



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, November 20, 2012

The Honourable DONALD H. OLIVER  
*Speaker pro tempore*

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## THE SENATE

Tuesday, November 20, 2012

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

Prayers.

### SENATORS' STATEMENTS

#### HER MAJESTY QUEEN ELIZABETH II AND HIS ROYAL HIGHNESS PRINCE PHILIP, THE DUKE OF EDINBURGH

##### CONGRATULATIONS ON SIXTY-FIFTH WEDDING ANNIVERSARY

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I rise today to pay tribute to Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip, the Duke of Edinburgh on the occasion of their blue sapphire wedding anniversary.

Sixty-five years ago today, then Princess Elizabeth and Prince Philip of Greece walked down the historic aisle of Westminster Abbey on November 20, 1947. At the time of their marriage, England was facing difficult times after the end of the Second World War. Just days before the royal wedding, a Labour budget implementing spending cuts and tax increases was unveiled, launching the British age of austerity. The royal wedding served as a much-needed boost to national morale. In fact, it was Sir Winston Churchill who described the event as a “flash of colour on the hard road we travel.”

Her Majesty and His Royal Highness are the only British royal couple to have reached such a momentous milestone as their sixty-fifth blue sapphire wedding anniversary.

The true nature of their marriage is a testament to this occasion. Theirs is a union that has endured decades of change and evolution. Through good times and bad, their steadfast example of love, loyalty and dedication has been an inspiration to people around the world.

Over nearly seven decades, their bond has withstood many trials and tribulations, has celebrated many joys and much happiness, and has observed and experienced many global events that have been written into our history books.

Honourable senators, I invite you to join me today in congratulating Her Majesty Queen Elizabeth II and His Royal Highness Prince Philip, the Duke of Edinburgh on this most meaningful occasion. As they celebrate their sixty-fifth wedding anniversary today, let us offer them our most sincere best wishes as they embark on many more joyous years together.

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

### NATIONAL CHILD DAY

**Hon. Jim Munson:** Honourable senators, today is National Child Day. This is a special day to celebrate the adoption in 1989 by the United Nations General Assembly of the Convention on the Rights of the Child.

The convention not only recognizes the basic human rights of the world's children, but also gives them additional rights to protect them from harm. These rights include the right to be free from exploitation, the right to have opinions, and the right to education, health care and economic opportunity.

The convention has been signed or ratified by more countries than any other international treaty. As one of the signatory countries, Canada has pledged to ensure that children are treated with dignity and respect. We have made a commitment in this country and we have a responsibility to fulfill that commitment. This has to involve acknowledging some disturbing facts about children in our country.

According to the Canadian Coalition for the Rights of Children, over 67,000 children — I repeat, over 67,000 children — in Canada lack a permanent home. More than half of children with disabilities get by without the aids that they need because they simply cannot afford them. In our country, children endure more violence, exploitation and abuse than adults.

Canada has to look squarely at this evidence of our collective failings. We have to be realistic about the challenges at hand and address the hardships endured by young Canadians.

Over 40 per cent of Canadian food bank users are children. Canadian children living in poverty are less likely to graduate from high school, let alone go to university.

Following a review of how Canada is doing in implementing the Convention of the Rights of the Child, the Coalition for the Rights of Children has sent a letter to the Prime Minister providing the government with step-by-step plans to get this country started on improving the situation, developing a framework for policies affecting children, implementing a national strategy to prevent violence against children and — what we all want, I believe — creating a national ombudsman for children. These are just a few of the steps that have been recommended and to which the coalition is asking our government to publicly respond before the next National Child Day, November 2013.

As a country, we can do better. Some of these steps can be made easily, while others will be difficult. In all, they comprise a necessary call to action that we cannot ignore. All the official statements about our respect for children and commitment to enabling them to reach their full potential are meaningless without action.

This Friday, Senators Mercer, Martin and I will be hosting a national day celebration, four days later. We will have children here in this great august chamber; we will have it packed. We will have messages and children singing and telling their stories. A

former Senate page will be here telling his own story in book form about how young people can be involved in politics, Dustin Milligan from Prince Edward Island. We hope that if senators are around on Friday they can come and enjoy this, and also ensure that we do respect our children and the world's children.

On Friday, November 23, the coalition has organized a panel discussion with MPs from all parties on the recommendations coming from its review. It will take place at Carleton University from 2 p.m. to 4 p.m. Thank you.

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, before calling on the next senator I wish to draw your attention to the presence in the gallery of Joannie Rochette of the Berthierville Club Patinage Artistique, the 2010 Olympic Bronze Medalist at the Vancouver Olympics; Tessa Virtue and Scott Moir of the London Skating Club and Ilderton Skating Club, 2010 Olympic Gold Medalists at the Vancouver Olympics; Patrick Chan of the Granite Club in Toronto, the 2012 and 2011 World Figure Skating Champion and five-time Canadian Figure Skating Champion; and Debbi Wilkes of the Unionville Skating Club, Director of Business Development, Skate Canada. They are guests of the Honourable Senator Raine.

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

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

• (1410)

### FIGURE SKATING IN CANADA

**Hon. Nancy Greene Raine:** Honourable senators, I am very pleased to welcome these great champion skaters to the Senate today. As Canadians, we have been thrilled by their outstanding performances in recent years.

[Translation]

All of you have made us very proud, and we congratulate you on your success on the ice.

[English]

I would also like to welcome Debbi Wilkes, my Olympic teammate from years gone by. Thank you, Debbi, for all you have done and continue to do on behalf of Canadian figure skating.

Honourable senators, Canada has a great history of figure skating success and it has often been Canadian athletes who have elevated the sport and the art of figure skating to new lights. From the magic of the 1948 Olympic champion Barbara Ann Scott, who passed away just recently, to the champions with us today, we have had a string of great performances: Olympic gold for Barbara Wagner and Robert Paul in 1960; world champion Donald Jackson in 1962; great performances by Otto and Maria Jelinek, Karen Magnussen, Petra Burka and the wonderfully creative Toller Cranston; then a silver medal for Brian Orser and

bronze medals for Ottawa's Elizabeth Manley and pairs Tracy Wilson and Rob McCall at the 1988 Olympics in Calgary. Then came four-time world champion Kurt Browning, who was the first to do a quad in competition; and the spectacular performance by Jamie Salé and David Pelletier at the 2002 Olympic ice dancing final. They were honoured last night by being entered into the Quebec Hall of Fame. They had to fight the judges for their gold medal in Salt Lake City. Then came the inspiring Shae-Lynn Bourne and Victor Kraatz, ice dancing world champions in 2003; and then one of the best ever, three-time world champion Elvis Stojko in the mid-1990s, followed by Jeffrey Buttle, world champion in 2008. So often it has been our athletes who have pushed the sport technically and made history with new "firsts" for Canada.

Honourable senators, Canada's fantastic figure skating legacy is being carried forward by the champions who are with us today. Who can ever forget Joannie Rochette's bronze medal winning performance in Vancouver just after the sudden loss of her mother, and the fantastic Olympic gold medal ice dance performance by Tessa Virtue and Scott Moir. They, along with Patrick Chan, are current reigning world champions in their sport.

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

**Senator Raine:** We are truly honoured to have them with us today. I know they will be looking forward to defending their titles at home in Canada at the World Figure Skating Championships, which are being held in London, Ontario, in March. We, along with 160 million television viewers around the world, will be watching them and all Canadians will be cheering them on.

Good luck to them all.

[Translation]

Good luck, and thank you for being with us today.

[English]

Thank you for being with us today.

### THE LATE HONOURABLE ROBERT P. KAPLAN, P.C.

**Hon. Art Eggleton:** Honourable senators, I rise to pay tribute to the Honourable Robert Kaplan, who passed away on November 5 from cancer at the age of 75.

Bob was my predecessor as the Member of Parliament for York Centre. He was an accomplished Solicitor General in the cabinet of the Right Honourable Pierre Elliott Trudeau and a person many have described as a genuinely nice guy — an attribute that I can attest to.

Bob Kaplan was a lawyer by profession but a citizen activist by choice. In one of his early endeavours, he met Pierre Trudeau, who inspired him to get into politics. He became the Member of Parliament for Don Valley in 1968, but after defeat in 1972 he moved over to York Centre, where he was elected five times,

[ Senator Munson ]

starting in 1974, and then retired in 1993 — after a total of 23 years of loyal service to the people of Canada in the House of Commons.

Bob is perhaps best known for his years as Solicitor General from 1980 to 1984 in the Trudeau cabinet. He oversaw the creation of the Canadian Security Intelligence Service, CSIS, and the Young Offenders Act and led the prosecution of the first Canadian citizen charged with war crimes. These were difficult files, but they were tackled by him with vigour and determination.

Amongst his many parliamentary positions, he was Chair of the Standing Joint Committee for the Scrutiny of Regulations and the House of Commons Standing Committee on Finance, Trade and Economic Affairs. He served as parliamentary secretary in finance as well as health and welfare, and with the Canadian delegation to the United Nations.

For his many political and community endeavours, he was awarded the Chevalier of the Legion of Honour by the President of France.

Bob was also good at multi-tasking. He could sit by a pool in his younger days, watching his children play, while reading a book and with headphones listening to language instruction. While most of us struggle to master one or two languages, Bob achieved a high knowledge in seven.

Bob was a decent guy, genuine, generous and gentle. He loved his family, he loved Canada, and he wanted to make it a better place for future generations. We will miss him and we will miss his big smile.

### NATIONAL CHILD DAY

**Hon. Don Meredith:** Honourable senators, today individuals and organizations across this country are celebrating National Child Day. Last night I had the privilege of participating in a Diamond Jubilee medal ceremony at the Boys & Girls Club of East Scarborough where three members of their team were honoured with medals for their impact on the lives of children in their community. This event served as a reminder that we all need to do what we can to make the world a better place for our children.

As we commemorate Canada's adoption of the United Nations Convention on the Rights of the Child, this occasion reminds both adults and children of the basic rights that are due to every child born into this world: the right to be alive and the right to be free from war; the right to have their basic needs met, including food, clothing and a safe place to live; the right to justice as well as protection from kidnapping, harmful drugs and sexual abuse; the right to quality health care, safe drinking water, nutritious food, and a clean and safe environment; the right to a good quality education, including special education and care for the disabled; and the right to practise their own culture, language and religion, especially for minority and indigenous groups.

The convention also reminds parliamentarians that we have a responsibility to ensure that our children's rights are protected and that they have what they need to live and grow.

This is why, from 2011 to 2012, the federal government provided over \$6 billion in support of early childhood development programs and child care through transfers to the provinces and territories — the largest investment of its kind in Canadian history.

The Universal Child Care Benefit continues to provide over \$2.6 billion to over 2 million children every year, lifting 24,000 families with 55,000 children out of low income.

In September our government introduced the helping families in need bill to support children and their parents at times when they need it most.

Today I had the privilege of standing with Minister Diane Ablonczy as she marked Universal Children's Day by presenting the "Our Missing Children Award of Excellence" to the Missing Children's Network. Minister Ablonczy also took the opportunity to launch a new guidebook for parents left behind in international parental child abductions.

I commend our government for the actions it has taken to support our children and their families. I also believe we cannot afford to rest until every child in the world has access to the basic freedoms outlined in the United Nations Convention on the Rights of the Child. To quote UNICEF:

All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, or whether they are rich or poor. No child should be treated unfairly on any basis.

Honourable senators, please join me in showing our support for the millions of children here in Canada and around the world in search of freedom, justice and the basic necessities of life.

### DIABETES AWARENESS

**Hon. Daniel Lang:** Honourable senators will recall that last year a number of us took part in the debate presented by our own Canadian Olympian, Senator Raine, on fitness and its importance to society. Many of us referred with alarm to the continuous escalation of obesity in our society, especially among our young people, and its harmful long-term effects.

It is a well-known fact that obesity is a precursor to diabetes and all its ramifications. The sad fact is that this condition is in most part preventable with a regular fitness regime and good nutrition. In other words, as a society, we have to get off the couch, walk away from the computer and the television, and minimize the fast food.

A few weeks ago, Diabetes Awareness Month was launched with a press conference in Ottawa attended by the President of the Canadian Diabetes Association, Michael Cloutier, and our own Yukon member of Parliament, Ryan Leef. Our member of Parliament and the association are partnering to further highlight the seriousness of diabetes and to help raise funds for ongoing research into this disease.

• (1420)

Yukon's member of Parliament is taking on a challenge that very few of us could conceive, let alone think of doing. Over the next three years, our member of Parliament has committed a part of each summer to a journey of epic proportions to help highlight the scourge of this disease in our society and how it can be prevented.

His journey is called the Border to Border trek, and he will traverse all the borders that define Yukon. That trek is all the way from the Arctic Ocean, down the Alaska-Yukon border, then from Alaska all the way across to the B.C.-Yukon-Northwest Territories border and then all the way back up the Northwest Territories border to Herschel Island. It is an amazing feat that he will accomplish.

Let me quote part of MP Leef's statement to further describe this trek:

The journey will be completed over the course of three summers, starting in 2013. In the first year, I will start at Yukon's Herschel Island on the Beaufort Sea and navigate the westernmost boundary of the territory with neighbouring Alaska. Nearly 1,500 kilometres long, I will cross the Old Crow Flats, one of the most significant wetlands in the world; hike up and over more than six mountain ranges; cross the Arctic Circle; negotiate four major rivers and hundreds of tributaries and streams, eventually ending up in the largest non-polar ice field in the world in Kluane National Park. No roads, no trails, no rides. This is a non-stop, on-foot, 80-kilometres-a-day wilderness quest.

His intentions are to do this in two to three weeks.

The next summer, he will do the B.C.-Yukon border from the Alaska border and the Northwest Territories. The following year, he will complete the border-to-border challenge by navigating the Yukon-NWT border, starting where he left off.

Honourable senators, this is not a journey for the faint of heart, and I have no doubt that Ryan will be able to overcome all the physical and mental challenges that he will encounter along the way. With his partner, the Canadian Diabetes Association, it is Ryan's hope that as he takes this challenge on, he will reinforce to the public consciousness the seriousness of this disease and the fact that it is often preventable if Canadians accept responsibility for their own health.

It is difficult to comprehend that approximately 4 million Canadians have been diagnosed with diabetes and the number is expected to increase.

**Senator Joyal:** Order, order.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** I wish to draw the attention of honourable senators to the presence in the gallery of Dr. Dan Lindsay, radiologist from Winnipeg, who left his practice to serve with our troops in Afghanistan as Senior Consultant to ISAF

forces; and of Mr. Michael Wade, Chair of the Diamond Jubilee Presentation Ceremony in Edmonton at the Government House on September 17. They are guests of the Honourable Senator Unger.

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

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

#### DISTINGUISHED VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I am also pleased to draw your attention to the presence in the gallery of former Senator Isobel Finnerty and her husband Les Finnerty.

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

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

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[Translation]

### ROUTINE PROCEEDINGS

#### OFFICIAL LANGUAGES

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

**Hon. Maria Chaput:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Official Languages be authorized to meet at 3:30 p.m. on Wednesday, December 5, 2012, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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### QUESTION PERIOD

#### PUBLIC SAFETY

##### NATIONAL STRATEGY AGAINST ALL FORMS OF VIOLENCE TOWARDS CHILDREN

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

Today we are celebrating Universal Children's Day some 23 years after the United Nations adopted the Convention on the Rights of the Child, a true recognition of our obligation as adults and as parliamentarians to provide children in Canada with the same level of protection as adults.

[ Senator Lang ]

Children are people in their own right, human beings who have a right to their physical integrity and many other rights. In Canada, not all rights of the child are respected. The United Nations has made recommendations a number of times, including one for a national strategy for preventing violence against children.

Today, probably in an effort to underscore the government's inaction with regard to the suffering endured by children in Canada, the Minister of State for Foreign Affairs made a speech and held a photo op in the foyer of the House of Commons. It was the only thing we could get with regard to guaranteeing rights.

Madam Leader, Canadian children are entitled to expect to be fully protected by your government, and your government has a duty to give them that protection.

Does your government intend to ignore the need for justice for much longer?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, that is absolutely not the case. I am disappointed that the honourable senator would so define Minister Ablonczy's statement today, which was outlined clearly by my colleague, Senator Meredith.

As I have said before, the protection of children's human rights, both here at home and abroad, is of great concern and an integral part of Canada's domestic and foreign policy. Our government has been an active co-sponsor and supporter of resolutions relating to children's rights in the United Nations General Assembly and Human Rights Council.

Also, as I pointed out, in terms of domestic issues, our government has brought in many, many programs to support children here at home, including the Universal Child Care Benefit and the Canada Child Tax Credit.

[Translation]

**Senator Hervieux-Payette:** The Conservative government continues to accept that parents can use what they deem to be reasonable violence in order to supposedly discipline a child. This is almost laughable, especially since the Standing Senate Committee on Human Rights recommended abolishing parents' right to hit children.

We must remember that a child does not belong to anyone: not to you, not to me, not to its parents. A child is not an object, nor is a child a half person. Believing in the 21st century that hitting is a good disciplinary tactic is just a fantasy, a joke, a lie or ignorance. A basic knowledge of psychology is enough to know that this is absurd.

The role of parents is crucial because they are raising future members of our society. However, they often lack knowledge, resources, time and support. The Committee on the Rights of the Child has recommended that Canada develop programs for

parents about understanding child development and positive and non-violent discipline. Honourable senators, you know that Aboriginal children in particular suffer greatly because of this lack of knowledge.

Can the leader tell us what will prompt the government to help parents fulfil their noble mission — a mission that they learn on the job, with all the mistakes and unfortunate consequences that implies — and to help them educate their children? When will the government create programs and follow the recommendations of all the experts in our country?

• (1430)

[English]

**Senator LeBreton:** The honourable senator is speaking about various initiatives she has taken as a member of the Senate. All I can say is that no one supports the abuse of children, and, certainly, the government and the laws that this government has brought in to protect society do not support child abuse in any form.

[Translation]

## FISHERIES AND OCEANS

### COAST GUARD—RESCUE COORDINATION CENTRES— BILINGUAL SERVICES

**Hon. Dennis Dawson:** Honourable senators, last year, the government announced its intention to close the rescue coordination centre in Quebec City. As of this spring, if the government does not change its mind, air and marine search and rescue missions in Quebec will be coordinated from centres in Ontario and Nova Scotia.

This week, a member of Parliament in the other place indicated that, after three calls for applications, a bilingual coordinator could not be found for the offices in question. What will happen when a distress call is received in French?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** With regard to search and rescue, no part of the country will be left vulnerable in any way, shape or form, whether it is in English or in French. The Coast Guard, the Department of National Defence, and the Department of Fisheries — the department that is responsible for the Coast Guard — have a system in place whereby people are readily served by our Coast Guard and by our officials, and no one is placed in a vulnerable position because of the language they speak.

[Translation]

**Senator Dawson:** In 2010, the rescue coordination centre in Quebec City alone responded to over 1,500 accidents involving over 3,800 people. The centre covers an area of 148,000 square kilometres. We learned from Quebec City newspapers this morning that a report recommended that, instead of being closed, the centre

should be given more staff. This report was completely ignored since the Conservative government announced the closure of the centre a year later.

How can the Conservative government reasonably believe that the closure of this centre will not affect the quality of rescue services when regular distress calls are received in English and in French, but particularly in French, when it cannot find qualified staff to fill these positions?

[English]

**Senator LeBreton:** Honourable senators, I believe the problem in the country is a problem that all governments and facilities face: There is a large, vast territory to cover. Again, honourable senators, the Canadian Coast Guard addresses all of the issues that it faces and continues to seek ways to improve services for speedy access to people who are in need of its assistance. It continually tries to improve the system. The Coast Guard is doing that, but, as we all know — and it is not unique to this government — this is a large country with vast and remote areas that take a little longer to get to. However, the Coast Guard is doing everything possible to ensure that it has facilities in place to meet the needs of people who are in distress and require the assistance of the Coast Guard.

**Hon. James S. Cowan (Leader of the Opposition):** Would the minister explain how closing and consolidating services is improving those services?

**Senator LeBreton:** We live in a new age, honourable senators. The issue is not the accessibility of equipment to get to these sites. Any consolidation has simply been with centres that handle the information. That in no way affects the availability of ships and aircraft to reach people who are in distress. The Coast Guard is still there, still on site, and still able to meet the needs of people who require services.

**Senator Dawson:** I have difficulty understanding the fact that there would not be the personnel to answer in the language of the person in distress, so that one would have to wait for someone to translate the message, which increases time between requests for a rescue and the rescue itself. I cannot understand how the leader can think that technology will make the difference. I cannot believe that she thinks time is not of the essence. There is an important factor here. We need those personnel to be able to address the people and do it in a timely fashion. Time is of the essence.

**Senator LeBreton:** Absolutely, honourable senators, I totally agree. The highest priority of the Coast Guard is to provide search and rescue services and in both official languages and there has been no reduction in that service.

Obviously, the Coast Guard and the government's top priority is the safety and security of Canadians. As I alluded to a moment ago, we have made enormous investments in the Coast Guard to ensure that we have the capacity to adequately carry out search and rescue missions. Some \$1.4 billion since we took office has been invested in the Coast Guard fleet, and Budget 2012 included a commitment to renew the Coast Guard fleet with an investment in the billions.

[ Senator Dawson ]

The honourable senator is mistaken to leave the impression that the government's commitment has diminished. In fact, the record shows the opposite, and the commitment we have made demonstrates the opposite.

[Translation]

## OFFICIAL LANGUAGES

### STATUS OF COMMITTEE

**Hon. Pierre De Bané:** Honourable senators, the government of the Leader of the Government in the Senate announced the creation of a committee to examine the vitality of French as a language of work in federally regulated businesses. This announcement came in the wake of controversial appointments that made the headlines, particularly the appointment of a unilingual anglophone Governor General. Clearly, no progress has been made in the past 12 months with regard to the creation of this committee. We still do not know who will sit on the committee, what the committee's mandate will be or when it will be created.

Can the minister tell us what is causing the delay in the creation of this committee? Why is this matter not being treated with the importance it deserves?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I am aware of the media reports today. Our government demonstrates every day that it is fully committed to protecting and promoting the French language in Canada. We are a bilingual country; we have two official languages. With regard to the establishment of the committee, honourable senators, a lot of work has been done on that. However, before they announce this measure, the minister and the government want to ensure that it is done properly, in the right way and that it has the right people.

[Translation]

**Senator De Bané:** The underlying issue is the government's willingness to defend linguistic duality and the bilingual nature of federal institutions. Even if a committee is set up, what is most important is the political will to implement the committee's recommendations.

• (1440)

The lack of concrete action to establish the committee is but a reminder of the criticisms leveled against the government a year ago regarding one of the government's appointments.

[English]

I respectfully submit that, having announced the establishment of that committee one year ago, today, 12 months later, the government has not yet selected the members of the committee. I think that speaks for itself about how this issue is being considered with some benign neglect.



**Senator LeBreton:** Honourable senators, it is clearly obvious that the government, starting with the Prime Minister and the Minister of Heritage, is very committed to Canada's linguistic duality and the unique characteristics of our country. I cannot add more than what I have said in answer to the honourable senator's first question. We want to ensure that this committee, when established, is properly structured, and we want to make sure it is done right from the very beginning. That is why there has been no announcement at this point as to who will be on the committee.

## FINANCE

### PARLIAMENTARY BUDGET OFFICER'S REQUEST FOR INFORMATION

**Hon. Jim Munson:** Honourable senators, my question is for the Leader of the Government in the Senate. A few weeks ago, the Parliamentary Budget Officer, Mr. Kevin Page, released a partial analysis of \$5.2 billion in planned spending cuts. His report was incomplete because a more thorough examination was not possible due to the lack of information provided by the government. While only 91 per cent of departments responded to Mr. Page's requests, only one quarter — accounting for 3 per cent of the \$5.2 billion in spending cuts — offered any information about personal losses or the impact on services.

In this democracy, should parliamentarians not also know what is being cut, as well as what is being spent?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the government will continue to provide the Parliamentary Budget Officer with data that falls within his mandate. As well, we will continue to report to Parliament through normal reporting means, which we are doing, including the estimates, quarterly financial reports and the public accounts, which comprise the economic activity of the government. That is the proper way it has been done in the past, and that is the way we are continuing to do it.

**Senator Munson:** The Parliamentary Budget Officer's mandate, honourable senators, is to report to MPs and senators. His work also yielded specific information about only 500 of the 19,200 affected jobs. That is a lot of jobs.

When asked about this on CBC's *Power & Politics*, the finance minister indicated that the Parliamentary Budget Officer's mandate is simply to look at government spending. He said that what the Parliamentary Budget Officer is proposing to do now is to look at the government's non-spending and the minister did not see that as his mandate. I do not quite understand that logic.

Elsewhere in the world, officials have no difficulty obtaining information about government expenditures. Why will this government not be more forthcoming about the impact of its budget cuts on Canadians?

**Senator LeBreton:** Honourable senators, the mandate of the Parliamentary Budget Officer, as the Minister of Finance quite clearly stated, is to report to Parliament on government spending. It is quite a unique situation that, when the government saves

taxpayers money, somehow or other this becomes an issue, especially with people of the honourable senator's political persuasion.

**Senator Munson:** It becomes an issue when people's lives and health are at stake. According to information Mr. Page received, most savings will be realized by cutting international, immigration, defence and social programs, as well as other government programs.

One area of particular concern is the Canadian Food Inspection Agency. The organization is faced with an annual cut of \$19 million to its Food Safety Program. That initiative aims for 98 per cent of federally regulated establishments to be compliant with inspection regulations. We know what has happened in the last few months and it has scared Canadians literally to death. We know from the recent XL Foods recall that compliance in these establishments is not up to par.

Without more information, how can we know about the effects the \$19 million cut will have on the Canadian Food Inspection Agency? What other government services affecting the health and safety of Canadians will be impacted by budget cutbacks? It is a simple question with a simple answer.

**Senator LeBreton:** As the Secretary of the Treasury Board and the Minister of Finance have stated, services provided to Canadians are not being affected. What we are looking for are efficiencies within the various government departments in delivering these services.

The honourable senator mentioned food safety. He knows full well that Budget 2012 included an additional investment of \$50 million over two years to enhance food safety, building upon the \$100 million in last year's budget. Of course, the honourable senator's colleagues in the other place voted against this.

We have invested in the Food and Consumer Safety Action Plan to give the CFIA the power to do more inspection on imports. We have hired over 700 new food inspectors, including 170 meat inspectors. We are moving forward with all 57 recommendations of the Weatherill report. Of course, in this very institution, we passed Bill S-11, the Safe Food for Canadians Act, which further strengthens the food safety system and the recall process, including penalties.

## AGRICULTURE AND AGRI-FOOD

### CANADIAN FOOD INSPECTION AGENCY

**Hon. Terry M. Mercer:** Honourable senators, there is the issue of the Canadian Food Inspection Agency wherein the reported number of hirings is of concern. When the officials from the public service union appeared before the Agriculture Committee, the president of the union representing workers at the CFIA and the agriculture department was there. We had heard testimony from government people and government members of the committee who said how wonderful it was they were hiring all these people.

I asked the president of the union a simple series of questions. I said that I assumed most of the people who would fill these jobs would become members of the union, because all public servants

become members of the Public Service Alliance in various departments and various units throughout the public service, and his answer was “yes.” Then I said, “Well, the government has said that it has hired, I think the number was 700, but it was in the hundreds.” I would not trip up on a specific number. “The government said they hired hundreds of new inspectors. That must mean that you have seen a bump in your membership. You would notice that as a union if you got a couple hundred new members, because it changes how you manage the union and how much money is coming in as the check-offs arrive from employees.” His answer was they saw very little increase in any new members.

Is this not just a little smoke and mirrors here? Someone is saying one thing and doing another or, perhaps, saying one thing and not doing the other?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I can only answer for the government. I cannot answer for what the union members may say. All I can say is what I just said a few moments ago, that we have made major investments in the Canadian food safety industry because our priority, as it should be, is the safety and protection of Canadian consumers.

**Senator Mercer:** Honourable senators, we are all in favour of that. That is the point. We are all concerned about food safety and the proper inspection of food. However, the leader says all these people have been hired and yet no one can find them. These people are a mystery. If they are working for the CFIA, then they would be members of the union. The union says they are not getting any new members, so, guess what? They cannot exist, honourable senators. I am mystified by these phantom food inspectors. That is what we should be calling them.

**Senator LeBreton:** All I can talk about are the facts. We have hired 700 new inspectors, 170 of which are for meat inspection.

• (1450)

[Translation]

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the answer to the oral question asked by the Honourable Senator Tardif on September 25, 2012, concerning commitment to bilingualism.

Honourable senators, I also have the honour to table, in both official languages, the answer to the oral question asked by the Honourable Senator Munson on September 26, 2012, concerning the United Nations.

[English]

Honourable senators, I have the honour to table the answer to the oral question raised by the Honourable Senator Mahovlich on September 27, 2012, concerning missions abroad.

[ Senator Mercer ]

Honourable senators, I have the honour to table the answer to the oral question raised by the Honourable Senator Chaput and the Honourable Senator Tardif on October 23, 2012, concerning official language minority publications.

[Translation]

## PRIVY COUNCIL OFFICE

### COMMITMENT TO BILINGUALISM

*(Response to question raised by Hon. Claudette Tardif on September 25, 2012)*

Canada is a bilingual country and the Government of Canada is committed to ensuring Canadians can communicate in the official language of their choice. We recognize that proficiency in both official languages is important for senior government positions, and that is why this is one of the criteria for appointments.

The *Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future* is a five-year strategy on official languages that reaffirms the Government of Canada's commitment to support official-language minority communities and to linguistic duality. This horizontal initiative represents a total investment of \$1.1 billion divided among 15 federal departments and agencies.

These investments support English and French minority-language communities and ensure that Canadians can obtain Government services in the official language of their choice.

This summer our Government listened to over 2,600 English and French speaking Canadians on the priorities for their communities — the response was that our plan is working. We will continue supporting official languages so that all Canadians can take advantage of the economic and social benefits of Canada's linguistic duality.

## FOREIGN AFFAIRS

### UNITED NATIONS— COMMITTEE ON THE RIGHTS OF THE CHILD

*(Response to question raised by Hon. Jim Munson on September 26, 2012)*

Through a wide range of investments and commitments, the Government helps to ensure that all children in Canada receive the best possible start in life.

Canada is a party to the Convention on the Rights of the Child (the “Convention”) and its first two Optional Protocols. The Government of Canada has made significant investments in the rights and well-being of children and youth and Canada is proud of its achievements. This includes a range of investments, from aboriginal education and curbing childhood obesity, to mental health and combating human trafficking. For example, in 2011-2012, the Government of Canada provided the largest annual federal investment in

early childhood development and early learning and child care in the history of Canada. The federal tax system also provides support to families with children through the Child Tax Credit and the Canada Child Tax Benefit, which includes the National Child Benefit Supplement. A number of additional tax measures — such as the new Children's Arts Tax Credit and the Children's Fitness Tax Credit — also provide tax recognition for certain expenses parents incur in raising their children.

The Government of Canada is committed to helping parents balance work and family life through the provision of over \$15.2 billion in 2011-2012 in support of early childhood development and child care, through transfers to the provinces and territories, direct spending, and tax measures for families. This is the largest annual federal investment in early childhood development and child care in the history of Canada.

Canada is also proud of our global leadership. We spearheaded the establishment of the International Day of the Girl at the United Nations, which was celebrated on October 11. Canada also launched the G8 Muskoka Initiative on Maternal, Newborn and Child Health, and committed nearly \$3 billion to help women and children lead longer, healthier lives.

Promoting and protecting the rights of our children is a collective effort. We are committed to working with all levels of government in an effective, cooperative and meaningful way. Canada's domestic implementation of its obligations is multi-faceted, including through constitutional protections, recognizing our First Nations, Métis and Inuit populations and a variety of legislation, policies, programs and services at the federal and provincial/territorial levels.

As a state party to the Convention, Canada periodically reports to the Committee on the Rights of the Child (the "Committee") on measures taken that implement the Convention and its Optional Protocols. Most recently, Canada appeared before the Committee on the Rights of the Child in Geneva on September 26-27, 2012. The purpose was to present Canada's combined Third and Fourth Report on the Convention and the Initial Report on the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, both submitted in 2009. In September, prior to our appearance, Canada also provided additional responses to the Committee, based on their request for further information. Canada's reports and the additional responses are made available on Canadian Heritage's website.

Canada's reports and responses to the Committee contained extensive factual detail and provided illustrative examples of relevant federal, provincial and territorial laws policies, programs and other initiatives. These covered a wide range of issues, including child health, the protection of children from harm, and child well-being and development.

As jurisdiction for matters related to the Convention is shared among federal, provincial and territorial governments, all governments were consulted in the preparation. In addition, views were sought from civil society and Aboriginal organizations.

The Government of Canada will take note and review the concluding observations and recommendations made by the Committee.

We will continue to work with provincial and territorial colleagues and consult civil society and Aboriginal organizations on the Committee's recommendations and again in the preparation of Canada's subsequent periodic report. As with every country, challenges still remain, but we remain unwavering in our commitment to protect and promote children's rights.

[English]

#### CANADIAN EMBASSIES

*(Response to question raised by Hon. Francis William Mahovlich on September 27, 2012)*

There is no current discussion between the Canadian and French governments to implement the same kind of cooperation and coordination opportunities we have sought with the British government.

#### CANADIAN HERITAGE

##### CANADA PERIODICAL FUND

*(Response to questions raised by Hon. Maria Chaput and Hon. Claudette Tardif on October 23, 2012)*

##### Introduction to the Canada Periodical Fund

The objective of the Canada Periodical Fund (CPF) is to ensure that Canadians have access to diverse Canadian magazines and non-daily (or community) newspapers, including official language minority publications.

In 2010-2011, the CPF replaced the former Publications Assistance Program (PAP), which had subsidized postal costs, and the former Canada Magazine Fund, which provided funding for the creation of Canadian content, with a funding formula that rewards the performance of periodicals at reaching readers. Since the new program is not simply a rebate of postal costs, publishers now have the flexibility to spend funds as they see fit.

Under the new formula, the entire annual budget of the Aid to Publishers (ATP) component is distributed to all eligible publications according to their annual paid circulations. However, since one of the main policy principles of the new program is to favour small and mid-sized publications, the formula results in small publications receiving more funding per copy than large publications and has a limit on the largest ones.

##### Treatment of official language minority publications

Official language minority publications form key parts of the communications infrastructure of the communities they serve. In consideration of their importance and specific

needs, they benefit from special eligibility requirements that improve their access to the CPF. These are:

- Need to sell a minimum of only 2,500 paid copies during the financial year, instead of 5,000.
- Are exempt from the criterion of having sold 50% of their circulation.
- Are exempt from the minimum prices of \$12 for a subscription and \$1 per copy for a magazine and 50 cents per copy for a newspaper.
- Are exempt from providing a circulation report from a circulation audit board.

Similar eligibility conditions existed under the PAP.

#### **The transition from the PAP to the CPF and the impact on official language minority publications**

Even though the CPF was launched in 2010-2011, the program's new funding formula was not implemented until 2011-2012. The amounts received in 2010-2011 were the result of a one-time measure to ease the transition to the CPF and are not representative of what should be expected in the future. All industry associations, including the *Association de la presse francophone* (APF), received full briefings on the new formula and the transition plan in August 2011.

Under the CPF, almost all of the nearly one thousand recipients will see changes to their funding levels compared to the PAP. Recognizing the degree of the changes, a three-year transition plan was implemented in 2011-2012 to help publishers gradually adjust and plan accordingly. Complete details about the formula and the transition plan have been published on the program's Web site (<http://www.pch.gc.ca/eng/1318949749487#a3>) since August 2011.

Overall, through the CPF, the Government has increased its support to official language minority publications compared to the former programs and has allowed new recipients into the program. In 2012-2013, the most recent year of the CPF, official language minority publications, both English and French, received over \$755,000. This is an increase of more than 12 percent from what they received in 2009, the final year of the PAP. Some official language minority publications saw a decrease in their funding level; however, the large majority of official language minority publications, over three quarters, are receiving more than what they received three years ago under the PAP.

The CPF is a new program, having been operating for only three years and the ATP funding formula for only two years. We are monitoring its performance and gathering feedback from clients and stakeholders, including official language minority publications. As such, the Department does not intend to make changes to the formula at this time.

[Translation]

## **ORDERS OF THE DAY**

### **PROHIBITING CLUSTER MUNITIONS BILL**

#### **THIRD READING—DEBATE ADJOURNED**

**Hon. Suzanne Fortin-Duplessis** moved that Bill S-10, An Act to implement the Convention on Cluster Munitions, be read the third time.

She said: Honourable senators, I rise today to speak at third reading of Bill S-10, An Act to implement the Convention on Cluster Munitions, which is an important treaty awaiting Canada's ratification.

I would first like to thank the committee members for their attention and thorough review of Bill S-10. I would also like to thank all of the witnesses who took time to come to committee. Some of them travelled long distances to share their points of view.

Canada is committed to participating in the fight against cluster munitions. That is why it was an active participant in the development of the convention, which was adopted in Dublin in May 2008 and came into effect in April 2010. Canada was among the first 94 countries to sign the convention in December 2008, and was widely recognized as a key player throughout the negotiation process. Right now, 60 countries are party to the convention and 34 others have signed but not yet ratified it.

Canada feels that the convention strikes a fair balance between humanitarian considerations and legitimate security issues. In addition to setting high humanitarian standards where cluster munitions are concerned, the convention also allows the signatories, under section 21, to continue to cooperate effectively with allies that have not signed the convention, in joint military operations essential to international security, without breaching their duties under the convention.

This balance is important for Canada, which has made it a priority from day one of the convention negotiations. A number of allies have also made that balance a priority. Canada's point of view on the importance of allowing the armed forces to participate effectively in joint military operations with allies that are not parties to the convention is conveyed in the transcripts of the negotiations and meetings on the convention.

As part of the groundwork done for the convention, Canada expressed its view on the military interoperability issue as early as at the Vienna meeting in December 2007. It also clearly stressed the importance of being able to participate in joint operations with states that are not parties to the Convention at the Wellington meeting in February 2008. At the time, Canada and other states produced a discussion paper that included four illustrative scenarios on specific interoperability concerns raised by the states. These scenarios present what we call the "essential interoperability functions" and they include: receiving close air or

artillery support; fulfilling logistical tasks such as aircraft refueling; providing air traffic control services and engaging in the planning of military activities at coalition headquarters.

In his opening speech at the final round of negotiations in Dublin in May 2008, the head of the Canadian delegation, Earl Turcotte, who also appeared before the committee to discuss Bill S-10, said:

The convention must not prevent Canada from participating effectively in joint operations with states outside the convention.

And:

We cannot support a treaty that would prevent us from doing so.

According to Canada, Article 21 of the convention responds to all the needs Canada expressed during the negotiations. The equivalent provision in Bill S-10 — clause 11 — allows Canada to comply with legitimate security requirements while actively supporting the convention, fulfilling its legal obligations and working towards the universalization of the convention's important humanitarian objectives. Authorizing military personnel to carry out operations with the armed forces of a state not party to the convention allows Canada to maintain its unique cooperative relationship with the United States, which offers unparalleled benefits in terms of security, defence and industry.

It is important to remember that Bill S-10 also prohibits Canadian Forces members from using cluster munitions as part of their operations or specifically requesting the use of cluster munitions when they are solely responsible for choosing which munitions to use. In addition to these prohibitions, the Canadian Forces will prohibit their members, through official policies, from using cluster munitions or training themselves or others in their use when they participate in exchanges with the armed forces of another country. Moreover, the transport of cluster munitions by means of transportation belonging to or controlled by the Canadian Forces shall be prohibited.

Honourable senators, most of the debates that took place during our committee's examination of Bill S-10 focused on the interoperability exceptions set out in clause 11. It is thus important that I speak about this specific issue. Since the convention itself uses criminal law, it is necessary to include exceptions to the prohibitions established in this legislation in order to ensure that members of the Canadian Forces and the associated civilians who participate in joint military operations permitted by the convention are not held criminally responsible for those acts when they are serving Canada.

• (1500)

The exceptions set out in clause 11 of the bill do not specify what kinds of activities are authorized. They only exclude these activities from the new criminal offences created by the law. If these exceptions are not included in the law, it could give rise to criminal liability for a broad range of activities involving military cooperation that are currently conducted with some of our closest allies that are not parties to the convention, and that do not plan

on ratifying it in the near future. It is important to point out that these exceptions apply only to the specific prohibitions in the bill. They do not affect in any way the other legal obligations applicable to members of the Canadian Forces, including those established by current international humanitarian law.

I will now examine the amendments that were presented in committee and explain why it was not advisable to adopt them. A certain number of these amendments would have added the word "transfer" to the definition and prohibition provisions. The meaning of "transfer," as used in the convention, requires the prohibition of the physical movement of cluster munitions, from one national territory to another, when this involves the transfer of title to and control over cluster munitions. The use of this definition raised some national concerns about interpretation because the term "transfer" is already found in a number of Canadian laws, but is used in a different sense. The term "movement" is used instead. The movement of prohibited cluster munitions from one national territory to another is an offence if the intent is to transfer the ownership and the control of these munitions. This provision is consistent with criminal law and makes it easier to prosecute such an offence. Movement inside and outside Canada is also covered by offences in relation to importing and exporting.

Another proposed amendment seeks to prohibit people from knowingly investing in a business that makes cluster munitions. That is already provided in the bill, since a direct investment made knowingly in a commercial organization that makes cluster munitions is covered by the prohibition to aid, abet or counsel. These terms are clear in Canadian criminal law and they target any form of investment involving sufficient proximity to the actual fabrication of munitions and to the required criminal intent. Under the current wording of clause 6, aiding, abetting or counselling from Canada will be a criminal offence, even if the activity that is aided, abetted or counselled takes place in a country where such activity is legal.

Similarly, the bill already deals thoroughly with the stockpiling of cluster munitions. Therefore, the proposed amendment on stockpiling is not necessary. The bill does not refer to "stockpiling" as such because that is not a term used in Canadian criminal law. That notion is included in the bill under the term "possession." Cluster munitions can enter Canada under military cooperation, but they cannot be stored here, except for authorized purposes such as their destruction.

As for the proposed amendment requiring Canada to inform the government of a state that is not a party to the convention and with which it cooperates on a military level regarding its obligations under the convention, I remind honourable senators that, in its current form, the bill is part of criminal law. Therefore, it would not be appropriate to create non-criminal obligations in this kind of legislative text. It is not the custom of Parliament to use legislative texts to implement something that normally comes under the executive branch. Moreover, the obligation to inform states that are not parties to the convention of Canada's obligations under that convention and to advise them against using cluster munitions rests on the Government of Canada when it begins cooperating and engaging in military operations with these states. It does not create any permanent obligation for the military. We expect the Government of Canada to fulfill its positive obligations under the treaty itself and to be willing to do

so. Indeed, Canada is already actively contributing to the implementation and universalization of the convention through various initiatives, such as taking steps to eliminate stockpiles and deploying efforts against explosive remnants of war, which include cluster munitions.

As for the proposed amendment to establish reporting requirements, the convention already requires annual reports from states parties. In fact, although Canada is not yet a state party, it has already begun providing reports on a voluntary basis. To date, we have presented two reports to the United Nations Secretary in relation to Article 7, and those reports have been published. It would not be practical to demand that such detailed reports on diplomatic efforts to promote universalization among countries around the world be presented to Parliament. We believe that it is best to leave diplomacy up to our professional diplomats who have the expertise in that regard.

Finally, another proposed amendment would add new text to introduce the additional element of extraterritoriality to the offences in question in the bill. Not only does the convention not require this from its states parties, but Canadian law already establishes extraterritorial jurisdiction for Canadian soldiers and representatives, and the bill guarantees that anyone in Canada who has aided or encouraged any practices such as the manufacture of cluster munitions in another country can be prosecuted here in Canada. To go any further and extend the reach of Canada's criminal law into other countries would infringe on their sovereignty, even if the offences apply only to Canadian citizens in their territory. Canada would proceed in that fashion if the treaty required, but that is not the case with the Convention on Cluster Munitions. That is why Bill S-10 includes no such provision.

Honourable senators, Canada — which has never produced or used cluster munitions in its military operations — is determined to pursue its efforts to minimize the human suffering caused by cluster munitions as much as possible, and to ensure the adoption, implementation and universalization of strict international standards like those set out in the Convention on Cluster Munitions.

I would love to be able to count on your support for Bill S-10, which represents an important step towards achieving these very worthy objectives.

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

• (1510)

## CRIMINAL CODE

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

**Hon. Jean-Guy Dagenais** moved that Bill C-36, An Act to amend the Criminal Code (elder abuse), be read the second time.

He said: Honourable senators, I am very pleased to be able to speak at second reading of Bill C-36, the Protecting Canada's Seniors Act.

This bill reflects the government's commitment to protecting the most vulnerable members of our society, which includes protecting seniors.

To do so, we believe it is important to designate as part of the aggravating circumstances for sentencing purposes the fact that the offence had a significant impact on the victim, considering their age and other personal circumstances, including their health and financial situation.

We know that seniors represent a growing proportion of the Canadian population, as is the case in other countries. It is estimated that in 2036, people aged 65 and up will make up about one-quarter of the Canadian population.

We can expect that because the population is aging, we will see an increase in elder abuse.

We must take action now, and it is important to first understand what elder abuse is and then to understand the best ways to deal with this abuse.

There is no universal definition of elder abuse. However, the definition developed by the World Health Organization, the WHO, in 2002, often serves as a reference. The organization defines elder abuse as a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person.

The reference to a relationship of trust in the WHO definition reflects the fact that approximately two-thirds of elder abuse is perpetrated by a person known to the victim, either a family member or a friend.

The relationship between the victim and the abuser in the majority of cases of elder abuse explains why the abuse often is not reported. In fact, it is estimated that just under half of violent incidents involving seniors are reported to police.

Abuse can take various forms such as physical abuse, including sexual abuse, psychological abuse, financial exploitation and neglect.

In the context of criminal law, offences committed against seniors are dealt with by general legislation that protects everyone, no matter their age, sex or handicap.

However, some Criminal Code offences are directly related to elder abuse. For example, theft by a person with a power of attorney and failure to provide the necessities of life are crimes often committed against seniors.

Having said that, creating a specific offence to deal solely with elder abuse is not recommended because punishable acts can take various forms, and the elements that constitute this offence could often be difficult to prove.

[ Senator Fortin-Duplessis ]

The best means of effectively dealing with this type of abuse is to ensure that the aggravating circumstances contained in the Criminal Code effectively cover situations of elder abuse in order for more severe sentences to be handed down in such cases.

Certain aggravating circumstances contained in the Criminal Code already apply to cases of elder abuse. For example, the Criminal Code establishes that if, in committing an offence, the offender abused a position of trust or authority in relation to the victim, that constitutes an aggravating factor in sentencing.

The Criminal Code also establishes that, if an offence is motivated by bias, prejudice or hate based on factors such as the victim's age, it will be considered an aggravating factor in sentencing.

The proposed amendment deals specifically with the impact of crime on victims who are particularly vulnerable given their age and other personal circumstances, such as a disability or a precarious financial situation.

The text of the proposed amendment is similar to one of the aggravating factors related to fraud added to the Criminal Code last year.

Section 380.1 now provides that if an offence has had a significant impact on the victim given personal circumstances, including age, state of health and financial situation, that must be considered as an aggravating circumstance.

When this bill was being considered in the other place, there was talk of the importance of including the word "significant" in the text of the proposed Criminal Code amendment. Some members were of the opinion that the proposed aggravating circumstance should automatically apply if the victim is an elderly person regardless of the magnitude of the impact the offence had on the victim.

The government opposed this suggestion. Everyone agrees that all offences have consequences for their victims. Removing this word from the bill would mean that the aggravating factor would apply even in cases where the offence had a minimal impact on the victim.

For example, the offence of assault covers various acts from simply touching someone to a more violent gesture. In less serious cases, the impact of the offence on a victim may be the same whether the victim is young or old.

The bill targets cases where the impact of the crime on the victim is particularly serious, not only because of his or her age, but also because of other personal circumstances. That is why the bill does not mention a specific age at which the proposed aggravating circumstance would apply.

Unlike in the case of children, for whom age is a rather reliable indicator of their vulnerability, it would be impossible to define an age at which an adult becomes more vulnerable.

The specifics of the cases of elder abuse that I described earlier point to the approach that should be used to fight such abuse. It seems that the best approach is the one advocated by the majority

of stakeholders in the field, namely that elder abuse should be fought through a multidisciplinary approach that includes all levels of Canadian government.

In this regard, the amendment included in Bill C-36 is not the only solution to the problem. This bill complements other government initiatives in the fight against elder abuse. For example, in 2008, the government launched the elder abuse initiative to help the public, including seniors, detect the signs of this type of abuse, and to provide information on available resources.

For example, we remember the awareness campaign to help people identify signs and symptoms of elder abuse, called Elder Abuse: It's Time to Face the Reality. Advertising segments of that campaign were broadcast on television and on the radio. While this initiative ended in March 2011, information on support services for seniors is still available to the public. Moreover, the government continues to fight elder abuse through the New Horizons for Seniors Program.

This program seeks to help seniors enjoy a good quality of life in their community, while making a contribution through active social involvement.

The program grew in 2007, when elder abuse awareness activities were integrated. Incidentally, the program offers support to organizations to help them develop national or regional awareness and education activities to reduce elder abuse, including financial abuse.

In 2011, the government increased its investment in this program by \$5 million annually for two years, bringing the program's annual budget to \$45 million.

Also, on June 15, which was World Elder Abuse Awareness Day, the Honourable Alice Wong, Minister of State for Seniors, announced nearly \$15 million in federal financial assistance for 33 Canada-wide projects to be carried out under the New Horizons for Seniors Program.

These projects will help develop and identify tools and resources that can be adapted to help different communities and regions across Canada combat elder abuse.

• (1520)

As I mentioned earlier, many crimes committed against seniors are perpetrated by family members. The Government of Canada's Family Violence Initiative aims to tackle this problem by promoting public awareness of the risk factors associated with family violence.

These examples show the government's desire to be involved in combatting elder abuse at both the national and regional levels.

However, the federal government cannot combat elder abuse alone because many of the important aspects of this fight fall under the sole jurisdiction of the provinces and territories. For example, a number of provinces and territories have adopted legislation to fight elder abuse in health care facilities. These measures include the obligation to report abuse that takes place in health care facilities for seniors.

This example shows once again that an effective strategy to counter elder abuse requires the participation of all levels of government in all fields.

I urge honourable senators to unanimously support this bill so that we can implement another tool in the fight against elder abuse.

Bill C-36 will ensure that these crimes are targeted and that their perpetrators receive just punishments as a deterrent to reoffending.

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

[English]

## COASTAL FISHERIES PROTECTION ACT

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

**Hon. Michael L. MacDonald** moved second reading of Bill S-13, An Act to amend the Coastal Fisheries Protection Act.

He said: Honourable senators, within the existing Coastal Fisheries Protection Act and its regulations, Canada already has a robust port state control regime for foreign fishing vessels. In recent years, the international community has been working to develop global tools to prevent, deter and eliminate illegal, unreported and unregulated fishing activities. Improving the control of foreign fishing vessels to a global standard is one tool to prevent illegal fishing. I am proud to say that the Government of Canada is part of this movement.

In 2009, Canada and other countries approved the Port State Measures Agreement that had been negotiated through the Food and Agriculture Organization of the United Nations. Canada signed this agreement in November 2010 to signal the importance of taking strong actions in ports to prevent illegal fishing. Before Canada can ratify this new global standard, we must fill some gaps in our current legislation. That is why the government is introducing amendments today in our Coastal Fisheries Protection Act. Once approved, the proposed amendments to the act and its regulations would allow us to meet our international obligations, not to mention better protect the integrity of legitimate fish harvesting activities in Canada.

Allow me to present the proposed amendments, which can be loosely grouped into three broad categories. The first concerns authorities related to fishing vessels. Currently, fishing vessels must apply, at least 30 days before they arrive, for a licence to enter Canadian fisheries waters or to access our ports. Under the proposed amendment, the minister could allow a foreign vessel that has been directed by its flag state to enter a Canadian port even if it has not applied for a port licence. In this case, Canada would issue a specific permit for the sole purpose of inspection and enforcement. While the Port State Measures Agreement generally promotes refusal of entry to fishing vessels that have

engaged in illegal fishing, there might be situations where the flag state, that is, the country responsible for the fishing vessel, may want Canada's assistance to conduct an inspection and to gather evidence of a violation.

It is not enough to direct vessels suspected of illegal fishing into our ports. We must also give Canadian protection officers greater authority to enforce the amended Coastal Fisheries Protection Act and the Port State Measures Agreement.

Additional amendments would thus increase the powers of Canadian protection officers to inspect and search a foreign fishing vessel and to seize and dispose of illegal catch when that vessel is directed to port under the new permit regime. I stress that Canada would require reasonable grounds to believe the vessel had been engaged in illegal fishing activities as well as proper authorities as provided in the act.

In the absence of the consent of a flag state, however, a Canadian court could still authorize protection officers to dispose of any catch in accordance with international law.

The second set of amendments revolves around information sharing. To meet the requirements of the Port State Measures Agreement, the amendments provide clarity on the authorities to share information. The amendments cover both the type of information and with whom it would be shared. First, the amendments clearly outline that the minister can share information regarding the inspection of a foreign vessel, the denial of entry to port to a foreign vessel, a change in decision, an enforcement action taken, or the outcome of any proceeding relating to a decision.

Second, the amendments clarify that the minister can share this information with the flag state of the vessel; relevant coastal states; regional fisheries management organizations; states in whose fisheries the illegal, unreported and unregulated fishing appears to have occurred; the state of nationality of the owner of the vessel; the Food and Agricultural Organization; and other relevant international organizations.

Third, amendments to the act clarify that the minister can report actions that Canada has taken with respect to Canadian vessels that have engaged in illegal, unreported and unregulated fishing or fishing-related activities in support of such fishing.

The minister can also report to other states parties to the Port State Measures Agreement, relevant states, regional fisheries management organizations and the FAO.

In addition, the proposed amendments would give certainty to the ability for Fisheries and Oceans Canada and the Canada Border Services Agency to share each other's information related to the import of fish and fish products.

The third major category of amendments concerns prohibitions and related authorities. Obviously, to monitor an act on illicit fishing activities, we need to legislate associated prohibitions and authorities. Thus, the proposed amendments would make it an offence to import illegal, unreported and unregulated fish into Canada in order to address the inclusion of container vessels in the Port State Measures Agreement. The negotiators of the



agreement wanted to ensure that strong actions taken against fishing vessels would not result in attempts to use other vessels to transport catch to ports. The amendments would give the authorities new tools to enforce these prohibitions.

For example, the amendments would expand the powers of protection officers to inspect any place, including containers, warehouses, storage areas and vehicles in all ports of entry. Currently, in relation to fish, such powers are limited to seaports and wharves. They would also expand powers to allow for the entry and search of these places with a warrant and, in exigent circumstances, without a warrant.

Finally, the amendments would allow Canadian protection officers to seize illegal, unreported and unregulated cod fish, fishing vessels, vehicles or any other thing believed to be obtained by or used in the commission of an offence under the act. These foreign vessels would not only be seized. If it is shown they have been engaged in or have supported illegal, unreported or unregulated fishing, stiff fines can be imposed. A summary conviction would land a fine of up to \$100,000.

• (1530)

Conviction on indictment would cost vessels up to \$500,000. Second convictions would garner up to double the above fines.

What is more, if a court finds the person guilty of an offence under the act, it is not just the fines that apply. The court could also order the person to pay an additional fine equal to the estimated benefit they expected to gain from committing the offence. Under the proposed amendments, crime would definitely not pay.

In addition to these three broad categories, the amendments also cover several changes in definitions required by the Port State Measures Agreement. I stress, honourable senators, that these definitions are phrased carefully to avoid catching inappropriate vessels in the legislative net. For example, the amended definition of “fishing vessel” would include any vessel used in transshipping fish or marine plants, but it would not include vessels merely equipped to transship at sea that are not involved in fishing activity, such as vessels transporting automobile parts.

The proposed amendments would also redefine the term “fish” itself. In keeping with the Port State Measures Agreement, “fish” would come to mean species of living marine resources, whether processed or not. The amendments would also add a definition of “marine plant.”

Taken together, honourable senators, Bill S-13 would strengthen the Coastal Fisheries Protection Act, aligning it with the new global standard articulated in the Port State Measures Agreement. As part of meeting our international obligations, the bill would allow us to protect the livelihoods of legitimate fish harvesters in Canada more effectively by limiting the amount of illegal fish that enter markets and undermine the profits of legitimate fishermen.

I urge all honourable senators to join me in supporting these critical amendments to the Coastal Fisheries Protection Act.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

## THE ESTIMATES, 2012-13

### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

**Hon. Claude Carignan (Deputy Leader of the Government)**  
pursuant to notice of November 8, 2012, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2013, with the exception of Parliament Vote 10b.

(Motion agreed to.)

### JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 10B OF SUPPLEMENTARY ESTIMATES (B)

**Hon. Claude Carignan (Deputy Leader of the Government)**  
pursuant to notice of November 8, 2012, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Parliament Vote 10b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2013; and

That a message be sent to the House of Commons to acquaint that House accordingly.

(Motion agreed to.)

[English]

## FISHERIES ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Poy, for the second reading of Bill S-210, An Act to amend the Fisheries Act (commercial seal fishing).

**Hon. Dennis Glen Patterson:** Honourable senators, I find myself in a very unusual situation in responding to this vexatious Bill S-210, introduced by Senator Harb, proposing to prohibit the commercial harvesting of seals in Canada. In all my years in politics — and it can be nasty at times — I have been most gratified by the vast majority of parliamentarians who have the courtesy to pay respect to the mandate of those of us who are elected or, in my case, appointed to represent a certain region of this great country. In my experience, decent politicians are very sensitive about treading on another's jurisdiction without at least consulting if not seeking permission.

Not Senator Harb, whose bill this is.

The other thing I have experienced in my years representing a majority of Inuit in my constituency in the North is respect for the cultural values and practices of the diverse people of our planet and this great country, including the Aboriginal people.

Not Senator Harb. He and his ilk, who care for animals more than people, characterize seal hunters, including the Inuit, as savage and barbarian. Their vaunted praise of the EU's exemption for Inuit seal products in Europe, in the very market they have worked to destroy, is the very same manipulation of Inuit for political purposes that Senator Harb claims to deplore.

Now the Inuit who live in my constituency of Nunavut have received a clear picture of the attitude of those who propose a ban on sealing in Canada, a way of life that has sustained them for thousands of years. That attitude seems to the Inuit to be: "We are the superior race. We are not savage and barbaric. We are humane. We will tell you which of your traditions of thousands of years we will allow you to practice. We will judge for you whether you are killing animals humanely or not. We will pay you not to hunt, and we will retrain you with government funds. At the same time, we will further erode that market by spending millions of dollars to persuade the world that it is savage and cruel to kill a species that allowed you to survive in the harshest climate in the world, which was given to you, as you believe, from God for you to live on, as it says in the Book of Genesis." Inuit, who are religious people, are well aware of that verse.

The animal rights rhetoric has evolved. First it was, "You are wrong to kill fur-bearing animals." They alleged inhumane trapping practices. In the Northwest Territories, we worked with the Fur Institute of Canada and trappers to develop humane traps, which successfully undermined the cruelty argument. Then the narrative became, "It is inhumane and lucrative to kill seals." Then the animal rights movement realized that Inuit were known and respected throughout the world, so now, as espoused by Senator Harb, they are saying, "You are wrong to kill those creatures and sell the meat for pelts or money. You can hunt for subsistence only. To show that we care about Aboriginal people, there is exemption for Inuit, but only as long as they do not gain any revenue from the hunt."

These attitudes, honourable senators, are colonial, racist, insulting and cruel. Senator Harb and his unelected animal rights groups, who he describes as being "more in touch with national and international opinions on these issues than the politicians ever will be," have insulted my constituents, their traditional and modern way of life and their spirituality. His well-financed campaign has savaged their livelihood.

The real agenda is that the animal rights/animal welfare movement discovered a cash cow in the seal hunt. They dramatized photos of whitecoat seals with big eyes, got permission from DFO to accompany commercial sealers on hunts — why I do not know — and found selective and often doctored footage to paint the hunt as barbarous and inhumane. The result was devastating to the Inuit of Canada's North, as McGill University Professor George Wenzel describes it in his authoritative book *Animal Rights, Human Rights: Ecology, Economy and Ideology in the Canadian Arctic*. It is the effect of this campaign, which Senator Maltais aptly described as putting animals before people, on the Inuit of Canada's Arctic that I wish

to focus on today. Even though the anti-seal hunt movement originated with harp seals, a species primarily hunted in the gulf, it had great repercussions on the hunting of ring seals by Inuit. As a result of this well-funded campaign, prices for seal pelts dropped precipitously, even as the cost of gasoline, boats and motors, and bullets soared.

Make no mistake, honourable senators: This bill, if passed, would only accelerate the drying up of the markets in Europe and wherever else these pernicious lies could be propagated, using gobs of money contributed by urban householders who still think the whitecoat hunt is going on in Canada and have been made to think of all seal hunters as savage barbarians. The animal rights groups are raking in millions of dollars by misleading the public into supporting their cause, and now they have a spokesman in Parliament — in this chamber — who is trying to turn their ill-informed prejudice into law.

• (1540)

I can do no better in describing the importance of the seal to the Inuit and the effect of the animal rights movement, whose champion sits in this chamber and represents the land-locked province of Ontario in the Senate, than to quote the leader of Inuit Tapiriit Kanatami, the national Inuit organization, in an opinion piece in *The Globe and Mail* when the European seal ban was put in place in 2009. The article states:

While the target of animal-rights protesters is the seasonal killing of seals by commercial fishermen on the ice floes around Newfoundland and the Gulf of St. Lawrence, the impact of the protests threatens, once again, to have painful consequences on Inuit communities scattered throughout the Canadian Arctic. . . .

Inuit are a maritime people. The sea and sea ice are our front yard. They are as much a part of our way of life as the family farm has been for the agrarian societies of this world. For most of us, the most important and reliable food since our arrival in the Arctic in ancient times has been the seal. We have hunted seals to sustain life itself in a world that is as harsh as it is beautiful.

We have harvested seals to feed ourselves, our children, our elders and the rest of our people in the Arctic. We have used seals to feed the dog teams that help us to hunt. We have used the pelts of seals to clothe ourselves and, in more recent times, to generate a modest level of cash from sales to the outside world. That flow of cash might not look like much to those who plan the EU's operating budget or who take in millions of dollars from members of the public through anti-sealing campaigns. But, for Inuit hunters, it often makes the difference between being able to pay for the costs of hunting in today's world — rifles, ammunition, a snowmobile and gas — or being rendered sedentary in the community.

For Inuit, hunting is not just about feeding families. It is also about sustaining our unique language and culture in a world that has all too often maligned or devalued them. The teaching of hunting skills from one generation to another is a way we build solidarity between generations and within families. The sharing of country food among households in

communities is a way in which we show compassion for those who are ill, infirm or finding it hard to cope. Sharing is a way of reminding ourselves who we are as a people, what we value as a people, and what we have in common with the rest of the world.

Inuit may have been spared some of the gross injustices visited on those who lived or were brought to North America in the centuries that followed the first European explorations. But there is no doubt we were thoroughly colonized and marginalized. And we have suffered, and continue to suffer, from a range of debilitating social problems, including the worst overcrowding, tuberculosis and suicide rates in Canada. In recent years, we have worked hard to rebuild pride and confidence in ourselves, and to negotiate new arrangements with the federal government and development companies to restore an acceptable form of power sharing, and responsibility sharing, in and for the Arctic.

Yet, progress never comes easily and, for every step forward, we risk slipping back. For many Inuit, it is bewildering to witness international campaigns that vilify those who make use of seals to support the well-being of human communities. For our Inuit elders, this seems to be a perversion of a fundamental truth that says the value of human life must be the central touchstone to all systems of religion or ethics.

For younger Inuit, such campaigns seem to be exercises in highly selective and culturally bound sensitivities: It is okay for those who live in rich Western, urban societies to do things that have generated enormous hardships and insult for an indigenous hunting people, while very little self-examination is invested into the conditions of domestic animals processed in highly industrialized fashion for big city supermarkets. It is doubtful that a wild seal living in the Arctic would envy the life prospects of a factory-raised chicken.

Honourable senators, the seal is how the Inuit not only fed themselves, but also how they are provided with heat, light and clothing in the harshest climate in the world, where trees, let alone vegetables and fruit, do not grow and have to be transported thousands of miles by air and then sold in local stores for prices that shock southern residents.

Seal is the staple of the Inuit diet. Yes, I learned to hunt seals with the Inuit. I can assure honourable senators that not only is it extremely difficult to hunt seals in open water or through the breathing holes in the ice, but it also takes place in one of the harshest and most unforgiving landscapes and climates in the world. I can tell you that Inuit hunt and harvest respectfully and with great effectiveness and efficiency. They hunt with reverence and respect for the land and the fruits of the lands.

Inuit do not try to take away the cow or the pig or the pâté de foie gras from Europeans. They cannot understand why people from abroad or southern Canada would condemn their way of life. Who are these European parliamentarians and their spokesmen who ban products of commercial hunts yet allow the

killing of animals in their homelands? Canadians are increasingly frustrated by the double standard set by countries like Germany who denounce managed hunts of abundant wildlife populations as immoral and unethical. In this case, it is seal hunting in Canada.

Mr. Rob Cahill, Executive Director of the Fur Institute of Canada, pointed out recently that they find it interesting that Germany hunts seven times more deer and wild boar each year for their high-end restaurant market than we hunt seals in Canada; and the hunting methods are virtually the same because 90 per cent of the Canadian seal hunt is conducted with rifles.

Seals are one of the many abundant species hunted in Europe for commercial purposes. Mr. Cahill says that people in Finland, Estonia, Latvia, Lithuania, Greenland, Sweden and the U.K. hunt seals. All of them utilize the meat, pelt and oils of the seal, except in the U.K., where the seal is hunted as a pest and is discarded. Throughout the world, seals from abundant populations are hunted and provide important income for coastal and native peoples in Iceland, Namibia, Russia, Norway, Canada and the United States, in addition to those in Europe. Endangered populations are not hunted. It has been illegal to hunt pups since 1987.

Recently, there has been more hypocrisy in the European Parliament. A report was adopted recently by the European Parliament entitled, *Reforming the Common Fisheries Policy*. Section 13 of the reforms urges the European Commission to "take measures to reduce the negative effects of seals and certain seabirds on fish stocks . . ."

Nunavut's Minister of the Environment, the Honourable James Arreak, said in reporting on this initiative to the Nunavut legislature last month:

. . . it is likely that the "measures" referred to in the report include the lethal culling of seals, as is the current practice in Scotland. It is extremely hypocritical of the European Union to have banned the placing on the market of seal products for reasons of public morality, yet open up the potential to legitimize the culling of seals in their own waters where their regulations will prevent them from fully utilizing these animals. It has always been the position of our Government that any wild animal that is harvested must be fully utilized. A perfect example is the respectful harvest and use of seals by Inuit. The EU has taken no action to date to make the Inuit exemption workable in their member states, where sealskin markets have been destroyed. This latest move by the EU to potentially legitimize the killing and wastage of seals in their own waters is therefore just another slap in the face to Inuit and Canadian sealers alike who respectfully, humanely and sustainably harvest seals but are prevented from selling their byproducts in the EU.

Senator Harb brandishes science and polls as supporting his position. He intoned in this chamber that 69 per cent of Canadians support the passing of this bill. I want to summarize the results of another poll conducted for the Fur Institute of Canada by TNS Canada, a national bi-weekly telephone omnibus service. A study by this company in April indicates that two out of three Canadians — 63 per cent — accept commercial sealing so

long as the hunt is conducted responsibly, humanely and sustainably, and the species is not endangered. In announcing the results of the poll in 2010, Rob Cahill said:

We are pleased to see that, despite the hype by animal-rights groups about national opposition to seal hunting, only a small fraction of Canadians oppose the activity outright.

**The Hon. the Acting Speaker:** Is the honourable senator requesting another five minutes?

**Senator Patterson:** Yes, Your Honour.

**Hon. Senators:** Agreed.

• (1550)

**Senator Patterson:** In closing, honourable senators, I want to say that the animal rights movement pretends it is helping to kill a dying industry because it has no future and because the Atlantic sealers and Inuit need to be given money and retraining to adapt to new industries.

How is one going to replace the valuable, nutritious food that these sealers have been providing to their families and, yes, traditionally to power their dog teams, when there is no return but only expense for hunting seals in the most dangerous waters in the world? The answer, and it is documented by Professor Wenzel, is to turn proud Inuit hunters into welfare recipients and, with that, to take away their pride, dignity and a way of life that is the very foundation of the Inuit culture.

Our Standing Senate Committee on Fisheries and Oceans has studied this subject extensively with Senator Harb's input and participation and heard extensively from a large number and range of witnesses. We do not need to waste any more of our precious committee time studying this bill. We have other important work to do in that committee, including studying what is ailing a very important fishery, the lobster industry, which the committee is now studying.

I am proposing, honourable senators, that we not refer this bill to the committee. We do not need to call back all the well-funded animal rights groups again, and they will be clamouring to come from afar to appear. We should defeat this bill on second reading, as we did its previous iteration in the last Parliament. It is not a bill from the other place. It is misinformed and disrespectful of a proud and self-reliant people who are neither savage nor inhumane and who have been falsely labelled and vilified by a well-financed campaign of lies, distortion and misinformation.

Let us not allow public policy to be dictated by rich, global fund-raising machines that exist primarily to raise money and seek mightily to influence public policy and decision-making globally. They have poisoned markets for seal products all over the world and are gleeful about making progress in convincing Chinese leaders, whose country's need for healthful, nutritious food is huge, to refuse Canadian seal products.

Honourable senators, I have attacked Senator Harb with a fury that I have never before felt in politics, but never have I faced

such tactics and never before has someone been so bold as to speak for the people I represent with no respect for them or me.

Mine is not partisan outrage. Senator Hervieux-Payette, whom I greatly respect for her understanding and support of sealing in Canada, including Inuit sealing, and Senator Hubley, the very able and fair-minded deputy chair of the Senate Fisheries Committee, both support the recommendations of the committee to manage the grey seal population before they gobble up our fledgling cod stocks in the Gulf.

I urge honourable senators not to support this bill. The Standing Senate Committee on Fisheries and Oceans just completed a year-long study on this subject matter and has called for a targeted reduction in grey seal herds. Given the results of the study, it simply does not make sense to refer the subject matter back to the committee. Honourable senators, do not let outside forces tell us how we should manage our natural resources and condemn our Inuit citizens and their Atlantic sealing brothers and sisters for earning their livelihoods and feeding and clothing their families as they have done for centuries in the cold waters of the Atlantic and the Arctic.

Thank you.

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Honourable senators, before I move the adjournment, I would like the record to show, and I am sure our Ontario colleagues would like it to show, that Ontario is not, in fact, a landlocked province. Even if one ignores the Great Lakes, Ontario has a very long coastline on Hudson Bay and James Bay. There may even be some seals there, for all I know.

(On motion of Senator Fraser, debate adjourned.)

[Translation]

## CRIMINAL CODE

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

**Hon. Céline Hervieux-Payette** moved second reading of Bill S-214, An Act to amend the Criminal Code (protection of children).

She said: Honourable senators, you know that this is not the first time that I have given a speech on this issue. However, over time, I have made changes to my speech and I have consulted hundreds of Canadian child welfare organizations about this issue.

In light of what psychoanalyst Alice Miller said, I would like to provide some context and, in particular, establish the justification for repealing section 43 of the Criminal Code, which permits the use of physical violence against children, violence that is qualified as "reasonable."

I believe it is important to know why we, as human beings, believe that this helps the growth, development and education of children.

[ Senator Patterson ]

I would like to remind you that violence probably did not originate with human beings. Before humans, man's closest animal relative, the bonobo, never treated its offspring with violence. And it would intervene even when its offspring treated one another with violence.

If we go back to the origins of man, we discover that physical correction of children did not exist. Even today, it does not exist in certain tribes such as those found in New Guinea and the Amazon.

We might wonder how these human beings raised their children in prehistoric times, when departments of education, psychology courses and universities did not exist.

Over time, academics established a link between the genesis of certain beliefs and certain rites of initiation that were cruel and most unpleasant for children. From that point forward, children were subjected to some form of violence.

In any case, as soon as human parents began striking their children, a drastic change took place that would affect the rest of human history, a change that came about in just over a single generation.

Indeed, although it was likely external factors — I am talking about initiation rituals — that triggered the change, when members of the first generation to have been struck had children themselves, that generation no longer needed an external reason to hit their children. They simply did so, driven by an internal reason: the natural compulsion to repeat what they themselves had experienced as children. This phenomenon can be observed in many human actions, even before self-awareness kicks in, which I think happens sometime between the ages of two and three.

In other words, in just a few generations, perhaps even just one, humankind fell into a cycle of violence that it could not escape — one that we still have not fully escaped.

I do not think I need to convince anyone here that, as we speak, violence is still very common in the world. Yet we all deplore any violence against other human beings. Nothing could possibly justify a violent attack on another human being or threats of any kind against someone.

We need to remember that a child raised in a violent environment will probably become an adult who believes that conflict can be resolved through violence. And as we are well aware, that is not the case.

This major revolution created some serious confusion about how we viewed ourselves. For thousands of years, we created religions, philosophies and morals based on conceptions of humans that completely ignored the fact that all humans before us had been beaten black and blue as very young children.

In societies in which all children are subjected to child-rearing violence, which was the case for millennia, children who are struck have no other choice but to identify with the parents who

hit them, accept the judgements imposed on them and believe that they deserve to be struck.

• (1600)

Once they become adults, they are no longer able to question the way they were treated. They treat their own children the same way without asking any questions. They do not see child-rearing violence as the cause of the violence; they blame the child who is on the receiving end.

Over the past two or three centuries, we have slowly but surely started to break the cycle of violence. The first signs of evolution appeared during the Renaissance in Europe. But it was generally accepted that corporal punishment at school and parental abuse remained taboo. This evolution picked up speed at the start of the 18th century. Some writers started talking about parental abuse.

Later on, doctors, some psychoanalysts and parenting manuals started to advise against it. The threshold for what was considered abuse started to get progressively lower. So much so that in the second half of the 20th century, in the European countries where this evolution took place, many children experienced much milder corporal punishment compared to what was common practice before and what was common practice in other regions of the world, and a small minority of children never experienced any violence.

This decrease in child-rearing violence is not unrelated to the fact that these countries had not experienced war for nearly 50 years. On the other hand, regions in Europe where education has remained very traditional, and therefore violent, still often experience violent conflict or acts of terrorism. All countries, with the exception of the United States and Somalia, have signed the Convention on the Rights of the Child.

Let us remember that a special Convention on the Rights of the Child was adopted. There was already a convention to protect human rights in general, and later, a convention to protect women's rights and another specific convention to protect the rights of the child. Article 19 of this convention requires states parties to protect children from all forms of violence, including even the weakest forms of child-rearing violence.

All states parties are required to submit a progress report with respect to enforcing this convention to the United Nations Committee on the Rights of the Child every five years. One day — and I hope it will be soon — the idea of hitting children supposedly for their own good will be considered barbaric, and human interaction at all levels will improve considerably.

When people are subject to corporal punishment, it not only makes them violent or submissive to violence, it also weakens their sense of compassion and disrupts their moral compass by confusing their sense of right and wrong: "I am hurting you for your own good." They limit their outlook to belief systems that prevent them from escaping from the culture of violence in exactly the same way that women who have been subject to genital mutilation are the first to force their daughters to undergo the same procedure. It is a cyclical cultural phenomenon that does not make any sense.

On the other hand, children who, through child-rearing violence, have learned at a very young age the conditioned reflex to do violence or submit to violence will let their imaginations run wild, which will allow them to find peaceful compromises to resolve the conflicts that inevitably result from human interaction.

The cycle of violence in which humanity became trapped over the course of one or two generations, thousands of years ago, can be broken. This would ensure a future for humanity that is much brighter than its past. We can certainly benefit from making progress in this area.

With regard to the Convention on the Rights of the Child, it is understood that every person has fundamental rights no matter their race, sex, language, religion, opinions, origins, wealth, status at birth, ability or age. Human rights apply not just to adults, but also to children, even if they are unable to understand their rights.

I have never heard of a child who has been physically disciplined going to the police to file a complaint about his or her parents. This has to be taken in context. However, because children are small and dependent, some adults do not consider them to be full-fledged human beings with rights.

In 1989, world leaders ratified a convention that established the fundamental rights of every child. Our predecessors ensured that every person in the world knew that children have rights. The Convention on the Rights of the Child has been ratified by almost every country in the world. And every country that ratifies this convention promises to protect the rights of children.

The convention acknowledges that parents are the main educators of children. Parents are the most important teachers, role models and guides for their children. However, parents do not own their children and, according to the principles of human rights, no person is the property of another.

According to literature published by the United Nations, Canada has accepted all established and recognized obligations. After each report released following a review of the situation in each country, Canada receives its report card. Canada has yet to receive a good grade, since it remains in violation of the Convention on the Rights of the Child.

A distinction needs to be made between a physical correction and abuse, which we all now believe is unacceptable. But these are two sides of the same coin. In other words, a person who violently beats a child will likely face charges. On the other hand, when someone spanks a child — and people always add the expression “in a reasonable manner” — that is where there is a problem in our legislation, because nowhere in the jurisprudence is there a definition of the word “acceptable” to indicate what it means to hit someone in an acceptable manner. The very concept of hitting to teach a lesson, no matter how hard the blow, makes no sense. Societies have varying degrees of tolerance for abuse.

In some countries, parents are still allowed to use a stick, while here in Canada, those parents would be considered abusive. In Sweden, for instance, a Scandinavian country, a simple slap is

considered an unacceptable form of abuse because all violence is prohibited. In Africa, caning is tolerated and considered essential to a good upbringing.

If violence against children were compared to an iceberg, abuse would be the top part of the iceberg, the part that is visible. We single that out and condemn it. Child-rearing violence would be the part under water. Very few people consider it violence, but it has a truly negative impact on the harmonious development of children.

Child-rearing violence, unfortunately, is very common, practically universal. In Europe, in industrialized countries like ours, only 15 to 20 per cent of parents do not spank their children. On some continents, 90 per cent of parents spank their children. There is no doubt that something can be done about this right now, and I believe that our children deserve more. I believe that we must take all of the research that has been done into account and eliminate this behaviour that hinders children's development, knowing that other methods exist.

I want to remind you, honourable senators, that the government has implemented programs to help parents. However, the money that was supposed to be spent on those programs was cut. There used to be a central telephone number that parents across Canada could call.

When a parent was in distress and did not know how to help their child, they were given advice, and they were given the opportunity to reflect on the matter and to come up with different ways to deal with the conflict. Those parents were given a positive educational experience. I am sure that those who used this service did much better at parenting their children.

What methods are effective? In my opinion, if we want to build a child's confidence and develop his problem-solving skills, then we must try to determine what is driving the child's behaviour. Why is he misbehaving? Why is he doing things that are not acceptable in his family?

I want to remind you of something my colleague, Senator Plett, once said. He said that after trying to get through to one of his children three times, in other words, after spanking his four-year-old son three times for not wanting to pick up the towels that were on the floor in the bathroom, Senator Plett had to admit that it was not working, that he had to find another approach.

Even my colleague who supported this measure came to the conclusion that if a child was at all strong-willed, then giving him a spanking would not produce the desired effect.

• (1610)

Senator Plett will tell you that his son, who is now a father, does not believe in spanking a child to correct him. This means we have evolved over time. I am not accusing all those who, on occasion, because they were impatient, physically hit a child. Each and every one of us got a taste of that form of education and, in order to distance ourselves from it, we must collectively adopt measures to educate parents and give them the means to deal with a turbulent child. If we do not want our precious objects to be broken by a three or a four-year-old child, my first advice would be to put them out of his reach. This is called child-proofing a house.

I raised three children and this approach works very well for anything that is vulnerable to mishandling. In France, there is currently an ad showing a mother in the kitchen with her two or three-year-old child who spills a glass of milk. The first thing the mother does is to hit her child. The grandmother arrives just as the incident takes place. The child is crying and the mother realizes that this is not necessarily the way to raise a child and that the child certainly did not act voluntarily. We are talking about the physical ability to master one's environment and a young child does not have the same ability as an adult.

One of the reasons why I keep coming back with this legislation in each new Parliament is that 33 countries around the world, and on almost every continent, have now banished all forms of violence against children. I saw an ad in Costa Rica, showing the famous red circle and the parent's hand, which said that parents do not hit children.

So, that is not necessarily a matter of a country being more or less developed. It has to do with awareness. It is a matter of understanding the role of parents, who are there to supervise children and help them develop. We do not tolerate daycare employees hitting children. These people, who are acting on behalf of parents, could lose their job. Of course, parents cannot be fired, but they must understand that this approach is unacceptable.

Removing section 43 of the Criminal Code would deprive parents of the excuse to hit a child, which is a form of defence. There is no need to worry however, because there already exists two defences in the Criminal Code: the *de minimis* defence, whereby if one gets impatient once or twice a year, one will not be taken to court, and the other defence, based on necessity, whereby if one grabs a child by the arm because he is running after his ball on the street one will not be accused of molesting that child. One has a duty to intervene to prevent the child from getting injured.

As far as I am concerned, there is enough protection to avoid any abuse of the law. On the other hand, children's rights must be respected and we must know that children are persons, and I think you all agree with me.

I want to conclude by mentioning the sad case of Amanda Todd, a victim of harassment and bullying who took her own life. All forms of violence between children are learned. Children reproduce what they see and know. If we know that bullying works with weaker people, we will be tempted to engage in bullying, but to what extent can we tolerate that? Canada is mourning the loss of this beautiful young girl. Canadians are saying we must act to stop children from harassing and hurting each other. To this I simply say: let us stop parents from acting violently within the family.

Today, the Canadian Coalition for the Rights of Children published its position on this issue, and I would like to read you a short excerpt from the document it submitted. It talks about a national strategy.

[English]

High rates of violence against children continue in Canada without improvement over the last decade. In fact, children experience more violence than adults in Canada.

Piece-meal initiatives have limited impact. Five million dollars was recently allocated to prevent hockey violence after concussions made headlines. Bullying receives attention whenever there is another suicide. Millions are spent on policing internet sexual exploitation, but little is spent on prevention. Meanwhile, the Office for the Prevention of Family Violence has been shut down, even though the facts show that family violence remains the greatest threat for children and interventions are often too late to prevent long-term harm.

[Translation]

It is important to remember that funding was cut for this organization, which offered a direct help line for parents across Canada. This may not be the only way to intervene, but Canada must play a leadership role within the country. The provinces are involved in protecting children. I helped the Government of Quebec prepare the Youth Protection Act when I was the legislative secretary to the Quebec minister of social affairs, and the point was simply to ensure that children are able to grow up in a calm environment that will allow them to reach their potential. In other words, the point was to protect them. Every year, 75,000 children, those we know about, are placed under the supervision of child protective services.

I know that some of our colleagues have worked hard to increase sentences for young offenders. Look at these offenders' files. Look at their childhoods to see how their parents cared for them, and you will have your answer.

An eight-year study by Statistics Canada using a sample of 12,000 children found that there is a direct link between young offenders and how they were raised. Most of the time, an approach is used that causes the child to react by turning inward and becoming depressed, dropping out of school or attacking society through all sorts of violent actions.

Honourable senators, I recommend that you sincerely examine this issue. The senators opposite should support this national strategy and make sure their Prime Minister understands how important it is.

[English]

A national strategy is needed to maximize the impact of current smaller and local prevention programs and to target resources to the most effective measures and needs, based on well-documented evidence. Within a national strategy, special attention is needed to prevent violence and abuse of Aboriginal girls.

[Translation]

This is not an issue that affects only big cities, only rural areas or only certain groups in society. However, there are certain groups that need more help, and through Bill S-214, we will be able to better put things into perspective and fully enforce the convention across the country, which will make me proud of my role in Parliament when the bill is passed.

[English]

**Hon. A. Raynell Andreychuk:** Would the honourable senator take a question?

**Senator Hervieux-Payette:** Yes.

**Senator Andreychuk:** It is an information question. She indicated that in some countries, 90 per cent of parents exercise corporal punishment. Could the honourable senator identify which countries she is indicating?

• (1620)

**Senator Hervieux-Payette:** The documents I have refer to a continent rather than a specific country. They talk mostly of Africa, where not only is corporal punishment tolerated, but if you are a good parent, you are likely to use a stick to correct your children. They may be well-intentioned parents, but they never received the education that one should not do that. The documents do not mention one specific country.

(On motion of Senator Andreychuk, debate adjourned.)

## CANADIAN HUMAN RIGHTS ACT

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

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Honourable senators, this is a bill on which people take their positions based on principle, not on politics — on principle on both sides of the issue; I accept that. However, I must tell honourable senators that I stand with the position that was so eloquently expressed in this chamber a few weeks ago by Senator Munson and also by Senator Jaffer.

The supporters of this bill — notably Senator Finley, who is its sponsor in this place — suggest that section 13 of the Canadian Human Rights Act is a great muzzle placed on free and democratic debate. If I may quote him, for example, Senator Finley suggested in his speech that the target of section 13 was speech that is politically incorrect, stupid, offensive, controversial, and speech that results in hurt feelings. He suggested that this bill is basically about mandated political correctness.

I am sure he meant what he said, but the fact is that we are talking about far more serious matters than speech that is simply stupid or offensive or controversial or even politically incorrect. We are talking here about the kind of speech that can pose real threats to real people. Those threats can arise because words have power; words matter; words have consequences. Never is that truer than when we are talking about words of hate. Ask the Tutsis of Rwanda. Ask those survivors who still live from Nazi Germany in the 1930s. Those genocides began with hate

propaganda, which conditioned the majority of the citizens of those countries to accept that some people not only were inferior but were a danger and should be eliminated.

As long ago as 1965 in this country, the Special Committee on Hate Propaganda in Canada said:

... incipient malevolence and violence, all of which are inherent in “hate” activity, deserve national attention. However small the actors may be in number, the individuals and groups promoting hate in Canada constitute “a clear and present danger” to the functioning of a democratic society. For in times of social stress, such “hate” could mushroom into a real and monstrous threat to our way of life.

The committee took note of the argument that broadcasting such material can perhaps serve to expose its malicious and fraudulent nature, but they went on to say that that argument “does not take into account the effects of hate arguments and pseudo-facts on uncritical and receptive minds.”

That was more than 40 years ago. I would suggest that today, in the age of the Internet, that danger is even more real, because now almost anyone can transmit almost anything to anyone else, to millions of “anyone elses,” and those arguments too often go unexamined.

It was the reasoning first expressed by the special committee that led to our present laws. Those laws, including section 13, have repeatedly been upheld by our courts.

Let me quote, in particular, some statements from former Chief Justice Brian Dickson of the Supreme Court of Canada in the *Taylor* decision, a great decision in this area. He said that section 13 of the Canadian Human Rights Act, which would be eliminated by the bill before us, “furthers a government objective of great significance and impinges upon expression exhibiting only tenuous links with the rationale underlying the freedom of expression guarantee.”

In another case, Chief Justice Dickson referred to the “potentially catastrophic effects” — catastrophic — “of the promotion of hatred.”

Again in *Taylor*, he said:

... s. 13(1) is rationally connected to the aim of restricting activities antithetical to the promotion of equality and tolerance in society.

That was one of the greatest jurists of our time.

More recently, something quite interesting happened — this was just last month — when Justice Mosley of the Federal Court of Canada, writing in the *Warman* case, took note of the fact that the House of Commons had recently supported a private member's bill to repeal section 13. That is the bill before us today. Justice Mosley said:

Notwithstanding the recent legislative effort to repeal s. 13, I have no difficulty concluding that the objective of the enactment continues to be substantial and pressing.



It is extremely unusual for a judge to make a strong statement like that. However, one could argue — and I would argue — that this is a circumstance that deserves that attention.

Honourable senators, it seems to me that the critics of section 13 are often more concerned with what they see as grave abuses of process than they are with the actual objectives, the real objectives, of this law. Here I will grant there is at least some strength to their arguments.

However, as I have already had occasion — a couple of years ago, I think it was — to note in this chamber, the Canadian Human Rights Commission itself has pointed out that useful amendments could be made to the act. It suggested adding a statutory definition of hatred and contempt in accordance with the one used by the Supreme Court of Canada, which specifies that section 13 refers to “unusually strong and deep-felt emotions of detestation, calumny and vilification” that are “ardent and extreme in nature” — truly extreme expressions.

The commission also suggested that it be allowed to award costs in exceptional circumstances where the tribunal finds that a party has abused the tribunal process. We agree that that has happened on occasion. It has suggested that the law be amended to provide for early dismissal of section 13 complaints when messages do not meet the narrow definition of hatred or contempt.

As I will explain a little later, the tribunal has actually started to act on that itself. However, one does not throw out the basic, fundamental law designed to protect people who need protection simply because there are some abuses of process that would be very easy to correct. If this bill, instead of throwing out section 13, simply proposed that kind of amendment, we would all vote for it in a flash. We would say, “These are wonderful changes that will improve and strengthen the fabric of Canadian society.”

• (1630)

That is not what this bill proposes to do, however.

I said I would talk about what the Human Rights Tribunal has done to address some of the objections. It will take me a little while to read this list, but one of the important elements to note is that it is a long list. These are guidelines that the tribunal itself has provided as to what constitutes hate speech:

The targeted group is portrayed as a powerful menace that is taking control of the major institutions in society and depriving others of their livelihoods, safety, freedom of speech and general well-being.

The messages use “true stories”, news reports, pictures and references from purportedly reputable sources to make negative generalizations about the targeted group.

The targeted group is portrayed as preying upon children, the aged, the vulnerable, etc.

The targeted group is blamed for the current problems in society and the world.

The targeted group is portrayed as dangerous or violent by nature.

The messages convey the idea that members of the targeted group are devoid of any redeeming qualities and are innately evil.

The messages communicate the idea that nothing but the banishment, segregation or eradication of this group of people will save others from the harm being done by this group.

The targeted group is de-humanized through comparisons to and associations with animals, vermin, excrement, and other noxious substances.

Highly inflammatory and derogatory language is used in the messages to create a tone of extreme hatred and contempt.

The messages trivialize or celebrate past persecution or tragedy involving members of the targeted group.

Think of the Holocaust deniers amongst us.

Calls to take violent action against the targeted group.

If you look at the list, it describes the most loathsome, dangerous, evil propaganda. It is not talking about stupid speech. It is not talking about speech that may hurt feelings. It is talking about speech that suggests, in a purportedly convincing way, that all members of a given group are evil and should be eradicated.

As we have seen — not just in other countries, although fortunately much less often here — speech like that has an effect. It can end up having a lethal effect.

The Human Rights Tribunal’s guidelines weed out the kind of frivolous speech that we all agree should be protected, however stupid it may be, and leaves for the jurisdiction of the tribunal the kind of speech that is like a bacillus that can infect us all.

Senator Finley, in his speech on the bill, talked about the marketplace of ideas, about the idea that ideas should be free to compete in the marketplace of ideas and that the strongest idea would win out. Now, marketplaces are tremendous things. Our society relies, in great measure, on marketplaces, but the fact is that we regulate all kinds of markets. We try not to allow poisonous food to be sold. We regulate securities markets for the protection of the public. We regulate the market for pharmaceuticals for the protection of the public. We regulate many markets, preferably with minimal impairment to those markets. Where the protection of the public requires overarching control, we provide that. I see no reason why the marketplace of ideas should somehow be exempt from the protections that society needs.

Senator Finley suggested that we should vote for this bill because we must protect what he called the most sacred freedom of all Canadians — freedom of expression. Honourable senators, I am a former journalist. Freedom of expression is an idea, a concept, a principle that I hold very dear, but I do not agree that it is the primary freedom that we have. That is an idea that is very common in the United States, particularly, I am afraid, among journalists, but it is not an idea that has gained that much traction

in Canada. In Canada, we consider that all rights in our Charter of Rights and Freedoms are equal, and, where necessary, they must be balanced. Where they appear to collide, we must find the appropriate balance, but no one right takes precedence over another. Surely, honourable senators, there are other rights that, by any reading, must be as sacred as the right to freedom of expression. How about the right to life? How about the right to a fair trial? These are not small issues that we are talking about here.

Let me simply repeat: Words have power, and that power can have truly terrible effects.

May I have a few more minutes, honourable senators? I am nearly done.

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

**Hon. Senators:** Agreed.

**Senator Fraser:** We live in a fool's paradise if we think that we, in Canada, are immune to those dangers. We are not. Members of racial minorities all across this country, not to mention religious or other minorities, have suffered discrimination in our lifetimes. Going back a bit in our history, we have exterminated groups. How long has it been since there were any Beothuks in Newfoundland? Terrible abuses could happen here. We are not immune, and hatred is so easy to foment and so difficult to eradicate once implanted.

Other speakers in this debate have quoted Justice Rosalie Abella, who said that we were supposed to have learned three indelible lessons from the concentration camps of Europe:

1. Indifference is injustice's incubator;
2. It's not just what you stand for, it's what you stand up for; and
3. We must never forget how the world looks to those who are vulnerable.

I have the greatest respect for Justice Abella, but I would amend her third point very slightly to say that we must never forget not only how the world looks but also how the world is to those who are vulnerable.

We pride ourselves in this country on being a beacon of civilization. A great portion of our pride resides in the fact that we protect the vulnerable. That, honourable senators, is why I believe that this bill should not pass.

**The Hon. the Speaker *pro tempore*:** When the honourable senator stood to speak, I noticed that the motion stood in the name of Honourable Senator Carignan. I wondered if you had spoken with him about whether you could speak without taking away his opportunity to speak and whether the matter should be adjourned in the name of Honourable Senator Carignan.

**Senator Fraser:** I did tell him this morning that I was going to speak, but I forgot to make that point. I will leave it to him to answer your question, if I may.

[*Translation*]

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I had requested adjournment in my name to ensure that members on our side had an opportunity to speak. It seems as though everyone who wanted to speak at second reading has done so.

(On motion of Senator Nolin, debate adjourned.)

• (1640)

## THE SENATE

### MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE SENIOR MANAGEMENT AND OFFICIALS OF THE CANADIAN BROADCASTING CORPORATION—DEBATE CONTINUED

On the Order:

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

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view of the importance of

(a) Radio Canada International as the voice of Canada around the world; and

(b) short wave radio in oppressed regions worldwide that are denied access to the Internet;

**Hon. Andrée Champagne:** Honourable senators, I would first like to refresh your memory on the motion that Senator Segal moved a few weeks ago. He said that he wanted senior management and officials of the Canadian Broadcasting Corporation to come here, to the Senate, to explain why they cut funding to Radio Canada International services by 80 per cent, while government cuts to CBC/Radio-Canada operations as a whole were only 10 percent.

Senior management chose to make Radio Canada International virtually disappear from the shortwave band. The senator seems convinced that only a committee of the whole could ask all of the necessary questions to learn why the corporation made this decision. Shortwaves are broadcast all over the world. Even in countries with limited access to the Internet — where it is prohibited — Radio Canada International remained the voice of Canada around the world.

Over the years, Radio Canada International also played an important role on Canada's cultural scene. For decades, RCI produced and distributed mostly Canadian works interpreted by

Canadian artists. These long-playing albums — that was the platform at the time — were automatically sent to all our embassies throughout the world. Our diplomats were pleased to give copies to classical music lovers with whom they were in contact almost every day. Our composers gained exposure, as did the musicians. When an agent organized an international tour for an artist, people abroad had already heard of him or her.

I would like to tell you a story that illustrates perfectly the cultural impact of RCI. In 1968, our ambassador came up with the excellent idea of submitting the RCI-251 album to the International Rostrum of Composers in Paris. The recording received glowing reviews; however, in Canada, it went virtually unnoticed. The *Suite for Piano* by Jean Papineau Couture, *Deux études de sonorité* by François Morel, the *Variations* by Jacques Hétu and *Sonata No. 3* by Harry Somers are on this LP. These four Canadian composers became renowned, not just in Europe, but throughout the world. These pieces were performed by André Sébastien Savoie. This RCI album had so much exposure that, 35 years later, when this very pianist was teaching at the Casalmaggiore International Music Festival in Italy, a young Japanese student attended a course and started playing the *Études de sonorité* by Morel. Both student and teacher were surprised when they realized that she had discovered this piece on the album produced by a company she knew nothing about, and that her professor in Italy was the person who had unwittingly introduced this work by François Morel to her.

I also mentioned the name of composer Harry Somers. I am pleased to remind honourable senators that, while we were preparing to celebrate Somers' 50th birthday, RCI decided to make a recording of his whole pianistic work. Five pianists from various regions of Canada shared the task of recording his work. This box has become a monument of Canadian music. When RCI ended what had become a wonderful custom, which was to make records, it at least deemed appropriate to announce in several major daily newspapers that the CBC boutiques would no longer sell these records. RCI therefore decided to get rid of them. They sold what was left at a rebate.

When Somers' long-playing albums arrived on the market, we had to buy our copy, because we were not offered even one record. That copy had accumulated a lot of scratches. We phoned to find out whether another copy was still available. We were told it was, and we asked to have it put aside. When we finally got our hands on the box, we were stunned to find that the recording had won that year's Grand Prix du disque du Canada. The five performers had not been informed. That is sad, but what can I say? I guess it was just Canadian classical music interpreted by Canadian artists.

The whole cultural side, and particularly the classical dimension, of RCI is gone, and that is also the case for Radio-Canada's French language networks. Now, the same thing is happening with the short waves. After 67 years, they are putting an end to a broadcast service that has served the Canadian ideal, Canada and the world very well. This was a service offered to the whole world, with a choice of programs designed for an international audience and featuring Canadian artists.

It seems that the CBC/Radio-Canada wants to ensure its survival and its financial gains strictly through the Internet, particularly by offering us information with their own spin, blah,

blah, blah and sports. That can be done just as well by a private network, without making Canadians contribute to it through their taxes. Ratings are all important. While a large number of countries are increasing the number of hours of short-wave broadcast, we are disappearing from the list.

What will happen to our transmitters? Are we going to pay the costs for their destruction, or are we simply going to allow other countries such as China to acquire them? Will the Chinese come to Sackville, New Brunswick, to tell us just what they want us to know about their country? As Senator Segal said, what will be the impact on our foreign and trade policies?

What will be the impact on the life of our artists, on their careers in these countries and continents without Internet? We must have answers.

After discussing the issue with Senator Segal, I would like to move an amendment.

• (1650)

I do not believe that the committee of the whole is the right place to get to the bottom of this problem.

#### MOTION IN AMENDMENT

**Hon. Andrée Champagne:** Honourable senators, I therefore propose that Motion No. 109 be amended to read as follows:

That the Standing Senate Committee on Transport and Communications be authorized to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view of the importance of:

- (a) Radio Canada International as the voice of Canada around the world;
- (b) short wave radio in oppressed regions worldwide that are denied access to the Internet; and

That the committee report to the Senate no later than June 30, 2013.

[English]

**The Hon. the Speaker pro tempore:** It has been moved by Honourable Senator Champagne, seconded by Honourable Senator Comeau, that debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Demers:

That, at the end of Question Period and Delayed Answers on the sitting following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80% —

Shall I dispense?

**Hon. Hugh Segal:** I say this with the greatest of respect to the chair. I think he may perhaps have misunderstood the purport, content and specificity of my colleague's motion. Her motion was to amend the motion now before the house that provides for and instead allow the matter to go to the Standing Senate Committee on Transport and Communications, with whom there have been consultations, the chair on the other side and the deputy chair, and they are delighted if that should be the wish of this chamber. It is an amendment, not the main motion. I wanted to be clear on that.

**The Hon. the Speaker *pro tempore*:** The chair understood that, and I was getting ready to get to that very point.

It was moved by Honourable Senator Champagne, seconded by Honourable Senator Comeau, that that motion be amended as follows:

That the Standing Senate Committee on Transport and Communications be authorized to receive senior management and officials of the Canadian Broadcasting Corporation to explain their decision to cut funding to Radio Canada International services by 80%, particularly in view the importance of:

- (a) Radio Canada International as the voice of Canada around the world; and
- (b) short wave radio in oppressed regions worldwide that are denied access to the Internet; and

That the committee report to the Senate no later than June 30, 2013.

Are honourable senators ready to adopt the motion as amended?

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Your Honour, the amendment to the motion has not yet been adopted, and I wish to move the adjournment of the debate on the amendment.

(On motion of Senator Fraser, debate adjourned.)

## EMPLOYMENT INSURANCE

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the need to adequately support new mothers and fathers by

eliminating the Employment Insurance two-week waiting period for maternity and parental benefits.

**Hon. Joan Fraser (Acting Deputy Leader of the Opposition):** Honourable senators, in due deference to Senator Carignan, this item is at day 15. Senator Callbeck, who is away on other business at the moment, has asked that we relaunch the clock because she wishes to speak to close the debate on this inquiry. I would move the adjournment in the name of Senator Callbeck.

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

[Translation]

## POVERTY

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the issue of poverty in Canada — an issue that is always current and continues to have devastating effects.

**Hon. Pierre Claude Nolin:** Honourable senators, this inquiry has been on the Order Paper for over a year now, and despite everything, I still have not concluded my research.

In his speech introducing the inquiry, Senator Robichaud aroused my curiosity on the subject of the costs associated with poverty. This subject has an enormous impact, and I am therefore taking this matter very seriously.

I therefore move the adjournment so that I can continue my research and come back to you with the most substantive report possible.

(On motion of Senator Nolin, debate adjourned.)

(The Senate adjourned until Wednesday, November 21, 2012, at 1:30 p.m.)

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