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Tuesday, September 30, 2014

The Honourable NOËL A. KINSELLA
Speaker

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
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THE SENATE

Tuesday, September 30, 2014

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, just before we proceed, I wish to draw your attention to the presence in the gallery of the family of the late Senate Constable John Pasqua. Present in the gallery are Rosamaria Pasqua, John's wife; Melissa and Cristina Pasqua, his daughters; and Hans Paredes, who we understand will become a future son-in-law. They are the guests of the Honourable Senator Munson.

On behalf of all honourable senators, I not only welcome you to the Senate, but we all extend to you our heartfelt condolences on your tremendous loss.

Hon. Senators: Hear, hear.

SENATORS' STATEMENTS

CANADIAN MUSEUM FOR HUMAN RIGHTS

Hon. Janis G. Johnson: Honourable senators, it is with great pleasure that I rise today to congratulate all those involved in the grand opening of the Canadian Museum for Human Rights in my hometown of Winnipeg, Manitoba.

On September 19, hundreds of guests arrived at the majestic Antoine Predock-designed building in downtown Winnipeg to celebrate a national project now seven years in the making.

In the spring of 2007, Prime Minister Stephen Harper announced the creation of Canada's fifth federal museum dedicated to human rights. CMHR is the first federal museum to be established outside of the National Capital Region, in the province of Manitoba, in the heart of Canada.

Dating back to the year 2000, when the late Israel "Izzy" Asper set in motion his vision for a national establishment dedicated to the recognition, study and promotion of human rights in our country, and indeed around the world, we have come a long way in the realization of this new national institution.

Nevertheless, if it were not for the efforts of his daughter, Gail Asper, her family, the people of Winnipeg and their tireless campaign to bring stakeholders and philanthropists onside, we would not have the distinct honour of opening this museum to the world.

I would also like to recognize the leadership demonstrated by Prime Minister Harper in the early days of his first mandate in seeing that this new federal institution be established at a time when the concept was only in its infancy. He recognized that the time had come for Canada to devote resources to the creation of a prominent institution in our country to promote and educate about the fundamental issue of human rights.

I would also like to thank former heritage ministers José Verner and the Honourable James Moore, as well as our current Minister of Canadian Heritage, the Honourable Shelly Glover, for their contributions in shepherding this national project to fruition. Minister Glover has been outstanding in her work on this remarkable museum.

To date, over \$100 million for capital costs and \$21.7 million for annual operations has been appropriated to the CMHR by the federal government, along with a further \$147.5 million through the Friends of the CMHR's solicitation campaign, which has attracted over 8,000 private-sector donors. This fusion of government and private-sector support has made this impressive project that we see today a reality.

At the core of the CMHR is education. As Stuart Murray, President and CEO of the CMHR, articulated:

The stories we tell will shed light into dark places: stories of resistance and survival, which will in turn inspire stories of their own. . . . Unlike the other great human rights museums of the world, this is not a place that commemorates or memorializes.

Rather, it explores how individuals and groups have been able to achieve great things for humanity. And it also shows what happens when people don't care or try. It examines compassion and resilience.

Honourable senators, rather than using artifacts, our museum harnesses the power of digital technology to tell its stories. Whether in passive, interactive or immersive form, they make up its collection.

Honourable senators, I invite all of you to come to Winnipeg and visit this extraordinary new federal museum dedicated to the observance of our most treasured values: the protection and promotion of human rights for all.

THE SENATE

THE LATE CONSTABLE JOHN PASQUA

Hon. Jim Munson: Honourable senators, our colleague Constable John Pasqua died in late August. I stand today to pay homage to him on your behalf.

John worked at the Senate for 27 years. Throughout that time, he made a positive difference in ways many of us might not even realize and in at least as many ways that we do.

Whoever prepared John's obituary knew him well. It is straightforward and, with only a few descriptive terms, captures his nature and strength of character. Pride and honour, it states, are the things he brought to his professional life and role. His regard for Parliament and those for whom he carried out his responsibilities was evident in his manner and in the consistency of that manner. Making my way to this chamber, I often saw John outside these doors. When we could, we would take a few moments to chat about life, about family.

John's values and beliefs came across not only through his words but through his actions, too. His involvement in the Government of Canada Workplace Charitable Campaign is an excellent example of this. For him, the annual campaign was clearly about far more than a series of fundraising events. What else but compassion and a sense of duty to people struggling in our community can explain his initiative in creating and running the Harvest of Coins year after year?

• (1410)

In June, as cancer was aggressively taking hold of his body, Senate staff expressed their gratitude to him by ensuring he received a special honour at the Staff Recognition Awards. This gesture, no doubt, strengthened the hope John is said to have held on to, even during the hardest days.

I will never forget the pride I felt that morning of John's funeral when our constables paid tribute to their colleague with an honour guard, accompanying his casket to and from the service at St. Anthony of Padua Church. It was such a moving tribute to a humble man.

John's daughters spoke at the service, delivering their own personal and heartwarming tributes to their dad. Their words showed him to be a loving father who worked hard every day, but as important as his job was to him, his ultimate priority was his family.

John was only 54 when he died. It is too young to leave your children, your wife, your siblings and your parents. It is too early for a family to lose a father, a husband, a brother and a son.

As mentioned by the Speaker today, we are fortunate to have in attendance John's wife Rosamaria Pasqua, their two daughters Melissa and Cristina, and Cristina's fiancé Hans Paredes.

So today, on behalf of all of us in the chamber — because the constables, stenographers, pages and others, we are all, Your Honour, one family, working in this together — our deepest sympathies, and my deepest sympathies, go out to each of you and your extended family for your loss, and we feel John's absence here too.

If I can add one more personal note, I will never, ever forget his courtesy and, above all, his smile.

Hon. Senators: Hear, hear.

Hon. Anne C. Cools: Honourable senators, I join colleagues here in expressing our most deep appreciation of our own splendid and great Constable John Pasqua. John served us here so well and so faithfully. I felt it was my duty to honour him.

I must tell colleagues here that three senators attended John's funeral, which meant the world to his family members who are sitting in the gallery here today. I honour John again today as a capable constable, a wonderful human being, a marvellous father and a great husband. His loss is great.

I extend my love and my affection to his dear family members with us today, and I wish to leave with them a little prayer that perhaps they can use in time.

Before that, I wish to note that all senators here would have been honoured, uplifted and elevated to see what our Senate constables did at John's funeral in the honour guard as they bore his casket. It was something fantastic to behold, and those constables who were present at his funeral, I thank you all.

Honourable senators, I wish to read from Ephesians 3:16-19, especially for the family:

I ask God from the wealth of his glory to give you power through his Spirit to be strong in your inner selves, and I pray that Christ will make his home in your hearts through faith. I pray that you may have your roots and foundation in love, so that you, together with all God's people, may have the power to understand how broad and long, how high and deep, is Christ's love. Yes, may you come to know his love — although it can never be fully known — and so be completely filled with the very nature of God.

To John's family members, I pray that God will hold John in the palm of his hand.

LIGHTKEEPERS

Hon. Nancy Greene Raine: Honourable senators, I've been away on two committee trips. It's good to be back in the chamber.

Today I'm pleased to take this opportunity to tell you about an incident that happened just over a month ago on Vancouver Island.

In the early afternoon of August 25, lightkeepers Toni Adams and Rena Patrick, who were stationed at Cape Beale near Nanaimo, spotted a boat that had capsized in rough seas and called in a mayday. Lightkeepers Glenn Borgens and Jake Etkorn from Entrance Island lighthouse immediately got in their own boat and raced to the scene, pulling nine people from the water. Two were transferred to hospital with hypothermia. All survived.

Former lightkeeper Jim Abram, who testified before the Standing Senate Committee on Fisheries and Oceans when we studied the de-staffing of lighthouses a few years ago, has credited the federal government's decision to keep the lightkeepers in place with these words:

We have nine people who are alive today because we have lightkeepers there. It's very, very important to have the eyes out there and in this case, have the physical body there to pluck them out of the water.

In 2010, as we reviewed the question of whether to de-staff lighthouses, my fellow senators and I visited light stations on the West Coast and on Newfoundland. We heard of the many rescues by lightkeepers with every station we visited, giving us details of incidents over the years. All of them remarked on how traffic was increasing, especially with small recreational craft, including sea kayaks.

There was no doubt in our minds that de-staffing would result in loss of life, and we recommended that the Coast Guard halt their plans to de-staff the remaining light stations. We asked that they conduct a comprehensive cost-benefit analysis around each of the light stations and recognize the services they provide to the many stakeholders.

As this latest incident on August 25 shows, a tragedy can happen at any time. Lightkeepers are an essential service and one whose value may well be measured in human lives saved. Thank goodness the government accepted the Senate committee's recommendations. Nothing can replace the eyes and action of a human on site, ready to rescue those in danger.

I remind honourable senators that not only did the minister of the day, the Honourable Gail Shea, support our recommendations, but that the minister who succeeded her, the Honourable Keith Ashfield, told the Coast Guard not to bring de-staffing forward again.

Honourable senators, it feels good to know that the work we do has positive results. It does, however, seem unfortunate that these four outstanding lightkeepers have not been credited publicly by the Coast Guard for their heroic actions.

UNIVERSITY OF SUDBURY

ONE HUNDREDTH ANNIVERSARY

Hon. Marie-P. Charette-Poulin: Honourable senators, I stand in my place today to pay tribute to my alma mater, the University of Sudbury. This evening our Speaker, the Honourable Noël Kinsella, will be hosting a celebration to mark the university's one hundredth anniversary of service to the people of northern Ontario. We will be joined by Ms. Josée Forest-Niesing, chair of the university's board of regents; Dr. Pierre Zundel, its president and vice-chancellor; the Mayor of Sudbury, Her Worship Marianne Matichuk; and many other distinguished guests.

[Senator Raine]

This exceptional institution was founded by the Jesuit Fathers in 1913 as Le Collège du Sacré-Cœur. It was the first institution of higher learning in northern Ontario. In 1957 it was renamed University of Sudbury, and subsequently it became one of the founding members of the federation of colleges in 1960 which formed Laurentian University.

[*Translation*]

The University of Sudbury's one hundredth anniversary celebration reflected a turning point in Sudbury's history and that of Ontario as a whole. As a graduate, I am very proud of that. Allow me to reaffirm the deep feeling I have had for that great institution founded by Jesuit Fathers, from the days when my parents, Alphonse and Lucille Charette, got involved to help it thrive, to the wonderful years that my brothers, Raymond and Gilles, and I were there as students.

• (1420)

Honourable senators, the tribute being paid today to the founders and leaders of the university is also owed to the pioneers of Collège du Sacré-Cœur, who awakened us to our French heritage. The founding Jesuit Fathers and the regents, leaders and professors of today share the same qualities: love of Canada, unlimited faith in human ability, and pride in helping to advance knowledge so that the community they love so much, Sudbury and northern Ontario, can flourish.

Honourable senators, I would like to congratulate all those, past and present, who have made Collège Sacré-Cœur and the University of Sudbury the communities they are, who have introduced us to Molière's plays, to French philosophers such as Gabriel Marcel, to the lovely voices of the Compagnons du Sacré-Cœur, to topical political debates and especially to countless career possibilities.

The University of Sudbury nourished our intellectual curiosity, developed our ability to think, and kindled our desire to help make the world a better place. The University of Sudbury is a reflection of a Canada that is bilingual, bicultural, proud of its First Nations and multi-ethnic.

[*English*]

Honourable senators, as it enters its one hundred and first year of academic excellence, I hope you will join me in offering best wishes to the University of Sudbury for another 100 years of success.

SIR JOHN FRANKLIN EXPEDITION

Hon. Dennis Glen Patterson: Honourable senators, I join in expressing, on behalf of our colleagues on this side, our deepest condolences to the family of John Pasqua.

Honourable senators, there are moments in history when remarkable discoveries capture the attention of the world and give great credit to the visionaries who led the way. One was the

remarkable discovery of the 169-year-old wreck of one of the famous British explorer Sir John Franklin's vessels in Arctic waters on September 7, an expedition led by Parks Canada in collaboration with the Government of Nunavut, the Canadian Coast Guard, the Canadian Hydrographic Service, the Canadian Ice Service, the Canadian Space Agency, the Royal Canadian Navy, Defence Research and Development Canada, the Arctic Research Foundation, the Royal Canadian Geographic Society, the W. Garfield Weston Foundation, One Ocean Expeditions and Shell Canada.

This find is epic. As Canada's eloquent pundit Rex Murphy described it, the discovery was "ripe with marvel and magic." It was about "the heroism, the foolhardiness, the desolation and the bravery. . . charged with mythic power." Above all, it was, as Murphy says, one of Canada's great foundational stories, "an excellent moment for lovers of Canadiana."

Yes, it is Canada's story because it is about Canada's Arctic, and it is about Canada exercising its sovereignty over our Arctic.

It's also about Prime Minister Stephen Harper, his unprecedented passion for and dedication to the Arctic; about his current minister responsible for Parks Canada and our first Inuk cabinet minister, Leona Aglukkaq; and it is most of all about Inuit oral historians, particularly Louie Kamookak of Gjoa Haven, who interviewed 10 elders from Gjoa Haven — the closest community to the lost ship — gathered their stories and advised searchers where to look. They knew from history passed on for 150 years where the ships likely were when they foundered in crushing ice and persisted, even though they were not always given credence.

After the find, Louie Kamookak told *Nunatsiaq News*:

I am very happy. After so much previous searching, they had decided to reopen the search, based on Inuit theory. This proves oral history is strong with the Inuit, and it puts Inuit on the map, for the world.

Another remarkable figure in this amazing story is himself a mariner, B.C. ferry captain David Woodman, who gathered records of Inuit testimony from 1850, remarkable stories published in his 1991 book, *Unravelling the Franklin Mystery: Inuit Testimony*. Mr. Woodman also launched nine privately funded searches.

Interviewed by *Nunatsiaq News*, Mr. Woodman said that this month's discovery of one of the shipwrecks "couldn't have been done" without the testimony of Inuit:

We wouldn't know where to look, and we never would have found the ship. No one would have bothered to look, because the area was just so large.

Yes, this is a find on par with the discovery of the *Titanic*. And this story is not over. Is the ship found the *Erebus* or the *Terror*? The hull seems to be in very good condition and the contents are

believed to be very well preserved. Will further investigation reveal the ship's logs safely sealed in copper tubes, as was the Royal Navy practice in those days?

Honourable senators, please join me in congratulating all those involved in this search, whom I've named, and, in particular, congratulations to the Inuit whose accurate oral history helped close this chapter in our nation's history.

ROUTINE PROCEEDINGS

STUDY ON ECONOMIC AND POLITICAL DEVELOPMENTS IN THE REPUBLIC OF TURKEY

GOVERNMENT RESPONSE TO SECOND REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE—SIXTH REPORT OF COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table the sixth report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the governmental response to the committee's second report entitled *Building Bridges: Canada-Turkey Relations and Beyond*.

The Hon. the Speaker: When shall this report be taken into consideration?

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

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-479, An Act to amend the Corrections and Conditional Release Act (fairness for victims).

(Bill read first time.)

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

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

QUESTION PERIOD

THE SENATE

INDEPENDENCE OF SENATORS

Hon. James S. Cowan (Leader of the Opposition): My question is for the Leader of the Government in the Senate, and is another one of the questions that have been received in response to our invitation to Canadians to ask questions on their behalf.

Today's question comes from Mr. Piper Jackson of Vancouver, British Columbia, and his question is as follows:

While appointed to the Senate by the Prime Minister, senators are servants of the people of Canada and not the Prime Minister nor any political party. What can be done to ensure the independence of Canadian senators? The justification for the existence of the Senate is dependent upon the capacity for senators to make decisions based upon their wisdom and judgment, and not upon outside political interference.

• (1430)

[*Translation*]

Hon. Claude Carignan (Leader of the Government): The Senate is an institution independent from the House of Commons, which has its own constitution and its own rules. It has a separate budget. It is autonomous and manages its own operations, from research to administrative support, as well as its legislative and research systems. We also have a constitutional right, what we call parliamentary immunity, which is a constitutional privilege that allows us to conduct our work independently.

[*English*]

Senator Cowan: I'm sure, Senator Carignan, that Mr. Jackson and I would agree with all that you said, but I think the point of Mr. Jackson's question was how do we as senators demonstrate to Canadians that we truly are independent and that we're not following the direction of the other place or of the political parties, to which all or most of us belong, and, as I'm sure we also agree, is entirely appropriate?

[*Translation*]

Senator Carignan: I didn't say the question was not appropriate. What I am explaining in response to the question, is the way the Senate exercises its role, independently, in the context of its daily activities, from managing its budget to exercising its constitutional rights that allow it to act in an independent manner. From time to time, positions are taken. Oddly, you already pointed out that you are so-called independent Liberal Senators, but I am still waiting to see you support a government bill. Just because we vote for or against a bill does not mean we are not acting independently from the other chamber.

[*English*]

Senator Cowan: I think our support for government bills is dependent on the quality of the government bills. It is not determined by our independence. I can assure you that we are independent in every way, and, as Senator Mitchell says, you should try it.

INTERNATIONAL TRADE

RESPONSIBLE MINING STANDARDS

Hon. Grant Mitchell: Thank you, Your Honour. I have a question that I'm asking on behalf of Connor Crickmore, from Ottawa, Ontario.

The ongoing refusal of the Conservative government to replace Marketa Evans, the former overseer of our highly controversial mining operations internationally, has meant 11 months and counting of unaccountability.

There are strong allegations that human rights and environmental standards are being flouted by mining enterprises — Canadian — and that this is supported by the Government of Canada. As the *Toronto Star* noted in May 2014, Canadian mining companies lead the mining world, but none aspire to lead the world in mining-related human rights abuses.

This reflects the fact that the Conservative government's economic agenda supersedes recognition, let alone amelioration, of appalling abuses. Simply put, this lack of consideration of corporate social responsibility is shameful. In fact, the Conservative caucus opposed Bill C-300, which aimed to address the corporate social responsibility issues by giving the government the authority to investigate complaints against extraction companies operating outside of Canada's border.

At what point do these crucial humanitarian and environmental issues take precedence over base economic interests?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Respect for human rights is important to this government. The Canadian values of rights and freedoms and of freedom of speech, religion and democracy must be upheld. What is more, a good number of our decisions are made with a view to upholding our Canadian values. That is what we will continue to do.

With regard to upholding human rights and freedoms in Canada, the government is guided by the Canadian Charter of Rights and Freedoms, which ensures that everyone is treated equally and fairly, and without discrimination, on the basis of religion, race, status or social condition. Most provinces also have a provincial charter of rights and freedoms to ensure that people are treated fairly and are not discriminated against. These charters contain provisions that are rather similar from one province to the next.

With regard to foreign investments, Canadian companies continue to conduct themselves in an exemplary manner at their foreign locations, and we hope that they will continue to do so while attempting to expand their businesses in a responsible manner as they do here in Canada.

[English]

Senator Mitchell: It is a stretch for the leader to suggest that Canadian mining companies generally are operating at the highest level of CSR, corporate social responsibility, across the world when they don't even have the overseer, Marketa Evans, replaced after 11 months.

The second question is certainly about addressing the question of values and our reflection of those values — liberty and democracy and others — that the leader has spoken well of. It concerns the fact that these should be reflected in the way that we operate across the world in our mining industry.

Given that Canada currently represents almost 75 per cent of the worldwide mining industry, should Canada not strive to take a leadership role in promoting ethical corporate conduct, particularly in the international mining industry?

[Translation]

Senator Carignan: Canadian mining companies are world leaders when it comes to responsible mining practices. Our government firmly believes that Canadians must do business around the world in a manner that reflects Canadian values and creates opportunities to raise the quality of life, especially in the poorest nations in the world.

We established the Canada Corporate Social Responsibility Strategy. Therefore, honourable senators, you can rest assured that we will continue to promote the highest degree of corporate social responsibility while supporting our Canadian companies so that they can do business and invest around the world.

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Céline Hervieux-Payette: My question is for the Leader of the Government in the Senate. Last week, the Conservative government apparently signed a new free trade agreement with Europe. The scope of this agreement is quite vast and unprecedented when compared to other treaties we have signed.

This treaty will affect the powers of federal, provincial and municipal governments.

• (1440)

Any level of government that wants to legislate or create regulations will have to ensure that it is not violating these very broad agreements. If it does violate them, the level of government

responsible will have to pay compensation to the company in question. As we have seen in the media, some European parliamentarians have addressed this issue. Has your government asked any questions about creating regulations? I'm specifically thinking of regulations on genetically modified organisms. As everyone knows, Canada and Europe do not see eye to eye on this issue, and Canada has been very successful with certain grains. Under this agreement, Canada will have to consult the Europeans. Are we going to give in to the Europeans on the issue of genetically modified organisms?

Hon. Claude Carignan (Leader of the Government): Thank you for your question. I was expecting to hear thanks for making the full text of the trade agreement public. You had asked for it many times here, but since it had to be translated into many languages, it took longer than expected. Thus, I assume that you have read it and that you are happy to have received it.

As you know, the Canada-European Union trade agreement was made public at the Canada-European Union Summit. It is an historic agreement that will give Canadian companies preferential access to 500 million consumers and will translate into \$17 trillion annually in economic activity. This will boost job creation and bring many economic opportunities for Canadians. That is why this agreement was so strongly supported by all stakeholders, as well as the provinces and territories.

Out of a total of over 9,000 EU tariff lines, approximately 98 per cent will be eliminated from Canadian goods once the trade agreement enters into force.

Furthermore, Canada will now be one of the few developed countries with preferential access to more than 800 million consumers in the two biggest economies in the world: the European Union and the United States.

As for the technical aspects, Canadians can count on our government to be a strong leader and to defend the interests of Canadians, especially when it comes to consistently implementing regulations.

Senator Hervieux-Payette: I would have sincerely congratulated you if we'd had the text before it was signed and especially if Canadians had been consulted beforehand, especially since you were elected with 38 per cent of the vote.

My question is about the national sovereignty of a country and its right to enact legislation and make regulations.

[English]

The Parliamentary State Secretary of the German Ministry of Economics and Energy said:

We believe it must remain possible for national governments to act, to enact legislation in [the] future, and the agreement cannot undermine that.

[*Translation*]

This issue is currently being debated in Germany's Parliament. These people are familiar with Canada's mediation experience with NAFTA. There were 16 cases where Canada had to pay compensation to private corporations. We serve the entire public, not just private national and international corporations. What guarantees will we have? Will the federal government reimburse the provinces and municipalities if they adopt regulations that end up being challenged and if they end up having to pay millions of dollars?

Senator Carignan: Thank you for your question, Senator Hervieux-Payette. Your argument about our getting 38 per cent of the vote was shocking. Are you calling into question Canada's democratic system, under which the party with the most votes forms the government? I'd have to check, but the prime minister who appointed you here in the Senate probably had less than 50 per cent of the votes. Does that call into question the validity of your appointment? I don't think so.

With respect to resolving disputes between investors and states, investment protection has long been a fundamental aspect of trade policy in Canada and Europe. This encourages the type of investment that creates jobs and spurs economic growth on both sides of the Atlantic. That is why member states of the European Union, including Germany, gave their negotiators a mandate to ensure that the agreement included provisions for settling disputes between investors and states.

Senator Hervieux-Payette: I have one last question. It is unlikely that this agreement will come into effect anytime soon since it has not yet been translated into all of the languages of the European Union. When do you think the agreement will come into effect and when will the wonderful results you spoke of be delivered to Canadian businesses?

Senator Carignan: It will come into effect once it has been ratified by all of the parties.

[*English*]

FOREIGN AFFAIRS

HONG KONG—DEMOCRATIC ELECTIONS

Hon. Jim Munson: Honourable senators, I have just a couple of questions. I was going to notify the Leader of the Government of these questions. I would like to get the government's position on what is happening, tragically, in Hong Kong.

We have heard some comments from persons who have worked for our minister about the situation in Hong Kong. There is a great deal of Canadian interest and many Canadians do live in Hong Kong.

[Senator Hervieux-Payette]

Tomorrow is China's national day. They expect 100,000 people on the streets. It feels and looks like Beijing in 1989. I hope it doesn't go there at all, but a deal is a deal is a deal. In 1997, in the handover, it was one country with two systems for 50 years, where China would concentrate on foreign affairs and defence, but Hong Kong would be allowed to elect its own chief legislative officer and other candidates there.

China has made very strong statements that the rules have changed. I would love to get your comment, hopefully a forceful comment, on what is taking place politically in Beijing and Hong Kong.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): I would like to thank you for your question, Senator Munson. We are concerned about the current situation in Hong Kong, and we will continue to monitor it closely.

Canada's position is very clear. We support the development of democracy in Hong Kong and we are certain that continuing to follow the "one country, two systems" approach is crucial to and part of Hong Kong's stability and prosperity. Canada reaffirms its support for universal suffrage in the 2017 election of the Chief Executive and the 2020 election of legislative council members, in accordance with the fundamental legislation and democratic aspirations of the people of Hong Kong. I hope that my answer regarding Canada's support is sufficiently clear.

[*English*]

Senator Munson: Thank you very much, leader. I appreciate that candid response. As a member of the Canada-China Legislative Association, I travelled with the co-chair at that time, Senator Plett. We did meet Martin Lee — and I met him many times before — who is a former part of the legislative council in Hong Kong, and a well-spoken and outspoken pro-democracy activist.

• (1450)

He said today:

But Hong Kong people, I think, many of them would not be scared. I certainly would not be scared. And I've said it before and I say it again, if I see a tank from the Chinese troops in Hong Kong, I would get myself a bicycle and stand right in front of it.

This is not a young man, and he's ready to stand and I'm glad to hear that Canada would stand with Hong Kongers.

Do you have any plans to deal with the tens of thousands of Canadians who do live in Hong Kong, or is it too early for those kinds of plans?

[*Translation*]

Senator Carignan: As you said, I think it is too early. We are concerned about the situation in Hong Kong, and we are continuing to follow it closely. As you know, and this is the case in any situation around the world, we will always remain in contact with our representatives on site.

[*English*]

ORDERS OF THE DAY

ECONOMIC ACTION PLAN 2014 BILL, NO. 1

FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE; FIFTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE; NINTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE; TENTH REPORT OF NATIONAL FINANCE COMMITTEE; SEVENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE; AND EIGHTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER—ORDERS WITHDRAWN

On the Order:

Resuming debate on the consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce (Subject matter of Bill C-31 (Parts 2, 3 and 4 and Divisions 2, 3, 4, 8, 13, 14, 19, 22, 24 and 25 of Part 6)), tabled in the Senate on May 29, 2014.

And on Government Business, Reports of Committees, Other, Item No. 2:

Consideration of the fifth report of the Standing Senate Committee on Transport and Communications (Subject matter of Bill C-31 (Divisions 15, 16 and 28 of Part 6)), tabled in the Senate on June 4, 2014.

And on Government Business, Reports of Committees, Other, Item No. 3:

Consideration of the ninth report of the Standing Senate Committee on Social Affairs, Science and Technology (Subject matter of Bill C-31 (Divisions 11, 17, 20, 27 and 30 of Part 6)), tabled in the Senate on May 29, 2014.

And on Government Business, Reports of Committees, Other, Item No. 4:

Consideration of the tenth report of the Standing Senate Committee on National Finance (Subject matter of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures), tabled in the Senate on May 29, 2014.

And on Government Business, Reports of Committees, Other, Item No. 5:

Consideration of the seventh report of the Standing Senate Committee on National Security and Defence (Subject matter of Bill C-31 (Divisions 1 and 7 of Part 6)), tabled in the Senate on May 13, 2014.

And on Government Business, Reports of Committees, Other, Item No. 6:

Consideration of the eighth report of the Standing Senate Committee on Legal and Constitutional Affairs (Subject matter of Bill C-31 (Division 5 of Part 6)), tabled in the Senate on May 13, 2014.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I ask for leave of the Senate to withdraw items numbered 1 to 6 under the headings Government Business—Reports of Committees—Other as they are directly related to Bill C-31, which received Royal Assent on June 19, 2014.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Orders withdrawn.)

STUDY ON USER FEE PROPOSAL

CANADIAN FOOD INSPECTION AGENCY—FOURTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—ORDER WITHDRAWN

On Government Business, Reports of Committees, Other, Item No. 7:

Consideration of the fourth report of the Standing Senate Committee on Agriculture and Forestry (Canadian Food Inspection Agency's User Fee Proposal respecting overtime payments, without amendment), tabled in the Senate on April 30, 2014.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I ask for leave of the Senate to withdraw item number 7 under the headings Government Business—Reports of Committees—Other, which deals with a User Fee Proposal.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Order withdrawn.)

FEDERAL FRAMEWORK ON LYME DISEASE BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Johnson, seconded by the Honourable Senator Andreychuk, for the second reading of Bill C-442, An Act respecting a Federal Framework on Lyme Disease.

Hon. Larry W. Campbell: Honourable senators, I rise as the critic to Bill C-442, the national Lyme disease strategy act. As is often the case, I find that I have no criticism of this bill, and we on this side support the comments.

Lyme disease, as I believe everyone knows, is spread through contact with ticks that can travel on deer, birds and any other animals. They are especially prevalent where winters are milder, and I can assure you that in British Columbia, where the winters are milder, this disease is serious across the province.

Lyme disease is a problem for doctors because it quite often imitates the symptoms of other diseases, some of which are multiple sclerosis, rheumatoid arthritis, fibromyalgia, chronic fatigue syndrome, lupus, Crohn's disease, HIV or other autoimmune and neurodegenerative diseases. Because of misdiagnosis, many of these people have been aggressively treated for other illnesses. Symptoms and signs can be non-specific and found in other conditions, and early recognition and treatment are critical.

Lyme disease has been a reportable disease in Canada since 2009, and in 2013 the Centers for Disease Control and Prevention in the United States revised its estimate of diagnoses of Lyme disease in the United States from 30,000 to 300,000. It is strongly believed that even these numbers are underdiagnosed. Early treatment with antibiotics can treat the disease quickly and effectively.

From a monetary point of view — which also has to be of concern to us, not only the health benefits — the cost of early versus late diagnosis rises from \$8 million annually when treated early to \$338 million for late treatment. Clearly this is a disease that requires a national strategy.

The bill has received support from all parties in the other place, and it is my sincere hope that this bill can be dealt with expeditiously by us in this place.

[*Translation*]

Hon. Fernand Robichaud: Honourable senators, I am pleased to speak in support of Bill C-442, An Act respecting a Federal Framework on Lyme Disease. I do so for several reasons.

First of all, because this disease exists in New Brunswick, and then, because it is predicted to become increasingly common as climate change worsens. Finally, I was surprised to learn that it is difficult to diagnose the disease and get appropriate treatment in New Brunswick.

The tick that carries Lyme disease has been moving into southern Canada, and it is important to make doctors aware in order to protect Canadians from this disease, which may have disastrous consequences for those who are infected and not treated.

Blacklegged ticks are responsible for this disease and are most often found in forests and areas with dense vegetation. These ticks can be carried elsewhere by migratory birds, wild animals and, particularly in our region, the deer that inhabit and run through our forests.

Hunters, children and parents who go on family outings into the woods, as well as hikers, run a greater risk of contracting the disease. According to Health Canada, people who work outside or take part in outdoor activities, including golf, hunting, fishing or hiking, are exposed to increased risks. No one is suggesting that these activities be abandoned, but rather that people be aware of the risks.

To prevent infection, it is strongly recommended that people wear long-sleeved shirts, pants and sturdy shoes when venturing into the woods. Honourable senators will agree that it may be a bit more difficult for children to dress like this in the summer. Parents need to check their children when they return from spending time in the woods.

When an individual gets bitten by an infected tick, the bacteria become active, and over the coming weeks, a rash develops at the site of the bite. That is why it is recommended that, after spending time in the woods, you do a full body check for tick bites and continue to do so for a few days, or even weeks, afterward.

• (1500)

Other symptoms, such as fever, fatigue, muscle pain and arthritis, may develop. If the disease is not treated quickly, signs and symptoms with varying degrees of severity can develop. Individuals with Lyme disease may experience muscle and joint pain and an abnormal heartbeat. Other symptoms include weakness, numbness and nervous system disorders, such as cognitive dysfunction and dizziness.

Cases of Lyme disease have been identified in southern New Brunswick. The Public Health Agency of Canada is forecasting a possible 2,000 new cases by 2020. That is one more reason why we need a federal strategy, which includes the various levels of government and Lyme disease outreach groups, to deal with this disease.

According to articles that appeared in New Brunswick newspapers over the summer, the real problem with Lyme disease is that it is difficult to diagnose. Residents of New Brunswick with Lyme disease had to go outside the province to places like Calgary and California to be tested, diagnosed and treated.

Preliminary findings from research conducted at Mount Allison University in Sackville, New Brunswick, indicate that the habitat for ticks infected with the bacteria that causes Lyme disease is

spreading to the northern part of the province as the climate moderates. Researchers also pointed out that this problem is prevalent in New Brunswick. Doctors are not as aware as they should be of this disease and the threat it poses to people's health.

You will agree that if people do not know that a disease exists, it is even more difficult to diagnose it and to treat it properly. The good news is that the Canadian Medical Association recognizes the challenges of diagnosing the disease and the importance of doing so as soon as possible. In that sense, the Canadian Medical Association is in favour of providing ongoing training on the disease to health professionals and of setting a national treatment standard.

The Canadian Medical Association supports the implementation of a national strategy that brings together the entire medical community and the various levels of government, as proposed in this bill.

Bill C-442 is a major step for the people of New Brunswick as well as Canadians in other parts of the country, where ticks carrying the bacterium infect people with Lyme disease. The national strategy will make it possible to monitor the rate at which the disease spreads and to hopefully address the various concerns around research, the education of health professionals and the public at large, testing and diagnosis, treatment and the management of Lyme disease across the country.

It is time to act. That is why I urge all the senators to support this bill.

[English]

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

(On motion of Senator Johnson, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

EASTERN SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN CANADA ACT

PRIVATE BILL TO AMEND—SECOND READING

Hon. Janis G. Johnson moved second reading of Bill S-1001, An Act to amend the Eastern Synod of the Evangelical Lutheran Church in Canada Act.

She said: Honourable senators, I am honoured to sponsor Bill S-1001, An Act to amend the Eastern Synod of the Evangelical Lutheran Church in Canada Act.

In essence, this private member's bill is designed to grant an exception to the Eastern Synod of the church that stretches east from the Manitoba border to, and including, Nova Scotia. The exemption is with regard to the requirement that the Canada Not-for-profit Corporations Act of 2009 to hold annual general meetings and will allow the synod to continue as it has done for the past three decades the practice of holding biannual meetings. Due to the large cost to the synod and attending delegates of such meetings, biannual meetings have proven to be the best frequency for this institution.

The Eastern Synod of the Evangelical Lutheran Church in Canada — the Eastern Synod, as it's called — is a body originally incorporated by a synod by an act of the Parliament of Canada, that being chapter 32 of the Statutes of Canada, 1885. So it needs a change.

Certain provisions of the Canada Not-for-profit Corporations Act, 2009 are applicable to special-act corporations, such as the Eastern Synod.

The Eastern Synod requests an amendment to the Eastern Synod of the Evangelical Lutheran Church in Canada Act to provide the same as has been afforded the ELCIC so that it may continue to call regular and special meetings of the Eastern Synod of the Evangelical Lutheran Church in Canada, despite certain provisions of the Canada Not-for-profit Corporations Act, by amending section 12 of the Eastern Synod of the Evangelical Lutheran Church in Canada Act to read:

Despite section 294 of the Canada Not-for-profit Corporations Act, subsections 160(1) and 168(1) of that Act do not apply to the Corporation.

Honourable colleagues, I thank you for your consideration of this private member's bill and request that we move expeditiously to pass this bill of an administrative nature for the members of the Eastern Synod of the Evangelical Lutheran Church in Canada.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I thank Senator Johnson for her attempt to clarify this matter. It strikes me as one of the most classic examples I have yet seen of a bill that will be better elucidated and understood in committee study.

Therefore, we would support having the committee take on this work.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

Hon. Janis G. Johnson: I move that the bill be referred to the Standing Senate Committee on Banking, Trade and Commerce.

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, on a point of clarification, I have a vague memory that private bills automatically go to the Standing Senate Committee on Legal and Constitutional Affairs. I wonder if that could just be clarified before we actually vote.

The Hon. the Speaker *pro tempore*: Well, I don't think there is anything automatic. I think it's up to the sponsor of the bill to request the Senate to decide which committee they decide to send the bill to. The request I have now is for it to go to the Banking, Trade and Commerce Committee.

(On motion of Senator Johnson, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

• (1510)

THE SENATE

MOTION TO RECOGNIZE THE SECOND WEEK OF MAY
AS INTERNATIONAL MATERNAL, NEWBORN, AND
CHILD HEALTH WEEK—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Seth, seconded by the Honourable Senator Plett:

That the Senate recognize the second week of May as “International Maternal, Newborn, and Child Health Week”, with the goal of engaging Canadians on the health issues affecting mothers, newborns, and children in Canada and around the world; reducing maternal and infant mortality; improving the health of mothers and children in the world's poorest countries; promoting equal access to care to women and children living in households of lower socioeconomic status, those with lower levels of education, those living at or below the low-income cut-off, those who are newcomers, and those groups who live in remote and sparsely populated areas of Canada; and preventing thousands of mothers and children from unnecessarily dying from preventable illnesses or lack of adequate health care during pregnancy, childbirth and infancy.

Hon. Norman E. Doyle: Honourable senators, I'm happy to support the motion put forward by my esteemed colleague, Senator Seth, a motion to officially designate the second week of May of each year as “International Maternal, Newborn, and Child Health Week.” Given, of course, that Mother's Day falls on the second Sunday in May, and also given that Mother's Day is one of the most widely celebrated holidays on the Canadian social calendar, this designation could not be more appropriate.

I should also state that the motion is designed as a follow-up to the Government of Canada's international efforts in this field, which were highlighted at a special G8 summit in Muskoka in 2010. On the importance of the issue at hand, Prime Minister Harper was quoted as saying:

Saving the lives of mothers and children is not only a moral imperative; it is the foundation for building prosperous communities for this generation and the next.

And, I hasten to add, our colleague Dr. Seth is more than just the mover of the motion. Her 38 years in the practice of obstetrics and gynecology makes her uniquely qualified to be involved in this issue. To quote our colleague, “. . . with the designation of an international MNCH week, our stakeholders will be able to synchronize resources and make a more meaningful impact.”

Our colleague is to be commended for bringing her extensive medical knowledge and her passion for improving the lives of others into the public policy sphere of this chamber.

As lawmakers, of course, we're often provided with a litany of statistics on all manner of subjects. However, as a parent, and as a grandparent now, I was truly staggered to read just a couple of the statistics in the field of maternal and newborn health.

The United Nations reports that a woman dies every two minutes as a result of pregnancy-related complications, the vast majority of which are preventable by cost-effective, evidence-based interventions. That is truly a sad commentary on the progress that we in the Western world have not yet made on this very important issue — that a woman dies every two minutes as a result of pregnancy-related complications.

Even more shocking is the fact that 12 children under the age of five still die every minute from mostly preventable causes. In 2012, 6.6 million children around the world died before they celebrated their fifth birthday. So during this 10-minute speech, 120 children will die. In our country, or in most democratic countries, we have nothing to compare with what these people go through.

Someone mentioned to me recently that before Confederation we had some similar things occur in the province of Newfoundland and Labrador. While Confederation with Canada was a hard sell to the vested political and economic interests, it was a medicine that went down a whole lot more easily in many of the poor, isolated coastal communities in Labrador.

Just like the children I mentioned in the statistics a minute ago, many children in rural Newfoundland and Labrador in those times suffered from malnutrition and such preventable childhood

diseases as rickets and beriberi. You may recall that earlier in the 20th century, the famed Dr. Wilfred Grenfell, a British medical missionary, was sent over to help. Travelling by boat and dog team, he set up the very first health care service in northern Newfoundland and along the coast of Labrador.

Grenfell also serviced the Labrador summer fishing fleet, which was 1,000 miles from any port that the fishermen and their “floating families” called home. His efforts were funded not by the Government of Newfoundland, but by wealthy patrons in Britain and the United States of America, who flocked to his slide shows and lectures about his mission “down on the Labrador.”

I’m saying this because I want to point out that at the time of Confederation with Canada, back in 1949, we were sitting next door to a prosperous post-World War II North America, but the majority of our scattered rural population was still living in what we today would call Third World conditions — a lot like the suffering people in Third World countries who live beside those who have so much.

To place it truly in perspective and to show you what a simple pill or what a simple shot of penicillin can do, I recall back a number of years ago talking to a colleague who was a member of the House of Assembly back home. He was born at home, on an isolated, ice-bound island in Notre Dame Bay in early February of 1952. He developed a minor post-natal infection that began to run wild because there was no way to treat it. There were no medical professionals in or near his community and no pharmacy. By the time he was two weeks old, he was near death.

His parents decided to try and get him to the hospital in Grand Falls, which today is a little more than an hour’s drive away by car. However, back in 1952, on the northeast coast of Newfoundland there were no roads open during the winter, where any existed at all. The first leg of a day-long trip to hospital in sub-zero weather was by dogsled, the second was by snowmobile and the third leg was by automobile. All he needed was a shot of penicillin and that enabled him to live. I make these points because all of us, if we try, can identify with what mothers and newborns go through in Third World countries.

For many mothers and newborn children around the world, such terrible conditions are still a fact of life. Again, our Canadian Confederation is taking the lead in improving the lives of the people so afflicted.

I mentioned earlier that the Prime Minister chaired a G8 summit on maternal, newborn and child health at Muskoka in 2010. The Government of Canada has provided \$2.8 billion in funding for the project and has been able to mobilize \$7.3 billion from our international partners, for a total of \$10 billion.

• (1520)

Because we have shared in that effort, worldwide maternal mortality has fallen from 543,000 deaths in 1990 to 287,000 deaths in 2013. During the same period, the number of children dying before reaching the age of five has dropped from more than 12 million in 1990 to the earlier-mentioned 6.6 million. We can be very proud of what we’re doing.

However, even with these ongoing improvements, it is still chilling to note that more than a quarter of a million mothers and several million children are needlessly dying every year. It is not only chilling to note these facts but also important to remember them. Indeed, as the Prime Minister said, we have a moral obligation not to forget them. Why? Because, in this fast-moving world, so often torn by earthquakes, floods, war and civil strife, epidemics and famines, it’s all too easy to lose sight of this very important issue.

Improving the health of mothers and children on a worldwide basis is not complicated, I’m told, but it does require an ongoing, dedicated effort, an effort that cannot allow itself to be sidelined by other world events. This surely must be considered to be on the top of the priority list.

In summary, the motion sets out a process whereby a week will be set aside to invite Canadians to reflect on the harsh realities of motherhood and childhood for literally billions of people on the planet, and it gives us a yearly platform to draw the public’s attention to some very real needs and the way we can continue to address them. My colleagues, the key word is “continue.”

Senator Seth’s motion is one way of maintaining focus on a worldwide problem that requires the ongoing attention of Canadians and the global community. By designating the second week in May as “International Maternal, Newborn, and Child Health Week,” this chamber can do its part in helping to sustain the impetus of the Muskoka summit.

Honourable senators, it gives me great pleasure to support my colleague’s motion, and I would ask you to do likewise.

(On motion of Senator Fraser, for Senator Hervieux-Payette, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

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

On the Order:

Resuming debate on the motion of the Honourable Senator McCoy, seconded by the Honourable Senator Rivest:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on changes to the Senate’s Rules and practices that, while recognizing the independence of parliamentary bodies,

will help ensure that Senate proceedings involving the discipline of senators and other individuals follow standards of due process and are generally in keeping with other rights, notably those normally protected by the *Canadian Bill of Rights* and the *Canadian Charter of Rights and Freedoms*; and

That the committee submit its final report to the Senate no later than November 30, 2014

Hon. Wilfred P. Moore: Your Honour, I am looking at this motion. I think it's a very important one. It goes right to the guarantee of natural justice for persons who may be subject to hearings by our committees, and I would like to move the adjournment for the balance of my time.

The Hon. the Speaker *pro tempore*: Do you accept that Senator Rivest can speak first and that then you can move the adjournment?

Senator Moore: Yes.

[*Translation*]

Hon. Jean-Claude Rivest: Honourable senators, I would like to express my support for Senator McCoy's initiative. We all remember the very trying experience that the institution of the Senate has gone through in the past few months as a result of certain actions or allegations against three or four of our colleagues. The impact on Canadian public opinion has been significant and it is our duty as individuals, and collectively as an institution, to work and implement a process to restore the credibility of this institution that is so important for Canadians. It is in that sense that Senator McCoy's initiative deserves our support, despite the good faith of all those in the Senate who tried to manage this crisis. We have to be realistic. In the court of public opinion, a lot of improvisation went into how this matter was handled, again, despite the indisputable good faith of all those who were called to manage the crisis.

That is why, honourable senators, it seems extremely important to me that this institution be given a clear, consistent and defined process for managing this type of situation in order to restore the Senate's authority.

Honourable senators, it is very important — and I hope that the honourable senator's motion will be adopted — that we focus on two or three things that are good to remember. We must review our administrative mechanisms to prevent such situations from happening again. We know that in the context of the allegations made against our colleagues we are talking about significant sums, but they are spread out over a considerable amount of time. How is it that at no time in the administrative process did a red flag go up along the way?

First, we have to examine mechanisms to prevent this kind of situation, which is not exclusive to our institution, but could happen in any parliamentary institution. I worked at the

National Assembly for many years, and I know of similar situations happening there. We need administrative measures to prevent this. Second, we have to clearly decide how to manage this kind of problem. Which institutions and individuals should be involved? That should be decided in advance to avoid the kind of heated exchange and politicization that can happen and did happen on this issue, which has an impact not only on politics and people, but on the very institution of the Senate. We must all be very conscious of that.

Third, given the nature of each of these cases, which inevitably vary, of the allegations made and of situations that have occurred and will no doubt occur in the future, it must be very clear that the disciplinary process is not something that we pull out of a hat when the media pressure is on, but rather a predetermined disciplinary process.

Honourable senators, at the instigation of our colleague, Senator McCoy, the Standing Committee on Rules, Procedure and the Rights of Parliament must work on, first, preventing such cases; second, determining and clarifying the process for managing such cases; and third, devising a disciplinary mechanism based on the nature of the allegations or violations.

I think that is what was missing from what happened here, despite everyone's good faith. It was not clear; nobody knew what was going on. As an institution and as individual senators, we had some extremely awkward moments trying to explain what often defied explanation.

Honourable senators, there is another aspect that I haven't forgotten, and that is relationships between a senator, or a member of the House of Commons — because it is almost the same thing — and political parties. It isn't clear when it comes to the actions that a senator or member of Parliament must take from a purely political standpoint. I feel it is not a crime for a senator or a member of the House of Commons to explain a parliamentary policy to party members. Is that in a parliamentarian's job description? If so, shouldn't there be provisions for it?

The same is true of civic activities. Take for example the chair of Telefilm Canada, who attends the Juno Awards in Toronto. He has a right to get paid for his hospitality expenses. However, is a senator or a member of Parliament who chairs a cultural affairs committee entitled to have those expenses covered? All kinds of things are unclear.

When I arrived in the Senate about 20 years ago, we had a hospitality allowance that covered that kind of thing. Those types of expenses were later rolled into our overall compensation and we no longer had hospitality expenses.

• (1530)

From a political and civil law perspective, when a senator attends a union convention, is that part of his job and one of his duties? There are all kinds of gray areas. That is why these issues should be studied in committee.

The other element, honourable senators, is that I realize that the Senate, as well as the House of Commons, has experienced a number of difficulties with policies. We know that the Leader of the Parti Québécois had a problem with a staffer who was paid in a certain way. The NDP is currently in a similar situation. There are problems. As we develop our future rules on such matters, in light of the unfortunate experience we went through, I hope that we will also consider the House of Commons.

It seems to me that this is not a Senate problem or a House of Commons problem, but Parliament's problem. While I of course recognize — and am committed to, as are my colleagues — the absolute independence of an institution such as the Senate, which must manage its own affairs in its own way and in accordance with the nature of this institution, I believe that we must also realize that, in terms of public opinion, regardless of whether a senator or an MP is involved, the problems of ethics and conduct are the same type of problem. I truly want the Parliament of Canada to institute a clear system that is consistent, takes into account the nature of our institutions, and is comparable, so that these types of problems are resolved appropriately and in a similar fashion in both of these institutions.

Similarly, honourable senators, and I will conclude on this point, we talked about allegations related to spending, but there could be others that undermine the integrity and credibility of this institution. Honourable senators, there are many other people. The public service has developed ethics codes and codes of conduct, and it uses public funds to do so. Then there are the police services and the armed forces, so basically, a large number of people. I therefore hope that the study also takes those regulations and practices into account. In my view, there is a good deal of experience there that we could use to help us create a system for both the Senate and the House of Commons, one that would be in the best interest of all Canadians.

Honourable senators, this element is of course very important, and I think we can all recognize that. It is important that we take the initiative ourselves, independently. Of course, I think this should be set in motion according to our colleague's proposal, but it should also be consistent with the broader framework of reforming this Senate institution, in line with Senator Nolin's proposals, which were debated on another motion. This is a crucial part of rebuilding the credibility of an institution that is, in many respects, absolutely crucial to Canada, as Senator McCoy reminded us in her speech.

I don't need to convince you of the necessity of an institution like the Senate, considering the current reality of Canada's political diversity, the issue of minorities, the rights of Aboriginal Canadians and the general Canadian reality, which all means that — with four or five political dynamics related to the sheer size of our country — the Senate is an extremely important institution that restores balance and ensures some stability and consistency despite political fluctuations.

Therefore, honourable senators, I do not need to convince you of the importance of implementing this initiative right away — a number of colleagues have actually already undertaken and developed a number of initiatives. We must take action to restore an institution that is extremely important to all Canadians.

The Hon. the Speaker *pro tempore*: Senator Rivest, will you take a question?

Senator Rivest: Yes.

Hon. Pierrette Ringuette: Senator Rivest, thank you for your speech, which I very much appreciate, and your comments on the administrative mechanisms and the management process in your second point. Your third point looked at how to deal with all these allegations, which almost make us seem guilty by association.

My question is this: Is it better to have only the Internal Economy Committee review all the administrative rules, the mechanisms, and so on, or is this not the right time to hold extraordinary sittings, with all the senators, to review all the rules? I think that we all play various roles outside Parliament and that this set of rules may not fully reflect all the mandates that we receive from Canadians.

Is Senator McCoy's approach better, as it lets the Internal Economy Committee reflect on the issue, or is it not time for all the senators to come together in an extraordinary forum for two, three or however many weeks it takes to review all those mechanisms?

Senator Rivest: I find the senator's suggestion interesting, but I think that it would be useful to first have a smaller group at least take stock of the situation, set the parameters, gather data and provide some guidelines, as Senator McCoy suggests. However, at some point, in a formal or informal setting — it would be interesting to have an informal setting — all the senators could come together to determine what they agree with as an institution and as its members, with the help of the committee's. I think that is a most interesting approach.

I would like to add that a very important aspect of the process — I was talking about prevention and a disciplinary process earlier — involves giving those against whom allegations have been made the right and freedom to clearly explain themselves in some sort of forum before any sanctions are applied and before there is even any talk of sanctions. What is more, it should be a public forum. That is very important too.

To come back to Senator Ringuette's suggestion, if senators are able — and I think we are, and that we believe enough in the institution and in the service that we can provide for all Canadians — we should implement an initiative such as the one that Senator McCoy is proposing. What is more, by taking into account all the extremely important ideas that will come out of the motion of our colleague, Senator Nolin, and the comments made by all the senators, we could, at some point, hold some sort of Senate general assembly that would allow us to say: "As senators, this is what we want to do with this institution: we want to modernize it and adapt it to the needs and realities of all Canadians."

This would be a remarkable gesture to ensure the independence of this institution. I also have my own suggestions for ensuring the independence, effectiveness and credibility of this institution. I referred to them in the context of the other motion.

[English]

The Hon. the Speaker *pro tempore*: Senator Cools, did you stand for a question?

Hon. Anne C. Cools: No, I want to take the adjournment.

[Translation]

The Hon. the Speaker *pro tempore*: Senator Demers, do you have a question?

Hon. Jacques Demers: Yes, thank you.

This is the first time that I have risen in this chamber in five and a half years, and I love what is being said. When I arrived in the Senate, people were proud to be senators. The Senate is not lost —

The Hon. the Speaker *pro tempore*: I must interrupt you, Senator Demers.

Senator Rivest, are you requesting another five minutes?

Senator Rivest: Yes.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Demers: At that time, people were proud to be senators. In my past work, if two or three people stepped out of line, we could fix the situation, but everyone had to work together. We have to get back to where we used to be.

• (1540)

When I was first appointed to the Senate, I was quiet and listened carefully. On both sides I saw very respectful people who were in a position to do something good for Canada. We can achieve this if everyone is sincere. Many people said this was doable.

I don't know whether you agree with me, but we need everyone, not just half. The Senate seems to be divided. We need to restore pride in this prestigious institution. Since its inception, fewer than 1,000 people have been appointed as senators. That's something special and very positive.

Senator Rivest: Absolutely. I think that's the main conclusion of our shared experience. We all know how important this institution is, as Senator Demers pointed out, but we all have a responsibility, as individuals, to restore the credibility of this institution and improve the effectiveness of the services we provide, much like any other type of institution that experiences

similar problems. Everyone works together and sets personalities and special considerations aside. All senators should have an interest in protecting this institution and serving Canada.

(On motion of Senator Cools, debate adjourned.)

SENATE REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer, calling the attention of the Senate to Senate Reform and how the Senate and its Senators can achieve reforms and improve the function of the Senate by examining the role of Senators in their Regions

Hon. Diane Bellemare: Honourable senators, I would like to thank Senator Fraser for allowing me to speak to the issue of Senate reform. I should point out that debate will be adjourned in her name for the remainder of her time.

[English]

I also want to thank Senator Mercer for having initiated this inquiry.

[Translation]

Honourable senators, as I said in my previous speech, abolishing the Senate is not an option. First, it would be very difficult to meet the constitutional requirements. Second, the Senate plays an important role as a complement to the House of Commons in a representative democracy.

Modernizing the Senate is crucial to making it and other parliamentary institutions more legitimate. There are two main options for modernizing the Senate. The first, which is more demanding, would change the nature of the Senate. Senators would be elected and have shorter terms.

[English]

It is the constitutional way.

[Translation]

The second option would transform Senate practices and the role it plays. This option would not require any amendments to the Constitution. However, in pursuit of constitutional amendments, our Speaker, the Honourable Senator Kinsella, has proposed that senators speak with representatives of the legislative assemblies in their respective provinces.

This unique initiative, which has never been attempted, is promising. Because it is based on dialogue, it could make it possible to fundamentally modernize the Senate through

unanimously approved constitutional amendments. It is important to point out that this initiative also has the advantage of focusing discussions with the provinces on the Senate, rather than opening up negotiations between the provinces and the federal government on peripheral issues, which in the past have derailed any process of constitutional change.

This initiative does not stop us from thinking about realistic short-term changes to our practices. As I was saying, and in the wake of what Senator Rivest just said, this is the initiative I want to talk to you about.

I will talk more specifically about the senator selection process and the exercise of veto power. These are measures to be taken to distance ourselves from partisanship, as Senator Mercer would like, and as all of us would like. What I am proposing is inspired by practices used in other senates around the world. It is also based on expert testimony summed up in the book, *Protecting Canadian Democracy*, edited by the Honourable Senator Joyal, especially that of Ronald Watts, Paul Thomas and David Smith.

[English]

In my opinion, the first issue to be tackled when addressing Senate reform must be the selection procedure for senators.

[Translation]

In the current Canadian context, having an elected Senate is on hold for now. It might see the light of day following discussions with the provinces, as Senator Kinsella proposes.

In the meantime, we might wonder how to go about improving the appointment process in order to enhance the legitimacy of the Senate in the public's eyes. According to John Stuart Mill, whom I mentioned the last time, the choice of senators has to have popular support, because the Senate is only as effective in playing its legislative role as the social support it might obtain from the public. Mill says:

An assembly which does not rest on the basis of some great power in the country is ineffectual against one which does.

The Constitution does not spell out the terms and conditions for drawing up a list of people from which the Prime Minister will select those he considers to be the best candidates. The Supreme Court, however, affirmed that senators cannot be elected without changing the Constitution.

I think we need to update the process for drawing up that list of qualified people who are relatively well known in their home provinces, making it more formal and transparent. Greater public support would legitimize the Senate.

The list of potential candidates could be drawn up by an independent commission mandated to study candidates' qualifications. Provincial and federal legislative assemblies or the commission itself could nominate candidates.

Two examples of that come to mind: the process for drawing up a short list for Supreme Court nominations and Britain's independent House of Lords Appointments Commission, which was created in 2000. That commission was created as a transition measure to enhance the legitimacy of the House of Lords until an agreement could be reached about a more complete reform involving the election of lords.

Let us begin by defining the mandate of the transitional commission, which would be to study the qualifications of proposed candidates to draw up a list of eligible candidates. The commission could also propose candidates, as the British commission does. Its website is very user-friendly and very interesting, actually.

Who should be on the commission? In the United Kingdom, the commission is made up of seven people. The chair is a university professor.

[English]

Without going into detail, I will outline for us what an independent Senate appointments commission could look like in Canada. These points will have to be expanded on, of course.

• (1550)

[Translation]

Three other members are non-partisan, and the other three are lords who were appointed by each of the three official political parties.

As in the United Kingdom, a Canadian commission could be chaired by an independent person and made up mainly of people who have no current allegiance to a political party. Without being a carbon copy of the British commission, the commission could also allow a significant amount of space for independent commissioners.

Who should appoint the commissioners? Good question. In the short term, these people could be appointed by decree of the Prime Minister after a consultation with the House of Commons and the upper chamber.

How would candidates be submitted to the commission? The candidates could come from federal and provincial legislative assemblies, as well as from the public — as it's done in the United Kingdom. In other words, aside from the candidates suggested by elected assemblies, an individual could become a candidate or suggest someone else.

We know that Alberta already has a list of candidates.

What criteria would the commission use to evaluate the candidates? It could first ensure that all of the candidates meet the qualifications, as set out in the Constitution. It could also evaluate the candidates based on other criteria, as is done in the United Kingdom for independent lords.

[English]

The British commission has established for itself seven criteria upon which to base its decision for the nomination of independent candidates: first, a record of significant achievement; second, the ability to make an effective contribution; third, the time available to ensure that the candidate can make a contribution; fourth, some understanding of the constitutional framework; fifth, integrity; sixth, a commitment to the highest standard of public life; and seventh, independence from any political party.

[Translation]

How would the commission generate the list submitted to the prime minister? It could generate a list based on an agreement made with the prime minister.

What would be the terms of an agreement to modernize the Senate?

In my opinion, this agreement could set out the ideal composition of the Senate and that is of the political and demographic reality in Canada, without, of course, changing the number of seats per region or province. It could set aside a percentage of seats for independent senators from the public, as is the case in many senates around the world. In the United Kingdom, the target number is 20 per cent of seats filled by independents. The agreement could also provide for the other seats to be allocated based on the official parties based on the proportion of votes received during the last election. That would be a way of making the representation proportional.

It could also require that a percentage of seats be allocated to candidates nominated by the provinces. This practice would establish more formal ties between senators and their regions, which is desirable in order to better fulfil our regional role.

If, at first glance, this practice seems complicated, it really isn't, since a number of senate chambers around the world seek precisely to have a membership in the upper chamber that is representative of the population in general and of the regions.

I believe that this reform is necessary for the sake of democracy in Canada. It could be instituted quickly as a pilot project for upcoming appointments.

Without being presumptuous, if we were given permission, a special joint committee consisting of members of the Senate and MPs from the House of Commons could quickly be put to work on creating this commission.

The second issue we must address is the veto power of the upper chamber. Indeed, there is much criticism of the Senate when the majority of senators decide to oppose a government or private member's bill, although this does not happen very often.

Dear colleagues, let us take a closer look at this issue.

[Senator Bellemare]

[English]

It is true that the Senate has absolute veto power over bills from the lower house, just as the lower house can veto bills from the Senate. Furthermore, Canada does not have a conflict resolution procedure in place. This is not the case in most senates around the world.

[Translation]

In Canada and the United States, a bill can go back and forth indefinitely between the two chambers. This can be a difficult problem to resolve, as we saw in the United States with the budget debates, and in Canada, with the free trade agreement and the introduction of the GST in the early 1990s.

In Canada, the Senate's power was deliberately enshrined in the Constitution by the Fathers of Confederation. Therefore, it cannot be changed.

Furthermore, Canada does not have a conflict resolution procedure in place. This is not the case in most senates around the world, where senates have a suspensive veto and the lower houses most often have the final say.

Dear colleagues, did you know that the powers of the House of Lords, which were similar to those of the Senate of Canada until 1911, have been cut back twice? In 1911 the House of Lords saw its veto power reduced to a suspensive veto. This change was legislated. In 1945, the suspensive veto was extended to one year, and the House of Lords could no longer reject proposals based on election promises, which is also the case in other senates around the world.

In Canada, the Senate's extremely important powers are written into the Constitution and therefore cannot be amended without the consent of the provinces. However, dear colleagues, we could agree to initiate a procedure that would entrench our powers in a clear and non-partisan way, for with great power comes great responsibility.

An agreement created by the Senate could set out the questions that Senate committees must examine and report on to the members of this chamber. Here is a list of some of the questions that committees could be responsible for answering when they analyze bills.

First of all, is the bill constitutional?

Is it in line with the constitutional division of powers between the provinces and the federal government?

Does it comply with the Charter of Rights and Freedoms?

Does the bill violate international treaties and conventions?

Does it run counter to the interests of any province or territory in particular?

Does it infringe on the rights of a minority group?

Does it unduly harm a given economic group, such as the business community, workers, farmers, artists or professionals? Have their concerns been addressed in the bill?

Was the process in the lower House democratic and did it allow for proper consultations?

Does the bill draw an outcry from the general public? Is that outcry justified? Could adjustments be made?

Is the bill well drafted? Are there language errors?

After having studied the legislation from these angles, it would be difficult to vote for or against a bill simply because we do not like it or because party allegiance requires us to do so.

The Hon. the Speaker *pro tempore*: Senator Bellemare, I must interrupt you. Are you asking for more time to complete your remarks?

Senator Bellemare: I still have a few points to make.

[*English*]

The Hon. the Speaker *pro tempore*: Is five minutes granted?

Hon. Senators: Agreed.

[*Translation*]

Senator Bellemare: If a bill fails to pass one of those tests, we would be justified in proposing amendments or in opposing it.

In reality, our agreement should be such that it would be very difficult to vote in a partisan way, which is what currently happens. It is very difficult to understand the logic behind the fact that nearly all of the bills before us are passed on division and according to party lines.

That isn't the case with the Supreme Court, where decisions are very often made unanimously.

• (1600)

In my opinion, this procedure would respond to the criticism made in 2007 by the former Minister of Democratic Reform that senators should, and I quote, "be accountable for the decisions they make." This would enable us to be accountable for our decisions through the committee reports we are given and through our discussions in the Senate as a whole.

To conclude, honourable senators, I'm convinced that if we were to promote the creation of a commission to nominate senators and if we were to adopt an agreement establishing criteria for studying bills in committee, the Senate would become what Canadians expect it to be: a parliamentary institution that is

independent of the government, complements the House of Commons, and plays its role as the main defender of democracy and the regions. The Senate would therefore be composed of genuinely independent senators, regardless of any political allegiance. They would be protected from the petty partisan politics that is currently undermining our credibility as an institution that is accountable to the Canadians and the provincial populations whose interests we must defend over the interests of the party that appointed us.

[*English*]

Thank you, honourable senators. I invite you to comment on these subjects.

Hon. Wilfred P. Moore: Would Senator Bellemare take a question?

Senator Bellemare: Absolutely.

Senator Moore: Senator, thank you for your remarks. I was interested in the comments with regard to what you called the test of when a bill comes here, whether it meets certain standards and other laws. You did not mention treaties or other agreements with First Nations and indigenous peoples. Did you think about that? Would that be one of the tests that you would see used to check on the validity of a proposed bill?

[*Translation*]

Senator Bellemare: Dear senator, I could not say. I thought about international treaties. It is possible that this could be included, but as I said, those suggestions should be discussed by all of us so that we can determine which criteria should be included. Obviously, there are several. Perhaps when we discuss them, we'll realize that we've forgotten some criteria that should have been included, while in other cases, we will have more difficulty deciding. In fact, that would be on a list of criteria to be discussed. That was an oversight on my part.

Hon. Serge Joyal: Your comments raise a question that I think is fundamental to the reflection that we must have on the fact that our parliamentary system, the so-called Westminster model, is based on the adversarial debates principle. In this house, there are the blues, the reds, the yeas and the nays, and all the other colours we might have.

Since the principle traditionally works on the basis of debate with dissenting opinions, it has become the principle of the party in power — I was going to say against the opposition party or vice versa, the opposition party against the party in power.

In your reflection, were you able to consider how we could maintain the adversarial principle, with its yeas and its nays, but without expressing it in terms of the obligatory framework of political parties, meaning the party line that is always imposed on one side or the other, or that has been traditionally imposed in this fashion since the inception of the Westminster model?

Is my question sufficiently clear to show the challenge facing us right now in determining the type of chamber we want to have?

Senator Bellemare: Thank you for your question, Senator Joyal. Of course, this is a question that I really am not able to answer as clearly as I would like. However, what I can say is that practices, even in the United Kingdom, have evolved; there are three parties and there are also the independents. I think it is possible to have debates with the yeas and the nays, but we need to have debates in a more modern context, which we have not done before, given the diversity and the number of political parties that we now have in Canada and around the world.

I think that a convention could help to establish criteria on the representation that we want in the Senate without changing any laws. If the Prime Minister decides to debate the issue, then that is his choice.

In Australia, for example, many political parties are represented and there are independent senators. The debates are interesting because senators have a political allegiance. They are not automatically part of the majority or minority. I think that the broad range of opinions that results is interesting because it is allowed and present in the chamber.

In short, these are issues to debate. How far can we go with these changes? I do not see why it would be a problem if we made the changes through a convention and people agree to do it.

Hon. Jean-Claude Rivest: To answer Senator Joyal's question, on the Council of Europe, the Canadian delegation chooses its parliamentary group so that there is confrontation. Under the model mentioned by the senator, senators could sign up as Conservatives, Liberals, centrists or socialists. It is done on the Council of Europe. We sign up as left, right or centre. It allows for confrontation.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I believe Senator Bellemare said, at the beginning of her speech, that this debate would be adjourned in my name. Since she made some very interesting points, I would like to take her up on that offer.

(On motion of Senator Fraser, debate adjourned.)

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

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