that if you can't get the information, you really can't fulfill your mandate. Is that right?

The response from Mr. Askari, who was Assistant Parliamentary Budget Officer, was:

That's correct.

As we all know, the government created the PBO with great fanfare, and now they're preventing the office from actually fulfilling the mandate that they created.

Our witnesses from PBO also brought up the very good point about what that lack of information means in terms of actually administering the programs.

• (1510)

I'd like to quote again from the testimony of Mr. Askari, Assistant Parliamentary Budget Officer, who said:

One of the things we asked in our request from the department after Budget 2012 was to provide us with information, inflows and outflows of money to different programs. The idea there was for us to assess whether in areas where there is a claim of a huge efficiency gain there has been some investment that would actually lead to efficiencies, but when we look at the overall picture and look at different program activities and the performance criteria that the government has set for those programs, we see that before or after the 2012 Budget those service-level qualities and performance targets have not changed at all. Even though there have been cuts through those programs, those service-level qualities have not been changed. They still maintain those qualities.

The question for us is how do you maintain those levels of services, the quality of services, without actually investing in those areas? That's the part of the information that is missing and that we could not get to evaluate that. It is not really clear to us exactly how you do that.

Mr. Weltman, Acting Assistant PBO, was more explicit. He said:

If you are cutting expenses to find savings, you're cutting people. That's how you find savings. Our experience has taught us that, not just at PBO but also at Treasury Board...

If you are not, as Mr. Askari mentioned, investing in capital to replace those people you're cutting, then it is pretty interesting or a little mysterious how you're going to maintain those same service levels. We're not able to get access to any of that information.

To put it simply, honourable senators, the PBO cannot figure out how the government plans on cutting as much as they do while still maintaining the programs and levels of service Canadians have now.

I understand the PBO's frustrations at not being able to get information on these cuts. At that Finance Committee, I asked almost every department we had that had any mention at all in the 2012 budget cuts for the spending review to break down in detail what makes up those cuts. What jobs, programs and services will no longer be available to Canadians? The answer is virtually always the same: a promise to respond with a breakdown, but weeks later, little or no information. Canadians have every right to know how their money is or isn't being spent, and it is just that: their money. To have to end up in court filing access-to-information requests to find out basic budgetary measures is simply disgraceful.

While I still have some time, honourable senators, I'd like to move away from the plight of the PBO and discuss another concerning issue we came across during our examination of the Main Estimates regarding youth hiring in the federal public

service. The Federal Student Work Experience Program gives thousands of full-time students the opportunity every summer to work for the federal government across the country in a wide variety of positions covering virtually every government department. For many, FSWEP has been a stepping stone to a career in the federal public service, opening the door and creating job opportunities that simply wouldn't be available without the program. However, that window of opportunity for students is now shrinking.

Testimony from Anne-Marie Robinson, President of the Public Service Commission of Canada, revealed that hiring under the FSWEP program is down dramatically over the past year. According to her, in 2011-12, 8,305 students were hired under the program. In 2012-13, that number plunged to 5,835 — a decrease of 2,467 jobs or 30 per cent. Co-op positions with the federal government have also dropped from 4,520 in 2011-12 to 3,408 in 2012-13 — a decrease of 25 per cent. Honourable senators, this comes at a time when we need fresh blood flowing into the civil service more than ever. It's aging quickly. With the recent cuts and layoffs by attrition, we need these young people.

Anne-Marie Robinson told the committee:

Fewer graduates entered the public service in 2012-13. There are also fewer employees aged 35 years of age and younger in the public service. They represented 18.4 per cent of permanent employees in March 2013, down from 21.4 per cent in March 2010. In this context, a focus on renewal and the recruitment of new employees will gain greater importance as the public service moves forward.

However, it's hard for the Public Service Commission of Canada to focus on recruitment of youth when one of their best tools, FSWEP, is hiring thousands fewer. This trend must be halted in order to guarantee the long-term stability of the civil service. The government, in my opinion, must realize that and reverse the hiring decline. We need more students and young people in the civil service, not fewer. If we don't do that, we could be facing a real staffing crisis in the medium and long terms.

Honourable senators, those are two of the concerns I wanted to bring to your attention that came up during the hearings we had on the 2013-14 budget: first, that the Parliamentary Budget Officer can't fulfill his mandate because he can't get sufficient information from the government; and second, that the government is hiring fewer young people in the public service, which could have very serious implications down the road.

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

**Hon. Senators:** Question.

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

(Motion agreed to and report adopted.)

[ Senator Callbeck ]

## LINCOLN ALEXANDER DAY BILL

### SIXTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Ogilvie, seconded by the Honourable Senator McIntyre, for the adoption of the sixth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-213, An Act respecting Lincoln Alexander Day, with amendments), presented in the Senate on April 3, 2014.

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

**Hon. Senators:** Question.

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

(Motion agreed to and report adopted.)

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

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

• (1520)

[Translation]

## CANADA ELECTIONS ACT

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

**Hon. Dennis Dawson** moved that Bill S-215, An Act to amend the Canada Elections Act (election expenses), be read the second time.

He said: Honourable senators, this is the third time I have introduced this bill, and I hope the third time's the charm. I would like to convince you to correct a major flaw in the Canada Elections Act.

Honourable senators who were present when I introduced the first two versions of this bill know the details. They know that the purpose of this bill is not to prevent political parties from advertising between election campaigns. Its purpose is simply to better regulate advertising expenses by requiring parties to report advertising during the three-month period prior to an election period as official campaign expenses.

[English]

I'm glad to know that Senator Gerstein will once again be the critic on this bill. No doubt, we'll hear from him. He will likely say that I'm introducing the same bill, I'm repeating myself and he will be right. It was a good idea then; it's a good idea now.

I will have to mention Senator Gerstein a few times in my address on the bill because he does come up in some of the remarks that I will be making. I could have used his title as chief financial officer of the Conservative Party, or something like that, but as you know I have a lot of respect for Senator Gerstein. He has a job to do and I respect the job he has to do but sometimes it carries some responsibilities.

I must warn Senator Gerstein that a lot has changed since I introduced Bill S-227 in February 2011 — major changes on the Conservative side. At that time Nigel Wright was the Prime Minister's chief of staff. Mr. Wright was one of their party's main credible allies on Bay Street and a good source of revenue for the Conservative Party. He fell under the bus. I'll get back to him a little bit later.

Mike Duffy was described in emails as the biggest draw at Conservative fundraising activities across Canada. I was following him on Twitter when he was soliciting funds. It was quite entertaining. We even have emails from him asking an unknown source to help him get appointed to cabinet in order to raise even more money on behalf of the Conservative Party — on the taxpayers' bill, obviously. We are even told that had he limited his abuse of public funds to less than \$40,000 he could have received a reimbursement from the Conservative Party fund. Since he couldn't be reimbursed by the party, he asked the same Nigel Wright I mentioned earlier to write him a cheque of \$90,000. On that I can quote the PM and say I cannot talk about it because it's in front of the courts.

The same Nigel Wright and the Conservative Fund reimbursed Mr. Duffy's lawyer's fees, again, from the money that the chief fundraiser of the Conservative Party has to work hard to collect. He's also under the bus. A lot of people are getting thrown under that bus and it's happening every week.

If you want, I have the memo on the correspondence concerning his nomination to cabinet and the refusal that was given by people on the other side to say that would be an even greater abuse of public funds than he has done in the past.

[Translation]

The changes don't end there on the Conservative side. Pamela Wallin, the Conservative Party's second-most-popular fundraiser, attended fundraising activities from Vancouver to Halifax at taxpayers' expense. Taxpayers wasted tens of thousands of dollars helping out the Conservative Party. It so happens that Ms. Wallin paid back some of the money. She embarrassed the party, and now she is under the same bus.

[English]

I have an article here "Conservative campaign database fiasco cost party millions." I know how hard the chief financial officer of the party works to collect money, but you tell the people who

collected that money that you've spent \$8 million or \$9 million to create a data fund for the party and also threw that under the bus because it was rejected and was not used. With \$25 here and \$50 there, it takes a lot of \$25 and \$50 donations to be able to collect the millions of dollars that were wasted on the fees for Senator Duffy — all that hard-earned, hard-collected money wasted.

In addition to losing those senators, they've lost three directors general in six months; the last one obviously being Dimitri Soudas two weeks ago. He's also mentioned in a few of the emails. He sent a confidential email to Senator Gerstein saying that we have to ask the Conservative fundraisers to collect more money. That email was sent to everybody who had been a major donor to the Conservative Party in the last few years.

There was one exception. One person who didn't get that letter was Dimitri Soudas. If you look at the Conservative list of donors for the last five or six years, you will see he wasn't on it. He didn't contribute to his own party. We need that hard-earned money and Senator Gerstein had to work with that guy. Oh, it must have been painful. But again, where is he? He's under the bus.

Another great difference between now and the last time I presented this bill is the Minister of Finance — a very credible Minister of Finance on Bay Street and across the country and, again, very popular in fundraising activities — for reasons that we'll know some day, decided to resign.

**Senator LeBreton:** Is this not a partisan speech?

**Senator Dawson:** Not at all. It's a speech to defend the bill that will stop you guys from abusing as you've been doing for years and definitely, as the presenter of the bill, I do have strong opinions.

Madam, I won't be getting lessons on partisanship from you. You're quoted in a bunch of emails but I didn't want to provoke you so I didn't mention you because that would just be adding insult to —

[Translation]

**The Hon. the Speaker pro tempore:** Honourable senators, order.

**Senator Dawson:** I was simply trying to correct the impressions that the honourable senator was giving.

[English]

Again, if you want a copy, I can send you one. It's the correspondence concerning the secret email from Dimitri to you asking for funds. Great success — probably paid for his separation pay.

[Translation]

Even more important is the fact that the Conservatives are trying to use Bill C-23 to sabotage our electoral system, which is the envy of the world. I hope that we will soon have a chance to debate this bill in this chamber. It has drawn criticism from all sides. The Conservatives are yet again drawing inspiration from the Republicans in the United States with their cheap tactics to try

to win elections by bending the rules. The Conservatives tried to do that in the last election by directing voters to the wrong polling station, and now they are using Bill C-23 to try to do it again.

My bill won't solve all of the problems, of course, but it's another step in the right direction. This bill is based on three major principles. No one should try to bend the rules to their advantage. We need to put the brakes on the Conservatives' obsession with drawing us into a U.S.-style perpetual election campaign.

• (1530)

There have, however, been more than negative changes since 2011. The Liberals, in particular, saw their fundraising revenue increase substantially to the point where they raised almost as much money as the Conservatives in the last quarter. It is only a matter of time before they raise even more, since they already have more donors than the Conservatives.

[English]

The bill would apply to them, too. When they have more money than you and they're trying to spend it, I hope they have to respect the same bill you will have to respect if you decide to support me in this bill.

There have, however, been more than negative changes. The Liberals, in particular, saw their fundraising revenue increase substantially to the point of raising almost as much as the Conservatives. It is only a question of time before they fundraise more, because they have surpassed the Conservatives in the number of donors.

Some Liberals may not be happy with my bill, since it restricts all parties from spending money without control during a period leading up to an election. Even if my former colleagues in the Liberal party in the other caucus have more money than Conservatives to spend, I still believe in the importance of this bill. It will apply to them as it will apply to everybody else.

[Translation]

Since I already introduced an almost identical version of this bill in the past, I may be repeating myself. However, principles are principles. I would like to present to you the three major principles behind this bill.

The first is that the outcome of our elections should not depend on the size of any political party's coffers. The outcome of our elections should depend on which team and which leader Canadians think have the best ideas for the country.

Elections should be decided through a fair contest of ideas, not through a contest of who can spend the most. This way of doing things, this idea that money is of the utmost importance in election campaigns, is a tradition that the Conservatives are trying to impose on us. The Canadian tradition — and I had the opportunity to talk to Senator Gerstein about John Diefenbaker, with whom, as I have mentioned, I had the opportunity to sit in

the other chamber — is that of a level playing field. This is a notion that the Conservatives brought in through the legislation they passed in the 1950s.

[English]

It was very good legislation. I remember the great Dief, and he would be a little sad to see what is happening in the other chamber when they are debating Bill C-23.

[Translation]

Money should not allow a party to monopolize the political discourse. To ensure that political parties have the same opportunity to share their ideas, we should return to the basic underpinnings and spirit of the Canada Elections Act, namely, that parties can use only a limited amount of financial resources to run an election campaign so that every party has an equal opportunity.

The vast majority of Canadians accept that the Canada Elections Act should be based on the principle of a level playing field.

[English]

We have had this tradition for decades now, but the Conservative Party is trying to change another Canadian tradition. The present party came to power promising to do away with the role of big money in politics. Now they're trying to change that.

The second principle, again, is tradition and goes back to Mr. Diefenbaker. A major principle in every democracy is that we should not look for loopholes in legislation and profit from them for electoral purposes. Thinking that it is okay as long as we don't get caught by Elections Canada is wrong.

Clearly there has been a loophole in the Canada Elections Act since the Conservatives introduced their fixed election date legislation. If we have fixed election dates — and that law is not always respected — for three months leading up to the campaign, any of the political parties can spend millions of dollars trying to influence the electorate. According to the existing legislation, nobody would be preoccupied by that. That means we know it is theoretically in October 2015.

You have seen all these Justin Trudeau ads; you saw them when they did it with Stéphane Dion; and we have seen them in the past. We know what they'll try to do.

During the three months leading up to the election, if there is no legislation, they will spend as much money as they want trying to attack — not promoting their ideas or their successful eight years in power. No, just negative ads to attack the other parties.

They can do that if they want. The only thing the bill says is that you have to put it in your expense accounts for the campaign; you have to recognize the fact that you spent money and, again, come back to a level playing field.

[ Senator Dawson ]

This sort of campaign does not respect the essence of the Canada Elections Act. They're allowed to advertise, but they have to be held accountable for it.

[Translation]

With fixed election dates, all the parties know the date of the next election and can easily launch advertising campaigns months in advance without the campaign being subject to the law.

[English]

Again, I have to say, it's going to apply to the Liberals as much as it's going to apply to the governing party.

[Translation]

This brings me to the third principle, which has to do with permanent campaigns.

[English]

The Canadian way is also for members of Parliament and senators to work and govern between elections, not to spend most of their time campaigning against other political parties and raising money.

For decades, political parties waited for the election call before launching their official campaign. Now, the Conservatives are trying to impose on Canadians a permanent campaign strategy like in the U.S. where representatives spend one year collecting money and one year spending it, instead of governing. It is not a nice model to follow. There are some things we like to follow from the U.S., but that is not one of their great accomplishments.

The Conservatives are trying to outrageously change this Canadian tradition by spending, spending and spending outside electoral campaigns. We saw what they did with Stéphane Dion, Michael Ignatieff and now Justin Trudeau: millions of dollars on TV and radio advertising. I must say it is not very successful this time around. Every time they show our leader, people respect him even more.

The use of government resources by the Conservatives is clear and well known by most of us. In my opinion, this use is problematic. I think this bill is only a first step in amendments to the Canada Elections Act. When we get Bill C-23 here, we will have to debate a lot about that. The Conservatives are going too far in their abuse, and I believe we eventually will need to have a wide debate on this concept across the country.

I would like this bill to be sent to committee so we can debate some of these issues that are changing the way Canada is perceived elsewhere. More and more Canadians are being cynical about politics and their politicians. The participation rate in the last election is a good example of this cynicism. I believe the Republican-inspired attack ads are partly to blame for the fact that Canadians are turning off of politics. I believe that attack ads

are a major factor in this situation simply because Canadians do not like them. Canadians are looking for a higher and more constructive discourse than attack ads.

We know the smaller voter turnout always helps the Tories. It helped them the last time; they received fewer votes than the election before, but they still won and it was a majority government. I guess they're attaining their objective: They received fewer votes in 2008 than 2006 and again gained seats. If that is their objective, at least come out and say it. The hundreds of thousands of people they are trying to disenfranchise with Bill C-23 is an additional example of their encouraging voters not to come out to vote.

They share a lot with the Republicans, but, contrary to the Republicans, they don't have the courage to face it. If we want to campaign permanently like the U.S., we should campaign like them. When they have a negative ad, they should note at the end of the ad: "I'm Stephen Harper, and I approve these ads." But they don't do that; they don't go all the way. If they want to follow the other model, let them follow it all the way.

He's probably never done it, because I think he's probably personally embarrassed by some of these ads. I do not think the Prime Minister would say, "I approve of these ads." I know we shouldn't say *lie*, but some of them were so obviously lies that they were taken off and taken down by the Conservative Party because they went too far.

However, they still have the aim of turning off Canadians, which is a well-known objective. The less people vote, the more you think you have a chance of winning.

[Translation]

In closing, honourable senators, in order to put an end to Canadians' cynicism with regard to politics, and for the good of Canadian democracy, we must hold elections that are won with ideas and not with money.

[English]

Honourable senators, I believe this bill is needed because it preserves the Canadian tradition and it would end permanent campaigns. In the end, it hopefully would restore people's appetite for election and politics.

When you pride yourself in weakening voter participation in a democratic state at a time when the world is asking for a greater voice and democratic elections, the only word I can say for this is that it is pathetic.

Honourable senators, like most Canadians, I do not believe in permanent campaigning. I believe in fair debates and in politicians who work instead of fight permanently.

You have probably heard the opposition response to the Conservative ads because, yes, they have to respond. They do not just sit there and watch. That's why permanent campaigns are bad — because now that the Liberals have money, if they react to

these ads, it will be a battle to see who will spend more than the other guy. Again, that American attitude is not something we want to import here.

I truly believe in our Canadian tradition and that elections should be decided through a fair contest of ideas, not through a contest of who can spend the most. Most of all, I know that most Canadians across the country believe that politicians' first priority should be to govern, not to campaign permanently.

Thank you.

(On motion of Senator Martin, debate adjourned.)

• (1540)

### CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

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

On the Order:

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

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, Senator Plett is the critic on this bill and he has asked me to ask for an extension to reset the clock. It is on day 15 and he is not in the chamber at this time, so I ask, in Senator Plett's name, for this debate to be adjourned in his name and for the time to be reset.

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

**Hon. Senators:** Agreed.

(On motion of Senator Martin, for Senator Plett, debate adjourned.)

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON THE INCREASING INCIDENCE OF OBESITY—SEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on obesity in Canada—power to hire staff), presented in the Senate on April 8, 2014.

**Hon. Kelvin Kenneth Ogilvie** moved the adoption of the report.

He said: Honourable senators, for the benefit of the Senate, this budget report requests a total of \$10,360 for the purpose of creating and publishing the final report of a study we will undertake to be tabled in the chamber no later than June 30, 2015.

There are no other items in the budget other than the preparation of the report.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

### CONFLICT OF INTEREST FOR SENATORS

#### BUDGET—FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Conflict of Interest for Senators (budget—mandate pursuant to rule 12-7(16)), presented in the Senate on April 8, 2014.

**Hon. A. Raynell Andreychuk** moved the adoption of the report.

She said: Honourable senators, there is an item that has been on the Order Paper every time we have a new session, and it is an item of \$50,000 to be in reserve should we need any outside legal advice that cannot be offered within the confines of Parliament.

It has only been used once, from my recollection, some years ago, and the amount was about \$5,000. We continue to keep it just in case so that we can be ready to respond to any report in a timely fashion.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

### SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

#### BUDGET—STUDY ON PRESCRIPTION PHARMACEUTICALS—EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—study on prescription pharmaceuticals), presented in the Senate on April 8, 2014.

**Hon. Kelvin Kenneth Ogilvie** moved the adoption of the report.

He said: Honourable senators, this is a budget totalling \$20,470 entirely for the purposes of creating and publishing final reports. We anticipate a report of the current fourth section of this study and then an overall report. The budget is entirely for the purposes of producing these reports.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## HUMAN RIGHTS

### BUDGET—STUDY ON ISSUE OF CYBERBULLYING— FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Human Rights (budget—study on cyberbullying), presented in the Senate on April 8, 2014.

**Hon. Mobina S. B. Jaffer** moved the adoption of the report.

She said: Honourable senators, the committee is requesting the sum of \$7,200 for printing and courier expenses.

As you are aware, in December 2012 the Senate Standing Committee on Human Rights tabled its report entitled *Cyberbullying Hurts: Respect for Rights in the Digital Age*. In submitting this report, the committee produced two guides — one for youth and one for parents — to assist them in dealing with the challenges of cyberbullying.

Honourable senators, these guides have been incredibly well received and the committee has had many requests from conferences around the world, school boards, church groups, community groups and young people for a large number of copies. The demand for these guides continues, and this budget is to allow the committee to continue to print them.

For senators' information, as these guides are printed in-house, they're only printed as and when they're needed. We do not print them all and wait to be asked. They're only printed when needed.

When we are first asked, the committee also continues to encourage accessing the electronic version of these documents, but where hard copies are required we only print them on demand, rather than maintaining a large stock in order to minimize costs and waste.

Honourable senators, the committee is requesting \$7,200 for printing and courier.

**The Hon. the Speaker pro tempore:** Are senators ready for the question?

**Hon. Joseph A. Day:** I wonder if the honourable senator would take a question.

Can you tell us if the cost of printing the hard copies — never mind the courier cost — is now charged to the specific committee that is asking to have copies of the report printed?

**Senator Jaffer:** Yes, it is.

**Senator Day:** This budget is to cover that, plus courier costs.

**Senator Jaffer:** That's right.

**Senator Day:** Thank you.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

• (1550)

## TOUR OF ALBERTA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to Canada's Pro-Cycling Festival, the Tour of Alberta.

**Hon. Joseph A. Day:** Honourable senators, this matter was begun on November 7 by Senator Mitchell, who brought to our attention the growing interest and importance of cycling in Canada by way of highlighting Canada's pro-cycling festival, the Tour of Alberta. I would like to expand on the growing interest in cycling in Canada. I am mindful of the time, and, therefore, honourable senators, I move the adjournment of this particular inquiry for the balance of my time.

(On motion of Senator Day, debate adjourned.)

[Translation]

## NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO STUDY THE MEDICAL,  
SOCIAL, AND OPERATIONAL IMPACTS OF MENTAL  
HEALTH ISSUES AFFECTING SERVING AND  
RETIRED MEMBERS OF THE CANADIAN  
ARMED FORCES AND THE SERVICES  
AND BENEFITS PROVIDED TO  
MEMBERS AND THEIR  
FAMILIES—MOTION  
IN MODIFICATION  
ADOPTED

**Hon. Roméo Antonius Dallaire**, pursuant to notice of March 25, 2014, moved:

That the Senate Standing Committee on National Security and Defence be authorized to study and report on:

- (a) the medical, social, and operational impacts of mental health issues affecting serving and retired members of the Canadian Armed Forces, including operational stress injuries (OSIs) such as post-traumatic stress disorder (PTSD); and
- (b) the services and benefits provided to members of the Canadian Armed Forces affected by OSIs, and to their families; and

That the Committee report to the Senate no later than December 31, 2015, and that it retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

He said: Honourable senators, before I talk about the content of the motion, I would like to propose an amendment to this motion and ask for your leave to include it in the original motion.

The motion before you consists of two paragraphs, paragraphs (a) and (b). The amendment would add to the motion paragraphs (c) and (d), which read as follows:

- (c) new and emerging technologies, treatments and solutions to aid mental health conditions such as PTSD for members of the Canadian Armed Forces and Veterans;
- (d) how those emerging technologies, treatments and solutions can be integrated into the benefit and services already provided by medical professionals working for National Defence and Veterans Affairs Canada.

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

**Hon. Senators:** Agreed.

**The Hon. the Speaker pro tempore:** Senator Dallaire, you have about six minutes before I will have to interrupt you.

**Senator Dallaire:** How am I, as a former general, supposed to talk in six minutes? We will at least get the debate started.

I am seeking approval for the amendment I just supposed. I apologize for not following procedure. I have been here for only nine years and I am still learning. I thank you, Mr. Speaker.

[English]

The motion before you would give us the ability to conduct an order of reference or a fundamental study in the arena of an injury that is taking a toll of enormous significance on the members of the Armed Forces and also the RCMP who serve overseas and in operational theatres.

We're going to do a three-phased approach looking at a problem that has been looked at by a number of other colleagues, both in the other house and in this house to a varying degree.

What has not been done up to now is to first analyze what that injury is. What is it? What does it do? What is the cause of it? What is essentially the injury that we're speaking of?

The second phase is to look at what we are doing about it now. What are the tools that are there? What are the casualty levels? How are they handling it? How are their families handling the situation? How are we responding to the current casualties that in particular have commenced in this arena since the first Gulf War of 1991? Some of you will remember the Gulf War syndrome and how we really didn't take care of that problem.

The third phase is where we want to break new ground. We believe the Senate should be a tool that can go well beyond the Armed Forces and the RCMP and go to all first-responders in this country. It can go into other arenas where people face the traumas of ethical, sometimes moral and even legal dilemmas that create in them a state of depression and ultimately PTSD.

This third arena is, what's coming down the road? What are the new technologies? What are the new methodologies? How are we going to be able to prevent the scale of casualties in the future? How are we going to treat those casualties in the future? How are we going to be more effective in doing that in order to reduce the scale of those casualties to the Armed Forces and also to their families? That part is going to be groundbreaking. There has not yet been anyone pulling all that together, and, in fact, influencing, we hope, government to influence research, influence application of new methodologies and introduce new methods into both National Defence and Veterans Affairs, who are picking up the pieces, and also into the RCMP. With that, we believe the Canadian people will be able to extrapolate that into other arenas in the country.

It is going to be a good year before we pull this thing together, but it will be, in our opinion, a seminal piece of research for the future instead of simply looking at the problem today and seeing what we're doing and not doing. We want to influence the future in regard to how we handle our potential casualties and reduce



them and the impact of those operations on them and their families. I ask colleagues to support and vote for this motion to pass.

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

**Senator Day:** Question.

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

**Hon. Senators:** Agreed.

(Motion as amended agreed to.)

[*Translation*]

#### BUSINESS OF THE SENATE

**The Hon. the Speaker *pro tempore*:** Honourable senators, it being four o'clock, pursuant to the order adopted by the Senate on Thursday, February 6, 2014, I declare the Senate suspended until 5:15 p.m., at which time the bells will ring for the taking of the deferred division at 5:30 p.m. on Bill C-14.

(The sitting of the Senate was suspended.)

[*English*]

(The sitting of the Senate was resumed.)

• (1730)

#### CRIMINAL CODE NATIONAL DEFENCE ACT

##### BILL TO AMEND—THIRD READING

**The Hon. the Speaker:** Honourable senators, it was moved by the Honourable Senator McIntyre, seconded by the Honourable Senator Dagenais:

That Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder), be read the third time.

Motion agreed to and bill read third time and passed, on the following division:

#### YEAS THE HONOURABLE SENATORS

Andreychuk  
Ataullahjan  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Buth  
Carignan  
Champagne  
Dagenais  
Demers  
Doyle  
Eaton  
Enverga  
Frum  
Gerstein  
Greene  
Housakos  
Lang  
LeBreton  
MacDonald  
Maltais  
Manning  
Martin

McInnis  
McIntyre  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Ogilvie  
Oh  
Patterson  
Plett  
Poirier  
Raine  
Runciman  
Seidman  
Seth  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells  
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#### NAYS THE HONOURABLE SENATORS

Baker  
Callbeck  
Campbell  
Chaput  
Charette-Poulin  
Cools  
Cordy  
Cowan  
Dallaire  
Dawson  
Day  
Dyck  
Eggleton  
Fraser  
Hervieux-Payette

Hubley  
Jaffer  
Joyal  
Lovelace Nicholas  
Massicotte  
McCoy  
Mercer  
Mitchell  
Moore  
Munson  
Ringuette  
Robichaud  
Sibbeston  
Tardif  
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#### ABSTENTIONS THE HONOURABLE SENATORS

Nolin—1

(The Senate adjourned until Thursday, April 10, 2014, at 1:30 p.m.)

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