SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 68

OFFICIAL REPORT
(HANSARD)

Tuesday, June 10, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker *pro tempore*

CONTENTS

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

Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

Published by the Senate
Available on the Internet: http://www.parl.gc.ca

THE SENATE

Tuesday, June 10, 2014

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

Prayers.

[*Translation*]

THE SENATE

TRIBUTE TO DEPARTING PAGES

The Hon. the Speaker *pro tempore***:** Honourable senators, I would like to mark the departure of two Senate pages.

Catherine Belhumeur: Next September, Catherine will be attending the University of Montreal to pursue her studies in nursing sciences, international option. She will be working in a pharmacy this summer in the hopes that this experience will help her in her future career in the health care system. Catherine hopes to one day work for an international health organization.

[*English*]

Rona Ghanbari graduated *summa cum laude* from the University of Ottawa with a Bachelor of Social Sciences degree with a double major in political science and communication. Rona is excited to take the next step in her academic career by pursuing a legal education at the University of Toronto. Nobody is perfect.

While attending law school, she hopes to complete part of her degree at a French-speaking institution — finally — in a European country. She looks forward to using the experience and knowledge she has gained from her time at the Senate to help fulfill her career goals and life aspirations. Bravo.

Some Hon. Senators: Hear, hear.

[*Translation*]

SENATORS' STATEMENTS

QUEBEC

PROVINCIAL ECONOMY

Hon. Ghislain Maltais: Honourable senators, last week, the new Government of Quebec tabled its first Couillard-era budget, if I may call it that. Something rare happened: the federal and provincial finance ministers met well before the budget was introduced, not afterwards.

It is being called a recovery budget, a restraint budget. It is important that Quebec gets back on the road to prosperity. To get there, public finances must be put back in order. Of course, during the first year of this budget, Quebecers realize that sacrifices will have to be made. There is no way we can continue down the same path as the previous government.

The economic recovery will not happen unless the private sector is fully on board and public spending is brought under control. Both are absolutely essential to attaining a sustainable economic formula. At yesterday's forum in Montreal, Canada's Minister of Finance made it clear that the Government of Canada cannot be the only one shouldering the weight of prosperity indefinitely. Ontario and Quebec are Canada's main economic engines and they have to lead the economic recovery.

For the good of the country, for the good of Quebecers, it is important that in the future we focus not on unnecessary expenses but rather on constructive expenses. That is what I hope for the Government of Quebec, and what I think Quebecers are hoping for themselves. Thank you.

[*English*]

THE HONOURABLE MICHAEL J. L. KIRBY, O.C.

CONGRATULATIONS ON DISTINGUISHED SERVICE AWARD

Hon. Marjory LeBreton: Honourable senators, I stand today and wish to congratulate, I'm sure on behalf of all of us, our former colleague the Honourable Senator Michael Kirby, O.C., on being named this year's recipient of the Canadian Association of Former Parliamentarians Distinguished Service Award, presented to him yesterday, Monday, June 9, by the Speakers of the Senate and the House of Commons.

Michael Kirby served in the Senate of Canada for 22 years from 1984 to 2006. Among many accomplishments, he was the distinguished Chair of the Standing Senate Committee on Banking, Trade and Commerce for five very important years vis-à-vis our economic policy development. Senator Kirby later became Chair of the Standing Senate Committee on Social Affairs, Science and Technology and presided from 1999-2006. Under his leadership, the committee produced 11 health care reports, including the first ever national report on mental health and addiction issues.

Honourable senators, we should be extremely proud as senators and of this institution that Canadians are most familiar with the Senate's work under his chairmanship of the Standing Senate Committee on Social Affairs, Science and Technology, a very productive and positive exercise. It was my great honour to serve as deputy chair of the committee during its comprehensive study of the federal role in our health care system. I firmly believe the committee's 2002 report — it is hard to believe that it was 12 years ago — and its recommendations have stood the test of time. I know Senator Kirby shares these views as well.

During our study led by the honourable senator, an honest and thorough appraisal of Canada's health care system as a whole was conducted. He was and we were personally unafraid to challenge the conventional wisdom and myths surrounding the health care system in Canada. Many of our recommendations were enacted by provincial governments, and many more should have been implemented.

In May 2006, under Senator Kirby's chairmanship, the committee completed a study of mental health, mental illness and addiction. The first of three reports was released in November 2004, and the final report, *Out of the Shadows at Last*, was released on May 9, 2006. In March 2007, our government created the Mental Health Commission of Canada, and Senator Kirby was asked by Prime Minister Harper to head it up. Michael Kirby, therefore, was appointed the first Chair of the new Mental Health Commission of Canada.

• (1410)

We are already seeing the positive impacts of this study. Policies and attitudes have significantly changed, and it has already provided many people across our country with encouragement and hope for a future where mental illness is no longer pushed aside. We really have started to deal with the stigma issue.

As I have said on many occasions, each member of the committee, was directly touched by mental health issues in our immediate families, something none of us knew about until we started to share our own stories with each other. We, as a group, and this institution as a whole, have forced the seriousness of mental health out of the shadows at last.

Hon. Catherine S. Callbeck: Honourable senators, yesterday our friend and former colleague, the Honourable Michael Kirby, was named as this year's recipient of the Distinguished Service Award by the Canadian Association of Former Parliamentarians. This recognition cannot be more well-deserved.

From 1999 to 2006, Mike chaired the Standing Senate Committee on Social Affairs, Science and Technology, of which I was a member. In total, the committee released 11 health care reports with Mike Kirby as chair. I'm proud of the work that we completed under his leadership — a comprehensive study of the Canadian health care system that rivalled the Romanow report, and the first ever report on mental health, mental illness and addiction issues, entitled *Out of the Shadows at Last*.

The mental health report especially was important to me. We found that the state of the mental health system in this country was shocking. We heard from people living with mental disorders, who told us about the stigma they face. I'm glad that positive changes have been made as a result of that report, and the credit for seeing it through goes to Mike.

After leaving the Senate, he helped to establish the Mental Health Commission of Canada, which was the major recommendation of *Out of the Shadows at Last*, and he became the commission's first chair. Their work under his direction has helped to change lives. The commission released the first-ever national mental health strategy in 2012. Its Knowledge Exchange Centre is the only national mental health knowledge exchange centre. "Opening Minds" aims to reduce the stigma surrounding mental illness. "At Home/Chez Soi" was a four-year project in five cities that aimed to provide real support to Canadians experiencing homelessness and mental health problems.

In 2012, Mike stepped down as head of the commission and became the first chair of Partners for Mental Health, a national charity dedicated to changing the way Canadians look at mental health and people living with mental health problems, as well as to mobilizing support for improving mental health services.

In its inaugural year, this organization developed and launched two major national campaigns, raising $1.4 million, and engaged more than 54,000 Canadians. I have no doubt they will continue that impressive work in the years to come.

Honourable senators, to say that Michael Kirby's career has been successful would be a gross understatement. Given all of his outstanding contributions, I can think of no more deserving recipient of the Distinguished Service Award. Please join me in congratulating him on his most recent success.

POLAND

TWENTY-FIFTH ANNIVERSARY OF SOLIDARITY MOVEMENT

Hon. Betty Unger: Honourable senators, I rise today in solidarity with Polish people everywhere who celebrated, on June 4, the twenty-fifth anniversary of the beginning of the end of Communism in Poland. In 1989, the Solidarity Movement, led by Lech Walesa and aided by four key spiritual and intellectual figures, won the first partially free election under Communist rule. This accomplishment set off a chain reaction that spread across the country and Europe, bringing down the Communists and culminating in the fall of the Berlin Wall.

To put this into perspective, in November 1918, Poland regained its independence after 123 years of foreign occupation, lasting until May 1926, when the government was overthrown in a military coup. From 1926 until 1989, the Polish people were subjected to foreign invasions, political unrest, martial law, with hundreds being killed, incarcerations by the thousands, religious persecution, and the trampling of every basic human right.

My grandfather and dad immigrated to Canada just as the dirty thirties were gripping this country, creating hardship for new immigrants. However, few returned to their homelands, preferring the hope, freedom and promise that Canada offered. Over the years, grandpa and my dad sponsored a few immediate family members to come to Canada, a plan that was stalled when Poland was invaded, yet again, by Hitler.

In 1987, my parents and I travelled to Poland to reacquaint dad with his former homeland. We knew Poland was occupied by Communists, but we were not prepared for the real meaning of Communism. The beautiful country that dad recalled no longer existed. The cities and countryside were overrun with weeds and garbage. Crumbling, war-torn buildings were still visible and most other buildings blackened by soot. Any wealth the country was able to accumulate was, of course, directed to Moscow, with no thought given to Poland's remediation. We were humbled when we realized that the food being put on the table for us by our

welcoming family members had been traded for months of future food-stamp rations. In stores, the shelves were mostly bare; essentials like flour, milk, meat and other staples were rationed and very scarce.

Poland is predominantly Catholic, but the Communists had closed many churches, meaning long walks for those without a vehicle. Gas was also rationed, a fact we learned only when we drove from Germany into Poland. My husband became very good at covertly trading U.S. dollars for gas until the day we drove into a modern-looking gas station and were refused because we didn't have ration stamps. I can still hear the owner harshly telling dad to get off his property by saying, "You think I don't want your money for my family? That farmer across the road could be a Communist spy. I would be reported and sent to jail. Get out of here now." We drove away with heavy hearts, shaken by his outburst, but with a grim realization of the terrible plight of Poland.

Now, Vladimir Putin exercises his considerable muscle with invasions into the eastern regions of Ukraine, and once again Poland feels threatened.

At this time, the people of Poland have only experienced freedom for a mere 25 years. Yet, they persevere and they celebrate.

[*Translation*]

FALLEN RCMP OFFICERS

TRIBUTE

Hon. Pierrette Ringuette: Right now, the country and especially Moncton and all of our police forces are attending the funerals of our three esteemed Royal Canadian Mounted Police officers who were killed in the line of duty last Wednesday in Moncton: Douglas James Larche, Dave Joseph Ross and Fabrice Georges Gévaudan.

Constable Douglas James Larche was born in Campbellton, New Brunswick, and joined the RCMP 12 years ago. In 2007, he received a commendation from his commanding officer for saving the life of a young child. Husband to Nadine and father to three young girls, Mia, Lauren and Alexa, Constable Larche was known for his good nature and loyalty. Doug knew how to find a work-life balance and was also an avid marathon runner.

Constable Dave Joseph Ross, 32, was an RCMP officer for many years. With his partner, police dog Danny, Dave was happy to provide his protection services to people. He was married to Rachael, and the couple were the proud parents of a young boy, Austin. Rachael is expecting a second son, due in the fall. How sad for Rachael and Austin that Dave has left them so tragically.

Constable Fabrice Georges Gévaudan, 45, was born in France and was a dedicated officer who was particularly interested in defending abused women. Constable Gévaudan was husband to Angela and stepfather to Emma. Although Constable Fabrice had to face situations every day that were often unfortunate, he was remarkably optimistic and enthusiastic.

• (1420)

Honourable senators, my humble words of gratitude for their service and of comfort for their families seem insignificant in the face of such a tragedy. I have no words of comfort for the many years to come without their contributions to the police, family, school and community activities.

I have no doubt that the residents of Moncton and the forces of the Codiac RCMP detachment will do their best to offer their support to the three families, but all the effort in the world will never be able to replace our three constables.

Canadians will always stand by our men and women in uniform in their difficult moments.

Honourable senators, I join you all in extending our most sincere condolences to the grieving families and to the members of the Codiac RCMP detachment.

[*English*]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

2013-14 ANNUAL REPORT TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, pursuant to section 38 of the Public Servants Disclosure Protection Act, I have the honour to table, in both official languages, the 2013-14 Annual Report of the Office of the Public Sector Integrity Commissioner of Canada.

[*Translation*]

AUDITOR GENERAL

EXPORT DEVELOPMENT CANADA—REPORT ON ENVIRONMENTAL AND SOCIAL REVIEW PROCESSES TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada on the design and implementation of Export Development Canada's Environmental and Social Review

Directive and other environmental and social review processes. This audit is carried out pursuant to section 21(2) of the Export Development Act.

[*English*]

CANADA-NOVA SCOTIA OFFSHORE MARINE INSTALLATIONS AND STRUCTURES TRANSITIONAL REGULATIONS

DOCUMENT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations.

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY— FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Fabian Manning, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Tuesday, June 10, 2014

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Monday, December 9, 2013, to examine and report on the regulation of aquaculture, current challenges and future prospects for the industry in Canada, respectfully requests funds for the fiscal year ending March 31, 2015, and requests, for the purpose of such study, that it be empowered to:

(*a*) travel outside Canada.

The original budget application submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee were printed in the Journals of the Senate on April 7, 2014. On April 10, 2014, the Senate approved a partial release of $263,645 to the committee.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* a reduced budget for Activity 2 submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

FABIAN MANNING
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix, p. 967*.)

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

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

[*Translation*]

THE ESTIMATES, 2014-15

SUPPLEMENTARY ESTIMATES (A)—ELEVENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2015.

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

PERSONAL INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS ACT

BILL TO AMEND—SEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, June 10, 2014

The Standing Senate Committee on Transport and Communications has the honour to present its

SEVENTH REPORT

Your committee, to which was referred Bill S-4, An Act to amend the Personal Information Protection and Electronic Documents Act and to make a consequential

amendment to another Act, has, in obedience to the order of reference of Thursday, May 8, 2014, examined the said bill and now reports the same with the following amendment:

Clause 10, page 10: Replace lines 34 to 40 with the following:

"the breach has occurred."

Respectfully submitted,

DENNIS DAWSON
Chair

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

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

[*English*]

TLA'AMIN FINAL AGREEMENT BILL

FIFTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Dennis Glen Patterson, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, June 10, 2014

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

FIFTH REPORT

Your committee, to which was referred Bill C-34, An Act to give effect to the Tla'amin Final Agreement and to make consequential amendments to other Acts, has, in obedience to the order of reference of Tuesday, June 3, 2014, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DENNIS GLEN PATTERSON
Chair

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

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

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING AND ADJOURNMENT OF THE SENATE

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 the Standing Senate Committee on National Finance have the power to meet on Friday, June 13, 2014, even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, notwithstanding rule 12-18(2)(a), the committee be also authorized to meet on that day, even though the Senate may be then adjourned for more than a day but less than a week.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

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 the Standing Senate Committee on Legal and Constitutional Affairs have the power to meet on Friday, June 13, 2014, and Monday, June 16, 2014, even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and

That, notwithstanding rule 12-18(2)(a), the committee be also authorized to meet on those days, even though the Senate may be then adjourned for more than a day but less than a week.

• (1430)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS AND ADJOURNMENT OF THE SENATE

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

That, notwithstanding rule 12-18(1), the Standing Senate Committee on Foreign Affairs and International Trade have the power to meet on Friday, June 13, 2014 and

Monday, June 16, 2014, even though the Senate may then be sitting for the purposes of its study of Bill C-20, An Act to implement the Free Trade Agreement between Canada and the Republic of Honduras, the Agreement on Environmental Cooperation between Canada and the Republic of Honduras and the Agreement on Labour Cooperation between Canada and the Republic of Honduras, should this bill be referred to the committee; and

That, notwithstanding rule 12-18(2)(a), the committee be also authorized to meet for the purposes of this study, on those days, even though the Senate may be then adjourned for more than a day but less than a week.

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-37, An Act to change the names of certain electoral districts and to amend the Electoral Boundaries Readjustment Act.

(Bill read first time.)

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

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

[*Translation*]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE TEMPORARY FOREIGN WORKERS PROGRAM

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

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to:

- Review the temporary foreign workers program and the possible abuse of the system through the hiring of foreign workers to replace qualified and available Canadian workers;
- Review the criteria and procedure to application assessment and approval;
- Review the criteria and procedure for compiling a labour market opinion;
- Review the criteria and procedure for assessing qualifications of foreign workers;
- Review interdepartmental procedures and responsibilities regarding foreign workers in Canada;
- Provide recommendations to ensure that the program cannot be abused in any way that negatively affects Canadian workers; and

That the Committee submit its final report no later than March 31, 2015, and retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*English*]

THE SENATE

NOTICE OF MOTION TO URGE THE GOVERNMENT OF VENEZUELA TO IMMEDIATELY END ALL UNLAWFUL ACTS OF VIOLENCE AND REPRESSION AGAINST CIVILIANS

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

That the Senate of Canada take note of the ongoing tensions in the Bolivarian Republic of Venezuela, and that it urge the Government of Venezuela to:

1. immediately end all unlawful acts of violence and repression against civilians, including the activities of armed civilian groups, and

2. commit to meaningful and inclusive dialogue centred on the need to:

   (*a*) restore the rule of law and constitutionalism, including the independence of the judiciary and other state institutions;

   (*b*) respect and uphold international human rights obligations, including the freedoms of expression and the press; and

   (*c*) take swift and appropriate measures to curb inflation, corruption and lawlessness, and to ensure the safety and wellbeing of all Venezuelans.

That the Senate of Canada further encourage all parties and parliamentarians in Venezuela to:

1. encourage their supporters to refrain from violence and the destruction of public and private property; and

2. commit to dialogue aimed at achieving a political solution to the current crisis and its causes.

[*Translation*]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF IMPORTANCE OF BEES AND BEE HEALTH IN THE PRODUCTION OF HONEY, FOOD AND SEED

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

That, notwithstanding the order of the Senate adopted on Thursday, November 21, 2013, the date for the final report of the Standing Senate Committee on Agriculture and Forestry in relation to its study on the importance of bees and bee health in the production of honey, food and seed in Canada be extended from June 30, 2014 to December 31, 2014.

[*English*]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

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

That the Standing Senate Committee on National Security and Defence have the power to sit on Friday, June 13, 2014 at 10 a.m., even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

QUESTION PERIOD

JUSTICE

SEX TRADE INDUSTRY

Hon. Wilfred P. Moore: My question today is for the Leader of the Government in the Senate. This question comes from one Morgan Sim of Toronto, and it relates to Bill C-36.

Her question is:

I am sincerely curious whether the Prime Minister and the Honourable Minister of Justice took the time to read the Supreme Court's thoughtful decision in *R. v. Bedford*. I ask because the proposed Bill C-36 forces vulnerable women onto the streets. It inappropriately criminalizes some sex work, it removes the ability to work indoors and it limits or, at worst, removes the ability to advertise and screen clients. In short, this proposed legislation will have hugely deleterious effects on the very same vulnerable people it presumes to protect. When women's lives hang in the balance, how can the government claim to protect sex workers by proposing a bill that creates incentives for dangerous behaviour?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): I would like to thank her for her question. As Senator Moore knows, and as the person who asked the question probably knows, the government is responsible for introducing legislative measures, and all parliamentarians are responsible for debating those measures. The Supreme Court ruling in *Bedford* was very clear. It raised concerns about the safety of the women involved in this very dangerous line of work.

That ruling is the foundation of our bill. Bill C-36 is designed to protect victims of prostitution by criminalizing pimps and johns because they are the ones creating the demand for the service. The bill will also implement measures to protect the public, particularly children and other vulnerable Canadians.

[*English*]

Senator Moore: I have a supplementary question. Leader, in New Zealand, the government there moved to decriminalize and regulate prostitution. There certainly was no dramatic change in the number of people getting involved in the sex industry, and there was an improvement in safeguarding the rights of workers to refuse particular clients. I'm wondering whether your government looked at this model, and if it did, why you would not have adopted it.

• (1440)

[*Translation*]

Senator Carignan: Bill C-36, the Protection of Communities and Exploited Persons Act, is a made-in-Canada model that directly targets the demand for this dangerous activity and provides for harsh measures against pimps and johns.

Since it was introduced in the House of Commons last week, this bill has earned the praise of a number of organizations. I would like to quote the Conseil du statut de la femme, which said the following:

The Conseil du statut de la femme welcomes the federal government's bill on prostitution, which reflects the Swedish model in penalizing johns and pimps while decriminalizing the prostitutes themselves. It recognizes that prostitution is not a choice for the vast majority of prostitutes but a form

> of exploitation of women and an affront to human dignity, as the Conseil documented in its 2012 opinion entitled *La prostitution, il est temps d'agir*.

Senator, it is important to note that this bill is specifically tailored to the situation in Canada while considering certain experiences in other countries. As a result, johns and pimps are criminalized while prostitutes are not; they can also take advantage of measures designed to help them, given their vulnerability.

[*English*]

Senator Moore: Leader, I note that the government says it will spend $20 million to assist sex workers to leave the industry. I'm sure that the amount of that funding is research-based and evidence-based, so how much has the government spent in that cause in the past, and what have been the results?

[*Translation*]

Senator Carignan: Prostitution harms whole communities in Canada and the most vulnerable Canadians. We are resolved to protect communities by making it illegal to purchase sexual services in places where children can be expected to be present, while respecting provincial jurisdiction in this matter. We are backing these measures with new funding of $20 million, in particular to support community organizations that assist the most vulnerable prostitutes, because we recognize that most of them wish to leave this dangerous and damaging line of work. We are therefore focusing our funding on proven programs that will help prostitutes get out of the sex trade.

[*English*]

Senator Moore: Your Honour, if I could have one more supplementary question, maybe I will get an answer to my question.

Leader, you must have looked at this and examined the issue. I would like to know how you decided on the sum of $20 million. You obviously thought that sum was going to result in women leaving the industry. What are your projections? Given the history of this industry, what do you think will happen when you spend the $20 million?

[*Translation*]

Senator Carignan: Senator, surely you agree that community organizations that work on the ground and are directly aware of the needs are in the best position to administer the $20 million in assistance so they can take the action required to help these vulnerable people while respecting provincial jurisdictions, as we always do.

Hon. Claudette Tardif: Mr. Leader, you said that the government was developing a made-in-Canada model. I'd like to know what is the difference between Canada and Sweden that justifies this significant divergence from the basic principle of the Swedish model, which doesn't criminalize victims for being exploited.

Senator Carignan: From what I understand of your question, you support Bill C-36, which is precisely intended not to criminalize prostitutes, but to restrict the criminal prohibitions and convictions to those who profit from vulnerable people — specifically johns and pimps.

Senator Tardif: Mr. Leader, your bill does more than that. The issue of prostitution is certainly a complicated one, but according to your proposal, prostitutes would be criminalized if they solicited potential johns near places of worship or places where children under the age of 18 might be present. You are going further than what's found in the Swedish model, and I'm asking why.

Senator Carignan: Senator, as you know, prostitution harms Canadian communities and our most vulnerable Canadians, so this bill was designed to protect our communities by making it illegal to purchase sexual services near public places where children could be present. I don't think I need to explain to you why that provision is important.

[*English*]

Hon. Mobina S. B. Jaffer: Leader, everybody knows the harmful effects of prostitution, but I had understood that we were not going to prosecute the prostitute, the victim, the person who was exploited.

Now this bill says we are not going to, but yes, we are going to if it's in a public place. If there are two young women standing to sell their services and one is under 18 and one is 19, we will prosecute the 19-year-old because she's next to an underage person. Is that the kind of law we will have? We will prosecute some victims and we won't prosecute others. Is that the Canadian model?

[*Translation*]

Senator Carignan: I think you will agree with us that it is important to ensure that children under 18 are not exposed to the scourge of prostitution or drawn into this practice. I see that you are eager to debate Bill C-36 —

The Hon. the Speaker *pro tempore*: Order, please

Senator Carignan: In the fall, when this bill comes to us, we will have the opportunity to study it in committee and see all its ins and outs. I hope the bill will convince you to take a non-partisan approach, as you seem to have wanted to do for a long time. I hope you will vote in favour of this bill that was welcomed by the Conseil du statut de la femme, which, and I quote:

> . . .favourably [received] the federal government's bill on prostitution that punishes pimps and johns and decriminalizes prostitutes. . .

[*English*]

Senator Jaffer: Leader, I don't know what you mean by "status of women." Do you mean the Minister of Status of Women? There isn't a group like "status of women."

Leader, I want to go to another part of what you said, which was that $20 million has been set aside to help women who are vulnerable. In this Canadian model, are there criteria set up to help women who are most vulnerable?

[*Translation*]

Senator Carignan: The Conseil du statut de la femme is a provincial organization that was created in Quebec and whose objective is to promote and defend the rights of women in particular.

• (1450)

This is an important advisory body that was created and provides opinions on issues affecting women in particular. This organization is chaired by Julie Miville-Dechêne, a former journalist and Radio-Canada ombudsman.

As far as the $20 million envelope is concerned, we allocated it to support community organizations that help the most vulnerable prostitutes. It is a question of ensuring that the money goes directly where the services are provided by the community organizations that are best qualified to help people, and that these funds do not get lost in red tape.

Senator Jaffer: I thank the Leader of the Government for his clarification on the Conseil du statut de la femme in Quebec.

[*English*]

Leader, we are saying this is a Canadian model. For months and months, we have been asking for a national inquiry of the most vulnerable of the most vulnerable in Canada — Aboriginal women. What will be done under this $20 million? What criteria will be set up to help the most vulnerable women? So far we haven't done much. What will we do to protect those women?

[*Translation*]

Senator Carignan: We will continue to work on the issue of missing and murdered Aboriginal women precisely as we said we would in our previous answers to these questions. What is more, the Native Women's Association publicly supported the bill and invited Canada's parliamentarians to vote in favour of it.

I would like to add to the answer I gave earlier to Senator Jaffer's question on the Native Women's Association.

On June 4, 2014, the Women's Coalition for the Abolition of Prostitution — a pan-Canadian coalition seeking equality for women — which includes the Native Women's Association of Canada, said that it was, and I quote:

> . . .hopeful seeing the new law addresses the core harm of prostitution — the buying, the commodification and the pimping of women's bodies.

That was the organization I was referring to.

[*English*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

SUPPORT FOR LITERACY PROGRAMS

Hon. Catherine S. Callbeck: My question is for the Leader of the Government in the Senate.

In recent weeks, the Conservative government has rejected funding proposals from provincial literacy organizations across Canada. These groups had been receiving core funding for literacy, but the government indicated it was moving to project funding instead. Last year, the groups were asked to submit their proposals. They sent them in. Prince Edward Island did a joint proposal with New Brunswick. They were told the decision was going to be made quickly.

One year later, these organizations started receiving their rejection letters. This has been a tremendous blow to these organizations. They are really up against the wall. They lost their core funding. Now they have been rejected for project funding.

Why is the government turning its back on these literacy organizations?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): In answer to Senator Callbeck's question, we have taken steps to provide funding for targeted projects that will enable Canadians to acquire the skills they need, such as literacy, to get jobs. All of these organizations were notified three years ago that we were changing the federal funding approach to invest in projects focused solely on improving adult literacy, not core funding. We gave them plenty of time to get ready for this change. Under our new adult literacy improvement program, any organization in Canada, including those that received core funding under the previous program, can apply for funding. Canadian taxpayers expect us to assess and fund programs solely on the basis of merit, that is to say, on their ability to help Canadians acquire the skills they need to get jobs.

[*English*]

Senator Callbeck: With all due respect, I said that the government told them they were going to be cutting core funding. They wanted a proposal for specific projects. The provincial literacy organizations across the country did this.

You talked about project funding, but these organizations have been turned down. They have lost their core funding. They have

been turned down for these projects. As I said, they're up against the wall.

My question is this: Why is the government turning its back on these organizations?

[*Translation*]

Senator Carignan: As I said, Canadians expect publicly funded projects to be specific and fulfill government policy objectives.

[*English*]

Senator Callbeck: These projects were specific projects, and they have been rejected. I want to know why. I want to know why the government is turning its back on literacy and not providing core funding or specific funding to these provincial literacy organizations.

[*Translation*]

Senator Carignan: Organizations can apply for funding. Taxpayers expect us to assess and fund projects solely on the basis of merit. Accordingly, funding will be allocated based on whether the projects will improve literacy skills to help people get jobs.

[*English*]

Senator Callbeck: I can assure you that these projects were going to do something to further the skills of Canadians —

Senator Tkachuk: How do you know?

Senator Callbeck: — but let me ask you about a specific project. We talked about the provincial literacy organizations. They're not the only ones that are bearing the brunt of the lack of interest of this government in literacy. You are completely cutting funding.

Let me give you an example. In April 2012, Workplace Learning PEI submitted a concept for a very large three-year project to the Office of Literacy and Essential Skills, known as OLES. That office liked the idea and it was approved to move forward. With the OLES staff and Workplace Learning PEI, they worked on this proposal for a year and a half, and it was approved at every level until it got to the minister's office last fall.

In March, they were told that they're not going to get any money. That's an organization that's been successful delivering programs with federal funding for my entire tenure as a senator, and it has been denied for a project that met the OLES mandate.

The question I have is: Why is your minister ignoring the advice of its own officials and denying funding for valuable literacy and essential skills projects?

[Senator Callbeck]

[*Translation*]

Senator Carignan: The problem with looking at one project in particular that was rejected and asking why is that we would not be looking at the program overall and all of the projects that were funded. When dealing with this kind of file, we have to put our faith in the organizations that propose projects and the officials who study the merits of each one and make recommendations to the minister.

• (1500)

As I said, we have taken measures to ensure that federal funding targets projects that help Canadians acquire the skills they need to get a job, and I think that is what Canadians expect of us. You can list the projects that were rejected, but I'd rather hear about projects that were approved and have you explain why they shouldn't have been.

[*English*]

Senator Callbeck: You said you have to put your faith in the officials, and they make recommendations. The officials recommended this project that they worked for a year and a half on. Every step of the way up, officials agreed to it. It's the minister who turned it down. I want to know why the minister is not accepting the advice of his officials on that particular project.

[*Translation*]

Senator Carignan: The Senator seems to have privileged information. You were elected; you held some of the highest positions in your province. You know that, at a given point in a project, a decision must be made. We need to give Canadians what they expect of us, which means approving projects that have been evaluated and funded solely on their merit. It means approving projects that will have the best chance of meeting the objectives. In this case, we want Canadians to get the skills they need to get a job.

[*English*]

Senator Callbeck: You said that these projects have to be based on soundness. All your officials at every step of the way agreed to this project. Obviously, it was sound and obviously they thought it was a good idea or they wouldn't have spent a year and a half working on it with Workplace Learning PEI. However, when it gets to the minister's office, the minister rejects it.

Would the leader take this question as notice and give me an answer as to why that particular project was okayed at every step of the way up to the minister's office and then rejected?

[*Translation*]

Senator Carignan: Senator Callbeck, I cannot speak to that bill in particular, but you have been in decision-making roles and you have received recommendations. I have, as a public policy maker,

received recommendations for five, six or even twenty projects but had to choose five, six or ten of them, which sometimes has to happen. Projects are prioritized and funded based on their merit and are chosen because they will reach their objectives in terms of helping people attain the level of literacy required to get a job.

[*English*]

DELAYED ANSWER TO ORAL QUESTIONS

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a response to two oral questions raised in the Senate regarding the infrastructure power cable project between Prince Edward Island and New Brunswick. The question was raised on January 28, 2014, by the Honourable Catherine S. Callbeck and on May 13, 2014, by the Honourable Elizabeth Hubley.

INFRASTRUCTURE

IMPROVED ELECTRICAL TRANSMISSION BETWEEN PRINCE EDWARD ISLAND AND NEW BRUNSWICK

(Response to questions raised by Hon. Catherine S. Callbeck on January 28, 2014, and Hon. Elizabeth Hubley on May 13, 2014)

The Minister of Infrastructure, Communities and Intergovernmental Affairs and Minister of the Economic Development Agency of Canada for the Regions of Quebec is very proud that the Government of Canada has delivered a New Building Canada Plan to help finance the construction, rehabilitation and enhancement of infrastructure across Canada. The Plan includes over $53 billion for provincial, territorial, and municipal infrastructure over 10 years. Combined with investments in federal infrastructure and First Nations' infrastructure, total federal spending for infrastructure will reach $70 billion over the next decade. This is the largest and longest federal investment in job-creating infrastructure in Canadian history.

Of the $53 billion under the New Building Canada Plan, $47 billion consists of new funding for provincial, territorial and municipal infrastructure, starting in 2014-15, through three key funds:

- The Community Improvement Fund: $32.2 billion over 10 years consisting of an indexed Gas Tax Fund ($21.8B) and the incremental Goods and Services Tax (GST) Rebate for municipalities ($10.4B) to build roads, public transit, recreational facilities and other community infrastructure across Canada.

- The New Building Canada Fund: $14 billion over 10 years in support of major economic infrastructure projects of national, regional and local significance, including $1 billion in funding dedicated to municipalities with fewer than 100,000 residents through the Small Communities Fund.

- A renewed P3 Canada Fund: $1.25 billion over 5 years to continue supporting innovative ways to build infrastructure projects faster and provide better value for Canadian taxpayers through public-private partnerships.

The New Building Canada Fund (NBCF) is one component within the overall New Building Canada Plan (NBCP). It is a $14 billion Fund that will support projects of national, regional and local significance that promote economic growth, job creation and productivity. It includes two major components:

- The $4 billion National Infrastructure Component (NIC), which will support projects of national significance. Project funding will be determined by project merit, guided by federal priorities.

- The $10 billion Provincial-Territorial Infrastructure Component (PTIC), which will provide $9 billion for national and regional projects and $1 billion for projects in communities under 100,000 residents through the Small Communities Fund.

The NBCF was officially launched on March 28, 2014.

Concretely, this means that Prince Edward Island will benefit from approximately $440 million in dedicated federal funding, including more than $277 million under the New Building Canada Fund and an estimated $163 million under the federal Gas Tax Fund.

As announced, projects under the Provincial-Territorial Infrastructure Component of the NBCF will be jointly identified between the Government of Canada and provincial or territorial partners. Green energy is an eligible category of the Provincial-Territorial Infrastructure Component. As such, the Minister would encourage the Province to formally submit this project as a priority for consideration under this program.

ORDERS OF THE DAY

CANADA NATIONAL PARKS ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Dennis Glen Patterson moved third reading of Bill S-5, An Act to amend the Canada National Parks Act (Nááts'ihch'oh National Park Reserve of Canada).

He said: Honourable senators, I am pleased to be able to speak at third reading in support of Bill S-5, the proposed Nááts'ihch'oh national park reserve act, which is an important piece of conservation legislation for our country. Allow me to

remind senators that the name of the park, Nááts'ihch'oh, was chosen by the elders and refers to the shape of Mount Wilson, meaning that it is pointed like a porcupine quill. This is a sacred mountain to the Sahtu Dene and Metis that will be protected for all time in the Nááts'ihch'oh national park reserve.

The purpose of the bill is twofold: First, it will protect 4,895 square kilometres of spectacular northern lands under the Canada National Parks Act for the benefit of future generations. Nááts'ihch'oh national park reserve will be added to the list of Canadian national parks renowned the world over, such as Banff, Gros Morne, Gwaii Haanas and Sable Island. Second, Bill S-5 will provide the Minister of the Environment with powers to permit two pre-existing mineral access roads through part of the national park reserve and to enforce the necessary measures to ensure that the environment is protected should they be required. On this latter point, I would note that these road provisions are exactly what Parliament approved in 2009 when it passed legislation to expand Nahanni National Park Reserve six-fold.

There is a mineral access route contemplated in the northwestern part of Nahanni that travels north into Nááts'ihch'oh. Bill S-5 will simply extend the minister's powers to permit that part of the road within Nááts'ihch'oh. Should the Senate of Canada approve Bill S-5, we will be one step closer to formally establishing Canada's forty-fourth national park and, perhaps more importantly, realizing the vision set forth by the Sahtu Dene and Metis to conserve the upper reaches of the South Nahanni River and honour the request of the Sahtu Dene and Metis to ensure that these lands will continue to sustain their traditional ways of life in the decades and centuries to come.

It was in 2004 that the Tulita Dene band, recognizing that the South Nahanni headwaters are important and that the people of Tulita wanted protection, passed a band council resolution calling on Parks Canada to begin the process to establish a national park reserve to protect the upper reaches of the South Nahanni River within the Sahtu settlement area. A decade later, we are close to realizing that vision spurred on by the support of the Sahtu.

Through Bill S-5, we will not only establish Nááts'ihch'oh as a new national park reserve but also the government, in partnership with Aboriginal people, will complete a grand project to conserve the watershed of the South Nahanni River throughout its entire length. In 2009, the government and the Dehcho First Nations achieved the six-fold expansion of the Nahanni National Park Reserve, bringing it to 30,000 square kilometres in size. Located next to Nahanni, the additional protection of 4,895 square kilometres in Nááts'ihch'oh national park reserve will result in a complex of almost 35,000 square kilometres protecting 86 per cent of the South Nahanni watershed. To give you a sense of the enormity of this accomplishment, the 35,000 square kilometre Nááts'ihch'oh and Nahanni national park reserve complex will be five times the size of Prince Edward Island or almost the size of Vancouver Island.

Honourable colleagues, this is conservation on a grand scale. This conservation was achieved in collaboration with the Sahtu Dene and Metis and the Dehcho First Nations within their respective traditional territories. This is why our government and Parks Canada are world leaders in helping to conserve some of our planet's great natural treasures in partnership with Aboriginal peoples.

• (1510)

I am pleased to report that, as a result of the review of Bill S-5 by the Standing Senate Committee on Social Affairs, Science and Technology, we have learned of the support for the establishment of Nááts'ihch'oh National Park Reserve by key northern stakeholders, including the Sahtu Dene and Metis, the Government of the Northwest Territories, and the N.W.T. and Nunavut Chamber of Mines.

While the Sahtu Dene and Metis did not participate in the hearings, we learned through our deliberations that in March 2012 the representatives of the Sahtu Dene and Metis in the Tulita District did join with the government in signing an Impact and Benefit Plan in the prosed Nááts'ihch'oh National Park Reserve. This plan is the park establishment agreement required under the Sahtu Dene and Metis Comprehensive Land Claim Agreement. It sets out the terms conditions, including the park's boundary under which this park is established; how the Sahtu will benefit from this park; and how Parks Canada will work with the Sahtu to cooperatively manage Nááts'ihch'oh National Park Reserve.

Fellow senators, we also learned that after the Prime Minister announced the boundary for Nááts'ihch'oh in August 2012, the Sahtu asked that the boundary be expanded to reach O'Grady Lake. It was felt this lake could help facilitate visitor access to the park reserve and allow the potential construction of a wilderness lodge, augmenting the economic benefits of the park. I am pleased to report that Bill S-5 adds a 20-square-kilometre expansion to the south shore of O'Grady Lake in direct response to the request by the Sahtu.

Mr. Peter Vician, Deputy Minister of Industry, Tourism and Investment with the Government of the Northwest Territories, informed the committee that:

> The government of the Northwest Territories supports the establishment of the proposed park as set out in this legislation.

Furthermore, he indicated that:

> Our government supports these efforts to protect an important conservation and ecological value area in the headwaters of the South Nahanni River while planning for the future growth of the Northwest Territories."

I also think it is significant, honourable senators, that Mr. Tom Hoefer, Executive Director of the NWT & Nunavut Chamber of Mines, wrote to the committee in support of Bill S-5. In its submission the chamber noted that "Bill S-5 strikes a reasonable and balanced approach that both protects the unique

environmental, wildlife and geographic values of the Nahanni watershed and the special and uncommon high mineral potential."

Honourable senators, let me now speak to the idea that the final park boundary "strikes a reasonable and balanced approach."

During its testimony, the Canadian Parks and Wilderness Society, which has played an important role in shaping our national park system, raised concerns that the final boundary does not go far enough in protecting the upper reaches of the South Nahanni watershed. In light of this critique, I would like to take several moments to address this point.

In their submissions to the committee, the Government of the Northwest Territories and the Chamber of Mines, both very key northern stakeholders, spoke to the fact that what we have here in Bill S-5 is a balanced approach. The final boundary for Nááts'ihch'oh was selected to achieve key conservation gains, including protection of the upper reaches of the South Nahanni River, as well as habitat for woodland caribou and grizzly bears, but it was also selected to allow for the development of existing mineral claims and leases, and for potential future mineral developments.

In short, honourable senators, the boundary protects 70 percent of the Sahtu part of the South Nahanni River watershed, while leaving 70 per cent of the area with high mineral potential out of the park. Thus, it provides for conservation values and visitor experience without blocking access to significant areas with high mineral potential. This is a balanced approach.

We learned from the Government of the Northwest Territories and the Chamber of Mines why a balanced approach is so fundamental. As the Chamber noted, "The N.W.T.'s economic advantage and strength is its non-renewable resources, specifically mining and oil and gas production."

With the recent devolution agreement, the development of these resources will play an even greater role in supporting the growth and economy of the N.W.T. Thus, as the Chamber noted, "To support and sustain our strong non-renewable resource industry, it is essential that industry has access to lands . . . that have attractive mineral potential."

Finally, as the chamber noted, "Since the proposed Nááts'ihch'oh Park is located in the MacKenzie Mountain Cordillera, a region with very high mineral resource potential, we favoured a boundary option that would exclude much of the high mineral potential areas. We are pleased. . . that the proposed boundary recognizes that mineral potential."

Honourable senators, the debate at committee over whether the final boundary for Nááts'ihch'oh National Park Reserve is adequate or not rests on what I believe to be a flawed premise. If lands are not included in a national park, then they will be automatically developed and, in the process, suffer irreparable harm.

To the contrary, the committee heard compelling testimony from the Government of the Northwest Territories that, should any development be proposed for lands adjacent to the national park reserve, there could be an environmental assessment including public hearings under the MacKenzie Valley Resource Management Act.

As Mr. Vician of the GNWT assured the committee,

> . . . in the Northwest Territories we have a very rigorous system of oversight and practice with regard to the protection of the environment.

He also stated:

> Even with the proposed boundary, any adjacent development would be subject to that thorough review in the context of maintaining and preserving the park.

He went further, adding that, in addition to the MacKenzie Valley Resource Management Act,

> . . . probably more important is the relationship we have with our Aboriginal governments in the Northwest Territories to ensure that prior to any form of development that there be a thorough understanding of the potential of that development and what impacts could occur; and . . . that rigorous licensing and permitting process . . . and good oversight . . . [would ensure that] none of these very sensitive areas are impacted.

Finally, with respect to the caribou in the area, which the Canadian Parks and Wilderness Society emphasized in their presentation, the GNWT stated that they believe:

> the balancing of act of establishing the boundary . . . [while] ensuring any development is under strict control and decision-making by the people of this region is part and parcel of protecting the environment of this area.

In short, honourable senators, I believe that it was the balancing of conservation of national park values and mineral potential in this area, coupled with the fact that there are processes and relationships in place to responsibly deal with development proposals outside the boundary, which led the committee to recommend Bill S-5 to this chamber for third reading without amendment.

At the end of the day, honourable senators, with the passage of Bill S-5, the government will have expanded the original 4,765-square-kilometre boundary of Nahanni National Park Reserve sevenfold, to the point where it will be the third largest national park complex in Canada, at almost 35,000 square kilometres. Globally, this is among the most significant national park expansions. It is critical that we place the boundary that we have achieved for Nááts'ihch'oh into that context.

To help honourable senators understand the nature of what is being accomplished here, the boundary for the expanded Nahanni and the newly established Nááts'ihch'oh includes habitat that will protect up to 600 grizzly bears. This is nine times greater than the number of grizzly bears protected within Banff National Park, Canada's first national park.

As I mentioned at second reading, Prime Minister Stephen Harper unveiled last month Canada's national conservation plan. The government's strategy is to conserve our nation's land and waters, restore our ecosystems and connect Canadians to nature. The establishment of Nááts'ihch'oh National Park Reserve is a key contribution to this plan in that it will conserve lands and waters that help sustain Aboriginal people and their culture by protecting some of the lands they have used and will continue to use for generations to come.

This bill is a concrete example of the action we are taking within the Northern Strategy which proposes a responsible approach to development — one that balances environmental protection with social and economic development, and one that empowers Northerners and exercises Canada's sovereignty in the North. Indigenous people will have an active role in managing the new park reserve which will help build capacity and strengthen Northern governance.

In closing, I would like to commend the work of all members of the Standing Senate Committee on Social Affairs, Science and Technology. Each member brought insightful observations, questions and debate to our proceedings and, as a result, prompted a fulsome discussion of the issues behind the creation of our nation's forty-fourth national park.

• (1520)

I would also like to thank the Government of the Northwest Territories and the Canadian Parks and Wilderness Society for taking the time to appear before the committee and the NWT & Nunavut Chamber of Mines for their submission to the committee. In total, these interventions assisted the committee in focusing its review on the substantive issues of Bill S-5. It helped to assure us that Bill S-5 is the right thing to do in addressing land use in the upper reaches of the South Nahanni watershed. I would also like to acknowledge Senator Nick Sibbeston for his support in principle for this bill.

Honourable senators, I ask you to join me in supporting the passage of Bill S-5 by the Senate of Canada. I ask that you lend your voice to the establishment of Nááts'ihch'oh national park reserve so that future generations may enjoy this incredible natural treasure.

(On motion of Senator Fraser, debate adjourned.)

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING—DEBATE ADJOURNED

Hon. Linda Frum moved third reading of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

She said: Honourable senators, I rise to speak at third reading on Bill C-23, the fair elections act. This bill has been debated and considered at length. It is fair to say it has had a thorough parliamentary and public airing. This bill, sent to us by the other place, contains a number of amendments. We can be proud that several of the changes in the bill resulted from suggestions made in this place during pre-study of the bill by our Legal and Constitutional Affairs Committee. Five of our Senate committee's nine recommendations are reflected in the bill before us:

One, the government and the House of Commons supported our recommendation that the bill clarify that the Commissioner of Canada Elections and the Chief Electoral Officer are authorized to communicate with each other. This change is found at clause 5.1 of Bill C-23.

Two, the government and the other place supported our recommendation that registered political parties not be allowed to exempt from election expenses the cost of soliciting contributions from people who contributed more than $20 in the preceding five years. While this is common practice for political parties in leadership campaigns, the government supported not moving forward with this provision. In consequence, the proposed change to the Canada Elections Act was removed from clause 86 of this fair elections act.

Three, our committee recommended, and the government and the House of Commons agreed, that voter contact calling service providers be required to retain records for three years, not one year as proposed in the original legislation. These changes can be seen at clause 77 of Bill C-23.

Four, the committee recommended that Elections Canada retain its educational role with respect to elementary and high school students. The government and the House of Commons agreed. For this, please see clause 7 of Bill C-23.

Finally, the committee recommended that the Chief Electoral Officer and the Commissioner of Canada Elections be expressly able to inform the public about problems they uncover in the electoral system. Bill C-23 was amended at clause 108 to clarify that the commissioner is able to disclose information that, in his or her opinion, is in the public interest.

The bill was amended at clause 7 to make it clear that the restrictions placed on the Chief Electoral Officer have to do only with his promotional advertising campaigns, not his ability to communicate more generally with the public.

Honourable senators, beyond the recommendations of your Legal and Constitutional Affairs Committee, the government listened to concerns expressed by witnesses before our committee and the committee in the other place that some electors find it difficult to prove their residence when they go to cast a ballot. The fair elections act was, therefore, amended so that those with ID that does not have their residence will be able to swear an oath as to their residence so long as another elector from that polling district with proven identity and residence swears a written oath attesting to that address.

These provisions can be found at clauses 46, 50 and 54, with consequential amendments in other sections of the bill.

I would like to say that at this very difficult time for the Senate, when public esteem for this chamber and for senators has been shaken, we have, with this legislation, more than lived up to our responsibility to be the chamber of sober second thought.

The fair elections act before us is an improvement on an already exceptional bill. These improvements were the result of hard work and analysis from both the committee in the other place and your Legal Committee during its pre-study.

Honourable senators, let me close by saying thank you to my fellow members of the Legal and Constitutional Affairs Committee and, in particular, our chair and deputy chair, Senators Runciman and Baker.

Hon. Wilfred P. Moore: Honourable senators, I rise to speak at third reading of Bill C-23, inappropriately titled the "fair elections act."

Traditionally, in a mature democracy such as ours, any changes made to the Canada Elections Act would be the result of widespread consultations. It would stand to reason that the caretakers of the act, such as officials at Elections Canada, would be included in such a survey. Unfortunately, the Chief Electoral Officer was not consulted.

Furthermore, Bill C-23 was supposed to be a solution of sorts to the concerns of many Canadians that the last election was fraught with electoral fraud, chiefly in the form of automated dialing or robo-calls. It would stand to reason that the Commissioner of Canada Elections would have been consulted, but he was not, despite the outrage of thousands of Canadians about the situation.

Those robo-calls directed voters to incorrect voting stations and were clearly aimed at suppressing voting. Canadians are incensed by that activity.

The government has seen fit to make some amendments in several areas after intense pressure and the national outrage expressed about the changes Bill C-23 would make to our precious democracy. However, there remain many outstanding issues, issues that have been unanimously panned by the vast majority of those stakeholders concerned with our elections act.

I would briefly like to address certain outstanding concerns. First, regarding the constitutionality of Bill C-23, the bill lacks sufficient safeguards to ensure that citizens of Canada, who have the right to vote under section 3 of the Canadian Charter of Rights and Freedoms, are not disenfranchised. Therefore, the bill is clearly unconstitutional and cannot be saved by section 1 of the Charter.

Appearing before a committee in the other place, Pierre Lortie, the chair of a 1992 commission on electoral reform, stated that the elimination of vouching "undoubtedly contravenes the provisions of the Canadian Charter of Rights and Freedoms."

Whether the amendment to provide attestations can provide that fail-safe will require study.

The second concern is with regard to the Chief Electoral Officer's authority to authorize the voter information card as a valid piece of identification as one of the alternatives to a government-issued piece of photo identification. That should be restored. We know that these cards will continue to be issued by Elections Canada. Canadians will reasonably expect that they can continue to use them, but they can't continue to use them as a valid piece of identification.

Third, the clauses of the bill that repeal the provisions that enable a voter without the prescribed pieces of identification to vote or to register to vote should be struck from the bill. These clauses pertain to the issue of vouching, which is one of the more controversial aspects of bill. It must be noted that, although there have been no proven cases of voter fraud related to vouching, the government again appears to be relying on anecdotal evidence to justify the removal of the practice of vouching.

What is interesting is that after this federal government's first round of changes to the Canada Elections Act in 2007, regarding identification, the government found that legislation the subject of a challenge in British Columbia, where an application has been made to the Supreme Court of Canada. What is even more interesting is that the same government, which is now moving to end vouching, used the very same practice as a justification for making its changes to voter identification requirements in 2007.

The government then agreed that vouching was seen as a fail-safe. It is instructive to consider *The Globe and Mail*'s story of May 5 about this case and the application to the Supreme Court.

> The government argues the 2007 reforms "serve to make the rare events of fraud and error rarer, which protects the integrity of the vote and maintains public confidence in the electoral system."

• (1530)

That's not the case that has been put to the Canadian public by Pierre Poilievre, the Conservative Minister for Democratic Reform. Since introducing Bill C-23 at the beginning of February, Minister Poilievre has repeatedly raised the alarm over voter fraud to justify the elimination of vouching for people without proper ID. Under the 2007 law, a fully documented voter can vouch for the identity of a voter without full ID. The risks of vouching are obvious, Poilievre told the Commons on March 24, as he championed a further tightening of the rules.

The acting government lawyers have been arguing in B.C. courts since 2009 that vouching is a fail-safe that protects the constitutionality of the 2007 voter ID rules, a position the government continues to maintain in its current submission to the Supreme Court of Canada. The federal brief lists three ways voting rights are protected under the 2007 law, the third being vouching, and says the system works.

The government simply can't have it both ways, Your Honour.

Fourth, the bill should grant the Commissioner of Canada Elections the power to apply to a court for an order to compel witnesses to provide evidence to assist in an investigation of a

violation of the Canada Elections Act. The power to compel is a game changer for officials investigating elections fraud. This power would probably make the difference between a successful investigation and a dead end. Without the power to compel, we know that investigations will eventually stall through lack of evidence. We know from experience now that if a political party does not want to aid the Commissioner of Canada Elections or a federal judge to get to the truth they simply do not have to.

Mr. *Yves Côté,* the Commissioner of Canada Elections, stated:

> . . . I want to be absolutely clear: if this amendment is not made, investigations will continue to take time . . . . Importantly some investigations will simply be aborted due to our inability to get at the facts.

If the fair elections act lived up to its name, would we not be empowering the caretakers of our system with the ability to truly get to the bottom of cases of electoral fraud and to do so in a timely way, not months or years after election day?

The fifth important concern pertains to the broad mandate that the Chief Electoral Officer currently has under section 18 of the Canada Elections Act to provide information to the public relating to Canada's electoral process. The democratic right to vote and how to be a candidate should be restored. The government has amended the bill but not to the point where it should. The Chief Electoral Officer, as the bill is worded now, may communicate at the primary and secondary school level but, as Mr. Mayrand, the current CEO, pointed out:

> I am very preoccupied in this regard with the limitation that Bill C-23 imposes on the ability of my office to consult Canadians and disseminate information on electoral democracy, as well as to publish research. l am unaware of any democracy in which such limitations are imposed on the electoral agency . . . .

Sixth, the Chief Electoral Officer should not be required to go through Treasury Board to hire persons with technical or specialized knowledge who are engaged on a temporary basis.

Seventh, the Commissioner of Canada Elections should not be prevented from disclosing any information relating to an investigation except under limited circumstances.

The key elements of any democracy are transparency and engagement. Our electoral system must be transparent so as to maintain public confidence in it, and that includes an independent Commissioner of Canada Elections having the authority to compel witnesses to provide evidence and not have him or her, the front-line investigative officer, required to go through another office that is under government control.

The other imperative item is engagement, which means encouraging and ensuring that as many citizens as have the right to vote do in fact exercise their franchise. The work of the independent Chief Electoral Officer is encouraging voter participation, and it is a critical activity in that regard. The government appears to blame the current Chief Electoral Officer for the recent decline in voter turnout and uses that falsehood as justification for its limits on issuance of information about our electoral process. In fact, the voter decline is not a Canadian phenomenon but is a trend in many democracies except those where voting is compulsory. I always thought that the mission to encourage voter turnout and everything done in that regard is a plus.

Colleagues, there are other concerns. In his report, commissioned by the Government of Canada, Mr. Harry Neufeld recommended that Elections Canada should be responsible for appointing all elections officers, giving them proper training and doing so in a timely fashion so that staff are prepared for election day. Bill C-23 does not follow this recommendation. In not so complying, the government has left us exposed to further voting irregularities, which Mr. Neufeld described as administrative and having nothing to do with electoral fraud.

Unfortunately, the government continues to maintain that Mr. Neufeld's report considered voting irregularities to constitute fraud. He said no such thing and he made no such association. He stated that training in advance of voting days would be the best manner of dealing with irregularities at polling stations.

Instead, this government has cut the funding to Elections Canada in the last budget — just the opposite of what is needed. The dismantling of the Office of the Commissioner of Canada Elections from Elections Canada remains in this bill. This does not make any sense. We have heard from the Commissioner of Canada Elections, and he stated:

> In placing the commissioner within the office of the DPP, Bill C-23 would bring under the same roof two functions that are normally . . . kept separate.

This is not a natural fit — quite the opposite. When it comes to approving or refusing charges and taking a case to court, it is absolutely essential that the director of public prosecutions act with a healthy distance from the investigators in the investigation and, crucially, that he be seen as doing so.

It would seem to me what we have here is a solution in search of a problem.

Senators, let me specifically outline my concerns with Bill C-23 and its handling of a type of electoral fraud that has actually been proven to have occurred, and that's robo-calls. We know that in Election 2011 there was widespread use of the practice of automated calling to mislead and deceive Canadians.

I have said this before and I have said this in committee: I can't believe that that would happen. I can't think of the mind that would sit down and devise a scheme to disfranchise fellow citizens from their opportunity to vote and to send them to the wrong polling station. That is so bad. I think of the fact that we just finished celebrating D-Day and all the sacrifices those men and women made to do what, to preserve and to advocate and to advance our way of democracy. What do we do? We've got a chance to fix this, we know what's happened, we know the system allows people to cheat and we're not fixing it.

Some Hon. Senators: Hear, hear!

Senator Moore: I bring your attention to a decision of Mr. Justice Mosley of May 23, 2013 in what is commonly referred to as the robo-calls case. He stated:

> I am satisfied that is has been established that misleading calls about the locations of polling stations were made to electors in ridings across the country, including the subject ridings, and that the purpose of those calls was to suppress the votes of electors who had indicated their voting preference in response to earlier voter identification calls.

Furthermore he states:

> I find that the threshold to establish that fraud occurred has been met by the applicants.

That is so sad. He went on to say that the most likely source of the information used to make the misleading calls was a CIMS database maintained and operated by the Conservation Party of Canada. Shame, shame, shame. Yet the government's reaction to this fact, as it is addressed in Bill C-23, is completely underwhelming. Indeed, what we have before us in this bill is a very strange contrast. In the case of vouching, there has never been a proven case of electoral fraud. The government's reaction — eliminate vouching. But when it comes to robo-calling and fraud has been proven, little is done.

Bill C-23, first and foremost, does not give the Commissioner of Canada Elections the power to compel testimony. It is this power that would enable the commissioner in a timely manner to get to the bottom of cases where electoral fraud has been alleged to have occurred.

The Commissioner of Canada Elections explained how important a tool that would be, and the current implication for investigations that are now conducted without that power. He said:

> We have hit the wall on a number of investigations, some of which were quite serious in terms of the alleged facts. We have hit the wall because people who — we knew — knew things about that refused to talk to us. They refused to talk to us for all kinds of reasons; loyalty might be one of them.

He was meaning loyalty to a political party.

• (1540)

He went on to say —

Senator Tkachuk: This is scary.

Senator Moore: This is scary. The fact that you're doing nothing about it is very scary. As a senator, you should be doing something. You took an oath. You stood at the table and you took an oath to make the country better.

He went on to say:

> I'm saying that if we do not have that power, which you find in Ontario, Quebec, three other provinces and in Australia, we will continue to hit the wall, and investigations will continue to take a lot of time. Unfortunately and regrettably, some investigations will simply be aborted because we will not be able to get at the facts.

We have not heard one reasonable explanation as to why this power is not being granted to restore Canadians' faith in our electoral system. It is regrettable that the government continues to speak out of both sides of its mouth on this issue. You cannot defend the system if you do not provide those charged with that task with the means to do so.

The bill has a provision for the CRTC to maintain a database of scripts of robo-calls sent out during the election period. This database is not without its own shortcomings. In the original legislation, the CRTC was to maintain the database for one year and then destroy it.

We are putting into the bill a ready-made defence for those under investigation. The evidence on which the investigation might revolve could be destroyed before the charges are even laid. The government has lengthened the period for retention to three years. Five years would have been more appropriate in light of the difficulty to get those accused to speak to officials.

The database also includes the very serious flaw of not maintaining the phone numbers of those contacted through robo-calls. This makes no sense if the goal is to bring the perpetrators of electoral fraud to justice. Once again, a defence of those accused of electoral fraud through robo-calling is built into the system. All the accused have to do is say the complainant was not called, knowing there's nothing in the database to prove otherwise, no phone numbers.

Colleagues, this again confirms that this government is just tinkering around the edges and is not truly intent on making this bill and our electoral process as good as it can possibly be. These loopholes regarding robo-calls should be closed if we're serious about preventing this type of fraud in future elections. You cannot impose stricter fines on the perpetrators of fraud if you cannot bring them to justice.

I remind senators of the reaction to this bill by those we heard in pre-study and those who, without prompting, spoke out to call on this government to hopefully retract this bill and do the proper consultation with Canadians to get this right.

Four hundred and sixty-five academics wrote an open letter to the Prime Minister asking him to withdraw this bill, and this bears repeating:

> We implore all responsible public office-holders to heed reason, evidence, and experience. The government should withdraw this Bill and begin anew. We urge all conscientious

> Members of Parliament to work to this end and, if necessary, to vote against the Bill. And failing that, Senators should keep faith with their role in our constitutional order — the voice of sober second thought — and return it to the House of Commons for further amendment.

Sheila Fraser, our former Auditor General, said this:

> I am also concerned that should this article be adopted, it could create operational difficulties for the Chief Electoral Officer.
>
> I think it will be very troubling if we see a lot of people being turned away at the polls because they don't have the proper identification, and I think it will start to call into question the credibility of that election.

As for the international implications to legislation such as Bill C-23, Dr. Norris of the John F. Kennedy School of Government at Harvard University warned us by saying:

> We need to make sure that Canadian democracy is not damaged. We need to make sure that Canadian elections are not damaged. We need to make sure this is not an example that countries that don't respect human rights, of which there are many around the world, can use to say that if Canada can in any way restrict voters' rights, for example, then so can, for example, Zimbabwe, Belarus, or Kenya, or many other countries that are not strong democracies but that are moving towards the leading example that Canada provides.

We have heard from the majority of witnesses that electoral fraud at the polls is not the greatest threat to the integrity of our electoral system. It is, in fact, the decreasing level of voter turnout that constitutes that threat. The apathy of Canadians to go to the polls to select our government and the leaders of our country is where we must spend our efforts and make our system stronger. If more Canadians are engaged in the system, then their participation makes our democracy much stronger.

Colleagues, it is my belief that we can further make this bill better for Canadians by further amending some of the problematic sections. We need to make our electoral system work to promote legal voting, not disenfranchise those who should be eligible to vote. We should not be cracking down on the potential to vote. We should be promoting it. The right to vote is guaranteed to Canadians in the Charter of Rights and Freedoms, and this should be our overriding principle in judging this bill.

It is our duty as senators to make our electoral system one of integrity and as accessible as possible for the good of our citizens for the greater good of our country.

• (1550)

MOTION IN AMENDMENT

Hon. Wilfred P. Moore: Therefore, honourable senators, I move:

> That Bill C-23 be amended in clause 10, on page 11, by replacing lines 32 and 33 with the following:
>
> "any other Act of Parliament, and he or she may fix and pay".

Further, I move:

> That Bill C-23 be amended in clause 46,
>
> (*a*) on page 24, by deleting lines 42 to 44;
>
> (*b*) on page 25,
>
> (i) by replacing lines 1 to 9 with the following:
>
> "**46. (1) Paragraph 143(2)(*b*) of the Act is**",
>
> (ii) by replacing line 16 with the following:
>
> "**(2) Subsection 143(2.1) of the Act is**",
>
> (iii) by replacing lines 25 to 31 with the following:
>
> "**(3) Subsection 143(3) of the Act is replaced by the following:**
>
> (3) An elector may instead prove his or her identity and residence by taking an oath in writing", and
>
> (iv) by replacing line 43 with the following:
>
> "(*b*) vouches for him or her on oath"; and
>
> (*c*) on page 26,
>
> (i) by replacing lines 6 to 9 with the following:
>
> "(iv) they have not vouched for another elector at the election, and
>
> (v) they have not been vouched for by another elector at the",
>
> (ii) by replacing line 11 with the following:
>
> "**(4) Section 143 of the Act is amended by**", and
>
> (iii) by deleting lines 16 to 22.

Further, I move:

> That Bill C-23 be amended in clause 47,
>
> (*a*) on page 26, by replacing line 26 with the following:
>
> "her identity and residence by taking an oath in writing in the"; and

(*b*) on page 27, by replacing lines 1 and 2 with the following:

"(2) If a person decides to vouch for an elector by taking an oath in writing in the".

Further, I move:

That Bill C-23 be amended in clause 50,

(*a*) on page 28,

(i) by replacing lines 7 to 11 with the following:

"(*b*) proves his or her identity and residence by taking an oath in writing in",

(ii) by replacing line 28 with the following:

"(ii) vouches for the elector on", and

(iii) by replacing lines 36 to 40 with the following:

"(D) they have not vouched for another elector at the election, and

(E) they have not been vouched for by another elector at the";

(*b*) on page 29, by deleting lines 34 to 37; and

(*c*) on page 30, by deleting lines 1 to 3.

Further, I move:

That Bill C-23 be amended in clause 51, on page 30,

(*a*) by replacing line 7 with the following:

"her identity and residence by taking an oath in writing in the"; and

(*b*) by replacing lines 14 and 15 with the following:

"(2) If a person decides to vouch for an elector by taking an oath in writing in the".

Further, I move:

That Bill C-23 be amended in clause 57, on page 34, by replacing line 12 with the following:

"subsection 169(2) or to take an oath otherwise".

Further, I move:

That Bill C-23 be amended in clause 60, on page 37, by replacing line 10 with the following:

"residence in accordance with subsection 169(2).".

Further, I move:

That Bill C-23 be amended in clause 93,

(*a*) on page 193, by deleting lines 27 to 40; and

(*b*) on page 194,

(i) by replacing line 1 with the following:

"93. (1) Paragraphs 489(2)(*d*) and (*e*) of the Act", and

(ii) by replacing line 7 with the following:

"(2) Subsection 489(3) of the Act is".

Further, I move:

That Bill C-23 be amended in clause 46, on page 25, by replacing lines 21 to 24 with the following:

"document may be authorized, regardless of who issued it.".

Lastly, I move:

That Bill C-23 be amended in clause 108, on page 227, by adding after line 19 the following:

"**510.01** (1) If, on the *ex parte* application of the Commissioner or the authorized representative of the Commissioner, a judge of a court described in subsection 525(1) is satisfied by information on oath or solemn affirmation that an investigation is being conducted under section 510 and that a person has or is likely to have information that is relevant to the investigation, the judge may order the person to attend as specified in the order and be examined on oath or solemn affirmation by the Commissioner or the authorized representative of the Commissioner on any matter that is relevant to the investigation.

(2) No person shall be excused from complying with an order under subsection (1) on the ground that the testimony required of the person may tend to criminate the person or subject the person to any proceeding or penalty, but no testimony given by an

individual pursuant to an order made under subsection (1) shall be used or received against that individual in any criminal proceedings that are subsequently instituted against him or her, other than a prosecution under section 132 or 136 of the *Criminal Code*.

(3) The Commissioner or the authorized representative of the Commissioner may administer oaths and take and receive solemn affirmations for the purposes of examinations pursuant to subsection (1).".

• (1600)

The Hon. the Speaker *pro tempore***:** On debate, on all those amendments.

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak in support of Senator Moore's amendments. Before I do that, I would like to thank Senator Frum and Senator Moore for all the work they have done on Bill C-23. I would also like to thank the chair and all members of the Standing Senate Committee on Legal and Constitutional Affairs for the hard work they have done on this bill.

Honourable senators, I support and agree with what Senator Moore has stated. I want to once again speak about an issue that I had spoken of at second reading. Much has been said about this bill, but I would like to point out some particular points on vouching which were raised in committee. I have already expressed my views in detail at second reading and therefore will not repeat myself.

Our colleague, Senator Moore, raised at committee a very important issue and I would like to quote him:

> What is even more interesting is that this same government, which is now moving to end vouching, used the very same practice as a justification for making these changes to voter identification requirements in 2007. The government then agreed that vouching was seen as a failsafe. . . .
>
> Under the 2007 law, a fully documented voter can vouch for the identity of a voter without full identification. . . . Yet government lawyers have been arguing in B.C. courts since 2009 that vouching is a failsafe that protects the constitutionality of the 2007 voter identification rules, a position the government continues to maintain in its current submission to the Supreme Court of Canada.

Honourable senators, the government has been using vouching as an argument to defend voter identification rules that it passed in 2007. With these major changes in our vouching system, will those voter identification rules still be valid?

I would also like to point out a scenario which Senator Baker brought up in committee:

> Some of the examples given by the Chief Electoral Officer were of parents who were visiting their children and of having that identification if they were in another part of the country and they were trying to vote; and of somebody who is somebody's partner. All of the information that comes to that home comes to only one of the two partners, and the other person just doesn't have two pieces of ID.

Senator Baker raises a real-life scenario that affects many Canadians. The fact is that many Canadians will go to the polling stations with one or no pieces of ID through no fault of their own.

Further, at committee, Senator Joyal also raised a very valid example, which highlights some of the individuals who would continue to be disenfranchised by this bill. I would like to quote Senator Joyal. He stated:

> Let's take the example that I knew of myself when I was a member in the other place. There was a long-term seniors' home. There were under 26 persons living there, in bed, most of them, most of the time, with no parents. There was a nurse responsible for each floor of the senior's home, and she could not vouch for five of them or six of them living in the same room in that long-term care residence.
>
> It seems to me that there are cases like that that should be allowed because she had to pick which one, among the six patients in that room, she would vouch for to allow her to vote. For some people who are caught in that situation, voting is sometimes the only link they have with the outside world.

Honourable senators, voting, it seems, is already a difficult endeavour. Yet, with this bill, we are making it even more difficult. Is that the kind of democratic reform we want?

I would like to raise one final issue that is very concerning to me. A recent Ipsos poll found that 87 per cent of Canadians believe it's reasonable to require that electors prove their identity and address before they can vote. I agree, honourable senators, that 87 per cent of Canadians think it is reasonable.

I am sure that the other place took that 87 per cent into account when they were presenting this bill. The other place can look after the 87 per cent, but honourable senators, we are here to protect the rights of the 13 per cent.

Some Hon. Senators: Hear, hear.

• (1610)

Senator Jaffer: During the study of Bill C-23, our colleague Senator Plett said:

> Clearly, the opposition's biggest argument or complaint in this legislation has been around the vouching and their fear that there will be five or six people in the country who won't be able to vote because of the legislation.

Honourable senators, I believe our role as senators is to protect those five or six individuals who will not be able to vote because of this proposed legislation. That is why we sit in this chamber. That is why each one of us in this chamber was appointed to the Senate of Canada.

Honourable senators, as a person who was raised in Uganda, I have to say that when we lost the right to vote because we were Asian Ugandans, we lost everything. When we came to Canada, the biggest present we got from Canadians was the first time we went to vote. That was the proudest moment for my whole family. All of us got to vote. At that time, we didn't even have an address because we were so new; but we had the right to vote. That's the beauty of Canada and that's what we in the Senate of Canada have to protect.

MOTION IN AMENDMENT

Hon. Mobina S. B. Jaffer: Therefore, honourable senators, in an effort to ensure that every Canadian has the right and opportunity to vote, I move that Bill C-23 be not now read the third time, but that it be amended —

The Hon. the Speaker *pro tempore***:** Before Senator Jaffer starts reading her amendments, I think it is appropriate to seek approval of the house that we study all the amendments, Senator Moore's and Senator Jaffer's, in a stacked way, altogether. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** It means we will be able to discuss the amendments moved by Senator Moore and those moved by Senator Jaffer. That's the agreement.

Senator Jaffer: I move:

THAT Bill C-23 be not now read a third time, but that it be amended

(*a*) in clause 46, on page 26,

(i) by replacing lines 5 to 8 with the following:

"the polling division, and

(iv) their own residence has not been," and

(ii) by deleting lines 18 and 19;

(*b*) in clause 47, on page 27, by replacing line 7 with the following:

"subsection 143(6) or 549(3).";

(*c*) in clause 50,

(i) on page 28, by replacing lines 35 to 39 with the following:

"the polling division, and

(D) their own residence has not been," and

(ii) on page 29, by deleting lines 36 and 37;

(*d*) in clause 51, on page 30, by replacing line 20 with the following:

"subsection 161(7) or 549(3).";

(*e*) in clause 54

(i) on page 32, by replacing lines 11 to 15 with the following:

"the polling division, and

(D) their own residence has not been", and

(ii) on page 33, by deleting lines 19 and 20;

(*f*) in clause 55, on page 33, by replacing line 40 with the following:

"subsection 169(6) or 549(3).";

(*g*) in clause 60, on page 37, by replacing lines 21 to 23 with the following:

"(3.1) No elector whose own residence has";

(*h*) in clause 93,

(i) on page 193,

(A) by deleting lines 29 and 30, and

(B) by deleting lines 36 and 37, and

(ii) on page 194, by replacing lines 1 to 6 with the following:

"**(3) Subsection 489(2) of the Act is amended by adding "or" at the end of paragraph (*c*) and by replacing paragraphs (*d*) and (*e*) with the following:**

(*d*) contravenes subsection 169(6) (attesting to residence when own residence attested to)."; and

(i) in clause 94.1, on page 194, by replacing lines 24 to 29 with the following:

"(*a*) contravenes subsection 237.1(3.1) (attesting to residence when own residence attested to); or

(*b*) contravenes any of paragraphs 281(a) to".

Thank you.

The Hon. the Speaker *pro tempore*: Continuing debate on the grouped amendments.

(On motion of Senator Fraser, debate adjourned.)

ALLOTMENT OF TIME—NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Bill C-23. Therefore, I give notice that, at the next sitting of the Senate, I will move:

> That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

• (1620)

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT ACT NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL ACT

BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

Hon. Daniel Lang moved second reading of Bill S-6, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act.

He said: Honourable senators, I am honoured to speak today in this chamber both as the senator for Yukon and the sponsor of Bill S-6, the Yukon and Nunavut regulatory improvement act. This bill proposes to amend two existing statutes, the Yukon Environmental and Socio-Economic Assessment Act, which governs the environmental assessment framework in Yukon, and the Nunavut Waters and Nunavut Surface Rights Tribunal Act, which manages and regulates the use of waters in Nunavut.

Since 2006, the Canadian government has consciously made development of the North a priority, recognizing the importance of exercising Canada's sovereignty and promoting responsible economic development. In carrying out these priorities, the Government of Canada has empowered territorial governments through devolution and also worked collaboratively with First Nation governments.

Bill S-6 complements the federal government's commitment to empower territorial governments to make decisions about their own land and resources. The bill will modernize and enhance the regulatory processes for resource and community development projects across the North. It will make the regulatory process stronger, more effective and more predictable, which will, in turn, promote investment and responsible economic development in the North, while ensuring the protection of the environment.

However, I want to also highlight that this bill not only benefits the resource sector but also has real practical benefits for northerners, communities and any individual or company that might have a project that impacts the environment. The Government of Canada has taken decisive action to streamline the regulatory review processes across the country by addressing the complexity and regulatory overlap that has caused undue delays and uncertainty in the development of the North. I also want to emphasize that the bill before you will further enhance our present regulatory system so that there are clearer guidelines of what is expected of proponents and the various levels of government.

In many cases, the position of some organizations that are opposed to development has been delay, delay, delay, which was caused worthwhile projects to go nowhere, as has been witnessed by the failure of the MacKenzie gas pipeline project to proceed. Colleagues, the bill contains definite timelines and will cause all participants to present their cases in a timely manner so that decisions can be made for the benefit of northerners.

It is important to highlight that Bill S-6 has fulfilled its duty to consult with First Nations. Consultations began in April 2008, during the five year review of the act mandated by the Yukon Umbrella Final Agreement. These consultation sessions included representatives of the Government of Yukon, representatives of Yukon First Nation governments and the Council of Yukon First Nations. Since then, consultations have continued up until May 2014 to further refine the amendments presented in the bill with other stakeholders involved, such as industry.

I remind all senators that our regulatory regime is co-managed by the governments of Canada, Yukon and First Nations. This is accomplished through the board that is comprised of members who are local nominees from all of the three above-mentioned parties.

Thus, not only has Bill S-6 met the responsibility of the duty to consult, First Nation representatives are directly involved in the decision-making process as members of the board. A First Nation member has been chair of the YESA Board.

Colleagues, allow me to take a moment to briefly highlight how Bill S-6 will positively impact resource and community development.

In Yukon, we have been advancing the devolution of authority to the territory for over 10 years, in concert with the Yukon Umbrella Final Agreement. The result of this transfer of province-like powers to the territory has allowed us to expand our economy while at the same time meeting our environmental responsibilities. However, current legislation needs to be improved to better our oversight of our resources and community economic development. Bill S-6 proposed an extension of board members' terms to ensure that both quorum and continuity will be maintained during the screenings and reviews processes.

In the past, mining projects that have already been granted approval and permits have been subject to new environmental assessments for minor changes to the project, resulting in an

uncertain investment climate. Going forward, new assessments will only be required in the event that a project has been significantly modified.

The bill establishes, as well, beginning-to-end timelines for decisions to be made by the board, while allowing for the federal ministry to apply for extensions if required. The federal government is also committed to working with all stakeholders on the development of cost-recovery legislation.

Unlike Northwest Territories and Nunavut, for more than 10 years, Yukoners have had greater control over their own resources, and the impact has been profound. Industry and proponents know that decisions are being made locally, and this provides the basis for a maturing and sustainable economy in Yukon. This certainty and local access have created a successful climate for investment.

As a result, Yukon's unemployment rate remains well below the national average, and GDP rapidly grew due to increased private sector investments, particularly in the mining sector.

Yukon's regulatory system has been a model for the rest of the country. Over the last number of years, we have recognized that there is need to evolve and maintain a competitive and predictable regulatory system that remains competitive internationally. That's why we're moving forward with this bill.

The legislative amendments before you are based on four key themes: one, making the review process for major projects more predictable and timely; two, reducing duplication in the review process; three, strengthening environmental protection; and, four, enhancing consultation with Aboriginal peoples.

I would now like to speak to the Nunavut Waters and Nunavut Surface Rights Tribunal Act portion of this bill, which brings consistency to regulatory responsibilities across the North.

Consultation on proposed amendments commenced in 2012 with a presentation on the expansion of the Action Plan to Improve Northern Regulatory Regimes. At the request of Nunavut Tunngavik Incorporated, NTI, representatives of the governments of Canada and Nunavut and the Nunavut Water Board formed a working group to develop and discuss amendments to the provisions related to water in Nunavut. NTI and the regional Inuit organizations Kitikmeot Inuit Association, Kivalliq Inuit Association and Qikiqtani Inuit Association were also invited to participate in the working group. The Government of Canada has made a number of other efforts to engage Inuit partners in the development of this legislation.

The working group held a series of productive meetings earlier this year. The following amendments are proposed for the Nunavut Waters and Nunavut Surface Rights Tribunal Act: increase fines for those who provide false or misleading information and obstruct or fail to comply with the direction of an inspector to ensure compliance; establish administrative monetary penalties; revise the length of validity for licences issued by the Nunavut water boards; provide the federal minister with legislative authority to enter into agreements related to security with the Inuit, the applicant, and the Nunavut Water Board, which will help to address a long-standing problem of double bonding; set out fixed beginning-to-end timelines for decisions on water licences; and subject certain water licence reviews to cost recovery.

Honourable senators, I'm sure many of you will recognize the types of regulatory change proposed in Bill S-6 from the Northwest Territories Devolution Act, Bill C-15, which was before this chamber and received Royal Assent earlier this year. Many of the proposed amendments to the Nunavut Waters and Nunavut Surface Rights Tribunal Act relate to water licences, which were also part of Bill C-15.

• (1630)

These improvements are part of the Government of Canada's larger ambitious legislative agenda to improve and make consistent northern regulatory reform. The Northern Action Plan modernizes and enhances regulatory frameworks for resource and community development projects across the North.

As part of this initiative, in June 2013, both houses of Parliament passed the first suite of these regulatory improvements incorporated in Bill C-47, the Northern Jobs and Growth Act, which contained the much-anticipated modern Nunavut Project and Planning Assessment Act, the long-awaited Northwest Territories Surface Rights Board Act, as well as timely updates to the Yukon Surface Rights Board Act.

Bill S-6 represents the final step in the legislative portion of the federal government's northern action plan to improve northern regulatory regimes, to make them stronger, more effective and more predictable, while ensuring sound, inclusive environmental stewardship, which in turn will promote investment and economic development.

All Canadians benefit from responsible resource development in the North and the jobs, growth and prosperity that result from modern and efficient regulatory regimes. Resource development projects can generate significant benefits for northerners and all Canadians in the form of employment, training opportunities and revenues.

I urge all honourable senators to join me in endorsing Bill S-6 and supporting the government's vision for a stronger and more prosperous North. Thank you.

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

THE ESTIMATES, 2014-15

MAIN ESTIMATES—NINTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report (second interim) of the Standing Senate Committee on National Finance (Main Estimates 2014-2015), tabled in the Senate on May 29, 2014.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this is the second interim report on the Main Estimates. The Main Estimates document, honourable senators will know, is a rather substantial document that we study throughout the year in the Finance Committee. This is our second interim report and it forms the basis for a supply bill that will be forthcoming in the next few days. It is appropriation for the rest of the year and we usually refer to this as "main" supply.

The first supply bill that we handled for this fiscal year was "interim" supply when we first received these Main Estimates in March. The way we have evolved our practice is to provide for interim supply for a period of approximately three months. Some departments that don't have straight line expenditures but have front-end-loaded expenditures would receive more than three months, but typically each department receives three months and then, in late June, coming up very soon, we will get the main supply bill. The rest of the year — the other nine months of the year — will be provided for in that particular bill.

We authorize roughly $24.8 billion in interim supply and we will now be dealing with the balance that will lead us to the government being authorized to have voted appropriation of approximately $86.2 billion. We should anticipate that bill and when the bill arrives we will check these numbers against the schedule that appears in the Main Estimates.

For your recollection, honourable senators, there are appropriations that are in statutes. The enabling legislation sometimes provides for funds and that is not what we vote for on an annual basis. That is provided for and that's called "statutory." Then there are other expenses and other appropriations that come around on an annual basis. That is what we're dealing with here in the appropriation of the supply bills.

In terms of federal departments that we met to continue our study of why the government is asking for this money, we met with eight federal departments and three non-governmental organizations. I will tell you briefly what we learned from those. I encourage you to take a look at our report, which is in much more detail than I can provide in the short time that I have here.

The first department we met with is the Foreign Affairs, Trade and Development. That's the amalgamation of DFAIT and CIDA — the Department of Foreign Affairs and International Trade and the Canadian International Development Agency — which have been combined. We were very interested in knowing how the combination has worked. The unfortunate acronym is something that we're going to have to live with. For the Department of Foreign Affairs and Trade Development, DFATD is the acronym now being used by the department. They have a total budget of $5.3 billion, which is a combination of the two departments. The department also requested $120 million for a quick crisis pool. It's a quick release mechanism that helps organize its response to international crises and disasters.

We in Finance watch these particular special funds and I've referred to them in the past. It's very important that we keep an eye on those because parliamentary approval is lost once we give the general approval at the front end. So it is very important that we keep an eye on these special funds.

Senators will recall we discussed the disaster assistance agreement that the federal government has with the provinces in terms of national disasters. That agreement stipulates that the government will reimburse up to 90 per cent of the costs incurred by the provinces, but it's a reimbursement that we have an opportunity to approve on an annual basis. The pool for this particular fund is $400 million, it's international, and we're being asked to approve $120 million in this particular supply for this quick-release mechanism.

That is one that we will want to keep an eye on. Officials explained that prior to the amalgamation each department had a separate budget. CIDA had $100 million in this quick release and Foreign Affairs had $20 million, and now they've combined them.

Honourable senators, I'm a bit concerned about National Defence. We will want to watch this and I will just tell you that they have developed what they call a new program architecture. We can't compare expenditures for previous years with this year and coming years. It just has to build from here so that we can take a look at the comparisons. We know the overall amount. The overall amount that they're asking for this year is $18.7 billion, but the program architecture isn't the traditional votes where we could see operations, grants and contributions and then capital expenditure. That's the sort of typical one we've been following over the years. You can see how much more capital was being used than in previous years.

• (1640)

With this new architecture, the terms are quite different. I could give you an example of some of the names. For National Defence, the department has five new categories. "Defence Combat and Support Operations" has $1.36 billion in it. Then we have "Defence Services and Contribution to Government." That tends to be more national activity of defence, and that's $408 billion. There are five of them. We will be following those as well, but as I say, it will make it difficult to compare year over year for a while.

There's that $1.2 billion increase in the capital budget. As we have seen in the past, having Parliament vote for a capital budget and then having the executive authorize the expenditure on that capital budget are two different things. We will see what equipment and what capital National Defence is able to spend, and what equipment they're able to acquire throughout the year, but at least we're laying the basis for that.

One point that was raised that I thought was quite interesting is that there's a built-in escalator. It used to be 1.5 per cent and is now 2 per cent per year on the base budget. This is not zero-based budgeting that takes place with respect to National Defence. They have a base they start from, and that base is increased by $347 million this year as a result of that built-in escalator. That was meant to create some predictability and long-term funding assurance.

Transport Canada is another department we looked at. Their budget totalled $1.7 billion in these estimates, and that's an increase of $143 million over previous-year estimates. In response

to recommendations stemming from the Auditor General, $357 million has been allocated toward the safety and security of travellers. This includes enhancement to rail safety oversight as well as resources to improve transportation of dangerous goods — virtually all as a result of the Lac-Mégantic tragedy last summer.

Citizenship and Immigration Canada has taken over Passport Canada, and there is a revolving fund involved there, which was in heavy or strong surplus. That's a result of funds that are charged for the issuance of passports over time, so some money has gone into general or consolidated revenue as a result of the surplus that has built up.

They're requesting $45.5 million in order to help the department cope with the increased demand related to citizenship and temporary resident programs. We asked if they are trying to bring down the delay between the time an application is made until when the decision is made to approximately one year. Currently, the delay is somewhere between 24 months for a routine citizenship application — 24 months from application to decision point — or 36 months for a non-routine application. For anything that is a little complicated, it's three years minimum before the applicant desiring to come to Canada as a citizen will learn whether they have been accepted or not.

For Canadian Heritage, the major amount they're looking for is $72.8 million, which is primarily due to a one-time amount allocated for the Pan and Parapan American Games. The Pan American Games will be held in Toronto in 2015. The majority of this funding will go to infrastructure in the Toronto region. They don't anticipate they will need more than this. At this stage they say that, but that's three years away, so we will see if there are other applications.

The department is also receiving funds to be allocated to several museums. That is something we know that department looks after. The funding for the Canadian Museum of Immigration at Pier 21, however, was reduced due to a change in the funding profile and the consolidation and renovation of the museum's facilities.

Health Canada's total budget is $3.7 billion. This is an increase of $356 million over last year's estimates. Seventy one per cent of the total budget of Health Canada is to be allocated to services for First Nations in Inuit communities. That's a very significant percentage of their budget to look after all of the health-related expenses for that particular community.

Industry Canada expects budgetary expenditures of $1.1 billion, and this represents an actual decrease, which is always good to see. According to officials, a decrease is due to temporary funding on different projects wrapping up; therefore, they don't have to claim that amount again, so that's not a particular decrease in activities.

The committee showed a considerable interest in the grants and contributions aspects of Industry Canada. Members wanted to know whether the grants and contributions were distributed at all on a regional basis, and the officials informed us that while the department does gather regional information, they don't work on a target basis for regional distribution because the programs are pan-Canadian. Those of us from smaller provinces were not reassured by that particular answer. These programs are evaluated every five years, as mandated under the Federal Accountability Act, which determines their success.

Public Works and Government Services Canada is looking for roughly $2.6 billion, which represents a decrease of 6 per cent. Again, the decrease is largely attributable to programs wrapping up. These are programs that were in existence but haven't been renewed. Savings generated through operating efficiencies are the other reason for some savings.

The committee had several questions regarding Canada Lands Company. Canada Lands Company takes land that is deemed surplus to government needs, but it only receives land that has a strategic property designation, which means they may be able to enhance the value and make further funds from that property. Once that happens, the Canada Lands Company is responsible for developing the property and increasing the value.

There are some outstanding issues. Honourable senators, you will see in our report many places where we say that the department has not provided us with the information. They promise they will, but it hasn't been forthcoming. All of us on the committee are very concerned about this, and we follow up and make a list of outstanding undertakings on a regular basis. We haven't had to do this yet, but we would then ask the department to come back and answer why they have not answered these particular questions they promised to answer.

There are instances where witnesses cannot respond to the committee because they don't have the information with them. We receive some answers back quickly. Others seem to have to be chased by us —

The Hon. the Speaker *pro tempore***:** Senator Day, do you seek more time?

Senator Day: I wonder if I might have just a few more minutes to finish up.

The Hon. the Speaker *pro tempore***:** Five more minutes is granted to Senator Day.

Senator Day: Thank you.

I bring this to your attention because I want you to know we're following up on this: Attached to our report is a page entitled "Follow-up on outstanding issues from the interim report on the Main Estimates." Our first interim report was filed in March. We now have answers for all the points we had in that earlier report that we didn't have answers to.

When you read our report and you see the concerns that we have expressed — promised but we have not received the information yet — that is something we will be reporting to you on and we will follow up on that. We wanted you to be assured of that.

• (1650)

Honourable senators, this is the basis for main supply. We have developed a tradition because the appropriation bill, the supply bill comes so late in our time, late at the end of March, the end of June or the end of the fiscal year in December. Because we get these bills from the House of Commons so late, we have developed a different practice.

It is like a pre-study. We do a report based on our study of the Main Estimates, and then we get the report tabled so you have an idea of what is in the estimates, and then when the bill comes, it is not sent to our committee. We go right from second reading to third reading on it, based on this work in this report.

We know the appropriation bill is coming, the two supply bills. The other one will be Supplementary Estimates (A), and I will speak on that report probably tomorrow. The supply bill for Main Estimates is going to be here in the next few days, and we will do a second reading and then go right into third reading. I will remind you at the time of this report on the Main Estimates. It may be helpful to you to take a look at it before the bill arrives.

Thank you, honourable senators.

The Hon. the Speaker *pro tempore***:** Senator Day, you moved the adoption of that report. Are senators ready for the question?

Hon. Senators: Yes.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

CANADA ELECTIONS ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dawson, seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-215, An Act to amend the Canada Elections Act (election expenses).

Hon. Irving Gerstein: Honourable senators, it is my privilege to speak today on Bill S-215, an Act to amend the Canada Elections Act in relation to election expenses.

I noted with great interest that Senator Dawson, in his well-prepared speech moving second reading of this bill on April 10, commented that this was the third time he has introduced this bill and that he might, from time to time, repeat himself.

To you, Senator Dawson, I assure you that no apology is necessary for this will be the second time I will be responding to you on this bill, and I will certainly, from time to time, repeat myself as well.

Some Hon. Senators: Hear, hear.

Senator Gerstein: First, honourable colleagues, I want to express my great respect and personal admiration for Senator Dawson. As a long-standing party organizer and strategist who was once the elected member of the other place representing the riding of Louis-Hébert, Senator Dawson brings a particular perspective to the issues raised in this bill.

On the other hand, I believe I bring to this debate a perspective that is somewhat different from that of my honourable friend. I came to the Senate with more than four decades of experience volunteering as a Conservative bagman, a role of which I am very proud.

Some Hon. Senators: Hear, hear.

Senator Gerstein: As you all know, the job of raising funds for a political party is both necessary and honourable because political parties require money to operate.

Some Hon. Senators: Hear, hear.

Senator Gerstein: I feel very privileged to be following in the great tradition of other notable party bagmen who have been appointed to this place, including my friends, former Conservative Senator David Angus, Liberal Senator Leo Kolber and the late Liberal Senators John Aird and Jack Godfrey.

I recall fondly that Senator Godfrey and I used to make joint calls to a number of large Canadian corporations urging them to support the party system that undergirds Canada's parliamentary democracy. Together we would push the number as high as we could, always with the understanding between ourselves and the donor that 60 per cent would go to the party in power and 40 per cent would go to the party in opposition.

Honourable senators, that was a very long time ago, and I am sure you may be asking what the reminisces of an old bagman like me have to do with Bill S-215. The answer is simple: Bill S-215 is really all about fundraising.

The essence of Bill S-215 is to include expenditures by political parties incurred during the three months prior to a writ period within each party's election spending cap. Although Senator Dawson emphasized advertising expenses in his remarks, it must be noted, honourable senators, that Bill S-215 would, in fact, apply to a very wide range of activities because it includes all expenses incurred ". . . to directly promote or oppose a registered party, its leader or a candidate during the three-month period immediately prior to an election period."

Those are exactly the same words used in subsection 407(1) of the Canada Elections Act to define the term "election expense." Therefore, this bill would apply not only to paid advertising but also to virtually every activity funded by every party.

Honourable senators, let me be absolutely clear: Bill S-215 benefits the opposition parties by stifling the ability of the Conservative Party to use its money as it sees fit between elections. That, my friends, is what this bill is all about.

Bill S-215 is simply not fair. It seeks to punish success and reward failure.

Some Hon. Senators: Oh, oh!

Senator Gerstein: But this is not the first time the senators opposite have supported an unfair election financing rule. I am of course referring to the introduction of the per-vote subsidy as part of the Liberal government's Bill C-24 in 2003, or as I referred to it at the time, "the incumbent protection act."

Honourable senators, the formula for the per-vote subsidy was fundamentally flawed. Each year, each registered federal political party was the recipient of a subsidy based on the number of votes it received in the last general election. The unfairness of this system was obvious. It went too far in defining the financial future of a party by looking to its past. Funding a party's next campaign according to the results of the last election is like getting a mortgage on your next house based on the value of your last house.

• (1700)

Senator Dawson stated in support of Bill S-215:

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

Honourable senators, do not forget it was the per-vote subsidy that caused the most un-level playing field for political fundraising in the history of Canada by providing funds for parties that make no effort to raise funds on their own, forcing Canadians to donate to parties that do not even run candidates where they live and forcing Canadian taxpayers to donate to political parties whose practices and policies they do not support.

Colleagues, no less a pioneer of modern democracy than the illustrious Thomas Jefferson, a gentleman I know Senator Mercer knows a lot about, once said:

> . . . to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical . . .

That is why, Senator Mercer, the Conservative government, under the leadership of Prime Minister Stephen Harper, passed legislation in 2011 to eliminate the per-vote subsidy, even though our party's revenue was to be impacted more than any other party's revenue.

Senator Dawson, I respectfully submit to you that in the absence of the per-vote subsidy, the playing field is now truly level because the fiscal fortunes of each party are solely reliant on the goodwill of individual donors. To attract donations, a political party must appeal to a large number of Canadians of ordinary means, or as our leader, the Right Honourable Stephen Harper, says, "Canadians who work hard, pay their taxes and play by the rules." The Conservative Party's fundraising success is built not on the depth of our donors' pockets but on the breadth of our donor base.

Honourable senators, every party has an equal right and an equal opportunity to attract voluntary donations from Canadians and to spend those donations to communicate their ideas and agendas to the Canadian people; and so it must remain, for without freedom of political expression, there can be no democracy. Bill S-215 is an anti-democratic bill to address a purely partisan concern of the Liberal Party, namely, the current dominant financial position of the Conservative Party. I repeat, honourable senators, Bill S-215 seeks to restrict political expression for no other reason than to hamper the interests of the Conservative Party.

After Senator Dawson first introduced this bill as Bill S-236 in the Second Session of the Fortieth Parliament, he said in debate on May 28, 2009:

> . . . the outcome of our elections should not and must not depend on the size of any party's coffers.
>
> The outcome of our elections should depend on who Canadians think have the best ideas for their country.

Interestingly, Senator Dawson used exactly the same line in his speech on April 10, 2014. I want to be absolutely clear: I strongly agree with Senator Dawson on this point. He is absolutely right that elections should not be decided on the basis of money but on the basis of ideas. However, from that basic principle, I humbly submit that Senator Dawson proceeds to a flawed conclusion.

Honourable senators, money and ideas are not opposing forces in democratic politics — far from it. In fact, they are directly and inextricably linked. Now that massive donations from corporations and the wealthy have been removed from the equation, the relative size of each party's coffers is a direct function of which party Canadians think has the best ideas for their country.

Given the level playing field that now exists, the size of a party's war chest is determined by the quality of its message. If there is one thing I have learned in raising money for the Conservative Party since the 1960s, it is the timeless truth: Message creates momentum creates money. It is never the other way around.

That being the case, at any given time one party may attract more freely given donations than any other party. Today, perhaps to the chagrin of our critics, that party is the Conservative Party of Canada. The reason we attract more donations than other parties is that we have a very strong message and a very strong leader in the Right Honourable Stephen Harper to deliver that message.

Some Hon. Senators: Hear, hear.

Senator Gerstein: That message was translated into action by the election of a strong, stable majority Conservative government delivering jobs, growth and long-term prosperity to Canadians.

Honourable senators, it is a fact that money facilitates political discourse. It is also a fact that paid political advertising is the only way for parties to communicate directly with citizens en masse without going through the filter of the mainstream media.

That being said, Senator Dawson overestimates, or I suggest perhaps misunderstands, the role of money in influencing electoral outcomes.

During his speech on this bill in the last session and again several weeks ago, Senator Dawson referred repeatedly to the peril of "buying elections." If this were a real danger, honourable senators, then surely Kim Campbell would have been elected Prime Minister in a landslide after the Progressive Conservative Party spent a record $22 million on its 1993 campaign.

Talk of buying elections implies that political advertising is somehow a threat to democracy, akin to vote-buying and tantamount to corruption; but nothing could be further from the truth. In fact, as I have already indicated, political advertising contributes greatly to democracy.

Furthermore, such talk does not give Canadian voters the credit they are due.

The people of Canada are a discerning and skeptical audience. No party will ever increase its vote count by spending massive amounts of money to advertise a bad policy or to promote a position that lacks credibility. No amount of money spent on advertising can win an election unless voters are receptive to the message advertised. Freedom of political expression always benefits democracy but does not always benefit the party expressing itself.

Therefore, honourable senators, one can only conclude that what our opponents are really afraid of is not the impact of Conservative money. No, my friends, what has our opponents so rightly worried is the impact of the Conservative message. For they know that with the money it receives from its supporters, the Conservative Party can and will communicate its message.

Honourable senators opposite would not be trying to prevent that if they thought for one minute that Canadians would turn away from the Conservative message. In sum, as long as the rules for raising money are fair and equitable, it is surely fair and equitable for each party to spend the money it raises as it sees fit.

• (1710)

It is true however, that the Conservative Party is able to spend more money on advertising than other parties, but is this the result of any unfairness in the current rules? No, colleagues, the playing field is truly level.

Let me assure you that the same fundraising techniques and technologies employed by our party can be equally employed by any party. There's no proprietary formula; there's no magic potion; there's no secret sauce; it's all hard work and a strong message, and that is all.

As I mentioned, I have been a bagman for a long time, and I know what it's like when donations are slow. I can assure honourable senators that the tide always turns, but the fundraising tide, unlike the ocean tide, is unpredictable. Senator Moore knows there are no tables or almanacs to tell us when the flood may lead us to fortune or when we are sailing into shallows and miseries.

As I said before, a party's fundraising success depends entirely on the effectiveness of its message. Again, I repeat, "Message creates momentum creates money."

Honourable senators, in addition to the broad principles I have addressed, there are many details in the wording of Bill S-215 that also raise serious concerns. I have not focused on these issues because I am not here to tell you that Bill S-215 is flawed. I am here to declare with the greatest respect to Senator Dawson that Bill S-215 is an affront to democracy. To criticize this bill for its choice of words would be like criticizing a mugger for his choice of dark alleys. If implemented, Bill S-215 would not promote fairness or democracy. On the contrary, it would bash fairness over the head and steal democracy's purse.

Honourable senators, Bill S-215 does nothing to address the influence of big money in Canadian politics because it can't. The era of big money is already behind us. Rather, Bill S-215 seeks to curtail the influence of the large number of Canadians who donate their own hard-earned money in small amounts to political parties of their choice. That is why this bill is anti-democratic.

We on this side of the Senate believe in freedom of political expression, a level playing field for all political parties and fairness for all Canadians who nourish our democracy by contributing to parties of their choice. That is why it is essential that each party be able to spend the money it raises to promote its ideas, its policies and its agenda.

In conclusion, honourable senators, while we may not always like each other's messages, we can surely agree that all parties must remain free to communicate their message to the Canadian people as they see fit, not only during elections but also between elections. I know many honourable senators on the other side will agree. After all, it was none other than the Right Honourable Pierre Elliott Trudeau who wrote:

> Certain political rights are inseparable from the very essence of democracy: freedom of thought, speech, expression (in the press, on the radio, etc.), assembly, and association.

In that spirit, I urge all honourable senators to safeguard those political rights and defend our democracy by rejecting Bill S-215.

Some Hon. Senators: Hear, hear!

Hon. Terry M. Mercer: Honourable senators, I have to clean my glasses. I must be mistaken. As I look across the aisle, I thought that was Senator Gerstein. I thought that's the same guy who sat two seats away from me as a witness before a committee in the other place when C-24 was being debated by that committee, and he was there. I was there as an individual, as a Liberal, but he was there as the bagman for the Progressive Conservative Party of Canada, who was the fifth party in the House of Commons in those days — the fifth party. They were very supportive of C-24. They were very supportive of the fact they were going to get funds.

I don't understand. I suppose that the old saying "that was then and this is now" applies here.

Senator, I think you need to come clean and admit that as your role evolved from a Progressive Conservative to a member of the Canadian Alliance to a member of the Conservative Party, that your attitude has changed as well, because back when you and my old friend Senator Godfrey — and I did know Senator Godfrey — were out making those joint calls, the thing has changed. You can't say that you supported C-24 when you sat before the committee and then today say that it was a terrible idea. Tell me, how do you square that circle?

Senator Gerstein: Senator Mercer, it is like yesterday that we were before that committee. As a matter of fact, I remember it so well because you were there with Eddie Goldenberg, and to my recollection it was the first time a chief of staff ever appeared before a Commons committee.

Senator Mercer: He wasn't chief of staff.

Senator Gerstein: I am surprised, and I said earlier in my comments about Thomas Jefferson, that you knew of him. I didn't realize that perhaps you knew him, because you are completely wrong; go to the record. I appeared before that committee to oppose C-24.

Some Hon. Senators: Hear, hear.

Senator Gerstein: You must be forgetting. You must be much older than I thought. Check the record, Senator Mercer: opposed, not for. You were for it. I was not there to support the bill. Trust me.

Hon. Dennis Dawson: If the message is the important thing, why do you spend all of that hard-earned money you collect on negative ads and don't put it on your message? Everything we've seen over the years is not the message of what you're doing right but what we're supposed to be doing wrong.

Actually, it's a bit difficult for me to speak as a Liberal since I am not in our national caucus, but I have to admit that I admire the fact they now have more people subscribing to their campaigns than you have to yours.

Senator Gerstein: I think there are two questions. The first comment I would make is that the last time I went to a bank and tried to deposit a number of donors on a deposit slip, they responded to me, "Senator, when you have the money, then you can bring it and we'll put it in the account." Donor lists don't go into the bank account.

I might refresh your memory. The issue of negative advertising is a difficult one, but perhaps you have also forgotten — let me see, when was this — in the year 2000 the Chrétien Liberals ran an ad against Stockwell Day. The attack ad featured Albertans voicing their fear that Stock Day intended to create a two-tier medicare system. Not only was it negative, but they included a fictional newspaper quote attributed to *The Globe and Mail*. They were caught and forced to pull the ad.

In 2006, when the Liberals were trailing badly, they had an ad that claimed Stephen Harper wanted to increase military presence in our cities — Canadian cities, soldiers and guns in our cities, Canada. The Liberals were criticized by the media for scaremongering and they pulled that ad.

Some Hon. Senators: Shame!

Senator Gerstein: You have the privilege to spend it how you want and you take your chances, because if it's not right, you're not going to get support. Don't forget that Canadians are a very discerning group, and so they should be.

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

• (1720)

Senator, you said in your remarks that the tides are unpredictable. In fact, the tides are among the most predictable things on this planet. You can buy tables showing tides for years to come down to the minute. Tides come in; tides go out.

Would you agree with me that the tide of Canadian support for your party has been going out for quite a while now?

Senator Gerstein: Senator Fraser, you are absolutely right; the tides of the ocean are absolutely predictable. It's the financial tides that are unpredictable. You don't know when they may come in, and you don't know when they are going out. Check our records. Our fundraising has increased every single year since we have been in government, including this year. Thank you.

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

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by Senator Dawson, seconded by Senator Robichaud, that this bill be now read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Dawson, bill referred to Standing Senate Committee on Legal and Constitutional Affairs.)

INDIAN ACT

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Bellemare, for the second reading of Bill C-428, An Act to amend the Indian Act (publication of by-laws) and to provide for its replacement.

Hon. Lillian Eva Dyck: Honourable senators, I rise today to speak to Bill C-428, An Act to amend the Indian Act (publication of by-laws) and to provide for its replacement. This bill was tabled by Member of Parliament Rob Clarke from Desnethé—Missinippi—Churchill River in northern Saskatchewan.

Senator Ngo, the sponsor, outlined the main purposes of this bill in his second reading speech. Today I will focus on two aims of the bill: first, to require the Minister of Aboriginal Affairs and Northern Development Canada to report to a House of Commons committee annually on the steps that he or she is making to develop legislation to replace the Indian Act; and second, to repeal or amend those sections of the Indian Act that deal with education.

Honourable senators, first and foremost, however, I wish to note that tomorrow is the sixth anniversary of Prime Minister Stephen Harper's official apology for Indian residential schools. That was an important, historic apology. Part of the reconciliation process was the establishment of the Truth and Reconciliation Commission, which has brought to light the inhumane and unjust practices that occurred at some of the Indian residential schools. As part of the reconciliation process, four years ago the then Minister of Indian and Northern Affairs Canada, Chuck Strahl, pledged that the federal government would remove from the Indian Act those sections concerned with education that are outdated.

Honourable senators, I cannot help but note, then, that it is odd that Bill C-428, a private member's bill, seeks to do exactly that — to remove from the Indian Act those sections concerned with education. Moreover, Bill C-33, the proposed First Nations control of First Nations education act, a government bill, also proposes to remove the same sections from the Indian Act. But, as you know, Bill C-33 has been put on hold by Minister Valcourt, and our committee has suspended our pre-study of it.

Honourable senators, there is a great desire by all stakeholders and a great need to reform First Nations education. Getting rid of the education sections of the Indian Act is a politically significant aspect of that reform. While such changes to the Indian Act are essentially a symbolic gesture, doing so would be praiseworthy and would reap great political capital. However, under the current circumstances, when Minister Valcourt has refused to negotiate with the so-called rogue chiefs who have significant objections to Bill C-33, and when he refuses to fund on-reserve schooling adequately without the legislation, it would be a travesty to pass Bill C-428 at this tumultuous time. To remove the education sections of the Indian Act by passing Bill C-428, a private member's bill, would be seen as a dishonourable mechanism to showcase this government's commitment to reforming First Nations education. The only acceptable way to pass Bill C-428 would be to amend it substantially by removing all the education-related clauses that are duplicated in the government bill, Bill C-33, the First Nations control of First Nations education act.

Honourable senators, this is the first time that we have dealt with a private member's bill that not only seeks to repeal sections of the Indian Act but that also aims to create a process for the subsequent replacement of the Indian Act. I would like to note that this, too, is unusual. Legislation that strikes at the heart of the statute that governs the majority of First Nations in Canada would be expected to come from the government itself, rather than from a private member.

While I commend the member from Desnethé—Missinippi—Churchill River for pushing the issue of replacing the Indian Act forward, we have to recognize that the governing relationship is one between the Crown and each individual First Nation. The Crown has a fiduciary obligation to First Nations in Canada. I am aware that the Minister of Aboriginal Affairs and Northern Development Canada and the government have supported the passage of this bill in the other place. It perplexes me that these measures were not included in government legislation.

Moreover, as one of the aims of this bill is to direct the minister to develop legislation to replace the Indian Act, it would seem that the minister in charge and his or her department should be introducing a framework piece of legislation to guide such a process.

As I stated earlier, Bill C-428 would require the Minister of Aboriginal Affairs and Northern Development Canada to come before the House of Commons Aboriginal Affairs and Northern Development Committee annually to provide a report on his or her progress in replacing the Indian Act. The relevant clause, clause 2 states:

> Within the first 10 sitting days of the House of Commons in every calendar year, the Minister of Indian Affairs and Northern Development must report to the House of Commons committee responsible for Aboriginal affairs on the work undertaken by his or her department in collaboration with First Nations and other interested parties to develop new legislation to replace the *Indian Act*.

I would like to point out three things with respect to this clause. First, there is no definition of "collaboration." As honourable senators know, the Crown has an obligation to fully consult and accommodate First Nations when it brings forth legislation that may infringe upon Aboriginal and treaty rights. This has been well established by multiple Supreme Court rulings over the years. As Bill C-428 is not a government bill, I wonder if the duty to consult and accommodate First Nations in the development of replacement legislation would be fully protected in the spirit of those Supreme Court rulings.

• (1730)

This speaks to the point I made from the outset. The Crown did not bring forth this legislation, a member of Parliament did. During Member of Parliament Clarke's second reading speech, he said of this section:

> This section of my Bill requires a collaborative consultation process between First Nations and the minister of Aboriginal Affairs and Northern Development Canada specifically on the Indian Act.

What guarantee is there that collaboration will meet the legal duty to consult established by Supreme Court decisions as this is not a government bill that would have to live up to those legal standards? I don't know. I hope that Aboriginal Affairs and Northern Development Canada and Justice officials will answer these questions when the bill is scrutinized at committee.

Secondly, clause 2 only requires the minister to report his or her actions to the House of Commons committee. It does not establish or create any parameters and mechanisms for the development of legislation to replace the Indian Act. That is left to the minister responsible and his or her department. I guess that is a fair placement of responsibility. However, again we run into this problem that since Bill C-428 is not government legislation, any parameters that would be developed and presented in subsequent regulations and presented to Parliament are in a grey zone. Will clause 2 spur regulations to develop some sort of framework for collaboration?

We have seen from other First Nation bills, S-8, for example, that quite a bit of funding was set aside for consultations. Will clause 2 spur the additional funding required to have meaningful consultations as well, or will all of these questions be left to the discretion of the minister? Again, I hope that Aboriginal Affairs and Northern Development Canada officials can come before the committee to explain how they will actually implement this clause.

Thirdly, clause 2 states that the collaboration to replace the Indian Act is between First Nations, the minister and his or her department, and other interested parties. "Other interested parties." I would like to pause on this phrase for a moment. Any replacement of the governing act — the Indian Act — that operates at the legislative level to order a system of governance and prescribe or restrict certain rights that flow from this act to First Nations people should, again, be negotiated between the Crown and First Nations only. Who are these other interested parties? In some cases, it may well be other levels of government — provincial, territorial or municipal governments. Collaboration with the provinces, territories or municipalities would be reasonable when dealing with sections of the Indian Act that allow provincial law to apply or in dealing with a wide assortment of tripartite frameworks as a possibility of replacement legislation.

I do, however, want to caution that, if "other interested parties" includes industry, I have great concerns. If, in the creation of any piece of legislation that replaces the Indian Act, industry, especially the natural resources industry, is a collaborator in prescribing new legislation meant to replace the Indian Act, this is a problem.

Any replacement of the Indian Act should reflect, as stated in the preamble of C-428, "the modern relationship between it," the Government of Canada, "and the people of Canada's First Nations."

During a committee study, it should be clarified what bodies can be considered legitimate, interested other parties that can be part of replacing the Indian Act.

As I mentioned earlier, there is a deliberate duplication in clauses within Bill C-428 and Bill C-33. Clause 4 in C-428 is exactly the same as clause 53 in C-33. Requirements in clause 9 in C-428 have already been incorporated into the bylaw publication clause 47 in C-33, and, most significantly, clauses 14 to 18 in Bill C-428 that deal with education and residential schools are incorporated into clause 52 and clause 54, with coordinating amendment clause 57, in Bill C-33. Why? Why was there a need to do this? I hope we can get an answer to this question from the minister or the departmental officials.

The duplication of the clauses in the two bills is obviously a deliberate, premeditated manoeuvre. This is made clear by the inclusion of coordinating amendments in Bill C-33. As I mentioned, clause 57 in C-33 serves to direct the coming into force of these duplicated provisions in either scenario — the enactment of Bill C-33 first or the enactment of Bill C-428 first.

Honourable senators, clearly there is a great need to create a modernized, culturally appropriate and fairly funded education system on reserves. In recognition of the importance of this need, we passed a motion to conduct a pre-study of Bill C-33 by the Standing Senate Committee on Aboriginal peoples. However, as I noted earlier in my speech, the strong opposition to C-33 by many First Nations leaders and the resignation of National Chief Atleo resulted in the minister putting the bill on hold in the House of Commons. His refusal to negotiate with the opposing chiefs and to rectify the funding immediately for on-reserve education is punishing the children and youth on reserves across Canada.

Honourable senators, I will repeat what I said earlier in my speech. It would be a travesty to pass C-428 at this tumultuous time. To remove the education sections of the Indian Act by passing Bill C-428, a private member's bill, would be seen as a dishonourable method of showcasing this government's commitment to reforming First Nation education. The only acceptable way to pass C-428 would be to amend it substantially by removing all of the education-related clauses that are duplicated in the government bill, C-33, the proposed First Nations control of First Nations education act.

Honourable senators, when this bill comes before the Standing Senate Committee on Aboriginal Peoples, I hope that we make the suggested amendments and I hope that we will examine thoroughly all of the implications of this bill, particularly because of its nature as a private member's bill and not government legislation.

Hon. Joseph A. Day: Your Honour, I wonder if the honourable senator would entertain a question.

Senator Dyck: Yes, I would.

Senator Day: I don't have Bill C-428 in front of me, but I believe I heard your remark that, in the bill, the minister is required to consult with the House of Commons committee responsible for Aboriginal peoples.

Senator Dyck: Correct.

Senator Day: Is there mention anywhere else of consultation with the Senate committee responsible for Aboriginal peoples?

Senator Dyck: Thank you for that question.

No, there is no mention of the Senate. I actually thought that was interesting. The minister will only be reporting to the House of Commons committee responsible for Aboriginal affairs. There was no mention at all of the Senate.

Senator Day: I have a supplementary, Your Honour.

We have seen this in the past, where backbenchers in the House of Commons have forgotten there is a Senate. Once we explain to them our role, especially when they realize their bill has to come here and go through the Senate as well, they normally agree to include the Senate as part of the consultation process.

Do we know if that has been done, if Mr. Clarke has been approached in relation to this and if the sponsors in this particular chamber have explained the importance of two chambers?

Senator Dyck: I can't speak on behalf of the sponsor, but Member of Parliament Rob Clarke has come to see me, so he's aware that the Senate exists. He's aware that we also have a Standing Senate Committee on Aboriginal Peoples, but we did not at that time discuss the issue of including the Senate committee within that preamble.

• (1740)

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

REFERRED TO COMMITTEE

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

Hon. Thanh Hai Ngo: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Aboriginal Peoples.

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

Hon. Senators: Agreed.

(On motion of Senator Ngo, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Beyak, for the second reading of Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons).

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, Day 15 on this bill has crept up on me rather faster than I expected. I haven't completed my research on this very troubling and very serious issue. If we had not thought much about it before the arrival in the other place of the government's proposed new bill on prostitution, it is a reminder of the very serious nature and growing volume of trafficking of persons.

I think it is important to do this question justice when we address it; therefore, I move the adjournment of the debate for the balance of my time.

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

Some Hon. Senators: Agreed.

(On motion of Senator Fraser, debate adjourned.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Committee on Internal Economy, Budgets and Administration (budget of a committee—legislation), presented in the Senate on June 5, 2014.

Hon. Larry W. Smith moved the adoption of the report.

He said: Honourable senators, quite simply, this report effectively consists of a $5,000 request from one of our committees, which we have approved, and I would ask that we pass and accept this final report.

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

Hon. Joan Fraser (Deputy Leader of the Opposition): Which is the committee in question, Senator Smith?

Senator L. Smith: The committee here is the Senate Standing Committee on Legal and Constitutional Affairs, in the amount of $5,000 for general expenses for a simple report.

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

Some Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

TRANSPORTS AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON THE CHALLENGES FACED BY THE CANADIAN BROADCASTING CORPORATION—SIXTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Transport and Communications (*budget—study on challenges faced by the Canadian Broadcasting Corporation—power to travel*), presented in the Senate on June 5, 2014.

Hon. Dennis Dawson moved the adoption of the report.

Hon. Joan Fraser (Deputy Leader of the Opposition): Could Senator Dawson tell us a little bit about this and where the committee will go?

Senator Dawson: I'd be pleased to. It is a study on CBC/Radio-Canada. We are planning a tour of Eastern Canada in the fall. We will go to Halifax, Quebec City and Sherbrooke, and then we will go to Toronto. We will wrap up in Montreal.

Senator Fraser: Do you plan to go out west as well?

Senator Dawson: We went to Yellowknife, Edmonton, Winnipeg and Calgary a few months ago.

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

Some Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

THE SENATE

ROLE IN PROTECTING MINORITIES—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to its role in protecting minorities.

Hon. Claudette Tardif: Honourable senators, I would like to begin by thanking Senator Joyal for graciously allowing me to take part in this inquiry. I would ask that the debate remain adjourned in his name following my intervention.

I am pleased to take part in this inquiry to highlight the Senate's role in protecting minorities. I would like to thank Senator Nolin for starting this series of very important inquiries for the Senate, as well as Senator Chaput, who spoke last week about the Senate's role in protecting minorities. This is a topic that is relevant and of great interest to me, given my Franco-Albertan background.

As both Senator Nolin and Senator Chaput stated, in the 1998 *Reference re Secession of Quebec*, the Supreme Court recognized the protection of minorities as one of Canada's four fundamental constitutional principles, together with federalism, democracy and the rule of law.

According to the court, even though they are not formally set out in the Constitution Act, 1867, "these principles inform and sustain the constitutional text: they are the vital unstated assumptions upon which the text is based." In addition, in a speech from December 1, 2005, Chief Justice Beverley McLachlin said that these "unwritten principles that transcend the exercise of state power. . .are derived from the history, values and culture of the nation, viewed in its constitutional context."

The Fathers of Confederation enshrined in the very nature of the Senate the principle of protecting the rights of minority and representing their interests. That is one of its fundamental missions. That was true at the time of Confederation and it still is today.

• (1750)

In the book *Protecting Canadian Democracy: The Senate You Never Knew*, which was edited by Senator Joyal, it is stated that the adoption of the Canadian Charter of Rights and Freedoms in 1982 confirmed and broadened the protection of minority rights. I would like to quote our honourable colleague. He said:

> As these new categories of rights are added to the Constitution, the role of the Senate as the chamber for the expression of minority rights and human rights within Parliament has been confirmed, broadened and strengthened.

As Senator Chaput demonstrated so well in her speech, the purpose of the principle of protecting minorities is not to dilute our democratic representation system but to strengthen it by making it more inclusive.

The opinion recently issued by the Supreme Court of Canada in *Reference re Senate Reform* indicates that, over time, the Senate came to represent various groups that were under-represented in the House of Commons. According to the Supreme Court, the Senate has served as a forum for women, and ethnic, religious, linguistic and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process.

Today, we generally understand the term "minorities" to mean a collective of all the groups that tend to be under-represented in public institutions. The meaning of this term has clearly evolved since Confederation.

Also in *Protecting Canadian Democracy: The Senate You Never Knew*, Professor Janet Azenstat indicated that, in the minds of the Fathers of Confederation, the Senate was to represent the political views of minorities, meaning that it would represent the under-represented political views of society in general. In other words, the Fathers of Confederation envisioned an upper chamber made up of appointed members that would support political opposition, but they also saw one of the key roles of the Senate as protecting the francophone minority by providing Quebec with fair representation within the Canadian federation. The Senate was also to provide representation for national minorities, meaning either the anglophone population in Quebec or the francophone population outside Quebec.

It is vital to remember that Confederation is more than the result of a union between the colonies that existed at the time. It is also a pact between two political communities, two founding peoples: French Canadians and Canadians of British origin. Confederation in Canada was intended to guarantee the preservation and development of the two peoples that came together in it. The Senate is an essential component that allowed that pact to be concluded.

As Professor Benoît Pelletier points out in his text on the suggested replies to questions raised by the reference to the Supreme Court on Senate reform, the preservation of minority rights and the establishment of an Upper Chamber to represent their interests were conditions upon which the provinces, and specifically Quebec, joined Confederation.

In the words of George Brown, and I quote:

> Our Lower Canadian friends have agreed to give us representation by population in the Lower House, on the express condition that they would have equality in the Upper House. On no other condition could we have advanced a step.

In addition, measures were specifically included in the Constitution Act, 1867, to protect the anglophone minority in Quebec. The senators from that province are actually appointed to senatorial districts that were, in certain cases, drawn up in order to guarantee that the minority anglophone community is represented. The Fathers of Confederation did not see fit to include a similar measure guaranteeing the representation of francophone minorities in the other provinces.

However, there is a well-established tradition of appointing representatives from minority francophone communities to the Senate. An analysis of Senate appointments shows evidence of this tradition. Indeed, if we look at historical data on senators, we see that francophones in minority situations have enjoyed almost continuous representation in the Senate in Alberta, Manitoba, Ontario, New Brunswick and Nova Scotia.

As of March 17, 2014, 3.4 per cent of members of Parliament were from francophone minority communities, while approximately 11 per cent of francophone Senators were from outside Quebec.

With the exception of two periods from 1934 to 1940 and 1964 to 2005, my province of Alberta has had a francophone representative in the Senate since 1906. After Senator Amédée Emmanuel Forget, from Alberta, died in 1923, it became an established practice for the linguistic minority to be represented in the Senate, since the Albertan community expected to see a francophone senator appointed. Frank Oliver, owner of the *Edmonton Bulletin,* wrote the following in 1923:

[*English*]

> The death of Senator Forget leaves a gap in Alberta's representation in the Senate. When the provinces of Alberta and Saskatchewan were formed and the Senatorial representation of the four western provinces was increased to 24 or six to each province, one of the Alberta senators was selected as the representative of the French Canadian portion of the population. . . . The recognized reason for the existence of the Senate is the protection of the constitutional rights of minorities.
>
> It is for the strength and safety of the State that it should be freely understood that these rights are not, and are not to be, endangered.

[*Translation*]

Pierre-François Casgrain said something similar in 1928 when Franco-Ontarian Senator Henri Lacasse was appointed. He said the following in the other place:

> I am pleased to observe that the government has fulfilled a duty: they have acknowledged the rights of the French Canadian minority in Ontario, by calling to the upper house one of its distinguished citizens, in the person of the hon. Senator Lacasse, and I think that all the French Canadian people of the province of Quebec, as well as those of other parts of Canada, will give credit to the government. . .for such a fair and just act.

Similarly, in a speech in the Senate in 1956, Acadian Senator Calixte Savoie clearly expressed that the Acadian community expected to be represented in the upper chamber. In his first

speech in the Senate, he thanked Prime Minister Louis Saint-Laurent for his appointment to the Senate and said:

> As a faithful spokesman for all Acadians, I would like to express their happiness and gratitude to the Right Honourable the Prime Minister who saw fit to recognize the great merits of Acadians. . . .It is not so much his having appointed an Acadian to the Senate that prompts me to speak in this way, for we were entitled to that. It is rather that he should have appointed a man free from any political ties.

Beyond the historical data and the well-established expectations of French Canadians, we also have to consider that the Senate included members who were champions of language rights and that it has served as an important forum for condemning injustices perpetrated on francophones in minority situations and expressing their concerns about the government's actions.

• (1800)

[*English*]

The Hon. the Speaker *pro tempore***:** Colleagues, it is almost six o'clock. Am I instructed not to see the clock?

Hon. Senators: Agreed.

[*Translation*]

Senator Tardif: The first Acadian senator, Pascal Poirier, was appointed to the Senate in 1885. He was a prominent figure in Acadia who was known as a key organizer and player during the great Acadian rallies at the end of the 19th century. He was also known as a writer, having published works on Acadian culture and history.

In Ontario, we have the example of Senator Napoléon Belcourt, who was appointed to the Senate in 1907. He rose in the Senate on many occasions to defend the cause of French-Canadians. He presided over the first Congress of Franco-Ontarians in 1910 and became a leading figure in the fight against Regulation 17, adopted by the Government of Ontario in 1912 to effectively abolish French as a language of instruction in the province's schools.

If you look through the *Debates of the Senate*, you will see a number of interventions by Senator Belcourt on the subject of Regulation 17 and French-Canadians' right to their own schools.

More recently, we had Senator Jean-Robert Gauthier, who carried on this tradition by devoting himself to defending the francophone minority in the upper chamber. In the 1990s, during the long fight against closing the Montfort Hospital in Ottawa, Senator Gauthier spoke a number of times in the Senate to call the attention of his colleagues to the serious injustice being done to the francophone community in his province with the closure of that hospital. Other senators also intervened on the matter and, on April 24, 1997, the Senate unanimously adopted a motion to urge the federal government and the Government of Ontario to find a solution in order to keep the Montfort Hospital open.

Senator Gauthier's efforts also led to the adoption of significant changes to Part VII of the Official Languages Act in 2005. That part is stronger and better now thanks in large part to the hard work of Jean-Robert Gauthier, who wanted to improve things for official language minority communities.

In the same vein, I should also honour the ongoing efforts of our honourable colleague, Senator Chaput, who wants to update the Official Languages Act with her Bill S-205 to ensure that it takes into account the current dynamics that shape francophone communities.

Over time, in addition to official language minorities, other groups have requested representation in the Senate or have been included in the principles governing appointments because of their distinct identity.

For example, in 1955, MP Walter Dinsdale spoke in the other place about Senate reform. In his speech, he said that, given "that one of the basic functions of the Senate is to protect the interests of minority groups," women and Aboriginal people were two groups that should be taken into account when appointing senators.

The Hon. the Speaker *pro tempore***:** Senator Tardif, do you want more time to finish your speech?

Senator Tardif: Yes, please.

[*English*]

The Hon. the Speaker *pro tempore***:** Honourable senators, is it agreed that Senator Tardif have an additional five minutes?

Hon. Senators: Agreed.

[*Translation*]

Senator Tardif: He concluded by stating that each province should have at least one female senator.

That same year, John Diefenbaker, who was an opposition member at the time, also pointed out how odd it was that the first inhabitants of the country, Aboriginal people, had never been represented in the Senate. Once he became Prime Minister, Mr. Diefenbaker appointed the first Aboriginal senator, James Gladstone, in 1958.

With regard to the appointment of women to the Senate, for a time, the governments claimed that women could not be appointed because they were not considered persons under the law. After a long fight against this interpretation of the law, in the 1920s, Emily Murphy and four other Albertan women, today known as the Famous Five, asked the courts to rule on this issue.

In 1929, the Privy Council in England overturned a Supreme Court of Canada decision and supported the Famous Five's arguments. Shortly thereafter, in 1930, Prime Minister Mackenzie King appointed the first female senator in Canada, Cairine Wilson.

As of March 17, 2014, the representation of women in the other place was about 25 per cent, whereas the representation of women in the Senate was 35 per cent. On that same date, 1.9 per cent of members of Parliament were Aboriginal, Inuit or Métis, while 5.2 per cent of senators fell into that category.

Honourable senators, Canada and its institutions have come a long way since Confederation, as has our view of what constitutes a minority. What has remained the same, however, are the founding principles of Confederation, including the principle of protecting minorities, which is inherent in the nature of the Senate.

I am concerned about the fact the representation of minorities has been virtually ignored in the debates we have had in recent years on Senate reform. This principle is often forgotten during discussions on Canadian democracy where something is only legitimate if it is what the majority of voters want. This eclipses one of the fundamental missions of the upper chamber. Canada is a big and complex country made up of different regions. I am certain that our parliamentary system needs an institution that acts in the interest of minority groups by taking a second look at important issues, as set out in the founding covenant of Confederation.

In addition, a number of minority groups, specifically associations representing francophone minority communities such as the Fédération des communautés francophones et acadienne du Canada and the Société de l'Acadie du Nouveau-Brunswick, wish to preserve that forum. They have very clearly expressed that view on a number of occasions in recent years, both publicly and before the courts, stating that any proposed change to the Senate should take into account the representativeness of those communities.

Today, it is more important than ever, as we reflect on the future of the Senate, to consider the notions of the two founding cultures, the contribution of Aboriginal peoples to nation-building, the contribution of other cultural communities to the country's vitality and the special status of Quebec in its role as the defender of the francophone community both on its own territory and in the other regions of the country.

In other words, it is important to consider the normative foundations of the Senate and the historic role it has played since Confederation. Establishing and preserving an institution is never an end in itself. Let us never forget that an institution's essential value lies in its ability to meet the objectives with which it was entrusted. Honourable senators, let us never lose sight of those objectives.

In conclusion, as Senator Chaput has also done, I would like to acknowledge the Right Honourable Paul Martin, who appointed me to the Senate in 2005. In so doing, he re-established the tradition of appointing an Albertan to the Senate to represent the francophone community. It is a true honour for me to sit in this chamber and to represent the members of my community. Finally, I also wish to thank Senator Nolin once more for giving me the opportunity to offer my views on this important matter.

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

• (1810)

[*English*]

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore***:** Honourable senators, before I recognize Senator Watt, I want to inform the Senate that Senator Watt has advised that he would be speaking in Inuktitut, and it is quite appropriate for him to do that. It is a new rule that we have. Those who wish to listen to the speech in English or French may use their earpiece. Inuktitut will be spoken during this sitting. The floor language will be on channel one. Those who understand Inuktitut will select channel one. The English will be on channel two and the French will be on channel three.

Now it is my pleasure to recognize Senator Watt.

THE HONOURABLE CHARLIE WATT AND THE HONOURABLE ANNE C. COOLS

THIRTIETH ANNIVERSARY OF APPOINTMENT TO SENATE—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cowan, calling the attention of the Senate to the 30th anniversary of the appointment of Senators Charlie Watt and Anne Cools.

Hon. Charlie Watt: Honourable senators, it is my privilege to speak in Inuktitut, and I'm very moved by the fact that I have been allowed to speak in my mother tongue in this great chamber. Thank you.

Honourable senators, I rise to speak in honour of Senator Cools' thirtieth anniversary in the Senate in Inuktitut. I have a translator who will be translating what I'm going to be saying in Inuktitut.

[*Editor's Note: Senator Watt spoke in Inuktitut — translation follows.*]

It has been a remarkable journey here in the Senate. We were appointed over 30 years ago by the late Prime Minister Pierre Elliott Trudeau. He appointed some unconventional individuals to the Senate, of which we were only two. He even appointed senators of other political parties. I really didn't want the appointment at the time, and I suspect it took some convincing for Anne to accept the appointment as well.

Since we were sworn into the Senate on the same day, we learned the ropes together, and for a while we were even on the same team. Our paths have diverged on many occasions, but we both continue to serve Canadians by following our own conscience.

At the same time we entered the Senate, it was remarkable, because the institution had such a qualified and respected assembly of senators who knew how to make many things happen. So we learned the benefit of solid debate and open dialogue across the floor. This is something we don't see often anymore.

We have experienced some remarkable things in this place, and we have learned a few things along the way. We have learned that you can hold differing opinions on an issue yet still remain respectful in a political storm.

We have learned that no party ever stays in power forever, so it is important to work with your colleagues on the other side. Anne has a particular ability to navigate the rules of this place, and the politics behind the legislation. She continues to follow her own internal compass even if hers is a less popular opinion — and although she might disagree with your politics, she is respectful of your person, is straightforward and is always kind.

Throughout the years I have observed that Anne Cools is an overwhelmingly caring and compassionate person. She is never hesitant to stick up for people when she truly feels there is an injustice being done to them, even if that isn't the popular thing to do, or position to take.

She loves her work. She's in her office every day, literally, through summers and over Christmas break. She has a passion for being a senator that is remarkably admirable. She loves the Senate as an institution. She protects the institution and all that it stands for and more.

Anne Cools is sincere. Everything she does, she does so with the best interest of upholding the Senate above all else — which isn't always understood. Some senators are highly partisan, but she really does strive to be just and fair and compassionate on a human level.

We have joined forces when it is necessary, and at times we don't always agree, but Canadians should know that Anne Cools is a very fine person and a remarkable senator.

Pierre Trudeau saw this in her and knew that she had some special gifts: Her mind is sharp and she's fast on her feet and she has a tremendous memory. He knew that her greatest virtues would make her an outstanding senator.

As I stand before you today, I'm amazed that we have survived so long in this place.

• (1820)

We've done well to keep our sense of humour and sense of perspective. After 30 years, I'm proud to call her my friend.

[*Editor's Note: Senator Watt continued in English.*]

Now I'm going to switch to English.

For those of you who do not know, Anne Cools has won many awards, which I would like to submit for the public record. I ask for leave to table the list of awards received by the Honourable Anne Cools.

To those of you who are at the beginning of your terms, I remind you to keep your friends on both sides of the chamber. The time will pass very quickly, and I hope your career will be as exciting and as fruitful as ours.

Thank you, honourable senators.

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Is leave granted to table the list?

Hon. Senators: Agreed.

Hon. Anne C. Cools: I would like to move the adjournment of the debate. Unfortunately, Charlie, I will not be able to answer you in Inuktitut, but I shall do my best in English.

(On motion of Senator Cools, debate adjourned.)

THE SENATE

LEGISLATIVE ROLE—INQUIRY— DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its legislative role.

Hon. Joan Fraser (Deputy Leader of the Opposition): My leader has given me permission to speak.

This inquiry goes to our most fundamental role, the role we play in legislation. It's interesting that Senator Nolin launched this inquiry before the Supreme Court of Canada confirmed the importance of that role, confirmed the importance of the work we do in bringing, in the famous phrase, sober second thought to possibly hasty or ill-conceived measures proposed by the other place, as well as, of course, launching our own legislative endeavours.

It is a mighty subject, one on which we all need to reflect, but, colleagues, I know the time grows late. Although I yield to no one in my view of the importance of this topic, I will move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

(The Senate adjourned until Wednesday, June 11, 2014, at 1:30 p.m.)

CONTENTS

Tuesday, June 10, 2014

Published by the Senate

Available on the Internet: http://www.parl.gc.ca