



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, October 31, 2013

The Honourable NOËL A. KINSELLA  
Speaker

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

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## THE SENATE

Thursday, October 31, 2013

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

Prayers.

difference through their strength and compassion. We must recognize the important role and value of our caregivers, not only for the family but for society as a whole.

### SENATORS' STATEMENTS

#### CAREGIVERS

**Hon. Catherine S. Callbeck:** Honourable senators, this fall, Statistics Canada released its latest figures on the number of Canadians who take care of loved ones who are gravely ill or dying.

In 2012, more than 8 million Canadians provided care to a family member or friend because of age, disabling medical conditions, chronic injury, long-term illness or disability. Age-related needs are by far the most common, with more than one in four caregivers in this category alone.

Ailing parents were the most common recipients of care, and the new reality is that caring for an aging parent or a family member is becoming a normal part of life for an increasing number of Canadians. These caregivers may provide transportation to run errands or to attend medical appointments. They sometimes prepare meals, help with household chores, and perform yard work and home maintenance.

Other caregivers are tending for spouses, children, relatives and friends. They are providing care for loved ones who may be battling cancer, undergoing dialysis or dealing with mental illness.

There is a cost to the caregiver. The Statistics Canada survey showed that about half of caregivers providing care to children and spouses reported at least five symptoms of psychological distress, such as depression. About a third of those caring for parents felt the same.

In my home province, where the percentage of caregivers is above the national average, we have a variety of provincial programs and organizations to support caregivers. The province provides respite and home care services, as well as Adult Day Programs in locations across the island. Health P.E.I. and the Heart and Stroke Foundation recently surveyed stroke survivors and caregivers to guide future planning. The Hospice Palliative Care Association recognizes that the well-being of the caregiver is crucial to care effectively for the patient, and so it offers respite care, as well as emotional and physical support.

Family caregivers are the invisible backbone of our health care system. They provide hands-on care, assistance and emotional support day after day to their loved ones, and make a real

#### AGRICULTURAL RESEARCH

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, as many of you know, scientific research has played a significant role in my career, and as a senator, I have continued to advocate the importance of research and innovation.

Canada is home to some of the world's leading minds in the field of agricultural research.

On Monday, November 4, I will have the pleasure of co-hosting a kiosk-style event with the Natural Sciences and Engineering Research Council of Canada.

This event, entitled "Food for Thought: The Science Behind Canadian Agriculture," will give parliamentarians the opportunity to meet leading researchers and learn how their perseverance has directly contributed to economic development and job creation and how it is benefiting all Canadians.

Six kiosks will be featured at this event.

From l'Université de Laval, meet Dr. Jean Caron and learn how water conservation research is benefiting Canadian agriculture; and Dr. Sylvain Moineau, who is helping to develop new technologies to control bacteriophages in dairy fermentation.

From the University of Guelph, meet Dr. Milena Corredig, whose breakthroughs in food design could help dairy products in your refrigerator fight the flu.

Engage with Dr. Robert Duncan from the University of Manitoba, who is working with Bunge Canada and DL Seeds to develop high-quality rapeseed plants with improved yields and better disease resistance.

Dr. Debra Inglis, from Brock University, is one of three women to hold the title "Grape King." She is helping the wine industry take advantage of a changing climate and counter the challenges of erratic weather, pests and disease.

Dr. Maria Pedras from the University of Saskatchewan is working on cutting-edge discovery research that is revealing that plants can strike back at fungi using compounds called paldoxins.

• (1410)

Honourable senators, these are just a few examples of how research and innovation are contributing to the success of this great country.

I invite my colleagues to join me in Room 256-S, Centre Block, this coming Monday, November 4, between 4 p.m. and 7 p.m. for what promises to be an event filled with innovative products, solutions and fascinating success stories.

I know Monday may be an interesting and eventful meeting in here, but it's just across the hall, and you can easily take a few minutes out to see these great scientists. Thank you very much.

[Translation]

### CANADIAN FEDERATION OF STUDENTS

**Hon. Maria Chaput:** Honourable senators, on Monday, October 21, 2013, I met with representatives of the Canadian Federation of Students in my office.

The CFS represents over 600,000 members of 80 students' unions in all 10 provinces and has been the voice of Canadian post-secondary students since 1927.

These students have serious, justified concerns as laid out in *Public Education for the Public Good*, which includes seven recommendations for a prosperous and productive future for all Canadians.

For example, the recommendations target unprecedented student debt levels and tuition fees that have tripled. Today's youth are in more debt than any previous generation in this country.

Students are worried about the direction of research funding in Canada, which prioritizes the short term and the private sector and about the fact that Canada is now ranked 16th for the quality of its scientific research institutions and is trending downward. Canada does not collect data on the secondary school system and has very little information about it. This information shortage makes more in-depth research extremely difficult. Students are also asking the federal government to collect relevant information about jobs because they know that the unemployment rate among Canadian youth is twice as high as that in the general population.

Honourable senators, these are just a few examples of what you can read in this well-thought-out, clearly presented report.

I strongly encourage you to read this document, which is available electronically on the Canadian Federation of Students' website at [www.cfs-fcee.ca](http://www.cfs-fcee.ca).

I would like to sincerely thank the three students from Manitoba whom I welcomed into my office: Bilane Arte, Nicolas Audette and Brianne Messina. I would also like to sincerely congratulate the Canadian Federation of Students.

[English]

### NORTHWEST TERRITORIES

#### TWENTIETH ANNIVERSARY OF OPENING OF LEGISLATIVE ASSEMBLY BUILDING

**Hon. Daniel Lang:** Honourable colleagues, I am pleased to rise today to recognize two members of our Senate family who will be honoured tomorrow during the celebrations in the Northwest Territories marking the twentieth anniversary of the opening of their Legislative Assembly Building.

The Legislative Assembly Building in Yellowknife is the most important symbol of government in the Territories and has functioned as a focal public institution since its opening.

On November 1, together with the Yellowknife Dene Drummers and the Inuvialuit Drummers, the Legislative Assembly will be unveiling portraits of their former Speakers and former Premiers, hosting a Premiers' panel discussion entitled "Moments in Time," and enjoying entertainment by Leela Gilday and storytelling by Reneltta Arluk.

Honourable colleagues, we are honoured to have two former Premiers of the Northwest Territories within the Senate of Canada family, both of whom will have their portraits hung in the Legislative Assembly's Great Hall.

First, I would like to recognize former Premier George Braden, who works as a policy adviser in the Senate. Mr. Braden moved to Yellowknife in 1964 and attended Sir John Franklin High School. He received his BA in political science from the University of Alberta and a Master of Arts from Dalhousie University. Before entering politics, Mr. Braden was a researcher, a planning officer and a consultant with his own business, as well as a policy analyst with the Drury Commission, which studied constitutional development in the Northwest Territories.

On October 1, 1979, George Braden became the Northwest Territories' first elected leader and served as Premier from July 16, 1980, until January 11, 1984. Premier Braden did not seek re-election. During his time in government, Premier Braden served as Minister of Economic Development and Tourism, Minister of Intergovernmental Affairs, Minister of Justice, and Minister for the Status of Women. Following his term as Premier, Mr. Braden was in charge of coordinating the Northwest Territories Pavilion in Expo '86 in Vancouver, where he hosted many dignitaries, including Prime Minister Margaret Thatcher.

Mr. Braden's portrait was completed by Mr. Graeme Shaw, and we are pleased that he and his wife, Lise Beaudry, are able to be there for the unveiling.

Colleagues, a second former Premier who will be recognized on Friday is our honourable colleague and friend, Senator Dennis Patterson.

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

**Senator Lang:** As you may know, Senator Patterson was born in Vancouver, British Columbia, in 1948. He received a Bachelor of Arts from the University of Alberta and his law degree from

Dalhousie University in Nova Scotia. He was admitted to the bar in Nova Scotia and B.C. and worked for legal firms in both provinces before moving to Iqaluit in 1975.

Senator Patterson was first elected to the ninth Assembly in 1979, representing the riding of Iqaluit, which was then called Frobisher Bay, and served for 16 years until 1991. Senator Patterson served as Premier from 1987 to 1991. He held numerous ministerial portfolios, including Minister of Education, Minister for the Status of Women, Aboriginal Rights and Constitutional Development, Minister Responsible for the Devolution Office and Intergovernmental Affairs, as well as Minister responsible for the N.W.T. Science Institution. Following his term as Premier, he was re-elected to the twelfth Assembly in 1991 and served as Minister of Justice, Minister of Municipal and Community Affairs, Minister of Safety and Public Services, and Minister of Health.

Senator Patterson is also proud to have served as the first executive director of Iqaluit's legal services centre, which employs Inuit paralegal staff and is run by a board of directors.

Senator Patterson's portrait was completed by Mr. William Barnie of Yukon. We are pleased that his wife, Evelyn Ross, and his 92-year-old father, Mr. Glen Patterson, will be there to share in the celebrations.

[Translation]

## ROUTINE PROCEEDINGS

### PRESIDENT OF THE TREASURY BOARD

#### 2012-13 PUBLIC ACCOUNTS TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Public Accounts of Canada for the year ending March 31, 2013, under section 64 of the Financial Administration Act.

[English]

### ADJOURNMENT

#### MOTION ADOPTED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, November 4, 2013, at 2 p.m.

[ Senator Lang ]

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

• (1420)

## CONFLICT OF INTEREST ACT

### BILL TO AMEND — FIRST READING

**Hon. Joseph A. Day** introduced Bill S-207, An Act to amend the Conflict of Interest Act (gifts).

(Bill read the first time.)

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

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

[English]

## QUESTION PERIOD

### TREASURY BOARD

#### PUBLIC SERVICE REDUCTIONS

**Hon. Catherine S. Callbeck:** My question is for the Leader of the Government in the Senate. I asked you last week about a concern of Prince Edward Islanders that we are being treated unfairly by the federal government's job cuts. I told you about a recent report that indicated that we will lose 10 to 12 per cent of permanent federal positions, as compared to 5 per cent across the country.

I told you about the summer visit to P.E.I. of the President of the Treasury Board, Minister Clement, where he dismissed the concerns of Island business leaders about the impact of those cuts. He told them he knew what the impacts would be, but he would not share his figures.

I asked you last week why the minister would not present those figures and, with all due respect, you didn't answer the question. So my question today for the Leader of the Government in the Senate is: Why will the government not share their figures about the drastic federal job cuts to Prince Edward Island?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Honourable senator, as I said last week, Budget 2013 is our plan to ensure jobs, growth and long-term prosperity while keeping taxes and debt low in order to return to a balanced budget. As promised, we are reducing the size of the public service while minimizing the impact on employees by relying on attrition, ending term contracts and assigning eligible employees to other positions.

The representation of federal employees will stay the same across the country; every region and every jurisdiction in Canada will maintain the same share of federal jobs.

[English]

**Senator Callbeck:** Supplementary question. That last sentence, I really — you said that every section of the country will what?

[Translation]

Senator Carignan: That means that every region and every jurisdiction in Canada will maintain their share of federal jobs. The plan contains measures to ensure that the reductions will be proportional to the number of jobs in each region, so that each region's share of jobs will not change.

[English]

**Hon. Wilfred P. Moore:** Supplementary question. Further to Senator Callbeck's question, leader, can you advise whether or not the federal cabinet minister from Prince Edward Island has pursued Minister Clement for these numbers?

[Translation]

Senator Carignan: I cannot answer questions when other people are talking.

[English]

**Senator Callbeck:** Supplementary question. My question is about the unfairness of what's happening here. We have a report that says we're going to have 10 to 12 per cent fewer federal permanent jobs in Prince Edward Island, as compared to the rest of the country where it is less than 5 per cent. It's really difficult to understand where the minister is getting his information.

The most recent annual report for the Public Service Commission shows that Prince Edward Island lost more than 6 per cent of its permanent federal public service jobs in 2011-12, which was more than twice the national average of 2.4 per cent.

In a province where our unemployment rate is currently more than 11 per cent, the loss of hundreds of well-paying jobs is going to have a tremendous impact on the economy. It's shocking, really, that the minister fails to recognize the impact of these job cuts across the province.

When will this government finally acknowledge that Prince Edward Island is really bearing more than its fair share of the federal job cuts?

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

[Translation]

Senator Carignan: As I told you, Senator Callbeck, when it comes to reducing the size of the public service, every effort will be made to minimize the impact on employees by relying on attrition, ending term contracts and assigning eligible employees to other positions. We are making sure that the representation of federal employees across the country remains unchanged and that every region, every jurisdiction in Canada, will get to keep its share of federal jobs. It may happen that some things remain unchanged over the course of this exercise, but at the end of the day, when jobs are eliminated through attrition, every region and jurisdiction in Canada will have kept its share of federal jobs.

[English]

**Senator Moore:** Senator Callbeck has given us the figures here. Last year, there was a cut of 6 per cent; this year, 10 to 12 per cent. We're looking at 16 to 18 per cent cuts in small Prince Edward Island over two years. Surely, that must come to somebody's attention within the government. I haven't heard of anything coming by way of aid to Islanders from Minister Shea. I think it would be possible for you to find out what's going on there, and I would ask you to do that. I would like to know, and I have to ask this question: Are these cuts politically driven?

**Senator Mercer:** Of course they are.

[Translation]

Senator Carignan: You know that the government is Conservative, not Liberal. The decisions that are made are made in the best interests of the country and in keeping with a plan for jobs, growth and prosperity. We want to ensure that taxes and debt are kept as low as possible while returning to a balanced budget. These are the objectives of a good manager.

[English]

**Senator Moore:** I'm trying to understand the rationale, leader. How do cuts of 16 to 18 per cent help with regard to the growth and the prosperity of the nation, when one small part of it is being hammered so hard? Explain to me the difference between what your position is in terms of growth and this really lopsided hit to such a small area.

[Translation]

**Senator Carignan:** We promised to reduce the size of the public service while minimizing the impact on employees by relying on attrition, ending term contracts and assigning eligible employees to other positions. This exercise is being carried out in a way that minimizes the impact on individuals. We are also ensuring that the proportion of federal jobs is maintained in each region.

• (1430)

[English]

**Senator Callbeck:** I asked this question before. With all due respect, leader, it has not been answered. What I'd like to have is a yes or a no. Will this government share the information, the figures that they have, about the drastic job cuts to Prince Edward Island?

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

[Translation]

**Senator Carignan:** Every time I prepared a witness for examination, I always told the person to be careful when answering questions requiring a yes or no answer, when the answer was neither one. I will repeat that every region will keep its proportion of federal jobs, and cuts will be made particularly through attrition and the termination of term contracts so as to minimize the impact on employees.

## SCIENCE AND TECHNOLOGY

### RESEARCH AND DEVELOPMENT

**Hon. Claudette Tardif:** Mr. Leader, these days it is not easy to be a federal government scientist. That is the unequivocal message of a survey of scientists commissioned by the Professional Institute of the Public Service of Canada in order to determine the extent to which scientists are being affected by muzzling and political interference.

Here are some of the disturbing results: 90 per cent of scientists believe they cannot speak to the media about their work; 37 per cent said that they have been prevented from responding to questions from the public and the media in the past five years; 86 per cent believe that if they spoke openly or spoke out about a departmental decision that could harm health or the environment, they would face retaliation or censure. The most serious finding of all is that almost 25 per cent of scientists reported that they had been asked to exclude or alter information for reasons that had nothing to do with science.

How can Canadians have confidence that their government really cares about their health and safety when the government systematically leaves science out of the decision-making process, for partisan reasons?

**Hon. Claude Carignan (Leader of the Government):** The honourable senator knows that our government has made unprecedented investments in science and technology and that ministers are the primary spokespersons for government departments. Researchers and government experts are always willing to share the results of their research with Canadians.

**Senator Tardif:** Many examples of scientists who feel muzzled by this government have been reported in recent years. The Information Commissioner even launched an investigation earlier this year into this serious problem. The results show that the situation is even more serious than we thought. Federal scientists are carrying out their duties in a real climate of fear.

One survey respondent had this to say:

Senior management expects public servants to embrace the fiction that we are here to fearlessly provide good advice to decision-makers. The facts are that even expressing mild concern with a chosen plan of action can lead to a harsh reaction.

How can the government guarantee Canadians that its decisions are based on reliable, complete information when this climate of fear is so pervasive within the public service?

**Senator Carignan:** Senator, I do not wish to comment on isolated cases, but I do wish to reiterate that government researchers and experts are always willing to share the results of their research with Canadians.

[English]

**Senator Mercer:** Once approved by the PMO.

[Translation]

**Senator Tardif:** I was not talking about isolated cases. More than 4,000 scientists responded to this survey and 86 per cent of them indicated that they were afraid, that they could not justify the information they were being asked to provide and that they felt uncomfortable doing so.

**An Hon. Senator:** Scandalous.

**Senator Tardif:** I think they are living in fear, which is a serious problem.

**Senator Carignan:** When I was talking about the isolated case, I was referring to the situation you mentioned, of the anonymous person who filled out an anonymous survey.

[English]

**Hon. Terry M. Mercer:** Mr. Leader, 25 per cent of some of the brightest and best educated people in Canada, the scientists who work for the Government of Canada, fear their ability to speak out and to tell Canadians about the good work they're doing.

As well, members of the Standing Senate Committee on Agriculture and Forestry would tell you that as we went across the country and visited research stations, at each of those research stations we were told that the biggest threats to the good work that they're doing there were one, cutbacks, and two, the fear that the scientists were living under because they were worried that the good science they were doing was going for naught because it had to be filtered through the Prime Minister's Office.

Mr. Leader, I think you probably misspoke yourself earlier when you said unprecedented investments in science and technology. Didn't you really mean unprecedented cuts in science and technology?

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



[Translation]

**Senator Carignan:** Senator, I never mentioned cuts. On the contrary, our government has invested an unprecedented amount in science. Canada is at the top among G7 nations when it comes to investment in research and development at colleges, universities and other institutes — another area in which we are at the top among G7 nations.

In budget 2013, we provided support for the Canada Foundation for Innovation, Sustainable Development Technology Canada, the National Research Council and Genome Canada, among others. In the throne speech we committed to implementing a science, technology and innovation strategy, and to making targeted investments in science and innovation chains from laboratory to market in order to position Canada as a leader in the knowledge economy.

There is always room for improvement, which is why we are supporting programs that foster partnerships, so that more ideas make it from laboratory to market. The Liberals are in no position to lecture the government since, as usual, they showed no vision for the future when they were slashing investments in science, research and innovation.

## VETERANS AFFAIRS

### SECURITY OF VETERANS' INFORMATION— PRIVACY COMMISSIONER'S REPORT

**Hon. Roméo Antonius Dallaire:** My question is for the Leader of the Government in the Senate. To begin, I would like to congratulate you. You have stopped saying “listen”. That is a big improvement, and one that we really appreciate. We are here to listen to you because you have so much information to share.

I would like to ask you about the Privacy Commissioner's reports. The Commissioner has long held her position and she has uncovered major shortcomings in various departments.

The department that I am most interested in is Veterans Affairs. That department handles files that are essential — as they should be — to ensuring that veterans receive the care and benefits to which they are entitled. The reports have indicated that a veteran's file can pass across hundreds of desks, but no one understands why. A veteran can be in Nova Scotia, but people in Victoria will be rifling through his file, accessing it quite a bit considering that all of his personal information is in that file. A veteran's whole life is in that file. Can you tell me whether the Minister of Veterans Affairs has implemented protocol to stop these inappropriate intrusions into people's privacy?

• (1440)

**Hon. Claude Carignan (Leader of the Government):** Honourable senators, I am sure we all agree that any breach of confidentiality is absolutely unacceptable.

I am proud to tell you that Veterans Affairs Canada has implemented significant improvements to how it handles veterans' information based on a 10-point action plan on confidentiality. The Privacy Commissioner said:

Veterans Affairs Canada has sent a clear signal that privacy is vital to its operations. [T]he Department is moving from reacting to privacy issues to proactively addressing them.

We can be proud of the work our department has done.

**Senator Dallaire:** The department has experienced shameful episodes when it comes to veterans' files. The report you read was a recent report on the department's intent and the implementation of measures in certain areas of file confidentiality. Various incidents have shown that the information is still available. Nowhere does the report mention that action was taken against those who worked with the files and that they can no longer do jobs related to privacy.

Could you ask the minister if steps have been taken to ensure that the people who did this in the past will no longer be in a position to do so?

**Senator Carignan:** Yes, Senator Dallaire, I can confirm that, among other things, we have taken steps to simplify consent forms and eliminate duplication in order to reduce the risk of information being mishandled. We have also improved employee training in order to ensure the best possible protection for personal information. That is the reason for the Privacy Commissioner's statement, which I will reread:

Veterans Affairs Canada has sent a clear signal that privacy is vital to its operations....the Department is moving from reacting to privacy issues to proactively addressing them.

It seems to me that Veterans Affairs Canada has done its homework.

**Senator Dallaire:** Veterans Affairs Canada files originate from the Department of National Defence.

The vast majority of medical information is gathered by National Defence. These files must be forwarded to Veterans Affairs Canada. It is surprising to see that this is all still done manually. The information in the National Defence computers is not in the Veterans Affairs computers. However, the information is about the same person. The two are side by side. Many of these files are handled in one department and then transferred to the other department and handled all over again. A number of people are involved. If there was a little black box that would allow these two departments to talk to one another, service to veterans would improve significantly.

Can you tell me if the Minister of National Defence and the Minister of Veterans Affairs talk to one another and if they can ensure that their computer systems are able to share information in order to resolve this issue and better serve our veterans?

**Senator Carignan:** Senator Dallaire, as I have already told you, simplifying consent forms, eliminating duplication to reduce the risk of information being mishandled and improving employee training are all measures that I am sure will address one of the concerns you have raised.

**Senator Dallaire:** I cannot say that we are good friends, but at least we understand one another somewhat. I am not here to make your life difficult or to bombard you with questions, but I am finding your answers a little frustrating, not because they are indirect, but because they appear formulaic. I am asking a question of you, not your cue cards.

Are you able to ask the two ministers involved — in order to implement what Veterans Affairs Canada has initiated — if, in their budget of several billion dollars, they have any plans to ensure that their two computer systems, in two separate departments, could share information? This would reduce wait times and lost documents, things that happen regularly when it comes to veterans' files.

**Senator Carignan:** Yes. I wish to reiterate that Veterans Affairs Canada is making substantial improvement to its processing operations, including simplifying the consent forms and eliminating duplication in order to reduce the risk of information being mishandled.

**Senator Dallaire:** No matter how many times I ask the question, I never get an answer. It sounds as though a tape recorder is answering me. I push a button and always get the same answer. We are not here to listen to such drivel.

If you are telling me that Veterans Affairs Canada has fixed the problem, then congratulations. On the other side of the coin we have National Defence. That is where the files start. A number of the problems at Veterans Affairs were related to a problem at the Department of National Defence.

I am asking you — and do not tell me that it is fixed at Veterans Affairs — whether you can ask the Minister of National Defence to ensure that his department's computers will continue the work that has been started at Veterans Affairs.

**Senator Carignan:** Now I am going to start saying “listen.”

I think that when people are simplifying consent forms and eliminating duplication to reduce the risk of information being mishandled, it follows.

[English]

#### BENEFITS AND SERVICES

**Hon. Percy E. Downe:** Further to the questions asked by Senator Callbeck and Senator Moore, I'm wondering about the priorities of the government. As they continue to reduce services

in Prince Edward Island, there seem to be significant cuts in one department, and that's Veterans Affairs, where hundreds of employees are losing their positions. And Charlottetown in P.E.I. will lose the regional Veterans Affairs office; a number of those are being closed across Canada.

The leader spoke earlier about the lack of impact on Canadians. Veterans are protesting these cuts and they're very concerned. Would the government consider restoring the funding to that department to keep this service for veterans and their families?

• (1450)

[Translation]

**Hon. Claude Carignan (Leader of the Government):** As for office closures, veterans who were injured during service do not have to go to a district office. Case managers or nursing staff meet them in the comfort and privacy of their own home.

The government will continue to ensure that the best people are in the best locations to help veterans and their families. The new partnership with Service Canada has created more than 600 service points across the country where veterans and their families can access general information about departmental programs and services and get help filling out or submitting their applications for veterans' disability benefits or for the Veterans' Independence Program.

As for your insinuation about cuts, we have maintained the veterans' benefits in the 2012 budget, as promised, and we are delivering on our commitment to give them better, faster service. We have eliminated millions of transactions so that we can be where veterans need us.

Nearly 1,000 employees will soon be eligible to retire. We expect these changes to go smoothly because of efficient human resources staff, alternation and attrition.

[English]

**Senator Downe:** This is, of course, the argument that veterans make. They have 600 points of service, as you correctly indicated, at Service Canada offices where the staff is not trained to the high degree that Veterans Affairs staff is trained to serve veterans.

[Translation]

**Senator Carignan:** I explained earlier that the program also includes better training for employees.

[English]

## ORDERS OF THE DAY

### BUSINESS OF THE SENATE

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business the Senate will address the items in the following order: Motion No. 5, followed by all remaining items in the order that they appear on the Order Paper.

### THE SENATE

MOTION TO SUSPEND THE HONOURABLE SENATOR PATRICK BRAZEAU, THE HONOURABLE SENATOR MICHAEL DUFFY AND THE HONOURABLE SENATOR PAMELA WALLIN AND CONTINUE TO PROVIDE LIFE, MEDICAL AND DENTAL INSURANCE COVERAGE—DEBATE ADJOURNED

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of October 30, 2013, moved:

That

Notwithstanding any usual practice or provision of the Rules, in order to protect the dignity and reputation of the Senate and public trust and confidence in Parliament;

Notwithstanding the provisions of this motion, the Senate confirm that the Standing Committee on Internal Economy, Budgets and Administration retains the authority, as it considers appropriate, to take any action pertaining to the management of the offices and personnel of the senators affected by this motion for the duration of a suspension;

That the Senate order:

- A. The suspension of the Honourable Senator Brazeau for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:
  - i) Senator Brazeau, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;
  - ii) Senator Brazeau's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of his suspension;

iii) Senator Brazeau shall not receive any other benefit from the Senate during the duration of his suspension; and

iv) notwithstanding paragraphs i), ii) and iii), during the period of his suspension, Senator Brazeau shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage; and

That the Senate order:

B. The suspension of the Honourable Senator Duffy for sufficient cause, considering his gross negligence in the management of his parliamentary resources, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

i) Senator Duffy, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;

ii) Senator Duffy's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of his suspension;

iii) Senator Duffy shall not receive any other benefit from the Senate during the duration of his suspension; and

iv) notwithstanding paragraphs i), ii) and iii), during the period of his suspension, Senator Duffy shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage; and

That the Senate order:

C. The suspension of the Honourable Senator Wallin for sufficient cause, considering her gross negligence in the management of her parliamentary resources, until such time as this suspension is rescinded pursuant to rule 5-5(i), and such suspension shall have the following conditions:

i) Senator Wallin, while under suspension, shall not receive any remuneration or reimbursement of expenses from the Senate, including any sessional allowance or living allowance;

ii) Senator Wallin's right to the use of Senate resources, including funds, goods, services, premises, moving and transportation, travel and telecommunication expenses, shall be suspended for the duration of her suspension;

- iii) Senator Wallin shall not receive any other benefit from the Senate during the duration of her suspension; and
- iv) notwithstanding paragraphs i), ii) and iii), during the period of her suspension, Senator Wallin shall have normal access to Senate resources necessary to continue life, health and dental insurance coverage.

She said: Honourable senators, I rise today to move Government Motion No. 5. I'm going to be very brief, for much has already been said and discussed by many honourable senators.

Debate on the motions to date has captured the attention of many Canadians, from coast to coast to coast, highlighting the importance of the matter before us. The debate has been very dynamic, informative and at times repetitive, but very important nonetheless. This issue has rightfully consumed our attention, focus, energy and hearts for endless hours, days and months leading up to this moment and I can share, as others have, how it has kept me awake at nights. This issue has woken me up in the middle of the night with words in my head because of the importance of this matter before us.

I wish to thank all honourable senators for their contributions made to date in these debates. Debate is at the heart of what we do in this chamber, as many have noted, and it has served its main purpose to evaluate and revise the suspension motions.

In light of what we have heard from each senator, this government motion states that the three senators in question will have "normal access to Senate resources necessary to continue life, health and dental insurance coverage." This new government motion requires that the Senate, as a body, unite on this important matter to impose disciplinary sanctions on our colleagues.

In adopting this motion, we are also maintaining the integrity of this chamber and restoring public confidence and trust in our system of governance.

Honourable senators, I —

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Mr. Speaker, in accordance with Rule 6-5(1), I will ask Senator Martin to give up her time so that I may participate in the debate.

[English]

**Hon. James S. Cowan (Leader of the Opposition):** Mr. Speaker, I intend to speak after Senator Martin, and I hope that the leader will extend me the courtesy of doing that. I don't know what little game they're playing here, but I don't want to be part of it.

**Senator Martin:** In answer to the question of Senator Carignan, I answered yes to his question, and it is —

**Senator Cowan:** Point of order.

[ Senator Martin ]

**The Hon. the Speaker:** Point of order, the Honourable Senator Cowan.

**Senator Cowan:** Normally the practice in this house is that the government is certainly entitled to move its motion, which Senator Martin has done and she said she was speaking briefly to it, but to have Senator Carignan take over in mid-speech seems a little unorthodox to say the least. I would expect that colleagues would do me the courtesy of allowing me to speak on behalf of our side, once Senator Martin has opened the debate.

**Senator Campbell:** Leave your BlackBerry alone and do it yourself.

[Translation]

**Senator Carignan:** Rule 6-5(1) states:

A Senator recognized to speak may yield the floor to another senator for the purpose of debate. The speaking time of the Senator who thus obtains the right to speak is limited to:

- (a) the time remaining to the senator who yielded.

She can yield the floor to me and the speaking time is still limited to 15 minutes, as per the Rules.

[English]

**Hon. Anne C. Cools:** Honourable senators, I am dubious about what is happening here, I need some assistance. However, the motion is in the name of the Honourable Senator Martin, who moved this rather enormous, complex and difficult one. I know of no process by which a senator can take over the act of moving another senator's motion.

In her few words, Senator Martin should be addressing the reasons why she has moved her motion. If Senator Carignan wishes to speak — and I have no doubt that we all want to hear from him — Senator Martin should finish her speech and then the debate would continue.

Now perhaps all things are possible, but the Senate cannot simply tolerate motions that notwithstanding every single rule. It's bad practice that we're setting here.

Honourable senators, perhaps I don't understand what is happening here. Senator Carignan could not have been the first speaker on the motion because it is Senator Martin's motion. It is Senator Martin's motion. She should explain why she has moved this motion. She simply can't yield to Senator Carignan without explaining her unusual and irregular motions.

**Senator Martin:** Yes, I have the *Rules of the Senate* open to page 33, rule 6-5(1) and, as I said, I was going to be brief and I do have the floor. I know I have a certain allotment of time. I will reserve my right to yield the floor to the leader.

**Senator Campbell:** No, you don't have that right.

**The Hon. the Speaker:** Continuing advice on the point of order, the Honourable Senator Fraser has the floor.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Senator Carignan, I think it was, read the rule and he read the rule in connection with yielding as it is set out, but this strikes me as a massive perversion of the process of debate.

• (1500)

This motion has been moved by Senator Martin. In Parliament, the person who proposes something stands to explain what is being proposed. This motion has not been moved by Senator Carignan, and the Senate has had no opportunity to hear the explanation from the mover of the motion. I find that irregular and, indeed, insulting. I will not use the word “contempt” because it has a special parliamentary meaning, but in ordinary language that is what we’re faced with.

**Senator Cowan:** If this tag-team match is to continue, I have no particular objection as long as it’s clearly understood and acknowledged by my friends on the other side that immediately following the tag-team operation, I will have an opportunity to speak.

**Senator Cools:** Honourable senators, I think there’s a terrible misunderstanding happening here. I believe that Senator Carignan, when he spoke about the right of a senator to yield to another senator — and I wouldn’t mind clarifying — was referring to rule 6-5(3). Was that the rule?

**Senator Carignan:** One.

**Senator Cools:** Okay, (1), so let’s go to that. Even that is the same problem. It’s the same problem. No, no, no. That’s fine. It is the same thing. They’re related. It has to do with senators yielding the floor to another, but this is not a case of yielding the floor to another. In one instance, one can yield the floor to another. This does not address the situation here, because none of this addresses the fact that the senator who moved the motion is the senator who has the floor. To surrender the floor on her motion without having explained her motion to us in actual fact is to undermine her own motion, because not to explain is to deny us of our rights.

Debate follows the individual. Senator Martin cannot speak for a few seconds on her motion and then rely on Senator Carignan, or somebody else, to explain it. A senator has a duty, and we senators, too, have a duty to insist that you explain it. There are very distinct reasons for these rules. We have to hear from Senator Martin on her own motion.

**Senator Cowan:** Just so everybody is clear and there are no games to be played on this side —

**An Hon. Senator:** Oh, oh!

**Senator Cowan:** Well, I’ll explain myself; you explain yourself.

**Senator Mercer:** You really want to go home this afternoon, do you? Well, keep control of your side.

**Senator Cowan:** Yesterday afternoon, I gave the Leader of the Government notice that I intended to speak here. I intended to move a motion to refer this to the Rules Committee, which is exactly consistent with the position that I took on the other motions. I didn’t have to do that, but I extended that courtesy to him.

Now, as long as I have the opportunity to do that, I’m prepared to agree. But if there’s something going on here that will prevent me from speaking and proposing my amendment, then I want my point of order dealt with now.

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

**The Hon. the Speaker:** Honourable senators, this is a novel matter to this Speaker, but I find it very interesting. There are a number of important issues at stake here.

I will say that the rule of yielding the floor to another senator is one of our Rules, and it means what it means. You can do that. I listened carefully to the matter just now mentioned by the Leader of the Opposition, who wants to get some certainty to the common practice, which has been alluded to by Senator Cools. We could come to a common agreement that, after Senator Carignan completes his speech, the opportunity will exist to hear from the Leader of the Opposition as the occupier of a second time slot, as opposed to this being predicated on individual senators. That, I think, would ensure that the second time slot is given to the Leader of the Opposition. The explication that is being provided to the house as to the meaning and purpose and thrust of the motion will have been explained not by one senator but by two senators.

Is the house of the mind that Senator Martin and Senator Carignan are occupying the first time slot and after that, the Leader of the Opposition will be occupying the second time slot? I’m explicating a point of order. If that is the common understanding of the house, then we can go forward. If, however, it is not the common understanding of the house, this being such a novel thing, I would be obliged to take it under advisement and do some serious research.

So, do the leaders have a common understanding?

**An Hon. Senator:** Yes.

**Some Hon. Senators:** No.

**Senator Cowan:** That would be acceptable to me, Mr. Speaker.

[Translation]

**Senator Carignan:** Mr. Speaker, if it might clarify things, if Senator Martin has finished, we will stick with tradition and proceed logically. Senator Cowan said that he had an amendment to propose similar to the others he has proposed. However, after that, I would like the floor.

[English]

**The Hon. the Speaker:** Honourable senators, it certainly would be perfectly in order that, after the second time slot was utilized by the Leader of the Opposition, and within that time that he is

speaking, he moves an amendment, then we are on that question and I certainly, as I always do, will look to the leadership on either side and give preference to them, and I will do so in this case.

So we have a clear understanding.

[Translation]

**Senator Carignan:** I think it is Senator Cowan.

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

[English]

**Senator Cowan:** Wait a minute. I thought we had a tag-team match going on over here.

**An Hon. Senator:** Oh, oh!

**Senator Cowan:** Senator, just — you're not in the chair and you're not speaking, Senator Lang.

Senator Martin, you were speaking and you yielded the floor to Senator Carignan, who was going to continue with the explanation. And I wanted to make sure that, following that, I had the opportunity to speak. Now, if that's all — are you finished, then, on that? Is that the point?

• (1510)

**Senator Martin:** Yes. I will finish at this time. So with the agreement that you have, we will —

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

**An Hon. Senator:** Marjory! Marjory!

**Senator Cordy:** Does anybody know what's going on? Does anybody know?

**Senator Cowan:** Thank you, Mr. Speaker. My remarks, like Senator Martin's, will be brief, perhaps not as brief as hers, but they will be brief nonetheless.

I intervened a number of times in the proceedings over the past couple of weeks, and I tried to present colleagues with what I considered to be a due process, a fair process, a reasonable process to address the concerns that Senator Carignan placed before us with respect to the imposition of additional sanctions on our three colleagues, Senators Brazeau, Duffy and Wallin.

My position today is that this omnibus sanction bill, which lumps together under Government Business what was previously dealt with under three separate motions of non-government business, is just as flawed as its three predecessors.

Let me repeat a few of the points I made throughout the debate.

To address the concern that our colleague Senator Nolin made repeatedly about it being our responsibility to deal with this situation, I absolutely agree. That responsibility, our responsibility, to deal with the behaviour of our colleagues is

the responsibility that we have in this chamber. It can't be passed down to a committee. It can't be passed off to a court. It is ours, and the buck stops here.

How we carry out our responsibility does matter. It's not just what we do but how we do it.

Every case is different. Every case that appears in a court of law is different, and the cases of our three colleagues are all different. This is not a case of one size fits all. It's particularly not a case for one size fits all when the Leader of the Government has repeatedly failed to identify the rationale, the criteria by which he came to the conclusion that it was one size fits all.

So what is the proper process that we should be following, colleagues? In my view, as I've said on a number of occasions, the best process that we could follow, which would be consistent with our precedents here, the precedents cited by my friend Senator Carignan, that of Senator Thompson and some cases in Britain in the House of Lords, would be to create a special committee charged with looking at Senator Carignan's motion — originally his three motions, now his single government motion — and giving us advice — not making a decision, but giving us advice as to how we should proceed.

I'm prepared to acknowledge, as I did before in the previous discussion, that absent a special committee, the Rules Committee would be the appropriate mechanism. Senator Fraser had introduced another amendment that proposed an alternative, and that was Internal Economy. My own view is that the Rules Committee is the preferable committee for that to go to.

Now, just so that it's clear why I am proposing that, let me try again to clarify why I think that a reference to a committee, be it the Rules Committee or a special committee, is the right way to proceed, and how I would see — not that we're giving instruction to the Rules Committee as to how they do their work, but the issues that I would like to see them address are in the following order, and I think order is important, because that's part of the process.

First of all, we have referred these three cases, and the case of Senator Harb, to the RCMP. None of us in this chamber would want to do anything that would prejudice the ongoing police investigation or any charges that might result from that.

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

**Senator Cowan:** I'm sure there's no disagreement on that. I think we're all there.

I would see the committee would, first of all, take advice from experts as to what the parameters of our ability to move are. What can we do that will not imperil or prejudice or interfere in any way with the ongoing police investigation or what might result from those investigations? We have to be clear on that. So we don't know. Senator Carignan is satisfied in his mind — and I respect his opinion — that we don't need to worry about that, but we've heard Senator Baker and others who have that concern.

I don't know the answer to it. I have a deep concern. That's as far as I can go. I've heard from people who have written to me saying there's nothing to it; they agree with Senator Carignan.

[The Hon. the Speaker:]

Other people say there is a real problem here; this is a case of double jeopardy, and we proceed at our peril.

That's the first point. We need to know that. How do we know it? We ask experts to come in and give the committee advice.

Now, let's suppose that the committee is advised that it is in order to proceed within certain parameters, and it's in order to proceed to consider the matter further. The next question that I would see the committee addressing is this: When is the appropriate time to impose sanctions? If we're able to do sanctions of some type, and it's been suggested, for instance, that it would be within our power to suspend with pay but not to suspend without pay. I don't know the answer to that question. We could get advice on it.

If there's an area of movement that will not interfere with those police proceedings and what might happen, then the committee would have to consider when the appropriate time is.

You'll recall that I raised the issue of additional sanctions over and above repayment of the amounts found to have been improperly claimed, together with interest. Senator LeBreton and I wrote a letter to Internal Economy along those lines. I raised that issue when I first saw the reports in May, and I said I was surprised that this was not addressed. I'm concerned whether the committee had the power to do that, but be that as it may, I raised the concern. Many members of the public had similar concerns about that.

For whatever reason, the government was not interested in doing anything at that point. They said pay the money back; case closed. Well, why now?

I think the committee could look and say: Is it appropriate to move now? It wasn't appropriate in May or June. Why is it appropriate to move now, or is it best to wait until the police investigations and any resulting proceedings have concluded? They get advice on that. Then, and only then, Mr. Speaker, do we get to the point of what is the appropriate sanction.

I've said all along that these cases are all different. I'm not making a case on behalf of any of these senators. I'm just saying that, on the face of it, they're different; of necessity they're different. They're three different people, three different practices, three different investigations, three different results. It's more than the dollar value that differentiates one from the other.

So what is the appropriate sanction to be imposed on each of our three colleagues? That committee would then report to us.

As has been said many times, we're not obligated to accept the report of any committee. Committee reports come here. They are debated. Sometimes they're approved; sometimes they're not approved.

This committee report would be by way of advice to us to discharge the responsibility that is ultimately ours. Frankly, I can't see the flaw in that logic. It seems to me to be perfectly sensible, perfectly reasonable. Why would we take a risk, of whatever magnitude? Why would we risk that for the sake of rushing to judgment right now? That is due process.

In my view, it is simply wrong. It is simply contrary to every principle of natural justice, of due process, of the rule of law, to jump over those first two steps and go immediately to the sentencing part. That's not the way the system works.

In my view, the senators concerned have to be given a fair hearing. They have the right to meet the accusations that have been made against them and, correspondingly, to make and to present their own case.

• (1520)

The rule of law, fairness and due process are important issues, colleagues. I'm sure all of us would agree. We are legislators. If we don't believe in due process and the rule of law, what are we here for? And if we don't stand up for that, how can we expect the citizens of Canada to respect the rights that we cast aside?

The rule of law, fairness and due process are important in the Senate, and they're important in Canadian society. Without the rule of law, without practices, without constraints on our behaviour, society would collapse. Society exists and functions, and we pride ourselves in Canada as being a model for the world. We're a model for the world because we respect the rule of law, because we respect due process and because we give people the opportunity to be heard and to make their cases. If we don't stand for that in this institution, what does that say to Canadians whom we expect to follow the law?

This is the government that's tough on crime, and they bring in all kinds of laws, some good, some bad, but they demand and they're getting tough. They want to crack down on lawlessness, to make it a safer society, to constrain in so many ways the activities of Canadian citizens. Yet we're not prepared to accord to three of our colleagues the very processes that we're asking of others? That doesn't make sense to me, colleagues. I think that a fair reading of commentators and a fair reading of the email traffic that all of us have received would support that position.

I acknowledge and I agree with Senator Martin's introductory remarks that we've had a very interesting debate. Leaving aside the seriousness of it for the moment, it's one of the few times since I've been here when there has been a debate. We've actually had people standing and exchanging views. We don't all agree, but so many times here, we have a succession of good speeches, with long gaps in between.

But here we have had a lot of very serious interventions on very serious subjects, and it really was a debate. I think those who participated in this debate should be commended for doing so. But it is a debate; it's not a trial.

With regard to what Senator Carignan has been saying from the beginning, and the government's position, it's no longer a motion of non-government business. Now the full weight of the government is behind this, and the hammer is about to fall.

But this is not a trial, despite what Senator Carignan would have us believe. This is not a hearing. It is a series of speeches. Not only have we had nothing but a series of speeches, but now the rights of people to participate further and make further speeches is going to be cut off. What kind of a process or trial would take place in a court in this country where you would say, "Well, we're

going to have a trial, but to suit the convenience or wishes of the prosecution/government or the judge/Senate, it's going to be cut off by some point in time next week?" A court, even an arbitration hearing, would not be conducted like that. You might try to anticipate how much time it would take, but you would not say, "Well, we have four hours to do this, so say what you can say in four hours, and then we're going to wind it up."

#### SUBSIDIARY MOTION

**Hon. James S. Cowan (Leader of the Government):** Colleagues, to be consistent with the position that I placed before you with respect to these matters when they were in three separate motions, and now that we have them in the form of one motion, I move:

That the motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report; and

That Senators Brazeau, Duffy and Wallin be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

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

**The Hon. the Speaker:** In amendment, the Honourable Senator Cowan moved, seconded by the Honourable Senator Fraser:

That the motion be referred to our Standing Committee on Rules, Procedures and the Rights of Parliament for consideration and report; and

That Senators Brazeau, Duffy and Wallin be invited to appear; and in light of the public interest in this matter, pursuant to rule 14-7(2), proceedings be televised.

On debate.

**Hon. Jane Cordy:** Am I allowed to ask a question?

**The Hon. the Speaker:** You have a question of Senator Cowan?

**Senator Cordy:** Yes, I do.

**The Hon. the Speaker:** Yes, there's time for comments and questions.

**Senator Cordy:** I've been in the Senate for a little over 13 years, and I've never seen such an unusual — I was thinking bizarre — spectacle such as I've seen here this afternoon. Yesterday, when Senator Martin stated her intention to bring forward this motion, as she was reading it, she was getting pages from Senator Carignan.

Today, when she brought forward the motion and she was speaking on it, Senator Carignan jumped up, interrupted and said that he was finishing the speech. So I technically don't think that Senator Martin yielded the floor. I think that Senator Carignan actually — well, the floor was taken from her, would be my sense of what was happening.

**Senator D. Smith:** By the emperor.

**Senator Cordy:** So then, when we agreed with the intervention of the Speaker that if we can come to a conclusion on this and work it out between both sides, we agreed that Senator Carignan can speak, and then our side would have the opportunity to speak. Then Senator Carignan says he doesn't really want to speak after all, even though he had the floor yielded to him. I'm wondering if this was part of the government plan.

When Senator LeBreton was interviewed last weekend, she said that in bringing forward this motion that this non-government motion brought forward last week was actually well-researched by the government while Parliament was being prorogued.

But I find it unusual that part of the well-researched plan for this motion that was brought forward would be that, first of all, the government would bring it forward as a non-government motion. When that doesn't work, then we will bring it in as a government motion. That's part of the plan, too, I guess. And then, when Senator Martin brings it in as a government motion, she would be interrupted to give the floor to her leader. That was part of the plan, I guess. Then, too, when we agreed that Senator Carignan could speak, part of the plan was, well, no, he wouldn't speak.

My question is: I've gotten lots of emails from Canadians talking about due process. In light of the amendment that you brought forward for the non-government motion and the similar amendment for what is now the government motion — if I can keep this all straight in my head — did you also get a lot of emails from Canadians telling you that they wanted due process in the Senate of Canada and they wanted an opportunity such as you are proposing that all three senators be allowed to appear at a public meeting to present their cases?

**Senator Cowan:** I took that as less than an invitation from Senator Cordy to read all the emails that I get.

I said last week that I've been struck by the number of emails that I've received, as I think all my colleagues have. I was struck, first of all, by the volume. I was struck by the fact that there did not seem to be an orchestrated campaign that I could detect. The emails I received seemed to be individually crafted. The wording was different and the message was different, but the underlying theme of most of them — I would estimate it at 90 per cent, but I haven't counted. There were certainly some who were fully in support, in very strong terms, of the moves of the government and Senator Carignan. I would say, on a fair reading, 90 per cent of the emails that I received were — and they were certainly unsolicited by me — very much in favour of due process and against what they saw as an unfair process that did not give the senators an opportunity to be heard and did not respect the basic principles that I spoke about a few moments ago.

• (1530)

**The Hon. the Speaker:** On questions and comments.

Honourable senators, questions and comments are always allowed within the time limit of an honourable senator who has spoken. In the case of the leaders, they have unlimited time, but I



do caution that it must be a question and a comment on what the honourable senator has spoken of and not a different item.

With that caution, rising with questions and comments, I'm going to go back and forth. We'll go to Senator Comeau.

**Hon. Gerald J. Comeau:** Senator Cowan, I wonder if you would answer a question for me. If you will recall, some time ago, we did get three reports. There was one regarding Senator Brazeau, one regarding Senator Harb, one regarding Senator Duffy, of which this chamber took possession and made a decision on. We did decide, and if I recall, it was overwhelmingly in favour of repayment.

In the case of Senator Wallin, because of prorogation, the report never did reach this chamber, so put that one aside.

We did get those three reports. In effect, the Senate did make a decision on the three reports.

I'd like to get your opinion on what it is they would be appealing now. Would it be the decision of this chamber, that this chamber made a mistake back when they voted on these three reports? Or would it be like reopening the work that had been done up to then, including the decision by this chamber, that they should appeal the decision of this chamber? Or is your proposition that it would be on the suspension rather than an appeal to what this chamber had made, because this chamber did make decisions on these three individuals at a certain point?

Are we now going to, in order to arrive at due process — a fair day in court — which is what I think you are proposing, is it an appeal to the decisions made by this chamber?

**Senator Cowan:** Thank you, Senator Comeau. It's a very good question, and I appreciate it.

I said publicly in the chamber and outside the chamber that I support the work of the Internal Economy Committee and the way in which they carried it out. When those reports came, the report on Senator Harb, on Senator Brazeau, and the second report on Senator Duffy — let's not get into that — but the second report on Senator Duffy, I certainly supported it, and I think your characterization of it as overwhelming support was correct. There may have been — I don't remember — a few who didn't support it, but I think we did. I think all of us felt comfortable that the committee had done good work, and we approved of the work and the conclusions the committee had reached.

You are perfectly correct. I am not in any way suggesting — that's why I took some time to explain how I would see the committee operate — and I'm not asking them to revisit the calculations and determine whether or not there was a pattern of misbehaviour, if I could use that term, or that this was improperly charged or that was improperly charged or this should be repaid. That was all done very well. Those senators who were affected may have a different view, but that's not my position.

I'm simply saying on the process now, and I think you and Senator Tkachuk at that time, when I raised the issue about why not impose additional sanctions, and I think his position then and

I believe your position — and I think my colleague, Senator Furey shares that position — was that that's beyond the mandate of the committee. I didn't know that, but I accept that. It certainly would not have been beyond the capacity of the Senate at that time to say: "Well, that's right; we have this report and we support it, but we want to impose additional sanctions." Again, you would probably agree that that would have been possible to do at that time.

The Senate did not do it at that time. The government now proposes that we do now what we could have done then or could do at the conclusion of these proceedings.

Before we do that — and I'm not arguing for or against the particular sanction, either as originally proposed or modified — we need a process to get to that point. That's where I think the committee could be helpful to us in seeing, first of all, by doing so, would we risk in any way the police investigation. Is now the right time to do that, if we can? Being able to do it and being right to do it, I'm sure you would agree, are two different things. Then, if we're able to do it and the committee recommends that now is the time to do it, what is the appropriate sanction?

We started out with a proposition that it was suspension without pay and without benefits. The modified proposal, which we have before us today, although the other one is still on the Order Paper, is suspension without pay but with benefits. Those are two alternatives. There might be other things the committee could consider, get advice, receive the representations from those of our colleagues who are most directly affected, and then they would provide a report, which would come to this chamber, as did the reports that you have spoken about, and could be debated. We could say: "That's fine. We hear your advice. We don't agree." Or: "We agree with this; we agree with that; we want to change this." It would not constrain us. It would not inhibit our ability to take that ultimate responsibility, which, I think, we all agree we have.

I hope that clarifies the situation, senator.

**Hon. Wilfred P. Moore:** I was going to ask my leader what he thought of the Red Sox victory in the World Series last night over the Cardinals, but I will stick to the topic at hand.

In the many emails that you received, leader, were there comments with regard to relying on this institution to provide sober second thought to this matter and the due process that's inherent in that sober second thought? Could you tell us if the emails you received contained any of those comments and what they might have been?

**Senator Cowan:** Yes, I absolutely did. As I indicated, Senator Moore, there were a wide variety of comments, and they looked to be the sincere opinions of Canadians. I didn't get a sense that they had been written — although, I don't know. I knew some of the people, because they were from Nova Scotia, one or two from elsewhere, but most people who sent me emails I did not know. Many said they had never written to a politician, much less a senator before. They wrote that they had been watching. I think that Senator Martin said, and I guess we would all acknowledge that we have had more eyes in the country on the Senate now than we've had for quite some time. These seem to me to be sincere

outpourings of great concern about process. Many of them said, “Look, I’m not pleading for special treatment for any one of the three senators. If they’ve done something wrong, then they should pay the price.” But that was not the point. The point was due process, fairness, and they were looking to us to uphold those principles. As you say, we pride ourselves on being the chamber of sober second thought, and they expected us to do our duty and not be forced to do something by outside agents.

**Hon. Hugh Segal:** Would the Leader of the Opposition accept a question?

**Senator Cowan:** Of course.

**Senator Segal:** I noticed your continuing reference, which I very much support, with respect to due process. I wanted to ask two questions — one question, two parts.

• (1540)

First of all, would you have any objection that the normal rights that would accrue in a hearing to all three — that they have counsel present, that counsel can cross-examine and that sort of thing — would be appropriate in this context?

I think of the many people in this chamber, Senator Poulin and others, who have vast experience in human resources. Generally speaking, when you are not on the payroll, despite the very humanitarian effort by the government — for which I give the Leader of the Government in the Senate great credit — to continue life, health and dental insurance for the three individuals mentioned, the plan that most of us are covered by would not allow that coverage to continue, number one; number two, life insurance is usually a multiple of what your salary may be. The nature of the sanction removes salary for two years.

I just wondered, in your vast legal background, if you would have any advice for the chamber on how that might operate in spite of what appears to be the very humanitarian intentions of the government motion.

**Senator Cowan:** Thank you, Senator Segal.

First of all, I do agree that a fair process would involve our colleagues being entitled to be represented by counsel participating in the proceedings, as you would in any kind of a hearing of this magnitude.

As to the second part, I thought that either Senator Martin or Senator Carignan could address those issues. I assume that before putting this proposition before us, they would have gotten some advice and be in a position to answer.

I did not have any of that kind of experience in my law practice and I really couldn’t answer those questions. I’ve not made any independent inquiries of my own.

**Hon. George J. Furey:** Senator Cowan, if we were to set aside these government motions, do you know of any rule, policy or reason why this chamber couldn’t revisit those reports after the police have concluded their investigations?

**Senator Cowan:** No.

**Hon. Grant Mitchell:** One of the repeated themes of the argument from the government side has been that somehow wanting to refer this matter to another committee or arguing against the government’s first motion, and now arguing against this motion, is an indication that there is some lack of confidence in the original work of the Internal Economy Committee. There are two scenarios in which that argument could be assessed.

The argument has been made that if the Internal Economy Committee really doesn’t have the mandate to impose sanctions, but yet it did seem to impose sanctions — I mean, referring somebody to the RCMP is not nothing — and certainly now beginning to impose restrictions — because it’s already been imposed on Senator Wallin on her travel — that’s a sanction that’s actually been contemplated in this motion. The argument certainly could be made that this committee actually did do sanctions.

So, when Senator Comeau, for whom I have great respect, stands up and says, “Are we actually doubting the work of that committee?”, well, this motion to impose further sanctions is de facto doubting the work of that committee, which you could have argued came up with sanctions. That’s the one side.

If you argue that those things that the committee decided to do weren’t sanctions, then that begs a question. Clearly, the Internal Economy Committee, everybody here agreed that the first step in this process, which was to review the facts of the case, was appropriately done by a subcommittee. Would it not be a reasonable argument, Senator Cowan, that the second step, which is to impose sanctions, which is a complex process given that there’s absolutely no precedent for it, would that not at least be equally, reasonably delegated to a committee?

My point being that if it’s important enough to delegate the review of the facts to the committee, first step, and the committee couldn’t do sanctions, then now we are into a completely new phase, equally important, that is the establishment of sanctions, why would it be any more likely and any less complex that this kind of a Senate could review that without the help of a committee, that it could have reviewed the facts of the case without the help of a committee?

My point is that, clearly, if you had a committee in the first place, would you not need a committee for the second step? Would that not just be a reasonable extension of the same logic?

**Senator Cowan:** I agree.

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Honourable senators, I listened to the reasons that Senator Cowan gave to send this matter to committee. I felt as though I was reliving certain days of my life, particularly the past few days. It seems as though we are going around in circles in that we keep hearing the same arguments. I will not repeat myself again, since that is what I feel like I am doing. It is fine to say something once. The second time, I start to get concerned and the third time, I consult someone.

[ Senator Cowan ]

I would like to cite the October 21, 2010, debate from the House of Lords.

[English]

It was the chairman of the committee, Lord Brabazon of Tara.

[Translation]

He presented the report. As is the case for us, in the House of Lords, the matter was sent to a subcommittee, which then sent it to committee. The committee then returned the matter to the House of Lords for discussion. The same subjects were raised with regard to fairness. Some Lords claimed that they had been refused the right to cross-examination and the right to a lawyer, that they had been treated in an aggressive manner, that they felt trapped by the close questioning by Lords and that they were not treated fairly. However, it was determined that the hearings or the rights of the Lords to share their opinions were carried out in accordance with parliamentary procedure and the rules of British parliament and of a deliberative assembly.

We saw examples yesterday and the day before where the senators affected by the suspension motions were able to vote on the motions concerning them. They also had the opportunity to speak to the debate on their various motions on a number of occasions. That is why the rule of equity is and was followed.

I would therefore like to quote an excerpt from the debates of the House of Lords concerning Lady Uddin:

[English]

... there is a tension between ensuring that noble Lords under investigation enjoy appropriate procedural safeguards and preserving the informal and parliamentary nature of such proceedings. I believe that the House would not wish to turn internal disciplinary hearings into full-blown, adversarial court proceedings, with prosecution and defence lawyers and the cross-examination of witnesses. In fact, the House has explicitly agreed, more than once, that proceedings should be kept relatively informal.

[Translation]

The Commonwealth countries also have the same kind of informal proceedings, where everyone is entitled to express an opinion.

That said, I move the adjournment of the debate.

[English]

• (1550)

**Senator Cools:** Your Honour, I was just wondering when I would get to ask Senator Carignan some questions about why this motion is before us, why he needs —

**The Hon. the Speaker:** Order.

Honourable senators, the Honourable Senator Carignan has moved the adjournment of the debate. I'm obligated, because there is no debate on an adjournment motion, to put the question, so I'm putting the question.

It was moved by the Honourable Senator Carignan, seconded by the Honourable Senator Poirier, that further debate of this item be continued at the next sitting of the Senate.

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

**Some Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

(On motion of Senator Carignan, debate adjourned.)

MOTION TO SUSPEND THE HONOURABLE SENATOR  
PATRICK BRAZEAU, THE HONOURABLE SENATOR  
MICHAEL DUFFY AND THE HONOURABLE SENATOR  
PAMELA WALLIN AND CONTINUE TO PROVIDE  
LIFE, MEDICAL AND DENTAL INSURANCE  
COVERAGE—ALLOTMENT OF TIME—  
NOTICE OF MOTION

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Government Motion No. 5. Therefore, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of motion No. 5 under "Government business", concerning the suspensions of Senators Brazeau, Duffy and Wallin.

## BUSINESS OF THE SENATE

MOTION TO ADJOURN THE SENATE ON  
WEDNESDAY, OCTOBER 30, 2013 UNTIL  
TUESDAY, NOVEMBER 5, 2013  
WITHDRAWN

On Government Business, Motions, Order No. 2, by the Honourable Senator Martin:

That when the Senate adjourns on Wednesday, October 30, 2013, it do stand adjourned until Tuesday, November 5, 2013, at 2 p.m.

(Motion withdrawn.)

(The Senate adjourned until Monday, November 4, 2013, at 2 p.m.)

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