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Wednesday, December 4, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, December 4, 2013

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

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE DONALD H. OLIVER

The Hon. the Speaker: Honourable senators, I received a notice from the Leader of the Government in the Senate who requests that, pursuant to rule 4-3(1), the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Donald H. Oliver, who retired from the Senate on November 16, 2013.

I remind Honourable senators that, pursuant to the *Rules of the Senate*, each senator will be allowed only three minutes and may speak only once.

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senators, I humbly rise today to pay tribute to our former colleague, the honourable Donald Oliver, and I take this opportunity to salute him.

I said I humbly rise because when we look at Senator Oliver's career we have every reason in the world to be impressed. What is especially remarkable about this man is that with such an illustrious career he continued to be a model of discretion.

Looking at his many accomplishments, one might think that he is hyperactive. However, when we saw him in his role as senator and speaker *pro tempore*, we knew that he was a wise, thoughtful, logical, calm and discreet man.

[English]

Senator Oliver made his mark by defending visible minorities, especially Canada's Black population.

[Translation]

In spring 2013, he had a Doctor of Laws *Honoris Causa* conferred upon him from St. Mary's University in Halifax, in honour of his achievements in matters of diversity and equality.

During the ceremony, Professor Edna Keeble had this to say about Senator Oliver:

Standing up for equality. Working to create change. Striving to make a difference. This has been Senator Oliver's life's work, and one that we should all admire and emulate.

[English]

Honourable senators, this statement is all the more meaningful when we reread, 23 years later, this quote from Senator Oliver's maiden speech in the Senate:

I believe I can represent Black Nova Scotians, and visible minorities throughout the country.... I understand the need to combat racism whenever it appears and to provide equal opportunities to all regardless of the colour of their skin.

He said it, and he did it!

[Translation]

Senator Oliver was for me the perfect example of a senator.

• (1340)

He is engaged in his community and is a determined, rigorous and poised man, a thinker, but also a man of action.

[English]

With Senator Oliver's retirement, our chamber loses an important member who has consistently brought exceptional contributions to our work. I commend him, and in my name and on behalf of all of us, I thank Senator Oliver for his unique contribution to our democratic life.

Hon. James S. Cowan (Leader of the Opposition): Honourable colleagues, I rise to join in paying tribute to my friend Senator Don Oliver, who retired from this chamber on November 16.

Don and I have been friends for more than 50 years. Our lives have dovetailed to an extent that neither of us would have imagined back in 1960, when we first met at Dalhousie law school. Don was a year ahead of me, but Dalhousie in those days was a small place where students from all years got to know one another and become friends.

When I look back, it is striking how many of us went into public life in one way or another. But then again, perhaps it is not so surprising. We all believed then, as we believe now, that each person can make a difference in life.

Don, in his career, has exemplified that.

After law school, Don and I both joined the same law firm, now known as Stewart McKelvey. My wife Shelagh reminded me today that when she and I first set up housekeeping together in Halifax, Don was our first dinner guest. So that's a long, long time ago.

But we also shared a strong sense that practising law, while tremendously challenging and with its own satisfaction of helping others, wasn't enough. We both felt the draw of getting involved in our communities and in politics. For me, it was the Liberals, and for Don, it was the Conservatives. So you can imagine the interesting conversations we've had through the years.

But that's the best of a good, long friendship: the ability to discuss and to exchange views and ideas, often from very different perspectives, without our disagreements ever becoming personal. And that's the kind of friendship that Don and I have enjoyed.

Don has credited Robert Stanfield with encouraging him to become active in politics. Something Mr. Stanfield once said resonated with Don, and he has quoted it often in this place. It also resonates with me. Mr. Stanfield said, "Politics gave a depth and meaning to my life that I had no right to expect."

In 1990, Don received a telephone call from Prime Minister Mulroney asking him to come to the Senate. He did. In 2005, I received a similar call from Prime Minister Martin, and thus our lives continued their unusual interweaving.

We have worked together on a number of committees, again, from different sides — not always agreeing, but always ready to listen and talk to one another. And as everyone here knows, this is not something we should ever take for granted, certainly in our increasingly polarized political climate. But I believe it is the best of what politics can and should be.

Don Oliver represents a long, proud and also terrible history. Slavery isn't something academic to be discussed in a history class. It was the reality of his family. And he himself experienced the ugliness of racial discrimination in Nova Scotia, growing up in the 1950s.

But Don never allowed this history to define him. He never allowed himself to think only of the bad that people can do, but rather of the best that people are capable of achieving. He's also used his family's past to help create a better future for all Canadians.

In Nova Scotia, Don served a myriad of worthwhile community organizations with great distinction. He's also been a particularly strong voice for visible minorities, as Senator Carignan has told us. In the Senate, Don has served on a number of committees, including as Chair of the Standing Senate Committee on Legal and Constitutional Affairs. And for the past three and a half years, he has been our Speaker *pro tempore*.

Throughout his time in Ottawa, Don continued to work to combat racism and discrimination. In 2005, he was the driving force behind a major study by the Conference Board of Canada on barriers to the advancement of visible minorities in the workplace. And he has worked tirelessly to promote diversity in the public service.

It's been quite a career.

Don, I will miss you in the Senate, but Shelagh and I look forward to visiting you on your wonderful farm, admiring your garden and enjoying your wonderful cooking and to many more golf games in Chester.

Hon. Marjory LeBreton: Honourable senators, how does one pay tribute to an accomplished and fine individual like Don Oliver? His successes and achievements are many, touching many aspects of life but always devoted and 100 per cent committed to everything that he did.

From his very beginnings as a young Black boy in Wolfville, Nova Scotia, his obviously devoted and principled family and his early commitment to make the lives of those who would follow him a much easier path than was his — all are testaments to the essence of the man.

Honourable senators, I first met Senator Oliver — "Donny" we called him then — when I was working for the great Right Honourable Robert Lorne Stanfield back in the late 1960s and early 1970s. The face of the Conservative Party was much different then, and you will understand that a young Black man, just like a young woman, toiling in the backrooms of a political party had to work twice as hard to get half the recognition.

Fortunately for Senator Oliver this was not difficult, and he quickly became the go-to person in the then Progressive Conservative Party for advice on a whole host of fronts, primarily legal but also as the primary resource person for political outreach programs. His legal knowledge and expertise for all things electoral were such that he was a crucial figure in every election campaign from 1972 to 1988 — that's six federal elections, if you're counting — and also in many by-elections in between.

Senator Oliver was also an elected federal vice-president of the party and served on the board of directors of the PC Canada Fund. Also, because of his electoral and legal knowledge, he was named to the Royal Commission on Electoral Reform and Party Financing, better known as the Lortie commission, and he served in that position from 1988 when the commission was set up until he was appointed to the Senate in 1990.

I do not believe there is one Senate committee, one important study, or any other initiative that has taken place in the Senate of Canada that he has not been actively involved in, such is his reach into this place. It is entirely appropriate he would end his career in the Senate as Speaker *pro tem*, a fitting tribute to such a

remarkable human being. A teacher, a lawyer, a legislator, a gourmet cook, a farmer, a community worker, a philanthropist — you name it — Donny has done it all.

Honourable senators, I will close by telling you that Don Oliver caused me to have one of the most stressful days of my life, at least to that point in my life — you would understand that statement today. It was in September 1990. Prime Minister Mulroney was putting the final touch on a number of Senate appointments, as there were a great number of vacancies in September 1990. There were two people he wanted to name first: One was a senator from Quebec and the other one was Senator Oliver from Nova Scotia.

I quickly located the senator from Quebec. I couldn't help it; he was calling me every other day. So I found the senator from Quebec but I could not find Don Oliver. The Prime Minister was waiting for me to give him the word that it was time for him to put the call through. I tried every number I had. No luck. I tried again and again. Minutes went into half hours; half hours into hours.

Where on earth could Donny be? I was panicking. How would I ever forgive myself if it came to pass that Donny Oliver would miss this important call?

• (1350)

My last-ditch effort was to try to reach Donny's spouse, Linda. Finally, success! Linda knew where he was, at a board meeting in Toronto. Between the two of us, we got word through to Donny that he must leave the meeting immediately to take an important call. The rest, as they say, is history.

How fortunate we all are that Donny Oliver graced this place in September 1990. Nova Scotia benefited greatly, Canada benefited greatly and Canada's minorities benefited more than they will ever know.

The truth is, we are all benefactors of Senator Oliver's tremendous service to Parliament, to our great country and to its citizens. How could it be that time has flown by so quickly?

Thank you, Donny. I wish you and Linda all that is good in the years to come.

Hon. Catherine S. Callbeck: Honourable senators, I'm extremely pleased this afternoon to pay tribute to our former colleague, the Honourable Don Oliver. He has certainly had a very impressive, outstanding career as an author, developer, farmer, lawyer, lecturer, professor and senator.

For the past 23 years, he has served this chamber with distinction. He has been the chair of a number of standing committees. For the last three years, he served as Speaker *pro tempore*, overseeing our chamber proceedings with great skill.

During his time in the Senate, he was a dedicated, compassionate senator, who put great energy and effort into representing the people of Nova Scotia and the people of Canada.

In his early days here in the Senate, Senator Oliver committed to being a strong voice for Canada's visible minorities. As we all know, he has kept that commitment.

His work to ensure that Canada's cultural diversity is reflected here in Parliament, as well as in Canada's public service, is well known. He has been a strong advocate for human rights and pushed hard for the creation of our own Standing Senate Committee on Human Rights.

Now, his achievements have not been confined to his activities on the Hill. He has written a number of books as well as many articles for a variety of publications, including the *Canadian Parliamentary Review*. He has been very involved in a number of community organizations, such as the Children's Aid Society of Halifax, the National Youth Orchestra, Junior Achievement of Halifax and the Halifax-Dartmouth Welfare Council.

It has been a real pleasure and an honour to work with Senator Oliver, and I know that he will continue to work on the many causes that are near and dear to him, as well as tend to his Christmas tree farm in Pleasant River, Nova Scotia.

Senator, I wish you and Linda and the entire family good health and happiness in the future.

Hon. Irving Gerstein: Honourable senators, in December 1957, the Right Honourable Arthur Meighen, speaking about the career of Sir Wilfrid Laurier, said: "One of the lamentations that I still indulge in is that I did not learn more from him." It is with these memorable words in mind that I pay tribute to our great friend, the Honourable Donald Oliver.

Like Meighen, we too lament that we did not have the opportunity to learn more from our colleague and friend Donny, for we have seen him engage with some of the more controversial issues of our time with honesty, decency and integrity.

Now, fortunately, we are not here to comment on Donny's mortal passing, but rather his passing as a senator. It has been 23 distinguished years that Donny has been in the Senate, over which time he has been a continual champion of minority rights, highlighted, as Senator Cowan mentioned, by his initiative in support of the Conference Board's 2005 landmark study on the barriers faced by visible minorities in the workplace.

In addition, Donny served as our most recent Speaker *pro tempore* and as a member of the Senate Standing Committee on Banking, Trade and Commerce, for which I thank him for his valuable participation.

Colleagues, I also want to talk about Donny and his contribution to Canadian politics through the Conservative Party and one of its legacy parties, the Progressive Conservative Party. As I look back over my many years of working with our party, I don't have to tell you that the Conservative cause in Canada has had its share of ups and downs. But, my friends, I want you to know that through some of our darkest hours,

Donny steadfastly supported our party as one of our most successful and committed fundraisers, including a time as the Director of the PC Canada Fund.

In addition, he served as the Director of Legal Affairs in six separate general election campaigns, including Joe Clark's victory in 1979 and Brian Mulroney's landslide victory and back-to-back majorities in 1984 and 1988.

Continuing his commitment to Conservative politics, Donny was also an early supporter of the merger between the Progressive Conservative Party and the Canadian Alliance.

In the words of a fellow Nova Scotian, that old war horse of Cumberland County, the Right Honourable Sir Charles Tupper: "I did not come here to play the game of follow my leader.... but to perform honestly and fearlessly to the best of my ability, my duty to my country."

Donny, I cannot think of a truer expression of your time in public life. To you and Linda, thank you, and God bless.

Hon Mobina S. B. Jaffer: Honourable senators, I rise to add my voice to pay tribute to a colleague, a mentor and, most importantly, a friend, Senator Oliver. All that can be said about Senator Oliver has been said, and so I will bring a personal perspective.

I truly feel sad that, Senator Oliver, you are leaving this chamber. I feel sad because I lose a friend who has supported me in my work. I feel sad because you have provided the voice to the voiceless that has never been heard before. I feel sad because you raised the issue of racism, whether in the civil service, government or Parliament.

Today, on your departing, the issues you raised may not have a strong voice. Today we will lose, on the issues you raised on racism, the voice that you provided. Today we will lose a person who spoke for the voiceless. Most importantly for me, I will lose a friend I had here who understood my life's experiences and gave them a voice.

I wish you, Don and Linda, many healthy years and the time to follow your dreams.

Hon. Don Meredith: Honourable senators, I rise today to pay tribute to Senator Donald H. Oliver. It was exactly three years ago this month that I was summoned here by the Right Honourable Stephen Harper, and since then, one of the senators who has had an impact on my life has been Senator Don Oliver.

To others he's a lawyer, teacher, entrepreneur, advocate and statesman who has served the people of Nova Scotia and Canada with honour and distinction and achievements for over 40 years.

As the fourth African Canadian appointed to this chamber in the 146-year history of Confederation, he has been more like a big brother to me, or affectionately known as "the bigger Don." He

has been a familiar face, a familiar background and an excellent example of how I, too, could endeavour to make a difference for a shared national constituency.

Honourable colleagues, over those past three years, I have learned what all of you already knew: Senator Don Oliver gets things done. Yes, he's principled, courteous and a determined advocate for his community and his country. Yes, he understands that a diverse and inclusive Canada is a better Canada.

He has been a great ambassador to Canada, speaking to audiences around the world about the urgency of improving and sustaining our great Canadian democracy. But by observing his manner and studying his record closely, one finds a valuable lesson in effective public service — and longevity.

It is seen in his record of advocacy of corporate governance and responsibility and for what is right and fair in this society. It is evident in his extensive body of work spanning matters of fiscal accountability, job creation, keeping our streets and communities safe and investing in innovation and education. It is demonstrated in his work on human rights, vigilantly defending our Charter of Rights and Freedoms as a disciple of the greater value of cultural diversity, racial equality and ethnic harmony.

• (1400)

His legislative contributions in this chamber were driven by his prowess as a litigator and a law professor. It is a lesson in how to work across the aisles — and we have heard Senator Cowan refer to his friendship with him — in how to move beyond partisan rancour, and in how to deliver results on behalf of Canadians.

At its core, it teaches that hard work, discipline and focus can turn even the most overwhelming challenges into opportunities.

Senator Oliver is truly a great Canadian. His story speaks of values such as compassion, integrity and honour. Along with my faith, these are the very same values that have shaped my own life as a man of faith, an entrepreneur and a community activist.

I remember requesting a meeting to seek advice from Senator Oliver: He gave me this advice. I remember that he looked me in the eyes. In his polite but deliberate manner, he said:

Be patient, be honourable, and work hard!

Yes, they say patience is a virtue and, indeed, it was his advocacy with due patience over a sustained period that eventually led to the formation of the Standing Senate Committee on Human Rights. Take note: Patience and persistence do pay off.

Senator Oliver has indeed run the good race. The golden baton of promise now lies before us all. I choose to seize this baton, Senator Oliver. I choose to do my best to build upon the great legacy that Senator Oliver is leaving behind.

Senator, I celebrate your achievements. I thank you for your good mentorship. I embrace the need for transformative change. I

look forward to the opportunity to pass the baton one day to someone else looking like me.

Today, I wish the very best to you, your lovely wife Linda and your daughter. I hope that you will find enjoyment in your cherished pastimes, including skiing, gardening and cooking. Maybe we'll have a challenge one day. Perhaps, in the spirit of the season, the Christmas trees from your lovely farm in Pleasant River, Queen's County, will smell and feel a little bit nicer.

God bless you. Thank you.

[Translation]

Hon. Ghislain Maltais: Honourable senators, it is with emotion that I rise today to pay tribute to Senator Oliver.

New senators are given very little guidance on the basic operations of the Senate. Even though many of us have served in other institutions, it is all so overwhelming. Senator Oliver was always one to reach out and provide us with sound advice upon our arrival.

Senator Oliver is a good man. Any time we consulted him, or if he was sharing information, he always welcomed us and corrected us in a paternal manner. He was a mentor, perhaps even a father figure in some ways, for many senators.

In addition to his many Senate duties, he also served on some committees that I was a member of too. With his vast knowledge, his contributions were always extremely relevant. He was a proud representative of Nova Scotia; he was proud of his country and his people. He has only one minor fault: he does not have my luck as a fisherman.

Good luck, Senator Oliver!

[English]

Hon. Jim Munson: Honourable senators, I wasn't going to say very much, but I've always looked up to you, Donny. I've always looked up to everyone.

I don't want this day to go by without having it put on the record, and I'm sure the Craig family in Nova Scotia would want you to be honoured and recognized in this way too. In my work in autism, you, behind the scenes, have done so much. I want the record to show the work you have done in the background, with no limelight, for autism in Nova Scotia. It has been just wonderful what you have done. I want you to know, Senator Oliver, that you have made a difference. Thank you.

DISTINGUISHED VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, it is a great honour for me to call your attention to the presence in the gallery of the Honourable Donald Oliver, his wife Linda, members of his family and his friends.

[Senator Meredith]

Welcome to the Senate of Canada, Senator Oliver, friends, family and wife Linda. I would invite you to stand up so we can all recognize you.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, at four o'clock we will have an opportunity to continue our discussions with Senator Oliver.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would direct your attention to the gallery to acknowledge the Minister of Justice of Kazakhstan. He is accompanied by the distinguished Ambassador of Kazakhstan, who is sitting in the front row of the Governor General's gallery.

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

Hon. Senators: Hear, hear!

[Translation]

THE LATE HONOURABLE JEAN-LOUIS ROUX, O.C., C.Q.

Hon. Dennis Dawson: Honourable senators, I rise today to pay tribute to a former colleague of ours, the late Honourable Jean-Louis Roux. He was an actor, producer and writer who participated actively in the cultural communities of Quebec and Canada, as well as the political life of our country.

Jean-Louis Roux will be remembered above all as a talented theatre performer who was also perfectly comfortable on the small screen and on the silver screen.

Throughout his career, he directed and performed in dozens of plays by authors ranging from *Chekhov* to Molière, and he also appeared in our living rooms on television programs like *La famille Plouffe* and *Septième nord*. As recently as 2005, he was still active in Quebec cinema when he appeared in the film *Crazy*.

However, his most important legacy was certainly founding the Théâtre d'essai de Montréal in 1951; it later became the prestigious Théâtre du Nouveau Monde. Those who worked with him at the Théâtre du Nouveau Monde remember his daring, his willingness to give women a voice and prepare young people for the theatre, while serving as the theatre's artistic director for over 16 years.

Jean-Louis Roux was also vice-chair of the board of trustees of the National Film Board of Canada, from 1974 to 1977. In 1981 he became the head of the National Theatre School of Canada in Montreal.

In addition to losing a man of the theatre, Canada has also lost an ardent federalist, who believed in Canada and was not afraid to defend and express his views on the national question, particularly in the 1995 referendum. His political convictions led him to serve in the Senate between 1994 and 1996, when he left to become Lieutenant Governor of Quebec.

However, Jean-Louis Roux unfortunately fell victim to his work in Canadian politics. He had to face harsh criticism that profoundly affected him.

Honourable senators, we should reflect on this and remember that we should be kinder to people who contribute to politics. He received many honours later in his career. He was named Chevalier de l'Ordre national du Québec in 1989 and Officer of the Order of Canada in 1991. In addition, he received the Theatre World Award in 1985 and the Governor General's Performing Arts Award in 2004.

In sum, he should be fully recognized for the indelible mark he made on Quebec and Canada. I am pleased to thank him for his work and his political contribution on behalf of Canadians, Quebecers and the Liberal caucus. Thank you, Jean-Louis.

• (1410)

[English]

MS. NAHANNI FONTAINE

Hon. JoAnne L. Buth: Honourable senators, I rise today to recognize a recipient of the Governor General's Award in commemoration of the Persons Case, Nahanni Fontaine. Ms. Fontaine is from my home province of Manitoba, where she serves as the Special Advisor on Aboriginal Women's Issues for the Aboriginal Issues Committee of Cabinet in Manitoba. Her work focuses on missing and murdered Aboriginal women and girls: a very serious and ongoing issue, especially in Manitoba.

The Native Women's Association of Canada estimates there have been more than 600 such cases in the last 20 years.

Ms. Fontaine is Ojibway from Sagkeeng First Nation. She is known and respected across the country for advocating for action on missing and murdered Aboriginal women and girls. As head of Manitoba's Missing and Murdered Aboriginal Women and Girls Strategy she has led several campaigns, including four annual Wiping Away the Tears gatherings for families of missing and murdered Aboriginal women and girls.

She has worked hard to ensure that the issue is brought to the forefront and has served as a strong voice to the victims and families of the missing and murdered Aboriginal women.

Her innovative approach has helped build greater awareness about violence against Aboriginal women. In 2013, Ms. Fontaine organized the third National Aboriginal Women's Summit, which

included the first ever national healing and honour ceremony for the families of victims.

She campaigns tirelessly to bring to light the stories of abuse and crimes against Aboriginal women and girls. For two decades she has attended every rally, vigil and funeral. She has built relationships between the families, government and policing agencies. Ms. Fontaine is a standout citizen and has been a tremendous leader at the grassroots level in support for Aboriginal issues in various areas.

[Translation]

Honourable senators, please join me in congratulating Ms. Fontaine for her tireless commitment to missing and murdered Aboriginal women and their families.

[English]

It is time that we, as Canadians, take action and follow the path paved by individuals like Ms. Fontaine in order to eradicate violence and crimes against Aboriginal women in Canada.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of the distinguished delegation from parliament in Turkey, led by the Honourable Sadik Badak, member of Parliament of Antalya in Turkey.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

SIOUX VALLEY DAKOTA NATION

GOVERNANCE AGREEMENT AND TRIPARTITE GOVERNANCE AGREEMENT— DOCUMENT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a document entitled: *Sioux Valley Dakota Nation Governance Agreement and Tripartite Governance Agreement*.

COASTAL FISHERIES PROTECTION ACT**BILL TO AMEND—SECOND REPORT OF FISHERIES
AND OCEANS COMMITTEE PRESENTED**

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

Wednesday, December 4, 2013

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

SECOND REPORT

Your committee, to which was referred Bill S-3, An Act to amend the Coastal Fisheries Protection Act, has, in obedience to the order of reference of Wednesday, November 20, 2013, examined the said bill and now reports the same without amendment.

Respectfully submitted,

FABIAN MANNING
Chair

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

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

NORTHWEST TERRITORIES DEVOLUTION BILL**ENERGY, THE ENVIRONMENT AND NATURAL
RESOURCES COMMITTEE AUTHORIZED
TO STUDY SUBJECT MATTER**

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

That, in accordance with rule 10-11(1), the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine the subject-matter of Bill C-15, An Act to replace the Northwest Territories Act to implement certain provisions of the Northwest Territories Lands and Resources Devolution Agreement and to repeal or make amendments to the Territorial Lands Act, the Northwest Territories Waters Act, the Mackenzie Valley Resource Management Act, other Acts and certain orders and regulations, introduced in the House of Commons on December 3, 2013, in advance of the said bill coming before the Senate.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE SENATE**COMMITTEES AUTHORIZED TO MEET
DURING SITTING OF THE SENATE**

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

That committees of the Senate scheduled to meet on Monday, December 9, 2013, be authorized to sit even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

**CANADA-UNITED KINGDOM INTER-
PARLIAMENTARY ASSOCIATION****BILATERAL VISIT TO THE UNITED KINGDOM,
JANUARY 19-26, 2013—REPORT TABLED**

Hon. Ghislain Maltais: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United Kingdom Inter-parliamentary Association respecting its participation at the Bilateral Visit to the United Kingdom, held in Scotland and London, United Kingdom, from January 19 to 26, 2013.

• (1420)

[English]

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO HEAR WITNESSES FROM BCE INC. (BELL CANADA) AND THE PRIVACY COMMISSIONER REGARDING USE OF CUSTOMER DATA

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

That the Standing Senate Committee on Transport and Communications be authorized to hear from representatives from BCE Inc. (Bell Canada) and the Privacy Commissioner of Canada regarding the practice of collecting and analyzing data from Bell Canada customers for commercial purposes including targeted advertising; and

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

INEFFECTIVENESS OF NON-REFUNDABLE TAX CREDITS FOR LOW-INCOME FAMILIES

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 5-6(2), I give notice that, two days hence:

I will call the attention of the Senate to the ineffectiveness of non-refundable tax credits for low-income families.

QUESTION PERIOD

EMPLOYMENT AND SOCIAL DEVELOPMENT

ONLINE GOVERNMENT SERVICES— AUDITOR GENERAL'S REPORT

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. As we all know, the Auditor General recently released his fall report in which he investigated online government services. He found that these services are way behind the times. The report said:

The government has not significantly expanded its online service offerings since 2005...

He also found that this government has no strategy to guide departments on how online services should be delivered.

My question for the Leader of the Government in the Senate is: Why is this government not bringing online government services into the 21st century and ensuring that Canadians have access to these services?

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you, Senator Callbeck, for your question.

We would like to thank the Auditor General for his work and we accept his recommendations. We are committed to providing services to Canadians in a modern and efficient way, while making effective use of taxpayers' money.

Service Canada has made a number of improvements over the past few years, such as making it easier to log in, creating an online application for self-employed Canadians who contribute to Employment Insurance, and making tax slips available online.

The Speech from the Throne also indicates the government's intention to modernize communications via its website.

[English]

Senator Callbeck: Supplementary question: Certainly it is very clear from the Auditor General's report that this government is simply not keeping pace at a time when demand for online services is growing.

You mentioned Employment Insurance. You can now apply for Employment Insurance benefits online and about 98 per cent of applicants use this service. However, despite being able to apply online since 2003, clients cannot follow through with their claims. They can't get an update. They have to call or they have to visit a government office in order to track the progress of their applications.

What I would like to know is when does this government plan to make accessing essential government services, like following up on an EI application, a priority?

[Translation]

Senator Carignan: As I explained to Senator Callbeck, Service Canada has made a number of improvements over the past few years, such as making it easier to log in, creating an online application for self-employed Canadians who contribute to Employment Insurance, and making tax slips available online.

Service Canada is also working with other departments and agencies to improve the quality of online services offered to Canadians.

[English]

FOREIGN AFFAIRS

SYRIA

Hon. Wilfred P. Moore: Honourable senators, my question is also for the Leader of the Government in the Senate. Leader, this past May the Minister of Foreign Affairs slammed the European Union for ending its arms embargo on Syria and to sell weapons to the rebels in that country.

The Foreign Affairs Minister said that the solution to the Syrian unrest would be a political one and that selling more arms to Syrians would only promote the violence and suffering.

I would like to ask the leader, does he agree with the minister's position on this matter?

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senators, our government committed to providing substantial assistance to Syria. We understand the concerns of Syrians, particularly those living in Canada or who have loved ones abroad.

We have taken a number of measures, implemented policies and made decisions in order to facilitate family reunification, among other things. We have also made a number of commitments to UN agencies to ensure that the most vulnerable refugees can come to Canada in 2013-14.

Much has been done to help the Syrians and to remain attuned to their needs.

[English]

Senator Moore: Do you agree that the sale of arms to the rebels in that country would promote the continuation of violence and suffering and inhibit the goals that you just spoke of?

[Translation]

Senator Carignan: What you are talking about relates to national security concerns. Naturally, Canada's position is that it provides humanitarian aid and support to Syria.

As I noted, \$362 million has been contributed for humanitarian aid and security to deal with the Syrian crisis.

[Senator Carignan]

[English]

UNITED NATIONS ARMS TRADE TREATY

Hon. Wilfred P. Moore: Maybe I can help you get a little more focused in your response.

I wonder why there is a difference in the position of this government with respect to political solutions for some parties, but violent ones for others. I am leading up to the United Nations Arms Trade Treaty. That treaty, as you may know, would make it illegal for a state to authorize the transfer of arms where there is a significant risk those arms will be used to commit human rights abuses or crimes against humanity.

I would like to know, Leader, why is Canada not signing the United Nations Arms Trade Treaty?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, as I explained, Canada's position is to focus on humanitarian aid for the victims of the civil war. Obviously, we will not be sending weapons to the Syrian opposition. Canada is concerned about the involvement of radical jihadists in Syria's opposition groups and by the evidence that they and the Assad regime are receiving outside assistance.

Therefore, once again, Canada is focusing on humanitarian aid.

• (1430)

[English]

Senator Moore: As commendable as that may be, leader, I still don't understand why we would not sign the UN Arms Trade Treaty. That would document, and show in writing, our support for that approach, not just to Syria but for other countries.

Up until recently Canada was leading the world in banning the use of land mines. I believe it was in 1997 that 160-some countries signed that document, and I remember at the time the Honourable Lloyd Axworthy was nominated for a peace prize for those efforts. Yet today Canada refuses to sign this Arms Trade Treaty. Therefore, I would like you to explain to this chamber why Canada has veered so far off course when it comes to our international leadership for peace and human rights that we enjoyed.

[Translation]

Senator Carignan: Canada will always strive to keep arms out of the hands of criminals, terrorists and people who violate fundamental human rights. That is exactly why Canada is one of the 154 countries that agreed to move forward with the treaty in question.

Nevertheless, this treaty must not penalize responsible gun owners who abide by the law, and it must not affect the transfer of recreational guns, such as sporting and hunting guns. We will take time to consult the provinces and stakeholders to see what they think. We are doing our homework and will ensure that the treaty will be good for Canada and for Canadians.

[English]

Senator Moore: I just don't understand the inconsistency. It is great to say that we participated in the land mines agreement, which was wonderful and was a credit to our country, yet we won't sign this UN treaty to stop the trade in arms to other countries. I don't understand that.

Our esteemed colleague Senator Dallaire has much more knowledge on these issues than I do, of course. His work to end the practice of arming children and appointing them as soldiers is indeed most admirable. To quote him, he has said that the use of child soldiers is "... the most horrific possible degradation of a society."

Does your government not see that by withholding our signature from this UN treaty we are playing a part in allowing this degradation to continue?

[Translation]

Senator Carignan: Senator Moore, I will repeat. We will take time to consult the provinces and stakeholders to see what they think. We are doing our homework and will ensure that the treaty will be good for Canada and for Canadians.

Hon. Roméo Antonius Dallaire: The leader is repeating the lines that he was given and that we have heard before about why Canada has not ratified the treaty. It is interesting that Canada almost prevented the ratification of a treaty whose clauses would protect citizens who, in their country, use arms for recreational purposes and for hunting.

The rest of the world — some 130 other countries — agreed to this amendment that was specific to Canada. Even the Americans, who have to manage a constitutional amendment, ratified the convention, but here in Canada, some small groups are preventing the government from ratifying an international treaty that Canada itself initiated and amended.

Who will you ask to intervene so that we do not disrupt their lifestyle by ratifying an international treaty and adopting the change that was included just for them?

Senator Carignan: Senator Dallaire, I hope you are not criticizing us for wanting to consult the provinces on issues that might affect them. The government's position is to respect the provinces, which may not always have been the case. We are ensuring that the stakeholders, including the provinces, have enough time to share their point of view.

Senator Dallaire: Are you able to communicate with the minister? We keep asking you that because we are not so sure that the lines of communication are open. We are counting on you to communicate with the minister. Can you give us an update on the situation? Where do things stand with the provinces as to whether there are any lingering problems that would prevent us from ratifying the treaty as soon as possible?

Some of us working at an international level have become a laughingstock. Everyone else is trying to stop the proliferation of small arms while Canada is bogged down in certain details that matter to you. Can you give us a status report on where the minister stands with regard to the negotiations?

We would like some assurance that Canada will have ratified the treaty by the end of your mandate.

Senator Carignan: Senator Dallaire, I have a great deal of respect for you and I would ask you to show me the same respect. If I promise to pass on a message to the minister, rest assured that the Leader of the Government in the Senate has access to the minister to whom he wishes to speak, including the Prime Minister, and that the leader will be sure to pass on the message when asked to do so and when he promises to do so.

As far as your request is concerned, I told you that we were consulting the provinces and stakeholders and we will make an announcement when we are ready to make one. You will be informed at the same time as everyone else.

[English]

Senator Moore: Supplementary to the exchange between the leader and Senator Dallaire, I'm wondering why you are referring to the provinces. The United Nations Arms Trade Treaty is between countries. I don't remember us doing a survey, or what have you, with the provinces when we signed the land mines document. I don't know that Canada would be canvassing the provinces to determine their positions with regard to a United Nations document. I don't understand that.

Maybe the leader could explain that to me because it seems to me that, in any sense of reasonable consistency, we would be leading the way in getting that document signed. We would be one of the lead proponents. I don't understand why you would mention the provinces. It has nothing to do with this, I don't think.

Could you explain that to the chamber, please?

[Translation]

Senator Carignan: If we are talking about firearms, then obviously the provinces may be affected. I am not sure if you have a licence to carry a gun and I do not know who would issue that licence, but in Quebec, it is the Province of Quebec that issues those licences. There are a number of provisions that might have an impact. We are consulting the provinces on this because it is the right thing to do.

[English]

PUBLIC SAFETY

CORRECTIONAL SERVICE OF CANADA— PRISONER SAFETY—CORRECTIONAL INVESTIGATOR'S REPORT

Hon. Joan Fraser (Deputy Leader of the Opposition): My question is for the Leader of the Government.

Unfortunately, again this year, the Correctional Investigator's report addresses the question of double-bunking in Canada's prisons.

• (1440)

In the past, we have heard representatives of this government allege, despite international norms to which Canada has subscribed, that there is nothing really wrong with double bunking — it is actually an okay practice. Is that still the policy of the Government of Canada?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, double-bunking is a totally normal, well-established practice in many Western countries. We do not believe that convicted criminals are entitled to private accommodation.

[English]

Senator Fraser: I quote from the most recent report from the Office of the Correctional Investigator, Mr. Sapers. I would remind honourable senators that double-bunking can consist of putting two people in cells that are less than five square metres. The report states:

Being locked up in a space about the size of an average bathroom with another person inevitably means diminished privacy and dignity, and increases the potential for tension and violence.

The report continues that in effect this is not just a matter of potential; it is a matter of actual events.

In the prairie region over the past five years, where double-bunking has increased by 264 per cent in the past three years, the number of incidents of assault, including assaults on other inmates, visitors and staff, inmate fights and sexual assaults, increased by 60 per cent. The number of use-of-force incidents increased by 48 per cent. In the last three years, there have been five inmate murders in the prairie region, accounting for more than half of all inmate homicides in federal penitentiaries.

How much evidence do we need that double-bunking is counterproductive?

[Translation]

Senator Carignan: It seems to me that you are taking the findings from a report and concluding that double-bunking is the cause of those murders. I think that you are stretching the truth a bit. As I explained, double-bunking is a totally normal, well-established practice in many countries. Again, I do not believe that convicted criminals are entitled to private accommodation.

[English]

Senator Fraser: You may not think so, but I'm thinking in terms of public interest and the efficient operation of both our prisons and our justice system in the sense that most of these prisoners will eventually get out and be among us on the streets of Canada. Think about the effect on those other than inmates, such as the people in the corrections service. I would remind you that all of these remarks come from the section in Mr. Saper's report that concerns double-bunking. It says:

These violent events often translate into further disruptions to the prison routine resulting in a high number of lockdowns, searches, time spent in cells and staff refusals to work on occupational health or safety grounds.... The response to these incidents negatively impacts on staff and offenders alike, and raises obvious personal safety and institutional security concerns.

I'm going on because I think this is worth getting on the record:

Other performance measures that speak to deteriorating conditions inside federal institutions — disciplinary and institutional charges, use of force interventions, incidents of self-harm, number of minor and major disturbances, segregation placements, offender grievances — suggest that many key indicators are trending in the wrong direction.

When a policy is obviously turning out to have counterproductive effects, why do you not reconsider the policy? Nobody is talking about housing prisoners in conditions of luxury, but there is something between luxury and conditions approximating zoo cages.

[Translation]

Senator Carignan: Listen, I think that you are stretching the truth when you talk about zoo cages. These are prisons, and the prisoners are double-bunked. As I said, it is totally normal. We are talking about prisons and, at times, correctional services and front-line staff have a tough job. We understand that and we thank them for the great work they do.

[English]

CORRECTIONAL SERVICE OF CANADA—
MENTAL HEALTH SERVICES

Hon. Joan Fraser (Deputy Leader of the Opposition): It's very touching that we thank them, but we shouldn't have to thank them for living in conditions of unnecessary danger, risk and stress.

Let me come at this from a slightly different perspective. We know that the incidence of mental illness in prisons has been increasing. We know that these conditions of confinement aggravate stress and, through that, mental illness in many cases. We have often in this place discussed the case of Ashley Smith, but there are many, many more.

In another section of his report, Mr. Sapers points out that nearly one third of the correctional services total psychologist staff complement — and that staff has never been what you would call as adequate as it should be — is either vacant or under-filled, that is, filled with people who are not qualified to do proper psychological work.

We have asked before in this chamber what steps the government was taking to ensure that mentally ill prisoners would get proper and appropriate treatment in facilities designed for that purpose. We have been told that negotiations were perhaps occurring or perhaps might occur or were perhaps being considered with the provinces. Well, where do we stand on that now? Are we any closer?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, our government is taking mental health in prisons very seriously. Since 2006, we have improved access to mental health treatment and to training for correctional officers in prisons; sped up mental health screening; created a mental health screening strategy for prisoners; expanded mental health counselling; and improved personnel training. We have allocated additional resources to ensure that all prisoners are given a mental health assessment in the first 60 days of their sentence; however, the fact remains that prisons are not the ideal place to treat mental illness. We will continue to work with our provincial partners to keep our communities safe and to provide access to treatment for those who need it.

Senator Fraser: You have been going on and on for so many years that I have lost count. I do not know how many times we have asked this question of the Leader of the Government, but the answer is always the same. We have been getting the same answer for years now. Where do we stand in regards to these negotiations?

Senator Carignan: You know, considering that we followed a Liberal government when we arrived in 2006, we had a lot to do and a lot to take care of. These things can take time.

Senator Fraser: I am sorry, but my question was not motivated by partisanship. I find your partisan response somewhat inappropriate.

[English]

I would point out that despite these repeated assurances since 2006, if that's where we're going, the number of self-injuries, to take the most obvious indicator in prisons, has never ceased to rise. I suggest, honourable senator, that your government can and should do better.

[Translation]

Senator Carignan: As I explained, many things have been done, and we continue to work to improve the services provided to people who need help.

FIREARMS SAFETY

Hon. Dennis Dawson: Leader, since it is your birthday, I will forgive you for that somewhat partisan remark, which is a little surprising coming from you.

• (1450)

Although you have only 20 years or so left as a member of the Senate, I hope your partisanship will fade with time. This is what we do on our side; after a while, we stop being partisan.

When you answered my colleague, I sensed that you had a lot of respect for the provinces when it comes to firearms. If that is the case, why is it, Leader of the Government in the Senate, that you are denying Quebec's right to access the firearms registry that Canadian taxpayers paid for and that would help our friends in the police protect Quebecers? If you have so much respect for the provincial registry, Leader, give them access to it.

Hon. Claude Carignan (Leader of the Government): Thank you for your good wishes. I hope that you will support the Senate reform plan to ensure that I will not be here for another 26 years before mandatory retirement.

Senator Dawson: You can always resign before that.

Senator Carignan: That is probably what I will do.

Senator Dawson, you are addressing an issue that is currently before the courts. Therefore, although I would love to answer your question, since this matter is currently before the Supreme Court for review, I will not comment on it — regrettably.

Senator Dawson: It has become common practice today for you to answer any question by saying that the matter is before the courts. It is true that as long as your government continues to refuse to recognize the Canadian justice system as valid, it will continue to be challenged in court and we will never be able to ask you any questions.

You still have a responsibility. You said that you respect the list, so I would ask you to respect Quebec and give it access to those lists.

Senator Carignan: Were you asking us to respect Quebec? That is what we do every day.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, during yesterday's sitting concerns were expressed about the circumstances surrounding the introduction of Motion 41.

[English]

Senator Fraser sought to clarify the situation, using the term "question of privilege" when she did so. In fact, this incident did not involve an infringement of the privileges of the Senate or its members. The matter was really more one of debate, and, as such, should be considered closed.

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 items in the following order: Bill C-7, followed by all remaining items in the order that they appear on the Order Paper.

MUSEUMS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Gerstein, for the second reading of Bill C-7, An Act to

amend the Museums Act in order to establish the Canadian Museum of History and to make consequential amendments to other Acts.

Hon. Serge Joyal: Honourable senators, before I start sharing with you my remarks on Bill C-7, in conformity with the *Conflict of Interest Code for Senators*, I would like to inform you that I have sought the advice of the Senate Ethics Officer to make sure that I will not be in a conflict of interest in taking part in this debate since I have been, in the past, a benefactor of the Canadian Museum of Civilization. I have a joint program with them under way, and I might continue, of course, to help this museum. So I wanted to be sure that, in taking part in today's debate, no perception could be created that I have a vested personal interest. And I received an opinion of the Senate Ethics Officer accordingly. With that, honourable senators, I will proceed with my remarks.

This might seem to many of you to be innocuous; changing the name of an institution seems to be like repainting the front of the house and rejuvenating it, or changing the windows and doors or redoing the driveway. Then you have the same house, but, of course, refreshed to the taste of the day.

This is not at all the substance of Bill C-7. It is a fundamental change, and I want to share with you my concern about it, as I said, in the context of the role that this museum plays in Canada.

My first remarks will be to remind you that this is the oldest institution in Canada. The Museum of Civilization has been housed since 1990 in a very futuristic building that is still the amazement of Canadians who come to the national capital, and it seems very modern, very contemporary, very "up" in terms of its future. But it is one of the oldest institutions; it predates the National Gallery of Canada, and it predates many of the other national institutes that we have, like the Canadian War Museum, for instance, and even Library and Archives Canada.

In fact, this museum dates back — as much as my research helped me to understand the origin of this institution — to 1841, at the time of the United Canadas, before New Brunswick and Nova Scotia were part of the United Canadas, Senator Moore. It was the establishment of an institution called la Commission géologique du Canada, the Geological Survey of Canada.

In other words, in those days, the concern among our predecessors in the Parliament of the United Canadas was to understand the natural resources of the country and to try to establish a commission that would collect the stones and the minerals and everything related, I should say, to the substance of the territory, and to house that in a museum.

As a matter of fact, the first museum opened in Montreal in 1856, because at that time, the capital of Canada was in Montreal. And, of course, since it was to be part of the institutional structure of the United Canadas, this first museum was established in Montreal.

This museum was followed by, I should say, an expanded mandate through the years; in 1877, for instance — 10 or 20 years later — they added to its mandate the collection of anything related to the flowers, the animals and, what is most important, the ancient human history — the tradition, the languages, and the conditions of life of the population living in the unexplored regions of Canada.

That was in 1877.

So you can understand that this museum, which dates back, institutionally, from that period of time, is a very old museum and that the interest for the human history of Canada is, in fact, I should say, a long expedition.

This preliminary museum was relocated in the new building — in the Victoria Memorial Museum Building — in 1910, and I'm sure that many of you know where it is located: at the end of Metcalfe Street, just in front of Parliament. And many of you will know that when this Parliament burned down in 1916, the Parliament moved into that building. Out went the museum and in came Parliament, the Senate and the House of Commons, till this building was, of course, restored and reoffered to the use of the House of Commons and the Senate.

It was only in 1956 that Le Musée d'histoire de l'Homme was established. It was quite clearly called the Museum of the History of Man — “Man” being, of course, a gender-neutral term, including “mankind” more than the persons of male sex. This museum bore the name of Musée national de l'Homme in 1969. In other words, the name of the Canadian Museum of Civilization before it was given that name in 1986 was le Musée national de l'Homme.

• (1500)

You will understand when you try to figure out the role of this institution in the network of Canadian museums that it is very important to understand that this museum has been one of the most successful ones in the entire museums community in Canada.

Honourable senators, in another life, in 1972, before I was even a member of Parliament, I was a director of the Canadian Association of Museums. In those days, the Musée de l'Homme was one of the most successful because it was seen as an educational instrument by school systems in Canada. That's where you would get all the resources for natural sciences. In the curricula in those days, natural sciences — biology and so on — was a current item on the programs of education all through Canada.

It will not surprise you that this museum is the most successful one in terms of attendance. Last year, it received 1.3 million visitors, the same level as the Montreal Museum of Fine Arts.

In passing, I would mention that the membership of the Montreal Museum of Fine Arts has a subscription of 85,000 people. It's a very stunning number, because when I look at the figure, I realize that the attendance at the Vancouver museum

averages almost 85,000 a year. From having a membership of 85,000 while the Vancouver museum attendance on a yearly basis is 85,000, you can see the popularity of that museum.

I won't forget my friends from Toronto, and I see Senator Eggleton and Senator Eaton. The Royal Ontario Museum number is also over a million, and the AGO was around 800,000 last year, according to *The Toronto Star*. This illustrates my proposition that the museum community all through Canada is a very vibrant and vivid community. There is an interest among Canadians for the diversity of museums that we as a country offer.

It is also very important to break down that attendance figure into the kinds of exhibitions people choose to go to when they enter the museum. I got these figures from the Museum of Civilization. I was interested personally in knowing this because it is very interesting.

Since opening the new building in 1989, what they call the Canada Hall — that big hall that has the totem and the best perception you can get of Canada in terms of the immensity of the territory, the beauty of the landscape of Canada and the diversity of its population, its Aboriginal population among others — they have piled up 4.5 million visitors in that room alone. In the First Peoples Hall, since 2003, there have been 2.5 million.

In other words, when people come to Ottawa, they do not want to come to see us. They want to go see them. I don't say that with any lack of respect for you, honourable colleagues, or for our colleagues in the other place, but in fact, that is what they are attracted to. Canadians are vividly interested in understanding their country and the diversity of their country. That's what really fascinates them and it's quite clear when I look into the other figures of attendance.

For instance, in 2003, there was exhibition entitled *Presenza: A New Look at Italian-Canadian Heritage*. That exhibition alone, in only one year, drew 255,000 people. In many of our communities, there are Italian Canadians and that was very attractive for them. In 2005, *Cool '60s Design* was an exhibition of design and the modernism of the 1960s. That exhibition drew 250,000 people. There was an exhibition in 2012, *A Queen and Her Country*, which drew 92,000 Canadians during a short period of approximately three months. I will come back to that exhibition and some others later on.

It is important to understand that this museum has been a successful museum and has been supported by various communities. If we are to change its substance, it will have some impact. We can't say that we're going to just, as I said, put a new plaque on the front of the door and it will be the same museum as it was before. As you have seen, this museum has evolved over the last 150 years to give us what we have today as a successful institution.

Mind you, I'm not against the teaching of history. As a matter of fact, I have a very long-standing interest in history.

Many of you were in this chamber at the time Senator Grafstein was sitting here, and I remember Senator Segal in those days when we were debating and discussing the proposal of a National

Portrait Gallery. The National Portrait Gallery was a project that Senator Grafstein and I conceived and convinced the government of the day to adopt and locate in the former United States embassy in front of us. Today, when you leave this chamber, just go down the alley and look at the building. It's empty.

This project was announced in 2001 by the then-government. The architectural design was unveiled in 2005 and it was to cost at that time \$22 million. I repeat: \$22 million. For just the cost of reorganizing the main hall exhibition in the Museum of Civilization, the government has earmarked \$25 million. In other words, the cost of reorganizing the permanent exhibition in the Museum of Civilization would have paid the cost in 2005 of having the portrait gallery.

When the new government came into power, the museum was re-examined and the government proposed to move the museum to Alberta, to Calgary, as a matter of fact, because, apparently, according to the media — and I'm not disclosing anything secret or confidential — according to the paper of the times, the Encana Corporation in Calgary — and we all know that company — was supposed to offer to house the National Portrait Gallery in Calgary. However, when they looked into the operational costs to move the portraits back and forth from Ottawa to Calgary, it added \$2.5 million a year on additional administrative costs. Encana, for all kinds of private reasons, decided to withdraw from the project.

The government, which was still interested in the portrait gallery, decided to ask interested Canadian cities to submit proposals to house the national portrait gallery. A proposal came from Ottawa. I remember I spoke to the Chair of the National Capital Commission about it, and Ottawa was ready to house the portrait gallery down on Metcalfe Street, not far from Lisgar. There was a building there that the city wanted to transform.

After further consideration, the government dropped the project, so here we are today with no portrait gallery. I have not seen any sign that this project will be revived in the near future.

• (1510)

Another interesting decision was announced that I want to share with you. It is the decision to have a national centre of history in the old Union Station in front of the Château Laurier. That project lasted six months. It was announced in May 2003. The then Prime Minister announced the creation of the Canada History Centre. According to its original plan, this project was supposed to be comparable to Independence Hall in Philadelphia. I do not know whether some of you have been to that city and have visited Independence Hall. Of course, you'll know that it tells how the American Revolution and the independence of the United States happened and how the United States was born, and it gives a historical perspective of the expansion of the United States and so on. In other words, this Canada History Centre would have been a similar kind of institution so that any visitors who came to Ottawa would have the opportunity to learn about how this country was created, how it was structured and what the thoughts of its founders were — Sir John A. Macdonald, George-Étienne Cartier, D'Arcy McGee and the like, all those founders we like to quote regularly in our speeches here. Six months later, a

successive Prime Minister decided, for all kinds of good reasons of the day, to drop it. Now, as you all know, Union Station will temporarily house this chamber when, in 2017 or around that date, this house will have to move its sittings to another building for the refurbishment and refitting of Parliament.

In other words, it will still be an empty building at the end of it, and we still look at the American embassy with no project ahead.

Honourable senators, I'm not saying this to you because I'm at all opposed to the idea that there would be an institution in our capital that would offer a capacity to understand Canadian history. This idea is long gone. As I say this, I look at the government side. I myself was instrumental in having the Canadian Museum of Civilization organize an exhibit for the Diamond Jubilee of Her Majesty Queen Elizabeth II because I donated to the museum the artifacts that were essential to the 60 years of the reign of Her Majesty and the way she contributed to the making of Canada. I thought it was something that we had to know. If we want to change the system, we know the procedure. We know section 41 of the Constitution and all the intricacies that follow from that, but I thought it was important that, in that year, we use that opportunity.

The Canadian Museum of Civilization accepted that proposal, just as they have accepted, in writing, to organize for the one hundred and fiftieth anniversary of Canada an exhibit and a publication on the history and evolution of the symbols, emblems and coat of arms of Canada. New Canadians think, like many citizens, that the Canadian flag we have — the maple leaf — has always been our emblem or that our coat of arms that I am looking at on this wall has always been the same as, for instance, the back of the Speaker's chair. That is not at all the case. The emblems, symbols and coat of arms of Canada have had a history of evolution for 200 years, changing and adapting continuously to the evolution of Canada.

I thought it was important, on the one hundred and fiftieth anniversary, to have the capacity to display the artifacts of that evolution and to have a travelling exhibit. I am sorry that Speaker Kinsella is not in the chair — and I don't say that because I don't have respect for our esteemed Speaker *pro tempore* this afternoon — but I discussed at that time with Speaker Kinsella the possibility that those artifacts could be housed in the East Block after the one hundred and fiftieth anniversary so that they would be part of the visitors' understanding and education of what makes Canada and how our country evolved and expressed itself differently, whether it be in the Atlantic or the in Western part of Canada because the symbolism is different, taking into account the regional distinctiveness and identity.

I have nothing against an exhibit like that in the Canadian museums, no more than I had against the government devoting some energy and some money for the commemoration of the War of 1812. The government has been criticized for spending too much money, but, honourable senators, I thought it was also a very important element of history in our country.

As a matter of fact, some of you who gave me pleasure by attending the reception that the Speaker hosted last week will know that in my own books, published this fall, there are two

chapters on the War of 1814, one on the war itself and one on the heroes. Among the heroes, one that we celebrate this fall is Ignace-Michel de Salaberry. He was able to stop the invasion of the Americans at the Quebec border. There is no doubt; I reviewed all the anthologies of poems, literature, novels, songs and history that, for years, made him the first hero of French Canadians. Before the missionaries and anyone, the first one who had a monument — in fact, he had three monuments in those days — was de Salaberry. So I think it is important that, when we commemorate, we try to reflect on the objectives of the war and on the legacy of war because a war is not neutral. When a war is over, the world is never the same as it was before. I am looking at our esteemed colleague, Senator Dallaire. He will know that and would be more eloquent than me in explaining it to you. I have nothing against commemorating the War of 1812. On the contrary. As a matter of fact, I brought with me the program of the seminar that I organized at La Grande Bibliothèque in Montreal on Friday, October 25, with the historians of the Royal Military College of Kingston, because I thought it was important to reflect and to try to understand that situation, not in the context where I or the government would direct the historians to come to different conclusions as to what the general theme of this was.

Honourable senators, the important element that we have to keep in mind is that the Museum of Civilization has an approach much wider than only the historical aspects of our contemporary life. They have as much interest in the history of the country. I think that what they do for the Aboriginal people, especially in Western Canada, is absolutely admirable, but they also have a large preoccupation with contemporary issues. I am concerned that, in changing, as I say, the plate on the door, that will be dropped. We will finally have an institution that won't have the same breadth of preoccupation than it has successfully had, as I described earlier on, in its more than 157 years of existence.

The important thing, also, is that what makes an institution live, prosper and have an influence is the research. In the Musée d'histoire de l'Homme, there were outstanding researchers.

There was Sir William Logan. We all know Mount Logan in the Rockies named after this first director of that museum. We all know — at least my colleagues from Quebec and the French community in Canada do — Marius Barbeau who was the emeritus researcher of the Museum of Man and who collected more than 6,000 folk songs that were disappearing from one generation to the next. That treasure is now housed in that museum, which is unique in the world.

• (1520)

Honourable senators will understand that if that institution is to maintain its capacity, it's because it will have additional resources to maintain a researcher base that will help it bring to Canadians — not only to the 250,000 or the millions who would visit it, but to all Canadians — the materials in the publications and catalogues that that museum would produce.

Moreover, the important thing about a museum of history is essentially, honourable senators, that history is not an exact science. History is not like chemistry. It's not like physics or

mathematics. History is a science of interpretation. It's like sociology; it's not an exact science. We know it exists, but you can have thousands of views of the same phenomenon. There is not one single history. There are facts, there are dates that are inescapable, but the interpretation of those dates and facts vary through the years.

Let me give you an example. If we would have written the history of the Aboriginal peoples in the 1950s, at a time when the residential schools were still operating and the policy of the Indian department was still “to civilize the Indians,” then we would not have the approach that we will have five years from now when the reconciliation commission will produce its report and when we will be in a better position to understand what happened to the Aboriginal peoples in Canada. That's why I'm telling you that history is a science of interpretation.

I want to quote what I read in *Le Devoir* newspaper Saturday, quoting the president of L'association québécoise pour l'enseignement en univers social, the Quebec association of teaching in social community, Madame Lise Proulx. I want to quote her because I think what she says encapsulates essentially what I mean.

[Translation]

“It would be lying to not tell students that history is interpretation. All historians know that.”

[English]

History is interpretation and you have to tell that to the students. You can't teach students that this is the history, like you read the Bible or the gospel, and you can't change one iota. That is not history. History is evolving: the perceptions, the angle, the approach and the conclusions, as I say, vary through the years. It is important, if we are to transform the Museum of Civilization into the museum of history, that we know that we are moving on unstable grounds of interpretation.

What do we normally do as a government when we face such a situation? We establish an arm's-length relationship to make sure there is no suspicion that what that museum offers is in fact the official interpretation of what is the history of Canada.

For me, it is a very important element that in the context of what was announced — and I looked into the files about it — in 2003 of the Canada history centre, what is, in my opinion, very essential is that at the same time an advisory committee for the new Canada history centre was established. That advisory committee was essentially composed of historians. I will read their names for the sake of the record because I think it is very important.

The committee will be chaired by Ms. Charlotte Gray; members are Marcel Hamelin, whom we know from Quebec; Jacques Lacoursière, even better known; Tina Loo; Robert Pichette, and I

look to my friend from Acadia; Anna Porter; Rob Pritchard; Chief Roy Whitney, an Aboriginal representative; and Frances Wright. That advisory committee essentially was to provide direction in the development of the Canada history centre, including the implementation of the centre's ambitious national outreach program.

If the government is to move with that bill, it is important to establish that kind of — I will use a word that, in museology, is not very welcome — a buffer. That is, there will be a distance between the minister and the government and the museum per se as an institution, free of its research, free of its programs, free of the definition of the subjects of exhibitions and free of, in fact, developing what the professionals in the milieu would consider essential at this stage of trying to better understand who we are as a country and where we are going on the basis of the lessons we can draw from the past.

Honourable senators, I hope that when we have the opportunity to hear from the witnesses that the chair, Senator Ogilvie, and Senator Eggleton and the other members of the steering committee will have the opportunity to reflect along those lines. Again, this is not because I'm opposed to a history museum in Ottawa. I think I tried to make you understand that it is a very essential element. All the countries around the western world, with whom we share "tradition and history," like Britain has a National Portrait Gallery in London.

My friend from France, former President Sarkozy announced on January 1, 2012 that he would establish la Maison de l'histoire de France, but his successor, President Hollande, put an end to that project when he came to power a year later.

So, we see we're not the only country where a history centre comes and goes, but there is at least the illustration that the preoccupation to have a capacity for our citizens, be they in Britain, the United States — you all know the portrait gallery in Washington. Those of you who are members of the Canada-U.S. Inter-Parliamentary Group will certainly have visited it, as you would have visited the Smithsonian, one of the key institutions of its nature in the world, certainly one of the leading ones in the world. Similarly, they would have visited in France —

[Translation]

The museum at the Palace of Versailles has the largest collection of French portraits imaginable.

[English]

Those assets need to be made available in a contemporary fashion with, of course, the professional expertise that is needed to make sure that the initiative remains credible and that it's not done at the expense of, as I said, a much wider approach to what is the history of man.

The history of man is not only the history of Canada. The history of Canada is essential and we have to understand it, but the history of man has to be approached on a much wider basis.

[Senator Joyal]

I'm sure that the past success of the Canadian Museum of Civilization is due to the capacity of its leadership. I totally trust the President and Chief Executive Officer of the Museum of Civilization, Mark O'Neill: I think he is a very able and capable kind of director.

However, honourable senators will understand that there are preoccupations that we have to answer in relation to that change, because I think it's for the benefit of future generations that that initiative is proposed. I'm personally a supporter of that museum — I hope in this new reincarnation as much as in its past reincarnation — but I think those preoccupations will be addressed when we have an opportunity to hear from the witnesses that will certainly be called at committee.

Thank you, honourable senators.

• (1530)

Hon. Jim Munson: Will the honourable senator take a question?

Senator Joyal: If I have time left.

Senator Munson: Living here in Ottawa and being the senator for Ottawa-Rideau Canal, and sadly seeing that the portrait gallery never really happened, the only time you see portraits in this city now is when you skate along the canal. In the last two or three years you will have seen beautiful portraits under the Bank Street Bridge. That's where tourists have to go to see the portraits and history of this country. It is kind of ironic that when you do stop there, skaters from around the country actually stop and take a look at the 12 portraits, six on either side.

Since you are a champion of dealing with the portrait gallery, do you have any idea at this moment what is going to be in the new Canadian history museum? And would you be satisfied if there were a section, at least under the present circumstances, where portraits of our history would be part of this new Canadian museum of history? And with that question, where are the portraits languishing now not to be seen by Canadians?

Senator Joyal: Thank you, honourable senator, for your question. Indeed I have an interest in portraits, as you know, because I think you were in the Senate at that time. We have the portraits of the monarch that preside over our constitutional monarchy, and I was one of those who supported, at that time, the Chair of Internal Economy, Senator Bacon. Senator Moore was also there. And on the other side there was also strong support for that. It was not at all a partisan initiative.

I have always had an interest in that project. I will tell you why: Because there are a million portraits in the reserve of the National Archives of Canada. I said a million. You want me to repeat? It is a million. I was stunned myself when one day I was offered to go in the reserve and look into it and I realized the treasure trove of that collection, which hasn't any institutional base to be shown in

this place. As I was saying at that time, it is not only portraits of politicians. In fact, the portraits of politicians are a very minor part of it. It is portraits of Canadians in all kinds of societies and activities.

There are more portraits of Aboriginal people, Senator Lovelace Nicholas, than you can imagine. The memories of all the Aboriginal communities in Canada are in that collection. You have the costumes, you have the attitude and you have everything about the sensitivity of the Aboriginal people. I thought this would have been the perfect occasion because when visitors would come to Parliament, they would go to see Canada and its population diversity.

As I said, it exists in London, it exists in Washington, it exists in France, and as a matter of fact, it exists in Australia in the national capital. It's not a fantasy to have such an institution. It is seen as an essential approach to make citizens of a country appreciate its history and diversity. And especially today with the Internet it would have been easy to open access to that treasure to all Canadians.

Today, this building languishes empty. It is part of the Public Works assets on what they call Parliament Hill; it is included in Parliament Hill. There have been all kinds of projects around it, as you know. It was to be an information centre; it was to be a reception building for visitors of the Prime Minister or ambassadors. It was to be, in fact, an extension of the reception room of Parliament.

Then it was put on hold because of Public Works' conclusion that we would have to leave this building by around 2017, 2018. They might need it, but it will be a temporary solution, a temporary location to house the Prime Minister's Office or another prestigious office.

Presently, the building is empty because when the project was stopped, the portrait gallery was stopped but two contracts had already been awarded. The first one was to empty the building to prepare it for its role as exhibition rooms. Another contract was for the excavation of the site beside. I remember very well, it was a \$352,000 contract. The tenders had been called and the proposals had already come in, but the government at that time — the new government — decided to stop it.

So the building is unusable as it is now. You cannot just say we will dust it and brush the floor and wash the windows. The building is unusable. Let me use another non-museumology vocabulary word: It has been stripped. In other words, it is bare walls inside. All the panel rooms have been stored to prepare for the ventilation, the new heating system, electricity and whatnot.

This building will stand like that for an undetermined number of years because there's still nothing that we have come to, and I used the return of the Speaker to raise that. We, in the Senate, have to think about how we are going to celebrate the one hundred and fiftieth anniversary. And I think that in the years to come, we should be able to come forward with something for this building.

The Senate is the memory of Parliament, and if we are concerned about the long-term institutional role of our chamber, we should think about how this building could be part of the assets of what I call the larger memory of Canada.

It is something open. Maybe, Mr. Speaker, when we come back we should have a motion on the floor to try to strike a committee that you might chair. You are the perfect person for that. You have a future, Mr. Speaker, and on that basis we could mandate a non-partisan committee to try to reflect on the proposals we would put forward for the celebration of the one hundred and fiftieth anniversary.

Senators have an interest in history, the evolution of our perception of the country and also our legacy, because it is not only a question of organizing dinners and whatnot. We want to leave a legacy. What concerns me in this house is leaving something tangible and a contribution that helps those who will come after us to understand what we wanted to achieve and that it can be built upon.

I think it would be very important. Maybe Christmas will inspire us and when we come back, maybe on a joint basis we could come up with some kind of initiative that would help us to reflect upon how we want to approach and how we want to leave something for the benefit of the future generation.

Hon. Don Meredith: Thank you, Senator Joyal. I just wanted to see if you would take a question.

You indicated in your speech that history is open to interpretation. When I look at history, the past events or history of individuals who have made contributions to this country, I think of Mathieu Da Costa interpreting for Samuel de Champlain and the indigenous people. Ironically, a few months ago I met with the architect who designed the Museum of Civilization, and he's the driver behind this renaming to ensure that the indigenous people of this country, the artifacts and things that they have created are preserved for the next generation and generations to come.

I was just a little taken back when you said that history is open to interpretation. I'm wondering if you could elaborate on that. I see history as facts and things that have transpired. When I speak to young people across this nation I talk about history not only as one of our great colleagues is leaving this chamber, but of Blacks in this country and how our history is not being recorded in the history books. It is not being transferred. I think of an institution that allows those histories to be captured for generations to come to go back and look at those events and the individuals who contributed to this country. It makes for a greater Canada. Would you elaborate on that, Senator Joyal?

• (1540)

Senator Joyal: With the consent of the house, five minutes more?

Hon. Senators: Agreed.

Senator Joyal: Thank you, Senator Meredith, for your important question. I will give you an example.

Marcel Trudel, a Quebec historian who passed away last year at the age of 93, published a book about myth and reality. Among the myths was one believed by everyone in Quebec, at least when I was young: Slavery has never existed in Quebec — that it didn't exist. It is horrendous, so it didn't exist.

It was not included in history until his article was published in 1968, if my memory serves me well. He went through all the christening registries and found the astonishing fact that one third of the slaves were owned by the religious order. When the Bishop of Quebec, Monseigneur Plessis, went on his first trip to Paris, he had his slave with him; his name was François. Slaves at that time had only a first name, not a family name, and were Black or taken from the Aboriginal peoples of Canada. Sometimes the slavery conditions were harsh and other times it was not.

A fire in Montreal in 1752 destroyed many of the wooden houses where conditions were harsh. As we say in French, it was a conflagration — half the city burned down. The rumour started that a maid of Black origin started the fire. Of course, because she was Black, she was suspected; and because she was suspected, she was guilty. When a historian reviewed the minutes of the trial 20 years ago, it became quite clear that there was no proof, but because they needed to find someone guilty, the Black maid was the perfect fit.

As I mentioned, it is only recently that historians have been able to unearth about 3,000 slaves over the period of 100 years, until the practice was abolished. Among those against the abolition of slavery was Louis-Joseph Papineau at the end of the 18th century, although later he was supportive of it. Honourable senators, I was just as surprised as you when I learned that for the first time. Papineau represented in court the owners of slaves who fought to retain the right to own slaves.

When I say that history is an interpretive science, it means that when you start looking into the archives to better understand a hidden reality, you come to different conclusions. It enlightens your understanding of society today, as with Aboriginal peoples, because we realize that it is not the kind of Canada we want. It is not the kind of society we want to build. It informs you of what you have to do as a remedial initiative.

That is an important element and why history is essential to our jobs as legislators. When we pronounce on a bill that might have an impact on ignorance of facts, then it is not the best legislation. That is why we must have the best knowledge possible on issues where we know history has deviated. This is what we learn when we visit exhibitions in museums. We go to museums not only to see a painting, an artifact or a sculpture but to try to understand the meaning of those elements in relation to the world today.

The importance of those artifacts is that the meaning changes with the passing of time and the perspective we derive from the analysis of reality. That's why what you raise is such an important issue.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-489, An Act to amend the Criminal Code and the Corrections and Conditional Release Act (restrictions on offenders).

(Bill read first time.)

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

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

PAYMENT CARD NETWORKS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Smith, P.C. (Cobourg), for the second reading of Bill S-202, An Act to amend the Payment Card Networks Act (credit card acceptance fees).

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to inform the Senate that I will not be the critic on this bill. Therefore, I would ask that the 45 minutes normally allotted for the critic be reserved for another senator from our side. I move that further debate of the bill be adjourned to the next sitting of the Senate.

(On motion of Senator Martin, debate adjourned.)

• (1550)

DISABILITY TAX CREDIT PROMOTERS RESTRICTIONS BILL

SECOND READING—DEBATE

Hon. JoAnne L. Buth moved second reading of Bill C-462, An Act restricting the fees charged by promoters of the disability tax credit and making consequential amendments to the Tax Court of Canada Act.

She said: Honourable senators, I'm pleased to have this opportunity to speak in favour of this legislation.

Our government supports the full and equal participation of people with disabilities in every aspect of our society. We work hard to ensure that legislation, programs and services take into account the rights and interests of all Canadians. Private member's Bill C-462 is completely consistent with our government's commitment to Canadians with disabilities.

We provide a variety of financial benefits to assist people with disabilities, many of whom struggle on a daily basis to make ends meet. Our tax system includes the Disability Tax Credit, the Child Disability Benefit, the Medical Expense Tax Credit and other important tax relief measures that recognize the daily challenges faced by Canadians with disabilities. These measures are intended to compensate for some of the additional expenses they incur as a result of living with a disability.

One of the most important tax relief measures aimed at Canadians with disabilities is the Disability Tax Credit. It helps to offset some of the additional costs that Canadians with a severe and prolonged impairment in physical and mental functions incur in order to cope with everyday life.

Bill C-462, An Act restricting the fees charged by promoters of the disability tax credit and making consequential amendments to the Tax Court of Canada Act, will ensure that the right people benefit from this important tax relief: the ones for whom the Disability Tax Credit was intended in the first place.

It is important to understand that the health challenges confronting many people with disabilities are so serious that they markedly restrict their ability to perform one or more basic activities of daily living. I am talking about things that most of us take for granted, such as seeing, hearing and eating, for example. To do these everyday things, people eligible for the Disability Tax Credit must rely on, and in some cases pay for, special assistance. The objective of the credit is to provide tax relief that can help to improve standard of living and quality of life.

Unfortunately, some so-called disability tax promoters are taking advantage of those who are seeking financial relief provided by this credit. They have been marketing the Disability Tax Credit as difficult to obtain. They offer their services to file the Disability Tax Credit claim form on behalf of persons with disabilities, in exchange for a percentage of the tax refund received as a result of the credit. This rate can vary from

15 to 40 percent of the refund, which translates into over \$20 million a year in funds earmarked for Disability Tax Credit recipients that instead ends up in the hands of third-party promoters.

Now, you may ask, "How can there be thousands of dollars at stake?" The answer is that people with disabilities can claim the credit retroactively for up to a decade. That means that if their application is approved, some people stand to receive tax refund cheques in the amount of \$10,000 or even \$15,000. So when a tax promoter takes up to a 40 percent cut of the total refund, it can add up to thousands of dollars.

Honourable senators, I applaud the initiative of the sponsor of Bill C-462, the Honourable Member for Renfrew-Nipissing-Pembroke, to protect Canadians with disabilities from the unreasonable actions of those who intend to take advantage of people in vulnerable situations.

Bill C-462 will restrict the fees charged by third-party disability tax promoters and make required amendments to the Tax Court of Canada Act. The result is more financial aid will go directly to persons with disabilities and their supporting family members.

The Disability Tax Credit is a non-refundable tax credit that reduces the amount of income tax that individuals with disabilities or family members who support them have to pay. It recognizes the impact of disability-related costs on an individual's ability to pay tax.

People who qualify for the credit must have a severe and prolonged impairment in mental or physical functions, as defined by the Income Tax Act. A qualified medical practitioner must certify that they are unable to perform one or more of the basic activities of daily living, even with therapy and the use of appropriate devices and medication, either all or substantially all of the time.

Not only does an individual need to be facing the challenges of a serious impairment to qualify for the tax credit, the restriction must be expected to last for a continuous period of at least 12 months and must be present at least 90 percent of the time. People with disabilities may also be eligible under the cumulative effect of two or more restrictions that, combined, are present 90 percent of the time.

The Disability Tax Credit is intended for people who truly require additional financial assistance. For those who satisfy the criteria, the federal tax savings in 2012 was up to \$1,132 for adults and as much \$1,792 for children under the age of 18 or for a family member supporting the person. A corresponding credit is available for the calculation of the provincial tax.

This is a significant sum and is money that belongs in the pockets of those who really need and deserve it. And don't forget that the people we are talking about may also be seniors.

One of the comments that we've heard is that the application form for the Disability Tax Credit, Form T2201, is too complicated for the average person to fill out. I want to take a

few moments to describe the form. The Disability Tax Credit Certificate is separated into two sections: an introduction and the form itself, Form T2201.

The introduction includes general information about the disability amount, as well as relevant definitions — for example, “life-sustaining therapy,” “markedly restricted” and “qualified practitioner.” It also includes a questionnaire to help an individual self-assess whether he or she may be eligible for the Disability Tax Credit, instructions on how to change a tax return for previous years, what to do should a person disagree with the Canada Revenue Agency’s eligibility decision, and instructions on where to send the form once it is completed.

At the end of the introduction, the form clearly states where one can turn for further assistance, should assistance be required at all. Both a CRA website and a telephone number are provided.

After the introduction, the Disability Tax Credit Certificate is broken into two parts: an application — Part A — and a certification — Part B. Both parts of the form must be completed, but only Part A must be completed by the individual with a disability or a representative on his or her behalf. Part B is for the individual’s doctor or other qualified medical practitioner to complete.

I want to focus on what is required for Part A, as this is the part that disability tax promoters may provide assistance with. There are only three steps to the application process.

Step 1: Complete and sign Part A. This is the only section that can be addressed by anyone other than a qualified medical practitioner. It is one page long.

Step 2: Take the form to a qualified practitioner, who completes Part B.

Step 3: Send the original form to the Canada Revenue Agency.

Three simple steps.

Honourable senators, some people allege that applying for the Disability Tax Credit is such a complicated process that it requires the assistance of a “professional.” But the only form that the applicant must complete asks for the name, gender, mailing address, social insurance number and date of birth of the person with a disability. If someone else is claiming the disability amount on that person’s behalf, that person must also provide his or her name, social insurance number and relation to the person with the disability. In addition, the representative must state whether he or she lives with or provides regular and consistent support to the person with the disability.

That’s the extent of it. All that’s left on this one-page form are spaces for a signature, telephone number and date.

Granted, Part B is longer, but that is because the medical practitioner must provide a detailed assessment of his or her patient’s condition. Medical practitioners should have no trouble

completing Part B of the Disability Tax Credit Certificate, Form T2201, as the CRA provides detailed instructions and definitions on its website, as well as phone numbers to call for further assistance.

Once Part B is completed and the form is submitted to the Canada Revenue Agency, their staff will review the information provided by the medical practitioner —

The Hon. the Speaker: Honourable senators, it being four o’clock and the Senate having completed Government Business, we will not adjourn but suspend because of the standing house order. The bells will ring at 5:15 for an ordered vote at 5:30.

• (1730)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

MOTION TO INSTRUCT COMMITTEE TO HEAR WITNESS NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Cowan:

That it be an instruction to the Standing Committee on Internal Economy, Budgets and Administration that, before the end of 2013, it hear from Mr. Michael Runia, Managing Partner, Ontario at Deloitte LLP in relation to the audit report on Senator Duffy’s expenses.

Motion negatived on the following division:

YEAS THE HONOURABLE SENATORS

Baker
Callbeck
Campbell
Chaput
Cordy
Cowan
Dallaire
Dawson
Day
Downe
Dyck
Eggleton
Fraser

Hubley
Jaffer
Joyal
Lovelace Nicholas
Massicotte
Merchant
Mitchell
Moore
Munson
Ringuette
Robichaud
Sibbeston
Smith (*Cobourg*)

Furey
Hervieux-Payette

Tardif
Watt—30

Frum
Greene
Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning
Marshall
Martin

Rivest
Runciman
Seidman
Seth
Smith (*Saurel*)
Tannas
Unger
Wallace
Wells
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NAYS
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Andreychuk
Ataullahjan
Batters
Bellemare
Beyak
Black
Boisvenu
Buth
Carignan
Cools
Dagenais
Doyle
Eaton
Enverga
Fortin-Duplessis

McCoy
McInnis
McIntyre
Meredith
Mockler
Nancy Ruth
Neufeld
Ngo
Ogilvie
Oh
Patterson
Plett
Poirier
Raine
Rivard

ABSTENTIONS
THE HONOURABLE SENATORS

Gerstein
Nolin

Segal—3

(The Senate adjourned until Thursday, December 5, at 1:30 p.m.)

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