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(HANSARD)

Tuesday, April 29, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker pro tempore

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THE SENATE

Tuesday, April 29, 2014

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

Prayers.

When Jim Flaherty's passing was announced, the President of the Quebec Employers Council had this to say about our former Minister of Finance:

SENATORS' STATEMENTS

THE LATE HONOURABLE JAMES MICHAEL (JIM) FLAHERTY, P.C.

Hon. Claude Carignan (Leader of the Government): Honourable senators, I would like to pay tribute today to Jim Flaherty, our colleague who passed away from a heart problem. The innumerable eulogies in the days following his death gave eloquent proof that he was appreciated and liked by everyone. On both sides of the chamber, emotional testimonies underlined everyone's deep respect for the hard-working Jim Flaherty.

[Translation]

After working as a lawyer for a number of years, Jim Flaherty made the move to provincial politics in 1995 and became an MPP and then a minister for a decade in the Legislative Assembly of Ontario. It was during the 2006 federal election that our former colleague would be elected to Canada's Parliament and immediately appointed Minister of Finance.

Upon receiving his new mandate as Canada's Minister of Finance, Jim Flaherty was ready to reduce the federal debt and the tax burden on Canadians.

[English]

Through his record as Minister of Finance, Mr. Flaherty leaves a precious legacy to millions of Canadians and several generations. Among other accomplishments, I would like to mention the 2008 Budget, in which Mr. Flaherty announced the Tax-Free Savings Account. This flexible, registered savings measure enables Canadians to earn tax-exempt investment income and save more money during their lifetime.

[Translation]

In 2009, *Euromoney*, an influential European economic news magazine, named Mr. Flaherty "Finance Minister of the Year" for his quick action to deal with the recession. According to analysts, Flaherty "enhanced his country's reputation for sound fiscal policy that takes full account of social justice, while a strong regulatory regime has kept the financial sector out of the chaos" of the recession.

Since the award was created in 1981, Flaherty is the only Minister of Finance of Canada to have received that honour. He was also the longest-serving finance minister in a minority government in Canada.

Jim Flaherty was a man of great values. He was always able to show his great faith in the Canadian economy and in Canadians in general. His responsible budgets enabled Canada to get through the economic crisis in a less painful manner compared to other G7 countries, while still managing to maintain an overall fiscal policy that was more competitive for businesses and citizens.

[Translation]

Finally, his family, friends and associates have lost a loyal father, husband, friend and colleague who demonstrated exemplary professionalism and was endowed with remarkable generosity and a legendary sense of humour. In closing, on behalf of our caucus and our institution, I want to offer my deepest condolences to his wife Christine and his sons Quinn, Galen and John. Thank you for everything, Jim.

[English]

THE LATE RIGHT HONOURABLE HERBERT ESER (HERB) GRAY, P.C., C.C.

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I rise to pay tribute to the Right Honourable Herb Gray, who passed away last week on April 21.

How do you take the measure of a man? Some might look to the records he set, the barriers he broke. Unquestionably, by this measure Herb Gray was a giant. Elected in 13 consecutive elections, never once defeated, he holds the record for the longest undefeated, continuous service in the other place, at 39 years, 6 months and 29 days. He was Canada's first Jewish federal cabinet minister and rose to serve in nine cabinet posts, including — another first — Canada's first full-time Deputy Prime Minister.

• (1410)

Important and impressive as those facts are, I don't believe they tell the full measure of Herb Gray. Herb Gray was not a man to be measured in records set but by the indelible mark he left behind on his beloved family, the citizens of Windsor, his party and his country.

He helped bring us the flag that flies above this place and that draped his coffin last week, medicare, the Canada Pension Plan, Canada Student Loans, the Charter of Rights and Freedoms. These critical parts of the foundation and backbone of what it means to be Canadian today were new ideas born and made reality by Liberal governments which Herb Gray proudly supported and served in Parliament. They epitomized why he

served, because they helped and supported Canadians — all Canadians — wherever they lived, rich and poor, new immigrants and long-established Canadians.

All this was rooted in the essence of Herb Gray, which former Prime Minister Paul Martin summed up as Herb Gray's "caring and sharing."

Mr. Martin attributed this to Mr. Gray's Jewish principles, and no one could ever question that Herb Gray loved and deeply valued his roots, his Jewish heritage. His parents were immigrants from Belarus who came to Canada looking for freedoms and opportunities not available to them in the land of their birth. Herb Gray himself said that his story "is also the story of millions of other people who make up the story of Canada. The history of my family is part of the history of those who make up the great Canadian family building together what so far is the only truly successful multicultural and pluralistic country in the world. We have done this together. We have been building what Sir Wilfrid Laurier said 100 years ago was to be a Canada united in its diversity."

What is the measure of the Right Honourable Herb Gray? He was a man who represented the best of what it means to be Canadian. It's tempting to say in the face of so many accomplishments that, in the words of Shakespeare, we "shall not look upon his like again." But that would be wrong. Herb Gray worked to help build a nation where he hoped to see many more like him, from all different backgrounds and from all across the country.

Herb Gray was a parliamentarian in the best and the truest sense of the word. He believed very profoundly that Parliament is the place where the great issues of the day facing Canadians are debated and that it's up to the government of the day to set the tone in Parliament for that discourse.

There was never a more partisan politician than Herb Gray. He was a Liberal to his core, but being partisan never meant winning at any cost. He never allowed the game of politics to overwhelm his principles or values, and foremost among those was deep, profound respect: respect for his fellow Canadians of all political stripes and opinions, and respect for every one of his fellow parliamentarians and what they had to say on the issues of the day. It went beyond respect for any particular individual. For Mr. Gray, every parliamentarian in the other place had been elected by Canadians to represent them, and their views were deserving of respect. Personal attacks upon political opponents had no place in his lexicon.

Anyone who knew Herb knew the central, foundational role that his wife, Sharon Sholzberg-Gray, played in his life and then also their children, now adults, Elizabeth and Jonathan. How do you take the measure of such a man? In this case, look at the love and pride reflected from his family.

I first met Herb Gray during a difficult time for the Liberal Party — in the aftermath of the 1984 election.

Martin Luther King once said, "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." I can

tell you that in those turmoil-filled years, Herb Gray was a rock. The respect and trust he earned led to him being asked to serve as interim leader after Mr. Turner resigned and before Mr. Chrétien was elected leader of the party.

This continued throughout his political life.

In recent years, since I became Leader of the Opposition here, long after Mr. Gray had retired from the other place, I had occasion to consult him on several issues. He never failed to provide me with good, sound advice, squarely rooted in unwavering principles and values. His wry sense of humour, his modesty, his devotion to the people of Windsor, his party and his country were unparalleled.

When he last spoke in the other place, Mr. Gray quoted the following words of Pierre Elliott Trudeau:

If the Canadian nation must survive, it will only survive in mutual respect and in love for one another. Each of you, each of us, must work toward that goal with our every fibre in the reality of our daily lives.

Those were more than mere words. All those close to him would attest that this is how Herb Gray strove to live his own life.

Honourable senators, I invite you to join with me in extending our condolences to his family and also our gratitude, for Herb Gray was a true parliamentary statesman and a truly great Canadian.

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Frank Meyers, who farms cattle and corn outside of Trenton, Ontario, on land bestowed to his family by King George III over 200 years ago. He is the guest of the Honourable Senator Jaffer.

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

Hon. Senators: Hear, hear!

THE LATE RIGHT HONOURABLE HERBERT ESER (HERB) GRAY, P.C., C.C.

Hon. Catherine S. Callbeck: Honourable senators, I would also like to say a few words in celebration of a great man, a great parliamentarian and a great Canadian. The Right Honourable Herb Gray was a fixture in the other place, serving as a cabinet minister in many portfolios. In fact, he was Canada's first Jewish cabinet minister, and also served as Deputy Prime Minister.

We all know that he was a devoted parliamentarian, representing his constituents with wisdom and wit for nearly four decades. The people in his riding of Windsor West rewarded

his dedication and service with 13 successive election wins over the span of his career in federal politics — a tremendous feat.

I had the incredible privilege and honour of serving with Herb in the House of Commons from 1988 to 1993. I always remember how kind and helpful he was to me when I arrived in Ottawa as a rookie MP in 1988. He was always ready to lend a hand and offer a bit of friendly advice to those who were new to the house. His vast experience and tremendous success were always a great inspiration to us.

There's no doubt he was a great parliamentarian. He served his country with distinction for almost 40 years. Throughout his career he was a great example of class and decency and a source of inspiration to others. He understood the concerns of his constituents. He was well versed in every issue that crossed his desk.

Honourable senators, Herb was an exceptional human being. I have no doubt he is sorely missed by his family, many friends and colleagues. Please join with me in extending my sincerest condolences to his family, Sharon Sholzberg-Gray, his two children, Elizabeth and Jonathan, and his eight grandchildren, during this very sad time.

HUMAN RIGHTS IN IRAN

MARYAM SHAFIPOUR

Hon. Linda Frum: Honourable senators, I wish to bring to the attention of this chamber the latest human rights atrocities occurring in Iran, specifically in Tehran's Evin Prison, and the plight of one prisoner in particular, Maryam Shafipour.

On April 17, just 12 days ago, on the pretext of conducting an inspection, some 100 guards attacked prisoners in Ward 350, the political prisoners section of Evin Prison. They beat them up en masse, leaving many bleeding, with broken bones and other injuries. Why?

They were trying to stop information leaking out of Evin Prison about the truly horrid conditions there. Yet, after this attack, details of the atrocity leaked out again because these prisoners and their friends and relatives are extremely brave, risking all in the face of death.

Some outside the prison have shaved their heads in protest and solidarity.

Maryam Shafipour is one of Evin Prison's political prisoners. Ms. Shafipour is 29 years old and was an agricultural engineering student. During the 2009 presidential election, she supported the campaign of opposition candidate Mehdi Karroubi.

• (1420)

In 2010, Maryam was suspended, then expelled from university, for the sin of visiting the families of political prisoners, and of being affiliated with the Karroubi campaign. At the same time,

she received a suspended one-year sentence for “spreading propaganda against the system.”

That was just the start of Maryam's unfortunate odyssey. Last July, authorities summoned her to Evin Prison for questioning — and she has been there ever since.

First, Maryam was held in solitary confinement for more than two months — not allowed to talk to a lawyer — then spent another six months in the general population, all without a trial. Like so many in Iran's jails, Maryam was cruelly treated during interrogation.

Last December, the Committee of Human Rights Reporters in Iran informed the world that Maryam's health was deteriorating. She was refused an MRI recommended by the prison's doctor.

Finally, on March 1 of this year, Maryam was brought before a revolutionary court, found guilty, and sentenced to seven years in prison for “spreading propaganda” and for “gathering and colluding” against the regime. Maryam remains condemned to Evin Prison — and can expect to be there for the next seven years.

Think about the injustice of this — and the waste of a life. The same is true of so many good and brave dissidents in Iran's prisons today. Let it be of some comfort to them to know that their plight is not forgotten by all those in the Senate of Canada.

SAFE DIGGING MONTH

Hon. Grant Mitchell: Honourable senators, I rise today to speak to an issue that has an impact on the safety of Canadian contractors, workers, businesses, homeowners and the general public. The Canadian Common Ground Alliance, or CCGA, has deemed April as Safe Digging Month for the owners and operators of buried infrastructure across the country.

Safe digging involves three aspects. The first is that excavators, all the way from professional contractors to homeowners who want to put in a new fence, need to call or click in this digital age before they dig. Secondly, there need to be structured, regulated processes by which underground infrastructure is identified by the owners of that infrastructure. That information needs to be reported religiously to a regulated authority of some kind, or a structured authority, and that information needs to be stored for easy access for those who are about to excavate or dig in any kind of way.

Many of us don't fully understand the scale of the network of underground infrastructure that exists in Canada. Across the country, there are millions of kilometres of buried infrastructure, including electricity cables, gas, telephone and other kinds of cables, pipelines, water and telecommunications services. In Alberta alone, the total length of the buried infrastructure network is estimated to be in excess of 2 million kilometres.

Unfortunately, without the proper commitment to locate services and processes, this infrastructure can be damaged; this damage, in turn, can result in serious injury and even death, in the case of the excavators, workers, members of the public and first responders.

Striking infrastructure can also cause serious environmental risks or service disruptions. In fact, the CCGA estimates that buried infrastructure in Canada is damaged an average of 8,000 times per year, or about 31 times each business day.

Damage to underground infrastructure also imposes major costs to taxpayers. Prior to the introduction of legislation in Ontario in 2012 — the one province that has done it — it was determined that damage to buried infrastructure cost Ontario taxpayers alone over \$33 million annually. With the passage of their Bill C-8, Ontario has become the first province to successfully pass legislation requiring all buried infrastructure within a public right of way to register with Ontario One Call. Bill C-8 is a model that would have merit in being applied in all jurisdictions across the country — provincial, municipal and even federal — to the extent that the federal National Energy Board and CRTC certainly have jurisdiction over underground infrastructure.

Reducing costs and improving safety is why groups like the CCGA and its network of provincial counterparts were established. These groups work to reduce damage to buried infrastructure across the country to ensure public, worker and community safety, environmental protection, as well as the integrity of services by promoting effective damage prevention.

Not only does the CCGA promote safe digging practices, they also help to facilitate one-call centres where all of this effort can be coordinated. Our Standing Senate Committee on Energy, the Environment and Natural Resources is currently undertaking a study and will be reporting very soon on that. Now that spring has sprung and contractors and homeowners prepare for their outdoor projects, groups like the CCGA would like to remind every one of us and all Canadians to call or click before they dig.

ROUTINE PROCEEDINGS

ROYAL SOCIETY OF CANADA

2013 ANNUAL REPORT TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to table, in both official languages, the Annual Report of the Royal Society of Canada, pursuant to Article 9 of An Act to incorporate the Royal Society of Canada.

CANADA ELECTIONS ACT

BILL TO AMEND—SIXTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ON SUBJECT MATTER TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Bob Runciman: Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted by the Senate on Monday, April 7, 2014, the Standing Senate

Committee on Legal and Constitutional Affairs deposited with the Clerk of the Senate on Tuesday, April 15, 2014, its sixth report, an interim report on the subject matter of Bill C-23.

TLA'AMIN FINAL AGREEMENT BILL

FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-34, An Act to give effect to the Tla'amin Final Agreement and to make consequential amendments to other Acts.

(Bill read first time.)

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

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

CANADA-UNITED STATES INTER- PARLIAMENTARY GROUP

NATIONAL GOVERNORS ASSOCIATION WINTER MEETING, FEBRUARY 21-24, 2014— REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the National Governors Association Winter Meeting in Washington, D.C., from February 21 to 24, 2014.

QUESTION PERIOD

NATIONAL DEFENCE

EXPROPRIATION OF FARM LAND OF FRANK MEYERS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. This question, along with the preamble, was submitted by Lisa Gibson on behalf of Frank Meyers and his 56,000 supporters.

The Liberal Senate forum received almost 40 questions on this topic through our new Question Period initiative. Of the questions, this one was submitted on behalf of Frank Meyers. My question is as follows.

• (1430)

Frank Meyers is an 86-year-old farmer from Trenton, Ontario. He was born on and has been farming the same land for his entire life. It was bestowed upon his forefather by King George III over

200 years ago as a gift for his service during the American Revolution. Signed in May 1978, a Crown patent assigned the property to the Meyers family forever. I emphasize “forever.” This land has since been expropriated by the Department of National Defence so that a joint task force training facility can be constructed.

Simply put, this land and farming are the only things that Frank has ever known. They are now being ripped away from him. Frank has worked tirelessly throughout his life to feed his family as well as the people of Canada. As such, it only seems appropriate that he be held in the highest regard. Please be advised that we have several concerns we would like addressed regarding the expropriation of the farm.

Leader, the main issue is the disappearance of farmland in Canada. With our world population increasing, so should the need for prime farmland. We have millions of acres of Crown land available in Canada — land that isn’t suitable for growing food; land that is already owned by the government, such as nearby Mountain View. Why can the base not be constructed in one of these locations?

Also, there does not seem to be any logic in using taxpayer money to expropriate land and construct a new military base with several mothballed bases across the country. It would seem far more practical to refurbish an existing base.

My question, leader, is this: Why is Frank Meyers being denied the farmland that has been in his family for 200 years?

[Translation]

Hon. Claude Carignan (Leader of the Government): I thank the honourable senator for her question.

As you know, our government has invested and is investing in the creation of a new training campus at Canadian Forces Base Trenton that will optimize its training and operational capabilities.

This investment will also help to create hundreds of jobs in the region and will bring millions of dollars into the local economy.

The Government of Canada has handled this land expropriation very delicately and has offered Mr. Meyers full compensation for his property.

We have received assurances that government representatives have always treated Mr. Meyers with respect and have taken the specifics of his situation into account throughout the process. Representatives of the Government of Canada and the Canadian Armed Forces have also prepared a flexible implementation schedule to allow Mr. Meyers to move his equipment and possessions. 8 Wing/CFB Trenton will take possession gradually and respectfully. Mr. Meyers still lives in his home, which was not part of the expropriation.

[English]

Senator Jaffer: Leader, I very much appreciate your response to my question and your concern that Mr. Meyers be given all the respect he is due to move him out of his land.

[Senator Jaffer]

I personally met with Mr. Meyers when I was in Trenton, and I can tell you that this is a man who truly loves the land he farms. He is absolutely devastated. There is no delicate way that you can part a farmer from his land.

Mr. Meyers stated that our soldiers and veterans proudly serve our country. However, they are facing cutbacks across the board. Veterans offices are closing, making accessibility almost non-existent. In addition, our serving members appear to be experiencing tragic mental health crises. Rather than constructing new military bases, should the government not instead be using taxpayer money to provide the soldiers with health care and the necessities of life they so desperately need? Would that not seem more appropriate at this time when money is hard to find rather than building new military bases?

[Translation]

Senator Carignan: Senator Jaffer, as you know, we try to make the best possible use of taxpayers’ money.

I certainly understand how people feel when their land is expropriated to serve the public good. My family’s land was expropriated to build a waste site. Just think of the ancestral lands that were used to build a waste site. When the Mirabel airport was being built, land belonging to my wife’s family was expropriated by Prime Minister Trudeau, who expropriated land for no reason, land that was then given back by our government.

I truly understand how someone feels when their property is expropriated. However, in the specific case you mentioned, our government has handled the expropriation very delicately and offered Mr. Meyers full compensation for his property. I would have appreciated such sensitivity in negotiations with the previous government on other matters.

[English]

Hon. Jim Munson: With all due respect, this is a big country. How do you “expropriate delicately” when you’re taking somebody’s land away?

[Translation]

Senator Carignan: Expropriation is always difficult. Collective and private interests must be balanced in the public interest. As I explained, Mr. Meyers is still living in his home and his land is being taken over gradually.

As I said, we have been given assurances that government representatives acted with sensitivity in the discussions that led to the expropriation. I think that is the right way to go about it.

Unfortunately, from time to time, private assets must serve the collective interest. In such cases, government representatives must act with sensitivity, and we have been assured that they did in this case.

[English]

Hon. Terry M. Mercer: It is interesting, Senator Carignan, that you used the words “collective interest.” Let’s pursue that debate with respect to Mr. Meyers’ situation.

According to Agriculture and Agri-Food Canada, the agriculture and agri-food food industry contributes \$100 billion annually to Canada's gross domestic product. That's more than the national GDP of two thirds of the world's countries.

According to CropLife Canada, in 1931, 1 in 3 Canadians lived on a farm; today it's 1 in 46. One out of every eight Canadians' jobs now relates to agriculture.

This next statistic will shock all honourable senators. World food demand is expected to increase by 70 per cent by 2050. I repeat: 70 per cent.

Could the Leader of the Government tell us why the government is allowing yet another farm to be expropriated when we are so desperately going to need it in the future for the collective interest of feeding the world and Canadians?

[Translation]

Senator Carignan: Senator Mercer, when you talk about statistics in general terms and you try to make the link to a specific situation, I believe that you are spreading misinformation. This situation is about the expansion of the military base. You cannot make that kind of extrapolation.

I could add that, before the parliamentary break, you asked me questions about railways and the problem we were faced with before Minister Raitt made decisions with respect to grain transportation. There was a record grain harvest. Record harvests must be managed, and we made decisions about rail transportation.

Separate decisions must be made to deal with each of these problems. You cannot make the link that you did, because that creates misinformation.

• (1440)

This is a particular situation in Ontario, with the expansion of the military base. Unfortunately for Mr. Meyers, his land is next to the training centre, which is needed for training and operations.

[English]

Senator Mercer: I'm sorry, Your Honour, that I'm making the Leader of the Government in the Senate uncomfortable. I really am, but he is making Mr. Meyers more than uncomfortable.

By the way, leader, in your reference to my questions prior to the break about the transportation of grain from Western Canada, you used the phrase "the crops were too big." In all of my 10 years sitting on the Agriculture Committee, I've never met a farmer who said, "I grew too much last year; I produced too much." That's a problem that any farmer would like to have.

Honourable senators, Mr. Meyers is 86 years old and has lived on this farm his entire life, and he has managed it his entire life. He contributes to the almost \$100 billion annually that

agriculture contributes to Canada's GDP and also to the over \$90 billion generated each year in the manufacturing of food and food products.

Why is this government again allowing the family farm to be destroyed when the family farm is so important not only to today's economy but also to yesterday's economy and to the economy in the future?

[Translation]

Senator Carignan: In this case, we at least have the assurance that the government is investing in a new training facility at Canadian Forces Base Trenton, which will generate savings. I mentioned that in the late 1960s, your former leader, Mr. Trudeau, the father of the other Mr. Trudeau, expropriated farms and land surrounding Mirabel airport in much larger quantities, and they were never used in the public interest.

[English]

FISHERIES AND OCEANS

SPECIES AT RISK—HUMPBACK WHALE

Hon. Grant Mitchell: Honourable senators, I have the pleasure of asking a question on behalf of Jeremy Godfrey from Halifax, Nova Scotia. His concern is that the government has taken the humpback whale off the endangered species list. He asks specifically, and perhaps, if the Leader of the Government in the Senate doesn't have this at his fingertips, he could make a commitment at finding out.

I will quote Mr. Jeremy Godfrey's question:

Can you explain the process in detail that led to the Government of Canada's decision to downgrade the protection of humpback whales off the coast of British Columbia under the Species at Risk Act?

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senators, the decision was made in accordance with recommendations by an independent committee of experts based on scientific data. The committee's recommendations have remained the same since 2011 and were subject to a long consultation process. Although this reclassification is encouraging and shows that the humpback whale population in the North Pacific is continuing to increase, whales and their habitats will remain protected by strong provisions in the Fisheries Act, the Marine Mammal Regulations and the Species at Risk Act. I also want to share a quote from the chair of COSEWIC, Marty Leonard, a professor at Dalhousie University:

[English]

We are not going to concern ourselves with the politics or anything else. We simply look at the biological scientific evidence, and we make our decision on that.

[Translation]

Professor Leonard also said:

[English]

There's no political interference.

[Translation]

Honourable senator, you are always wrongly criticizing us for failing to rely on science and for not investing in science. Please do not criticize us now for making a decision based on scientific evidence.

[English]

Senator Mitchell: There are many scientists who would disagree with Dr. Leonard. I wonder if the government and even Dr. Leonard have considered that the reason the humpback whales have begun to come back — and it's over 30 years that they have actually come back between 5 to 7 per cent, not a massive population increase — is because of the success of the program that was instituted under their being on the threatened species list. Would that not just as likely be a reason to continue that process rather than a reason to discontinue it?

[Translation]

Senator Carignan: As I said, the decision was made in accordance with recommendations by an independent committee of experts based on scientific data. The committee has been making the same recommendations since 2011, and a great deal of consultation was held with regard to those recommendations.

[English]

Senator Mitchell: The Committee on the Statutes of Endangered Wildlife in Canada is the COSEWIC committee that the leader referred to. It may be independent, but its website is hosted on the Environment Canada Web server. How many groups that the government doesn't endorse, i.e., how many groups that are truly and utterly independent, would ever appear on any government website? We've seen all kinds of references changed on government websites the moment some group deigns to disagree with what this government would do.

[Translation]

Senator Carignan: Senator Mitchell is now attacking scientific and environmental non-profit organizations. That takes the cake. As I said earlier, to get back to the substance of the issue, the reclassification of this species is encouraging and shows that the population of humpback whales in the North Pacific has grown and is continuing to grow. These whales and their habitat will continue to be protected under the Fisheries Act, the Marine

Mammal Regulations and the Species at Risk Act. There is a legislative and regulatory framework in place to ensure that this species continues to thrive.

[English]

Senator Mitchell: Has the government given any consideration or is it planning to give consideration to the impact that an approval of the Gateway pipeline and the increased shipping throughout that whale habitat might have on the future of the humpback whale population?

[Translation]

Senator Carignan: The laws dealing with marine mammals, such as the Species at Risk Act and the Fisheries Act, will continue to apply and to protect the 18,000 humpback whales in that region.

[English]

Hon. Wilfred P. Moore: Leader, I have a follow-up question on this same topic. As to the figures used in this recent reclassification of the Pacific humpback whale, was the basis of that determination founded on the numbers that were in place when the animal was put on the endangered species list, or are these more current numbers?

Maybe you don't have that in front of you today, but I'd like to know what the foundation of this recent recommendation is, whether it comes from the time and the numbers that existed when the Pacific humpback was put on the endangered species list or whether it is founded on more current numbers.

If you don't have that today, leader, if you could try to find out, I'd like to know.

[Translation]

Senator Carignan: This decision was made in accordance with recommendations by an independent committee of experts based on scientific data. The committee's recommendations have remained the same since 2011 and were subject to a lengthy consultation process.

[English]

Senator Moore: I heard you say that in response to Senator Mitchell, but that's not my question. Maybe you could take a look at what I asked. If you don't have the answer today I'd be prepared to wait for it, but I'd like to know the very foundation numbers in terms of this recommendation.

• (1450)

[Translation]

Senator Carignan: I can check whether it would be possible for us to see the scientific study and the report. Perhaps you could ask for them as well. Senator Mitchell mentioned the organization's website. I don't know whether the documents are posted on the website. I said it before, but I will say it again: this decision was

[Senator Carignan]

made in accordance with recommendations by an independent committee of experts based on scientific data that has remained the same since 2011.

[English]

ORDERS OF THE DAY

LINCOLN ALEXANDER DAY BILL

THIRD READING—DEBATE ADJOURNED

Hon. Don Meredith moved third reading of Bill S-213, An Act respecting Lincoln Alexander Day, as amended.

He said: Honourable senators, I rise to address Bill S-213, an Act respecting Lincoln Alexander Day.

Before I start my brief comments, I would like to thank the Social Affairs Committee members, as well as Senator Merchant, for their support of this bill for Lincoln Alexander day, and for all those who have made statements on the significance of this man and his contributions to Canada.

Our country was created by an ideal. It is an ideal based on civic-mindedness that is rooted in democracy. It is an ideal that forms the basis of a peaceful society, where the notion of equality is the strongest force of all. It is an ideal that, if I may say so, was embodied in the Honourable Lincoln MacCauley Alexander, who defended it throughout his life with exceptional dignity and an uncompromising determination.

Recognizing him today is not only historical justice but also a celebration of Canadian citizenship at its finest, and a reminder of the responsibility that each of us has to affirm it, promote it, strengthen it and improve it.

The Honourable Lincoln MacCauley Alexander was not the sort of man who shied away from challenges, however daunting they might be. A sense of engagement was his most effective means of overcoming such challenges.

Honourable senators, I cite as proof five milestones in his life when his desire to serve the Canadian people was rivalled only by his concern for justice for all, regardless of the colour of their skin.

The first milestone was his enlistment in the Royal Canadian Air Force during the Second World War, and this year we celebrate the seventy-fifth anniversary. This man of conviction did not hesitate to engage when his ideal of a free and fair world was threatened. He was just as eager to engage when faced with the intolerance of a time when, as he put it, “They didn’t know how to deal with race relations.”

In fact, when he reported to a superior officer that he had been refused service because of the colour of his skin and the officer did nothing to remedy the situation, Lincoln Alexander left the air force on principle, receiving an honourable discharge.

Honourable senators, the second milestone I’d like to bring to your attention is his entry into federal politics because of his concern over the issues in his beloved community of Hamilton West and his desire to contribute. He was elected four times to represent his fellow citizens in Canada’s Parliament, and in 1979 he was appointed Minister of Labour.

Lincoln Alexander was Canada’s first Black member of Parliament and the first Black person to hold a ministerial office. He embraced his role with passion and a clear sense of responsibility, aware that the goal was to break down prejudices and serve as a role model to all racial minorities and everyone who felt that they had a right to be full and equal participants in our country’s development.

His election victories bear witness to the bond of trust he forged with fellow Canadians. Despite his heavy responsibility, this man — affectionately known as “Linc” to his closest friends and family — was loved and admired by all.

The third milestone came when he was called upon to extend his public life as Ontario’s twenty-fourth lieutenant governor. He went down in history once again, this time as the first Black Canadian to hold this prestigious position.

For six years he fulfilled the duty of the viceregal position with distinction. While doing so he succeeded in rallying Ontario’s young people and instilling in them the notions of social engagement and excellence.

Honourable senators, he never begrudged the work. Rather, he visited over 672 communities, including 230 schools, attended 4,000 events and received some 75,000 people. This demonstrated the scope of his mandate.

In the opinion of many, including the Reverend Francis Chisholm, who played a role in his installation ceremony, he was a man who believed it was important to meet fellow human beings with openness and simplicity.

It was the “Lincoln touch” that gained him his reputation as an approachable figure and made him a person of influence wherever he went.

He achieved his fourth milestone as a distinguished advocate of education among young people, particularly those who might have been or believed they had been deprived of education because they were different, especially if the difference was one of skin colour.

Moreover, the title of his memoirs, *Go to School, You’re a Little Black Boy*, a reference to his mother’s persistent advice to him, speaks volumes about his philosophy that education should be accessible to every young person, without exception.

One of the first Black Canadians to receive a law degree from Osgoode Hall Law School, he understood how important and necessary such an education was. It therefore came as no surprise, honourable senators, that this passionate advocate for the right to education would become chancellor of the University of Guelph and that he would be the longest serving chancellor in the history of that institution.

• (1500)

The fifth and final milestone I would love to bring to your attention was his time as the chair of the Canadian Race Relations Foundation, when the Honourable Lincoln Alexander pursued his ideal of justice and fought racism in all its forms in our society. Safeguarding the destiny of an organization whose primary objective was to eliminate racism and to promote harmonious race relations in a country becoming increasingly multicultural and proud of its diversity was a natural part of this exceptional man's career and vocation.

The Honourable Lincoln MacCauley Alexander knew better than anyone that racism cannot be stamped out overnight, and throughout his illustrious career, he demonstrated the courage and generosity necessary to denounce it and replace it with productive and hopeful dialogue. This was his noble life's mission, and it lives on still in the impression he left in our collective memories.

In short, this is the kind of man he was: a man who opened the way for so many others, including this fourth African Canadian in this chamber; a man who is a source of admiration for all Canadians; a man who reminds us that nothing is impossible in this country for those who believe in an ideal of freedom and justice; a man whose example we want to preserve for future generations by designating throughout Canada January 21 as Lincoln Alexander Day.

Thank you, honourable senators, and long may we keep his memory alive.

(On motion of Senator Eggleton, debate adjourned.)

NATIONAL FIDDLING DAY BILL

SECOND READING

Hon. Elizabeth Hubley moved second reading of Bill S-218, An Act respecting National Fiddling Day.

She said: Good afternoon, honourable senators. I rise today to speak to the second reading of my private member's bill, Bill S-218, An Act respecting National Fiddling Day.

Since introducing this bill, I've received a great deal of positive feedback, and I'm very encouraged by the interest and support. At the same time, a number of my colleagues have simply asked, "Why? What is the significance of fiddling that it should receive its own day of recognition in the Canadian calendar?"

Well, I hope in my remarks today to answer that question and to convince all members of this chamber to support the bill.

Honourable senators, allow me to address why I have chosen to introduce this bill at this particular time. First of all, 2014 marks the twenty-fifth anniversary of the Canadian Grand Master Fiddling Association. The CGMFA is comprised of people from all over Canada who are committed to keeping fiddling alive in our country, and a national fiddling day will further help with this mandate.

Second, 2014 is a significant year in our country, as we celebrate the one hundred and fiftieth anniversary of the Charlottetown Conference. I ask you, honourable senators, what better time to recognize a form of music that binds our country together and that factored prominently in putting our founding fathers in the appropriate frame of mind to set aside petty differences and come together as a country?

Third, World Fiddle Day was celebrated last year for the very first time, following an extensive campaign on the part of a number of world-renowned fiddle players to encourage its recognition and to celebrate the beauty and history of fiddle music around the world. A national fiddling day would go a step beyond and recognize both the historical significance of fiddling and the dedicated musicians who embrace the instrument.

Now, I realize it's not in keeping with our Canadian character to be aggressive or overly assertive. Apparently, maple syrup production, ice hockey and the careful management of the economy are the notable exceptions. To these I wish to add the recognition of fiddling as an art form of national significance and one that I believe expresses all that is unique about the culture and the character of Canada and Canadians.

Allow me to explain that uncharacteristically boastful claim.

Let me start by sharing with you my belief that a nation's symbols offer a curious insight into its collective national psyche. It isn't a coincidence, for example, that both the United States and Russia have adopted aggressive and predatory animals as expressions of their national ambitions. The eagle and the bear are fierce and territorial. We Canadians, on the other hand, chose the modest and industrious beaver — hardworking, persistent, intent on building the appropriate infrastructure, highly social and perfectly adapted to our often inhospitable environment.

In the same way, fiddling, in all its various incarnations and styles, says much about the nation of Canada.

The fiddle was introduced to Canada by the Jesuits in the 17th century. Since that time, this humble yet complex instrument has been the catalyst for cultural development throughout our country. From those first days in New France, entertaining the members of L'Ordre de Bon Temps, fiddling has held a position of prominence in the musical identity of Canada. Indeed, it's not an exaggeration to say that the musical underpinning of our culture as a nation and a confederation of regions has been fiddle music.

The early French settlers and the famed coureurs de bois took the fiddle with them to the North and the West. They introduced the instrument to our Native peoples. The Acadians, who originally settled in the Maritimes, had their own unique style based on the European influences from the south of France. They shared their style with the Native peoples of the east, the Mi'kmaq and the Maliseet.

Later, the Celtic settlers of the 18th and 19th centuries brought their unique style of fiddling to this country. Similarly, in the first years of the 20th century, immigrants from Ukraine and other Eastern European countries brought yet another style of fiddle music. Indeed, the different styles of fiddling serve to illustrate the regional diversity of this great land. Just as each of our founding

cultures is unique and singular, so too are our fiddling styles reflective of the people from whom we come and who we have become.

• (1510)

Despite our regional differences, we all share a commonality and oneness that allows us to respect and honour our history, our lineage and our cultural roots. When it comes to fiddling, there is no such thing as a language or cultural barrier. As internationally acclaimed fiddler Natalie MacMaster said when she provided her support for this bill:

When touring Canada, I am always amazed at how our country is united coast to coast to coast by the fiddle. It is part of so many unique traditions and every culture.

Honourable senators, the Canadian fiddling family tree has many branches, but there are five or six identifiable styles. Each has its unique characteristics of bowing, fingering, flourishes and embellishments, and each has its signature tunes.

The oldest style is the French-Canadian style, found predominantly in Quebec and Acadia, including Labrador and the west coast of Newfoundland. This is the style of fiddling brought to the new world in the 1600s and kept alive generation after generation by people like Albert Allard, Omer Dumas, Tommy Duchesne and Théodore Duguay. Modern players of this style, such as Albert and Hélène Arsenault of P.E.I. and Leahy from the Ottawa River Valley, exhibit elements of both French and Scottish influences at play in their home communities.

A subset of the French-Canadian style is the Metis style, found predominantly in the northwest Prairies, northern Ontario and Northern Quebec. This style is best represented by Andy DeJarlis, Reg Bouvette and Mel Bedard.

It is encouraging to hear in the recent statement by our honourable colleague, Senator Jaffer, of the initiative taken by Frontier Schools in Manitoba to introduce fiddle playing into the curriculum. Fiddling instructors travel across the province teaching more than 2,000 students the art of fiddling. In her statement, Senator Jaffer told us how this program has given students from Aboriginal and Metis backgrounds a unique opportunity to celebrate their community, their culture and their heritage. This is an important initiative, and the school board is commended for their leadership and foresight.

One of the most predominant styles of fiddling is the Scottish style, which in turn has two subsets, the Cape Breton style and the Mi'kmaq style. The Scottish style is a form of fiddling found predominantly in Cape Breton, Prince Edward Island, parts of Newfoundland and other pockets of Ontario and the Western provinces. The Cape Breton style is the most prominent variety of Scottish fiddling styles in Canada. Well-known practitioners, both past and present, are Winston "Scotty" Fitzgerald, Winnie Chafe, Buddy MacMaster and his niece Natalie, Richard Wood and members of the Chaisson family from Prince Edward Island and, of course, Ashley MacIsaac.

The Mi'kmaq style, most notably the style of playing championed by the late great Lee Cremo, has significantly influenced fiddling in Cape Breton and the Nova Scotia mainland.

Then we have the Newfoundland style, with its profound Irish roots but also with the influence of the Acadians of the west coast of the province. Many well-known Newfoundland and Labrador fiddlers of the past century, including Teddy Blanchard, Rufus Guinchard and Emile Benoit, all had strong Acadian roots and influences in their playing. Modern players such as Kelly Russell have picked up the torch and transcribed many of the tunes laid down by these legends of the instrument.

One of the more popular styles in the Western provinces is the Anglo-Canadian style. This style is an interesting mix of Scottish, Irish, English, German, Ukrainian and U.S. swing-style tunes popularized by the advent of radio in the early years of the 20th century. It is often referred to as a "Down East" or "Maritime" style, but that geographic labelling is more a reflection of the fact that its main practitioner, Don Messer, was a well-known Maritimer. Other well-known stylists of this genre are King Ganam of "Country Hoedown" fame, Al Cherney who for many years was the regular fiddler on the popular "Tommy Hunter Show," Ivan Hicks of New Brunswick and also the sensational Calgary Fiddlers from Alberta.

Honourable senators, modern players of the fiddle are more likely to be formally trained in music these days, giving them access to even greater varieties of style, and many players are experimenting with combining styles as diverse as klezmer and celtic. We are also seeing the fiddle incorporated as a regular instrument in all genres of music, from folk, new age and country to bluegrass and jazz. As a result, we are beginning to see a resurgence in fiddling appearing in a surprising variety of recording studios, festivals and performance halls across the country.

The Festival of Small Halls in P.E.I. is committed to having fiddle music included in each of the 40 shows that will take place there in June of this year.

I will admit to having a personal interest in my promotion of this bill as well. Fiddle music has been an important part of my life since I was a child. As a step dancer, I was often accompanied by fiddlers, so I was naturally drawn to the instrument and the music. Perhaps it is not surprising that, as an adult, I joined the Prince County Fiddlers Branch of the P.E.I. Fiddlers Society and began to learn the instrument that I had grown up with. I had the privilege of learning at a young age that the fiddle is not only a powerful musical instrument but also a powerful social instrument, able to bring together families and communities.

In fact, I would argue, honourable senators, that fiddling represents the preservation and continuation of community. Fiddling is a building block of community. I believe an important argument can and should be made for using local music and dance to knit the local community together.

I don't have to remind honourable senators that we live in a rapidly changing world. Technology is changing this world at a dizzying pace, and much of it is for the better, but the homogenizing forces of social media and our ready access to the competing influences of other cultures can also lead to a loss of both individual and community identities. Our unique culture and traditions, so eloquently expressed in the lilt of our accent, the uniqueness of our phrasing or the distinctiveness of our music, can easily be lost and, once lost, may be difficult to regain.

All across this country, fiddling is an integral part of our expression of who we are and where we come from. You can find fiddle entertainment almost anywhere, from church basements to Legion halls and from nursing homes to local pubs. Fiddlers and their accompaniment are known to eagerly and unselfishly share their talent with others.

Honourable senators, I envision a national fiddling day where fiddlers give back to their communities by entertaining and sharing their music to make people happy, to lift their spirits and to celebrate the unifying nature of this country through the magic of music and the universality of this beautiful instrument. I envision a national fiddling day as an opportunity not only to celebrate the fiddle as an instrument but also to celebrate fiddling itself, the men and women who bring this music to life, the entertainment, the coming together of family, friends and community, and the celebration of our unique and distinctive culture that finds such melodic expression through the fiddle.

Honourable senators, in my comments earlier, I made reference to the treasured and vaunted place that fiddling occupies in the cultural traditions of all regions and corners of this country. I made reference to its significant role in giving form and voice to our individuality and our oneness. I am convinced that fiddling is the perfect metaphor for Canada.

Like Canada, it has deep classical roots but is strong and confident enough to allow for many regional differences and nuances that give rise to a beautiful, harmonic unity.

Like Canada, it is a study in contrast. It is modest, yet it is extremely complex, accessible in terms of availability and affordability yet difficult to master, as any player will attest.

Like Canada, it embraces and accommodates many different styles and traditions, allowing each to thrive and flourish even while we create an entirely new sound.

My honourable colleagues, I ask you to think about your own experience. Think about the number of times that we come together as a community to celebrate a sporting victory, to welcome soldiers home from war, to mark the birth of our nation, to honour the gifts of our forefathers and to revel in the reunion of family. On each of these important occasions, we turn to the fiddlers to help us celebrate.

• (1520)

Today, I ask you to join me in celebrating this humble, proud, simple, complex, worldly yet uniquely local instrument and to celebrate the talented fiddlers in whose hands music becomes magic. Thank you very much.

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to speak in favour of Bill S-218, National Fiddling Day. Understanding that today's attention span is much shorter than at the birth of the Canadian Senate, I will attempt to be brief.

If I may, fiddle music has been a part of our country's history since its birth. The French, Scots, Irish, Germans, Danish, First Nations, Ukrainians — to name a few — all share in our rich

fiddle heritage in Canada. In my own part of New Brunswick, people of all ages join together at events to listen and play tunes, both hundreds of years old and those newly composed. When the fiddles come out, toes start tapping.

Honourable senators, the fiddle is a humble instrument that has touched the lives of Canadians for hundreds of years. Fiddles lent themselves well to the folk traditions of Europe and were the instruments of choice for the first Canadian settlers in the 17th century.

[Translation]

The Jesuits in Quebec City were the first ones to mention fiddlers in Canada.

[English]

In fact, in a document in 1645, they reported the use of two fiddles at a Quebec wedding. Not much else is known about the wedding, but I bet you that was the very first kitchen party.

Like most folk music, fiddling is an aural tradition taught by ear through successive generations rather than being written down. Each culture has its own distinctive style of fiddling, as stated by Senator Hubley so ably. The fun of it is identifying which area of Canada that particular tune came from. The styles meld together and influence each other, and they have created a distinctive Canadian sound.

In the Maritimes, fiddling is influenced by strong Anglo-Celtic groups of Scottish-Irish settlers. Cape Breton, especially, is known for its distinctive sound. Their fiddling tradition was started by Scottish immigration fleeing eviction from their homes in the 19th century. Fiddlers in Cape Breton avoided the classical influences that European fiddlers embraced and adopted a strong and gutsy style that distinguished them from the rest. If you have ever heard the Cape Breton Symphony, that mass band of fiddlers, on stage, anywhere, your hearts would just turn to fiddling. Scotty Fitzgerald was a renowned and well known Cape Breton fiddler. His early recordings helped to establish certain tunes as standards for fiddling.

The Scottish and the Irish, however, were not the only cultures in the Maritimes to bring the tradition with them from the old world.

[Translation]

The Acadians also brought a wide range of stringed instruments with them when they settled in Atlantic Canada.

[English]

Many of these instruments followed them during the expulsion to Louisiana and you get the Cajun style of music. First Nations communities also adopted the fiddle. Aboriginal fiddlers built on European foundations, incorporating traditional vocals into their playing. In the Maritimes, Mi'kmaq fiddlers would play a game with children matching words in Mi'kmaq to the fiddler's tune. When older Aboriginal practices became discouraged or outlawed, many First Nations communities turned to the fiddle as their main musical outlet.

[Senator Hubley]

Acadian and First Nations styles merged in the Maritimes with the Anglo-Celtic tradition and are still kept alive in many rural communities in New Brunswick and P.E.I. The fiddling tradition in New Brunswick is personified by fiddlers like Ivan Hicks and dare I say Don Messer, who was from New Brunswick.

Senator Munson: They're all from New Brunswick.

Senator Mercer: And he lived in Halifax.

Senator Stewart Olsen: Okay. I tried. "Don Messer's Jubilee" was a well-known national broadcast and some sources suggested it was the second most popular show on air after "Hockey Night in Canada." The cancellation of the show in 1969 resulted in a protest on Parliament Hill and several pointed questions in the House of Commons. Messer is finally remembered today in the Village of Harvey Station by a four-metre tall red fiddle, the symbol of his trade.

Honourable senators, fiddling is not confined to the Maritimes. It is truly national. Canadian fiddlers inherited traditions brought by early settlers and interpreted them with distinctly Canadian variations from coast to coast to coast. Anglophones and francophones alike prize the fiddle as a small instrument that could be easily stored and transported across the rough frontier. Fiddles were so valuable to the people of Quebec City that many were hidden during the 1759 siege. A dozen of these instruments were uncovered in the city hospital in 1860.

The Metis in Manitoba also developed a separate fiddling tradition. They adapted styles learned from the French Canadian and Scottish fur traders who brought their fiddles with them as they crossed the frontier. As immigration to Canada increased in the 19th and 20th centuries, so too did the varieties of traditions reflected in our Canadian fiddling. Ukrainian settlers, in particular, played a big role in the West. They fled oppression in czarist Russia for the Prairies and incorporated the fiddle into their traditional folk music. Ukrainians were not the only Europeans to contribute to Canada's fiddling tradition. Hungarian and Romanian settlers brought their interpretation to Saskatchewan and many other parts of the West. German and Polish immigrants left their mark on the fiddling styles of Ontario and the Prairies, and several popular tunes may have German origins. One example is the "Jessica Waltz" from the Ottawa Valley.

I first began to listen to fiddle music after I heard the Cape Breton Symphony. I loved the sound and it may have been my roots calling me, but I was hooked. I was touched by the poignant bluegrass fiddle that played in the haunting American PBS documentary "The Civil War." To me, that's a prime example of why we should look at National Fiddling Day. It tells us that this iconic music is everywhere in North America; we all celebrate it and it calls out to some part of us.

There are many styles of fiddle music and it is fun to identify the styles and trace the traditions, and there are many great fiddlers in Canada's tradition. I've named a few and I hope I'm forgiven because I can't include everyone. There are many new fiddlers as well who are making their mark on the evolving style and attracting their attention to it, bringing young people to the music. Iconic figures like Ashley MacIsaac and Natalie MacMaster are purely awesome. MacIsaac's mercurial style and brilliance of his composition is incredible.

Honourable senators, fiddling did not develop in an isolated cultural space. It was and is associated with many Canadian and European folk traditions passed down through time. Fiddlers danced, sang, sat, stood and accompanied a variety of instruments from all around the world. The fiddle brought Canadians together in our kitchens, our barns, our nations, our legions. Everywhere you go, they've had a fiddle party somewhere. The influence of the fiddle extends from the common homes of New Brunswick farmers into the parlours of classical violinists. It's time we delegate a day to this national tradition as a boon to the Senate, and as a platform to celebrate in a truly Canadian way. If you give a moment's thought to the fun to be had, you can host a fiddling party every National Fiddling Day and give all the credit right back to the Senate and to Senator Hubley from whom this idea springs.

Colleagues, I hope you will join me in supporting Bill S-218 and take the opportunity to host a fiddle party in your own regions. Thank you.

• (1530)

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

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Hubley, seconded by the Honourable Senator Stewart Olsen, that this bill be read the second time.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE IMPORTANCE OF BEES AND BEE HEALTH IN THE PRODUCTION OF HONEY, FOOD AND SEED—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Agriculture and Forestry (budget—study on bee health—power to hire staff and to travel), presented in the Senate on April 8, 2014.

Hon. Terry M. Mercer: I move the adoption of this report that is currently standing in Senator Mockler's name.

I don't think there is a need for much debate. The report has been before the Internal Economy Committee and received support there, and we've talked about it in earlier times — unless there are questions.

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

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Mercer, seconded by the Honourable Senator Mitchell, that this report be adopted now.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

ABORIGINAL PEOPLES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON CHALLENGES AND POTENTIAL SOLUTIONS RELATING TO FIRST NATIONS INFRASTRUCTURE ON RESERVES—FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Aboriginal Peoples (budget—study on challenges and potential solutions relating to First Nations infrastructure on reserves—power to hire staff and to travel), presented in the Senate on April 10, 2014.

Hon. Dennis Glen Patterson moved the adoption of the report.

He said: Honourable senators, this budget will allow the committee to continue its study on challenges and potential solutions relating to First Nations infrastructure on reserves. We're looking at housing and other infrastructure on reserves. The budget will allow the committee to travel to regions of the country and do fact-finding to get first-hand information on these challenges.

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

Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Ogilvie, that this report be adopted now.

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

(Motion agreed to and report adopted.)

[Senator Mercer]

THE SENATE

MOTION TO AWARD HONOURARY CITIZENSHIP TO MS. ASIA BIBI—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Joyal, P.C.:

That, the Senate of Canada calls on the Government of Pakistan to immediately release Ms. Asia Bibi, a Christian woman who is being arbitrarily detained due to her religious beliefs;

That, the Senate of Canada declare its intention to request that Ms. Asia Bibi be granted Honourary Canadian Citizenship, and declare its intention to request that Canada grant her and her family asylum, if she so requests; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

Hon. Yonah Martin (Deputy Leader of the Government): Your Honour, I'm not prepared to speak today, so I move that I be able to reset the clock on this motion.

(On motion of Senator Martin, debate adjourned.)

[Translation]

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY TRADE BETWEEN THE UNITED STATES AND CANADA AND ADHERENCE TO LAWS AND PRINCIPLES OF ALL TRADE AGREEMENTS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Tardif:

That the Senate Standing Committee on Banking, Trade and Commerce be authorized to examine and report on trade between the United States and Canada and the adherence to the laws and principles of all trade agreements, with particular focus on spent fowl and chicken imports, including:

- (a) the application of tariffs and quotas on classifications that include blends, food preparation, kits, and sets, as well as the potential for these products to

circumvent the law and principle of trade agreements, in particular import quotas;

- (b) the regulations regarding import tariffs and quotas as established by the Department of Finance;
- (c) the interpretation and application of those rules and regulations by the Canadian Border Services Agency;
- (d) the monitoring of products defined as blends, food preparation, kits, and sets; and
- (e) the reciprocity of US regulations regarding similar Canadian imports;

That the committee provide recommendations for regulatory and legislative actions to ensure fairness for Canadians in the system; and

That the committee submit its final report to the Senate no later than June 27, 2014, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

Hon. Ghislain Maltais: Honourable senators, this motion requires a lot of thought. Recycling spent fowl and the question of imports affect a whole host of trade issues. The senator and I have agreed to wait to meet with Canadian chicken farmers on May 27 before I respond to this motion. I would therefore ask that the debate be adjourned in my name.

(On motion of Senator Maltais, debate adjourned.)

[English]

THE SENATE

ROLE IN REPRESENTING THE REGIONS OF THE CANADIAN FEDERATION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its role in representing the regions of the Canadian federation.

Hon. John D. Wallace: Honourable senators, as we are all well aware, the Senate of Canada has in recent times become a focus of heated public discussion and opinion. Citizens have raised serious questions concerning the roles and responsibilities of senators, Senate reform, and whether in fact the Senate should even continue to exist within our Canadian parliamentary system. Serious questions indeed.

These Senate inquiries that Senator Nolin has introduced to this chamber provide each of us with the opportunity to present for discussion and debate our personal views and recommendations on these critically important issues. Colleagues, I believe this is an opportunity that we should not let pass.

In response to Senator Nolin's inquiries, I wish to begin by offering my personal comments on the issue of political partisanship and its role within our Canadian parliamentary system, and particularly so as it relates to the constitutional roles and responsibilities of the Senate, and to each of us as members of this institution.

Federal party politics has always been regarded as a "team sport," one which by its very nature requires adherence by its members to a collective approach in support of their party's publicly stated policy goals and objectives.

If this collective approach could not be sustained, it would seriously impair the ability of political parties to present to Canadian citizens for their voting consideration, and subsequently implement, if they were to form government, the party's publicly stated policy agenda.

Consequently, there are many indeed who are of the view that political partisanship has always been accepted as a necessary and essential element of our democratic political system.

No doubt there is a lot of truth to that, and particularly so as it relates to the roles and duties of the elected members of the House of Commons. Most senators, of course, are also members of political parties, and as such it is completely reasonable to assume that senators would also actively participate in the furtherance of their respective party's interests, and particularly so as this relates to the election, and/or re-election, of their party's candidates. In this regard, the political activities of senators do not differ significantly, if at all, from those of members of Parliament.

Beyond that, however, the question remains whether the same degree of political partisanship that is consistently exhibited by elected members of Parliament should be considered both appropriate and expected from senators in fulfilling their constitutional duties.

• (1540)

In this regard, honourable senators, I believe it is important for us to appreciate how the Fathers of Confederation envisaged the role and influence of partisan politics on the constitutional roles and responsibilities of senators.

On this particular issue, Liberal leader George Brown stated the following in 1865:

The desire was to render the Upper House a thoroughly independent body, one that would be in the best position to canvas dispassionately the measures of the other House, and stand up for the public interests in opposition to hasty or partisan legislation.

Similarly, in the words of Sir John A. Macdonald:

No ministry can in the future do what they have done in Canada before,—they cannot, with the view of carrying any measure, or of strengthening the party, attempt to overrule

the independent opinion of the Upper House, by filling it with a number of its partisans and political supporters.

Closely associated with this issue of political partisanship within our parliamentary system is the institutional independence of the Senate as was originally envisaged and provided for by the Fathers of Confederation.

In this regard, the creation of an Upper House with the necessary authority to fulfill its intended constitutional duties required that the fathers provide the Senate with considerable independence from the actions of the house.

Their conclusions were clearly stated at the time by Sir John A. Macdonald:

There would be no use of our Upper House if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatsoever were it the mere chamber for registering the decrees of the Lower House. It must be an independence house, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch and preventing hasty and ill-considered legislation which may come from that body.

Similarly, in its 1980 Upper House decision, the Supreme Court of Canada reaffirmed this responsibility of the Senate to act in an independent manner:

In creating the Senate in the manner provided in the Act, it is clear that the intention was to make the Senate a thoroughly independent body which could canvass dispassionately the measures of the House of Commons.

Without doubt, the Senate was not created with the intention that it be a mirror image or "rubber stamp agent" of the House of Commons, quite the contrary. It was obviously envisaged that political partisanship within a properly functioning Senate would have to be tempered such that senators would always be confident that they were fulfilling their constitutional duties in the manner and to the extent intended by the Fathers of Confederation.

In this regard, I would also refer you to the following words that were read to each of us from Her Majesty's Writ of Summons at the time of our respective appointments to the Senate:

... for the purpose of obtaining your advice and assistance in all weighty and arduous affairs....

AND WE do command you, that all difficulties and excuses whatsoever laying aside, you be and appear for the purposes aforesaid... and this you are in no wise to omit.

Since the time of Confederation, our Constitution has required that the Senate fulfill the following fundamental roles and responsibilities: namely, to act as a check on the actions of the House of Commons and cabinet, and to provide representation

and protection of regional interests throughout the country and, in doing so, to conduct its affairs in a manner that complements the performance of the functions of the house.

In this regard, in referring to the Senate acting as an independent body, Sir John A. Macdonald continued on to say:

... but it will never set itself in opposition against the deliberate and understood wishes of the people."

The role of the Senate to provide appropriate checks within our Canadian parliamentary system was described in the following manner by Sir John A. Macdonald as:

... calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill considered legislation which may come from that body....

Similarly, the following quote comes from former Minister of the Interior, Sir Clifford Sifton, in 1917, from the text *The New Era in Canada*:

... The Senate is not so much a check on the House of Commons as it is upon the Cabinet, and there can be no doubt that its influence in this respect is salutary."

In addition to providing a check on the actions of the house, the Senate also has the constitutional responsibility to provide representation and protection of regional interests. Once again, this was also explicitly stated by Sir John A. Macdonald:

... To the Upper House is to be confided the protection of sectional interests: therefore it is that the three great divisions —

— that is, Ontario, Quebec and the Maritimes —

— are there equally represented for the purpose of defending such interests against the combinations of majorities in the Assembly.

This protection of regional interests by the Senate was obviously considered essential and necessary to counter the dominant representation by population of Ontario and Quebec in the house.

During the period that led up to and culminated in our Canadian Constitution in 1867, the Fathers of Confederation sought to find mutually acceptable middle ground that would enable the divergent and at times competing interests of the various regions to come together in unity to create this new country, Canada.

Finding this acceptable middle ground obviously required political compromises on their part. One of the most significant of these compromises, namely, the Senate's representation of regional interests, continues to this day to be an essential component of the underlying foundation of our country's Constitution.

As was accurately stated by our honourable colleague Senator Nolin in his address to this chamber on January 30, 2014:

It is not too much to say that the fate of Confederation turned on the issue of regional representation in the upper chamber.

As one who is from one of the less populated regions of the country, namely, the province of New Brunswick, one of the four original provinces to enter into confederation, the protection of regional interests is as much of a concern today, if not more so, than it was in 1867.

In saying that, I am mindful of the fact that the recent creation and distribution of 30 additional seats in the house on a representation by population basis has had the effect of reducing the percentage of Maritime provinces' seats in the house by 9 per cent. Projected demographic trends indicate that this downward representation by population trend in the Maritime region will continue into the foreseeable future.

I have no doubt that the regional representation concerns expressed and acted upon by the Fathers of Confederation were well-founded indeed.

As each of us is well aware, senators' representation of regional interests occurs in a number of different ways, depending on the circumstances of the issues at hand.

Regional representation often requires that senators respond directly to numerous requests they receive from citizens within their regions, as well as provide assistance in supportive roles with members of Parliament in their responses to their constituents' needs.

Senators also often take the lead on their own regional initiatives and projects. In areas not represented by a member of Parliament on the government side, it is not uncommon for a government senator to also be approached with requests for assistance from within their region. Also, through the introduction of inquiries and motions in the Senate chamber, senators are able to draw attention to significant issues that are of particular relevance to their regions and initiate substantive debate and potential solutions.

Senators with more of a national profile are often called upon to provide their own unique abilities and experiences in responding to the needs and requests of particular regions, and, in saying that, I am certainly reminded, for example, of Senator Dallaire, Senator Segal, Senator Greene Raine, Senator Demers, and Senator Joyal.

Issues of international scope and concern often require the abilities of senators with considerable experience in international diplomacy. In saying that, we are all well aware of the excellent contributions recently made on behalf of our country by Senator Andreychuk as regards the troubling situation in Ukraine.

Honourable senators, a one-size-fits-all approach is not the answer for providing the most effective protection and representation of our country's regional, national and international interests. I am certain that this was well

recognized by our Fathers of Confederation. There is no doubt in my mind that achieving the greatest benefits possible for the various regions of our country requires the combined skills, experience and efforts of members of Parliament, government bureaucrats and employees, and senators.

• (1550)

The Senate's representation of our country's regional interests is also clearly evident from the quality work that continues to be undertaken by Senate committees. In addition to Senate committee reports resulting from senators' extensive studies of proposed legislation, Senate committees also undertake special studies that produce highly relevant reports on issues of national and/or regional significance.

The following are the titles of but a few recent examples of these special study reports: *Reform First Nations Education: From Crisis to Hope*; *The Canadian Forest Sector: A Future Based on Innovation*; and *Moving Energy Safely: A Study of the Safe Transport of Hydrocarbons by Pipeline, Tankers and Railcars in Canada*.

Senate committee reports and studies play significant roles in influencing the development of subsequent government policies and legislation.

From my own personal experience, I'm also well aware of the fact that it is of great importance to many Canadians that these committee studies provide a public forum in which they are able to connect directly with government and provide their unique opinions and recommendations on issues that are of concern to them. In this regard, it is highly significant that during the period 2009 to 2012, for example, Senate committees conducted 95 special studies on a wide variety of regional and national subjects, participated in more than 1,600 committee meetings and hearings, and received representations from more than 4,600 witnesses.

The work, influence and quality of our Senate committee studies and reports are not to be underestimated.

The Senate being able to properly fulfill its constitutional duties requires senators not only to have a thorough appreciation of the specific issues of their respective regions but also of the broader spectrum of Canadian societal interests.

The Hon. the Speaker *pro tempore*: Senator Wallace, I presume you will need more time. Is it agreeable, honourable senators, that more time be given to Senator Wallace?

Hon. Senators: Agreed.

Senator Wallace: In this regard, the following personal background information for our current senators is particularly relevant. First, 39 per cent of senators are female, versus 25 per cent in the house. Second, five senators are of Inuit, Metis or First Nations origin. Third, 11 senators were born outside of Canada, originating from Barbados, Uganda, Greece, the Netherlands, South Korea, Pakistan, Jamaica, India, the Philippines, Vietnam and Singapore. Fourth, approximately 30 per cent are first-language francophone, 60 per cent are first-language anglophone and many are fluently bilingual. Fifth, previous occupations of

senators include education, health, science, the military, law enforcement, victim advocacy, journalism, management, the judiciary, law, accountancy and business.

There is indeed a breadth of real-world experience to be drawn upon from within the Senate of Canada.

Honourable senators, we have heard views expressed by those who believe that un-elected senators lack the legitimacy to perform the roles and responsibilities that have been assigned to the Senate under our Canadian parliamentary system. I strongly disagree. The legitimacy of the Senate as a parliamentary institution and the legitimacy of us as members of this institution are clearly and firmly grounded in the Constitution. And for that purpose, there can be no higher authority.

The purpose and role of the Senate and its members was carefully and meticulously considered and created by our Fathers of Confederation, and I believe that their conclusions are as relevant and necessary today as they were in 1867.

Un-elected, appointed senators have no less legitimacy than do un-elected Canadian ambassadors; judges; members of federal boards, commissions and tribunals; employees of the federal bureaucracy, including deputy ministers; and employees of the federal executive.

However, colleagues, that is not to suggest there is no need for change or improvement within our Senate institution, to the contrary, there most certainly is, and we are all well aware of this. For example, current Senate rules and policies that govern and define senators' permitted activities, as well as eligible travelling and accommodation expenses related to those activities, must be revised so as to eliminate all existing inconsistencies and ambiguities, including those identified in the audit reports received from the accounting firms Deloitte, Ernst & Young and, most recently, KPMG.

Additionally, I believe it would be highly desirable that Canadian citizens be provided opportunities within the current appointment process. It would not require a constitutional amendment to contribute suggested input into the consideration of possible Senate nominees. Without doubt, Canadian citizens have an obvious direct stake and interest in the performance of the individuals called upon to represent the respective regional interests of this country.

Honourable senators, the persons who occupy the seats of this chamber will continue to come and go with the passage of time. However, there is one constant in all of this, and that is the Senate institution itself. The Senate of Canada was created by the Fathers of Confederation as an essential and necessary parliamentary institution of this country. I believe that to be as true today as it was then.

Prime Minister Sir John A. Macdonald was right.

Hon. Art Eggleton: Will the senator take a question?

Senator Wallace: Yes.

Senator Eggleton: That was an excellent speech, and you covered a number of areas. There is one area I wanted to ask you about. You quoted George Brown, Sir John A. Macdonald and others, saying they wanted a more independent, less partisan Senate, to keep a check on the executive, provide sober second thought, et cetera. But you also pointed out that we operate under a party system. By its nature, a party system suppresses some of that independence and provides more partisanship.

How could you find a better balance in this chamber to try to bear in mind the realities of party politics but at the same time keep what the Fathers of Confederation were looking for in this chamber?

Senator Wallace: From an institutional perspective, I believe there are changes we can make internally that would be more conducive with senators voicing concerns they may have with legislation, for example, that may run contrary to party positions on certain things.

We've all given a lot of thought to that. One concern that strikes me is that if we examine legislation and see something we believe could be improved, yet stand in the way of it and oppose the elected will from the other place, we're running contrary to what Sir John A. Macdonald said. But, again, there is a balance. There isn't a perfect answer to that.

When we feel the need to do that, the process we follow here must be less cumbersome, take less time for that matter — such as a bill being amended and being sent back to the House — it could be done far quicker than it is done today. As we know, in many cases, standing in the way of the movement of bills from the house that come to the chamber, the time it would take for a bill to go back and be processed again can itself be the death of the bill. That's pressure. Again, in that, I think there is an answer that internally we can change the process and take some of those pressures off.

• (1600)

When all is said and done, from one issue to another, there's no perfect answer that covers all circumstances. Each of us has to make our own call. Each of us has to remember what our job is, which is to represent the best interests of the Canadian people. At times, it's very difficult to balance that with being a member. We know that.

The Hon. the Speaker *pro tempore*: The time allotted to Senator Wallace has expired by a few seconds. Of course, we can give unanimous consent for more time for Senator Wallace. He needs to ask for it.

Senator Wallace: Yes. Five more minutes?

Some Hon. Senators: Agreed.

Hon. James S. Cowan (Leader of the Opposition): I just want to follow up on what Senator Eggleton was asking you because I think that's an issue about — I think Senator LeBreton wishes to speak.

Hon. Marjory LeBreton: No, I just said there was a rule. We have a rule here or have been following a rule that when someone speaks for 15 minutes and their 15 minutes is up, then we allow them another five minutes. That has been kind of a standing rule. With all due respect to my colleague, if you extend that time, we've broken the rule. From now on forward, everyone will expect it.

The Hon. the Speaker *pro tempore*: That is exactly why I asked for unanimous consent to the request of Senator Wallace. Hearing no nays, I said we have unanimous consent. That's why Senator Cowan is totally entitled to ask his question.

[Translation]

Hon. Fernand Robichaud: On that point, Mr. Speaker, I seem to recall that, when you intervened, more than five minutes was granted. So I think we should be able to do the same for all the other members of this chamber.

The Hon. the Speaker *pro tempore*: Every case is unique. It is up to the senators present at that particular time to decide whether they would like to grant more time to a senator in order to continue his or her intervention. That is why I asked for unanimous consent, which I received, so I allowed Senator Cowan to ask his question.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): For clarification, our rules do not say that an extension of time must be limited to five minutes. This is a habit that we adopted by mutual agreement a few years ago. It is, by and large, a good habit for us to continue, I believe. However, it is not a rule, and there are occasions when it will be the judgment of the Senate that, on this rare occasion, a further extension should be given.

From the point of view of members of this chamber, there can surely be few more timely and important topics than the nature of the institution we all serve in. There is on the floor a question coming from the Leader of the Opposition in the Senate. I do not think it is contrary to our habits, traditions and customs for us to hear that question and the answer to it.

The Hon. the Speaker *pro tempore*: Senator Cowan.

Senator Cowan: Thank you, Your Honour.

I want to follow up on Senator Eggleton's question with perhaps a comment and a question. Senator Wallace, you have identified what it means if there are improvements we can suggest and whether that will unduly delay the passage of legislation, whether it's government legislation or any kind of legislation. I've thought about that issue as we look at our role, rereading, as I'm sure you have, the decision of the Supreme Court of Canada. The Supreme Court said yes, our role is primarily one of legislative review and sober second thought, and we are a complementary body, not a rival body. That is a phrase I've not heard used before, but they used it many times, I accept your argument about appointed senators being every bit as legitimate as elected member of the House of Commons. We have a different function.

I've always perceived our role to be that we are that sober second thought, and we provide advice, but, in ordinary circumstances, we don't insist on our advice. A bill would come here, we'd look at it and we'd provide our advice by way of amendments to the House of Commons. The House of Commons, we would expect, would consider our advice. They could say, "Well, that's fine, but we pass it again and send it back to you." In ordinary circumstances, it seems to me that the Senate would say, "That's fine. Our job is to carefully consider legislation and to provide advice. We have given that advice. You the elected representatives of the people have chosen to reject that advice in whole or part, and we'll allow it to pass."

It seems to me that the system works because of that natural, usual deference of the appointed house to the elected house, in general circumstances. Would you agree with that?

Senator Wallace: What you've described is normally how the system does work. I couldn't take exception with what you've described. In thinking about this issue, I've wondered myself whether the role of the Senate in reviewing legislation initiated in the house is to look at the technical side of it. Is it to ensure it's not flawed in some way, but not to question the policy? From your perspective, you probably wouldn't agree with that.

Sir John A. Macdonald expressed the thought that the Senate is not to go against the will of the people. I think clearly what he was getting at was the will of the people as expressed by the elected members. If they have decided that this is the policy that they believe is appropriate, whether we agree or disagree, if the bill is not technically flawed or contrary to law in some way, is it our role to say, "We disagree with the policy"? Again, coming from the opposition side, I won't ask you what you think of that, but I can guess. Being on the government side, it's an issue I have given thought to.

Senator Cowan: I think our role is the review of legislation, not just a review of the technical aspects of legislation. We have a perfectly legitimate right, a responsibility, it seems to me, to review legislation from a policy point of view and from a technical point of view. I view our role as the Supreme Court looked at it, as complementary to the elected house. We provide advice. I think what Sir John A. Macdonald was driving at is that, at the end of the day, we wouldn't stand up against it because we're not a rival of the House of Commons but complementary to the House of Commons. I see our role as being a careful review not just of the technical aspects of legislation but of the policy aspect as well.

We provide advice, which might be by way of observation. It might be by way of amendment. It might even, in unusual circumstances, be simply defeating a bill. It goes back to the House of Commons, and then the House of Commons will hopefully consider our advice and do what they're going to do. At the end of the day, I see, in ordinary circumstances, that we would defer to the elected house. I think the system has worked. As you know, with the roughly equal powers of the two houses, it can't work in theory. It works in practice, as I see it, because of the natural and legitimate deference of the appointed, complementary house to the elected house.

Senator Wallace: I don't necessarily disagree with that, but again, we have the issue of what Sir John A. Macdonald meant when he suggested that the Senate would not stand in opposition

to the will of the people, the will of the house. If the objection we have is clearly just that it is a policy that you might disagree with, nonetheless that's the policy that the elected representatives have decided is appropriate. It's not flawed; there's just a difference of opinion.

• (1610)

I'm simply saying to you that I've questioned in my own mind whether that is a justifiable reason to say, "No, we're going to impose our will in this chamber on that matter of policy, and we believe that it's a better answer than what you have come up with in the House of Commons."

Again, I'm not looking for an answer to it. I'm simply saying to you that that thought has been in my mind.

Senator Cowan: Would you hold the same view that our role is restricted to the technical aspects of any bill that comes from the House of Commons? Or are you talking just about government bills? We do receive bills that pass the House of Commons that are not government bills, so would you view our role as being restricted to the technical aspects of those bills?

Senator Wallace: No, I don't believe that. All I'm saying is that I have questioned what was in the mind of Sir John A. Macdonald when he made that statement. I don't disagree: Our job, our role is to examine legislation comprehensively.

Hon. Don Meredith: Senator Wallace, thank you for your speech. You made reference to judges and directors general being held responsible in their positions as well. We're talking about being unelected, unaccountable.

In your opinion, do you feel that we're unaccountable? I hold a contrary position to that statement.

Senator Wallace: Thank you, senator. No, I didn't refer to accountability. I referred to legitimacy. I most certainly believe that our chamber and the work that each of us does as senators is indeed legitimate and valuable to the country.

On the issue of accountability, I do not consider myself, nor do I think other members of this chamber consider themselves, to be unaccountable. We're accountable to each other, we're accountable to ourselves, we're accountable to the rules, which at times can be improved upon in this chamber, and we're accountable to the communities and regions we represent.

Hon. Grant Mitchell: I wanted to say, first of all, that I thought it was an excellent speech. I was impressed by many features of it. I'd like to emphasize the point you made, which was impressive, that legitimacy isn't dispelled simply because you're appointed. There are 250,000 appointed public servants who do very legitimate work.

I would say one additional feature of our legitimacy is that, unlike most public servants — this is not a criticism, this is a fact — we do it in public, and that would enhance our legitimacy even

further. I would say just as a passing comment that I only wish your speech could have been televised today because if ever there was going to be an element of gained legitimacy, it would have been when people saw that speech and saw this debate, at least at this moment. I think that also enhances accountability because yes, people in our communities have some sense of what we do, but they don't have a broader sense of what we do in this very important chamber.

I'm wondering whether you might comment on the idea of televising the Senate and the relationship of that to enhancing accountability and legitimacy in the eyes of the Canadian public.

Senator Wallace: That's an issue many in this chamber feel strongly about. I think it's one that will evolve in the very near future.

As we all know, there are a number of factors to be considered in all of that, so I'm not going to answer your question directly at this point, but I would say that anything that would enable Canadians to have a far better appreciation and understanding of what it is that we do as senators and why we do it — it's not just to justify our existence but to factually get it out there — would be an improvement. The fact of the matter is that by following the newscasts and reading newspapers today, the public does not understand what this chamber is about and what we do as senators.

It's an option that's there. We'll see it unfold, and I would encourage that discussion to continue to take place.

Senator Mitchell: Thank you. I appreciate your answer. I'm not meaning to put you on the spot. It is a tough issue and there are many sides to it, of course.

I think televising would do many things more than just enhancing legitimacy and accountability. It would engage people more. We saw that particularly the first time that our audio got off the Hill and people followed the suspension debate with great interest. That would be enhanced by a visual component to that communication.

I do also think that legitimacy for this institution, which will have implications for legitimacy of the parliamentary process more broadly and *ergo* for democracy more broadly, is an end worthy of pursuit in itself if there were are no ancillary benefits — which there would be — such as engagement of the population in the debate and in their democratic process, which would be enhanced by that.

My second question is to really further Senator Cowan's point. I liked your answer a great deal, that there shouldn't really be a distinction in the way that we honour Sir John A. Macdonald's view of our relationship to the elected house and their particular authority for having been elected.

I do think, in my experience here, that we do treat private members' bills differently than we do government bills. As a Senate, we have defeated six government bills since 1945. I don't have the definitive number of private members' bills that we've

defeated since I've been here, but it's probably getting to be that number that have been explicitly defeated, and many are defeated because we let them die on the Order Paper. We hardly ever allow government business to die on the Order Paper. Am I correct? Would you agree or disagree with my assessment that we have probably treated private members' bills differently here, with less respect for their democratic support than we have government bills? I'm not asking you to give me an idea of whether or not you agree that should be the case, but if you wanted to, that would be great.

Senator Wallace: Thank you for that, senator. I would simply say, as with every matter that comes before the chamber, we look at it on its individual merits, and I believe that's what we all do. At the end of the day, when you're adding up the scorecard to see how it all worked out, you may want to draw conclusions from that. I'm not prepared to do that. I believe government bills and private members' bills have to stand on their own and there has to be convincing positions put forward to get support for that. Some of that support might occur in this chamber. A lot of that support occurs outside of this chamber, as you well know having presented private members' bills before.

The Hon. the Speaker *pro tempore*: I think Senator Eggleton has another question?

Hon. Kelvin Kenneth Ogilvie: On a point of order.

The Hon. the Speaker *pro tempore*: I hope the point of order is not on the time allotted to that debate. I sought unanimous consent and I received it. There's no limit.

Senator Ogilvie: But you didn't seek unanimous consent for unlimited debate.

The Hon. the Speaker *pro tempore*: There's no limit. I asked if there was a limit. Nothing was mentioned to me, so I gave the floor. Colleagues, we are a chamber of the Parliament of Canada. Parliament is a place where we *parlons*; that's exactly what we're doing now. There's no limit to that debate. I recognized Senator Eggleton. He wants to ask a question, and if any other senator wants to ask question, you're totally entitled to do that. If you don't agree with unanimous consent, you just have to say "no."

Senator Ogilvie: You clarified again with regard to time. Thank you.

Senator Eggleton: This question might get a reaction. On January 29, the Leader of the Liberal Party of Canada decided that the 32 people over here should sit independent of their caucus of members of Parliament. We still call ourselves Liberals because we're members of the Liberal Party and we share common values so it's logical for us.

Given the nature of this chamber — we talked earlier in terms of organizations of parties and the way it's structured at the moment — that seemed to be a logical thing to do. So here we are; we're independent Liberal senators, as some people could call us. We have no messaging whatsoever from the other side in terms of any position on anything.

• (1620)

Would it make sense for both sides of this chamber to be on a similar basis? Should there be, for example, an independent Senate Conservative caucus, independent from the caucus of MPs?

Hon. Yonah Martin (Deputy Leader of the Government): Point of order. Pursuant to the *Rules of the Senate*, I understand that in such an extended debate there should be no new topics and questions; rather, it should be within what the topic has been for the speaker. Is that correct?

The Hon. the Speaker *pro tempore*: Absolutely right. We are in a debate. That debate was framed by the speech of Senator Wallace, and the question has to be in relation to that speech and the topic raised in the subject matter of that speech. I'm listening quite carefully to all of the questions, and they are related to the topic raised by Senator Wallace.

Senator Wallace: Senator, thank you for that. I would simply say that, individually, we each have decisions we have to make every day with matters that are brought before this chamber. Senator, you've described what you and your colleagues determined was appropriate for you a few months ago. All I would say is that we, on this side, will make our own decisions. Today, we are still part of a team, and I'm fully supportive of that.

The Hon. the Speaker *pro tempore*: On debate.

Question, Senator Ringuette?

Hon. Pierrette Ringuette: Senator Wallace, I want to thank you for your wonderful speech. As a New Brunswicker, I'm very proud that you serve within this chamber.

You state the delicate balance with regard to legislation that we have to take into consideration and the fact that the Fathers of Confederation wanted us to support the will of the people on the one hand but, on the other hand, give credence to minorities, whether they are geographic minorities, as we are as New Brunswickers with regard to the majority in the House of Commons, or whether it would be from linguistic minorities and so forth. That is a major mandate that we have with regard to the protection of minorities. I think that, so far, the Senate has done a good job with that, but it brings back the issue of balancing those responsibilities, the will of the majority and the fact also that, within this chamber, we are operating the same way — government and opposition — that they are in the other place. I find that is a detriment to our purpose.

Going back to reflecting seriously, maturely, with regard to our constitutional responsibility and the people from our section that we have to represent, can you propose to us a better means of fulfilling, operationally or legislatively, that balancing act within our constitutional responsibilities?

Senator Wallace: Thank you, Senator Ringuette. It's very issue-specific when circumstances arise and each of us has decisions to make and has to balance all of these matters together and make

the best decision we possibly can. At this point, I don't have any other suggestion that we do anything other than take and deal with each matter on its merits and make those decisions.

I would say this: There are those in this chamber and outside of this chamber who are a lot smarter than I am on a lot of topics, and I look forward and would encourage all colleagues of this chamber to participate in these discussions and to address, particularly, the issue you've raised, senator. Who knows, there may be matters that we can deal with internally, not involving constitutional amendment, and we can improve the functioning of this chamber.

I think the question you've raised is a completely valid one. I'll wait until I've heard from everybody else, and then I'll give you my answer.

Hon. Jane Cordy: Congratulations, Senator Wallace. Your speech was excellent, and I think the discussion that we're having is also the kind of discussion that we should have more often. I'm sure a lot of us will be looking at your speech when we're asked to speak publicly to organizations about the role of the Senate. As a Maritimer, I think you clarified very well the historical aspect, which you so rightly gave to us today, as to why so much time in the discussions prior to Confederation was spent on the institution of the Senate and that it should not be based on population but rather by region for the very reason that those of us in the Maritimes would be overwhelmed by the numbers from the rest of Canada.

You spoke a lot also about regional interests, which I think is, ultimately, one of the most important roles that we have in the Senate and as senators representing our provinces and our regions. Perhaps you didn't come to a decision on this — and I certainly accept that — but I'm wondering if you thought about whether we should have more regionally based get-togethers, formally or informally, to discuss issues that would be relevant to our region of the country, regardless of whether you sit as an independent or a Conservative or a former Liberal, whether or not it would be important to get together for issues related to our region. Perhaps you haven't come to a decision.

Senator Wallace: Thank you, senator. I think all of us have found that when we return home, back to our regions, we're met with many requests from people within our regions. We respond to those, and I will continue to do that. I think beyond that, getting into anything more formalized than that, I really have nothing to add at this time other than any that may agree with you. Again, Senator Ringuette has an inquiry of her own dealing with that. I would suggest you bring it up then.

If I could just say while I'm on my feet, this is more than interesting; it's a critically important discussion. I would ask that we stop it at this point. I think I've said about all that I have to say right now, and I think you've got my sense of where I am on these issues. I would put the ball back in your court, and each of you can be on your feet and express what you think. I might even ask you a question, but I would caution you to never ask for five minutes.

The Hon. the Speaker *pro tempore*: On debate.

[Senator Wallace]

Senator Fraser: Just to reiterate, the five-minute custom is a good one, but I also have been extremely interested in this use of a longer extension.

I want to, like others, congratulate Senator Wallace on his very thoughtful and thought-provoking remarks.

• (1630)

The primary topic of this element of Senator Nolin's series of inquiries has to do with regional representation. This is something that is really not understood by many people, including many members of the public: In federations around the world, a second chamber is set up to give greater representation to the smaller regions than to the more populous ones. That is one of the primary purposes of a second chamber in most federations, and certainly it is in this one.

It would be so easy for central Canada to steamroll everyone else, with the best intentions in the world but just not being aware of the implications of a given set of policies or laws for the people in those smaller regions. That's why you need a different form of representation in the second chamber.

I know that in the west, justifiably, there has been massive frustration about the fact that they didn't get a majority in the Lower House, and they didn't get their due in the Upper House either. As Senator Wallace has suggested, certainly in the case of the Lower House, redistribution of seats is taking care of that primary difficulty, and the same redistribution of seats intensifies the need for a second chamber that gives that extra weight to the representatives of the less-populous regions.

We all know — we hear it in our own caucuses and we hear it on the floor of this chamber — that those representatives make their voices heard. They have an impact. They sharpen the awareness of those of us from the more populous regions of the country in very important ways, over and over again.

The other element that Senator Wallace raised — and it's a crucial one that goes to the very heart of what we understand our responsibilities here to be — is the question of what to do when the House of Commons has passed a bill and we think it's, shall we say, "imperfect"?

My own view of this has been based almost entirely on what is — and I think I've said this before — known as the Salisbury Convention, and that is that we will not stand in the way of a policy that the government of the day has campaigned on and won a mandate for. We may perceive technical flaws in the legislation sent to us and legitimately refer those technical flaws back for consideration of amendments that we make in the House of Commons, but we won't stand in the way of the clearly expressed wishes of the people as expressed in an election when the people knew what they were voting for.

Sometimes, however, things come to us from governments that were never mentioned in election campaigns. The great historical example of that, I suggest, at least in recent history, is the matter

of free trade with the United States. Not only was this not a part of the Mulroney government's campaign, Prime Minister Mulroney's earlier remarks could have led many Canadians — it certainly led this Canadian — to think that he was not in favour of bilateral trade with the United States. Well, he changed his mind, and he had the right to change his mind, but he did not have a mandate from the people for that massive change.

The then-Liberal majority in the Senate said, "This is too big and too important. We won't give it to you until you have a mandate from the people, but if you get a mandate from the people, okay." He went to the people, he got his mandate and forthwith the Senate passed the legislation implementing the free trade bill.

That campaign was one of historical importance to Canada. I submit that we — I wasn't here then, but the Senate — did a good thing in saying, "This is so important. You have to go to the people. They have to know. They have to give their approval of what we're doing." As we know, it was a very divisive subject in the country. Well, the people said, "We re-elect the Conservative government," and the Senate said, "Okay."

On other matters, I would suggest that it is our duty to examine not only the technical details but the actual policies and principles underlying bills that come to us from the House of Commons.

I will cite another example, this one passed by the House of Commons under a Liberal government, though I think it was a private member's bill. It was known as the "Son of Sam Bill," which would have prevented prisoners from publishing and profiting from the publication of their memoirs. As was pointed out, a Nelson Mandela would have been captured by this, not just mass murderers. It was also pointed out in testimony before the Standing Senate Committee on Legal and Constitutional Affairs that this was probably contrary to the Charter of Rights and Freedoms.

The Senate killed that bill, and it was right to do so, in my view. Some variation on that bill might have been acceptable, but the bill as it stood was not.

So we did our duty in both of these circumstances. In my view, the Senate did what the Senate was supposed to do.

The Son of Sam Bill had actually raised many qualms among members of the House of Commons, but there was such tremendous public support for it that they voted for it anyway and left us to pick up the pieces. I don't know how many people on the government side these days have had MPs come to them quietly and say, "Please, we're counting on the Senate to stop this thing." But certainly when we were in government, I heard that from a number of MPs, because they face a degree of political pressure that we do not face.

That is one reason the Fathers of Confederation set us up the way they did; namely, so that we could give that sober second thought to measures that may, in the rush of public emotion of the day, have significant public support but that are not in the interests of Canada.

So the Salisbury Convention is what I hang my hat on, and regional representation is an absolutely essential element of what we do.

That said, colleagues, I move the adjournment of the debate in the name of Senator Dawson.

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

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

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