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Wednesday, September 24, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, September 24, 2014

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

FOREIGN INVESTMENT PROMOTION AND PROTECTION AGREEMENT

RATIFICATION OF AGREEMENT WITH CHINA

Hon. Céline Hervieux-Payette: Honourable senators, it is with shame and anger that I rise today to speak to the Foreign Investment Promotion and Protection Agreement — FIPA — that Canada ratified with China and that will take effect on October 1.

This agreement, which Canadians never consented to, was ratified without a vote or debate. Prime Minister Harper rejected repeated requests by the three opposition parties at the other place. He also blocked calls for an in-depth study to be done in committee. This illustrates the Prime Minister's level of transparency and respect for our democratic institutions.

Beyond the method, the terms of the agreement raise serious concerns. The Blakes law firm summed up the situation as follows:

While it has been said that the China-Canada FIPA represents a greater benefit to Canadian investors looking to invest in China than vice versa, the fact remains that the treaty will establish valuable protective measures that Chinese SOEs investing in Canada's oil and gas sector would otherwise have been without.

One major protection Chinese SOEs will enjoy will be evident when the time comes to resolve disputes by arbitration, as provided for in the agreement. Chinese SOEs are state-owned enterprises. As the Blakes law firm points out, and I quote:

The first is that it remains an open point regarding the circumstances state-owned and/or state-controlled entities, as opposed to privately owned corporations, have standing to bring claims before the ICSID. This uncertainty is rooted in the fact that the ICSID was established in part to depoliticize investment disputes by removing participation of the home state of the investor, a separation which dissolves where the investor is owned or controlled by its home state.

Another issue that was raised was transparency in dispute resolution. Were Canada to be the subject of a complaint, it would have the discretionary power to decide whether the process

would be open to the public and to decide which requests for arbitration would be made public. As such, arbitration that could result in the payment of millions of dollars in taxpayers' money could be kept secret from Canadians.

Not only were these issues not debated in Parliament, but also, Canadians were ignored. In particular, Ontario and British Columbia chiefs argue that the agreement violates the constitutional rights of First Nations, which have been recognized in several national and international treaties.

According to Chief Stewart Phillip, and I quote:

[*English*]

... the agreement provides far superior protection for Chinese investors' interests than for our First Nations' Aboriginal Title, Rights and Treaty Rights. The agreement prohibits the Government of Canada from offering special treatment to any Canadian investor that it does not offer Chinese investors. We believe —

[*Translation*]

Can I finish my sentence?

[*English*]

CANADA-ISRAEL RELATIONS

Hon. Daniel Lang: Honourable senators, this past July, I had the opportunity to visit the State of Israel as part of a parliamentary delegation hosted by The Centre for Israel and Jewish Affairs. The purpose of the visit was to acquaint ourselves with the people of Israel, view for ourselves the threats that they face and establish in our own minds the legitimacy of their cause.

We found a country in which you can drive from one end to the other in four and a half hours and which is, at its narrowest point, only 14 kilometres wide. Its population is just under 9 million, made up of Israeli and Arab citizens — approximately 20 per cent Arab — who are all represented by members of parliament in the Knesset.

The day after our arrival, the rocket barrage by Hamas from Gaza began, and the State of Israel began its 50 days of siege and an international political propaganda war that, at times, must have been overwhelming.

The daily, relentless, ongoing rocket attack caused us all to reflect on the dangers that ordinary Israeli citizens, Jewish and Arab alike, face as they go to work. It leaves one to wonder: How can Israelis achieve peace when their country is surrounded by terrorist organizations, such as Hamas and Hezbollah, whose primary stated goal and governing charter calls for them to annihilate the State of Israel?

Moreover, one is perplexed to learn that the UN was busy investigating Israel for a war crime, but not Hamas or Hezbollah.

Colleagues, during the time we were there, we had to go to bomb shelters four times, and we were able to experience first-hand the effectiveness of the Iron Dome defence system. The system works, and it can take credit for saving many Israeli lives while at the same time providing government with time to weigh all its options while under attack. It certainly brought home the importance of having a defence system against incoming missiles and, in our case, ballistic missiles.

This past spring, the Standing Senate Committee on National Security and Defence recommended that we consider participating with our U.S. neighbours in ballistic missile defence. Israel's experience should teach us that it is vital to be prepared in a dangerous world with many rogue actors.

Colleagues, as I reflect upon our parliamentary visit to Israel, the only democracy in the Middle East, I am again proud of our strong bilateral relationships with Israel, our support for the Jewish people in Canada and abroad, and our firm stand against anti-Semitism.

At this time of the high holidays, and as the community marks Rosh Hashanah, please join with me in wishing members of the Jewish community a happy New Year. *L'shanah tovah*.

[Translation]

LE JOUR DES FRANCO-ONTARIENS

Hon. Marie-P. Charette-Poulin: Honourable senators, Ontarians have been celebrating le Jour des Franco-Ontariens et des Franco-Ontariennes on September 25 ever since it was proclaimed in 2010.

September 25 — tomorrow — is an important day for members of the Franco-Ontarian community. It was on that day in 1975 that Gaétan Gervais, co-creator of the Franco-Ontarian flag, and a group of students from Laurentian University in Sudbury first raised the Franco-Ontarian flag.

It was a great day in 2010 when the Legislative Assembly of Ontario unanimously passed the Act to proclaim Franco-Ontarian Day, a day to celebrate and officially recognize, I quote, “the contributions of the Francophone community of Ontario to the cultural, historical, social, economic and political life of the Province”.

• (1340)

As the Franco-Ontarian community prepares to celebrate the 400th anniversary of the French presence in Ontario, which will take place next year, I am reminded of the great many achievements we can be proud of. We have faced many obstacles, but we can now say that some of our greatest achievements have had to do with the language rights of francophones in the school system and the legal system, francophone media, and protecting the Montfort Hospital, as well as its recent designation as a teaching hospital.

[Senator Lang]

Another achievement was the historic appointment earlier this year of the Hon. Madeleine Meilleur as the province's Attorney General. She is the first francophone to occupy the position. She herself said that her appointment “sends a positive message to the more than 600,000 francophones in the province.”

Honourable senators, there are so many exceptional Franco-Ontarians and so many positive messages.

On the eve of the Jour des Franco-Ontariens et des Franco-Ontariennes, I would like to take this opportunity to tell you once again just how proud I am to be here in the Senate representing the largest francophone population in Canada outside Quebec.

THE LATE GILLES LATULIPPE, C.M., C.Q.

Hon. Claude Carignan (Leader of the Government): Honourable senators, Gilles Latulippe, a great Quebecer and a great Canadian, died yesterday in Montreal at the age of 77. We were deeply saddened to hear of the passing of this central figure in Quebec comedy, knight of the National Order of Quebec, recipient of the Academy of Canadian Cinema and Television's special achievement award, and member of the Order of Canada. During his career, Mr. Latulippe also received many honours from the arts community.

When I was a child and then a teenager, three comedians made me laugh until I cried: Louis de Funès, Yvon Deschamps and Gilles Latulippe. The pre-eminent burlesque performer in Quebec, Gilles Latulippe had a prolific career and shared the stage with some of the greatest comics and creators of Quebecois comedy. Mr. Latulippe appeared with Olivier Guimond, Michel Noël, Mandat Parent, Juliette Huot, Janine Sutto and La Poudre, to name but a few.

In 1967, at the age of 29, he bought the former Théâtre Dominion and turned it into a vaudeville theatre, the Théâtre des Variétés. Gilles Latulippe worked for 33 years running the theatre, where he performed in more than 7,000 burlesque shows alongside his childhood idols, whom I mentioned earlier.

Gilles Latulippe was also a star on television. Beginning in 1959, he played the role of the famous Father Nolasque in Gratien Gélinas' *Bousille et les justes*, a dramatic comedy. He also had roles in the series *Le zoo du Capitaine Bonhomme*, *Cré Basile*, *Symphorien*, *Les Brillant* and *Poivre et Sel*, not to mention various parts in ten feature films. He co-hosted the show *Les Démon du midi* alongside Suzanne Lapointe. This variety show was one of the few to broadcast more than 1,000 episodes and Gilles Latulippe wrote more than 800 sketches for it.

You will agree, honourable senators, that his man left his mark on Quebec and Canada with his extraordinary creative energy. In listening to the various tributes following the announcement of his death, what really strikes me is not necessarily his immense talent — we all agree on that — but his humble, simple, accessible, affable and generous nature.

[English]

Gilles Latulippe was a great man who had both feet on the ground. He adored, above all else, making his friends and the people of Quebec laugh to the point of tears. He delighted in doing so for over 55 years, to our greatest joy.

[Translation]

Mr. Latulippe found out that he was critically ill with lung cancer about three years ago, but he chose not to tell the public and to continue making us laugh. Last summer, he appeared at the Drummondville theatre for his 20th consecutive season but was hospitalized at the end of the summer to be treated for pneumonia, which turned out to be fatal as a result of multiple complications.

On behalf of myself, all senators and the government, I would like to offer my sincere condolences to Mr. Latulippe's family and loved ones, and to sincerely thank him for all the years of side-splitting laughter.

I wish you a very happy reunion with your old friends from the Théâtre des Variétés, Mr. Latulippe.

[English]

THE LATE RICHARD LEE COLLVER

Hon. David Tkachuk: Honourable senators, Richard Lee Collver died in Thailand on August 7, 2014, leaving behind his wife, son and three children from his first marriage. A successful businessman in our province, in March 1973 he became leader of a moribund Saskatchewan Progressive Conservative party. It had a total membership of a little over 300 Saskatchewan residents at the time.

In the 1960s the Progressive Conservatives had only one elected member and before that had not had any member elected since 1934. It had no elected members in the 1970s prior to his leadership, and had only 2 per cent of the popular vote in 1971. This is what Richard Collver faced when he took over, yet he led the party to seven seats and 28 per cent of the vote in the 1975 election. By 1978 he was Leader of the Opposition and, in the election that year, he increased the party numbers to 17 seats and 38 per cent of the vote.

Colourful, brash and determined, he and his wife Eleanor criss-crossed the province tirelessly, and Collver took his message of free enterprise, social conscience and strong local government to all who would listen. Surmising that many in the NDP were looking for an alternative to the socialist Allan Blakeney — and that many in the Liberals were really Conservatives — he rebranded our party, calling it the Tommy Douglas-Diefenbaker coalition. Stung by the election loss, however, he resigned from the leadership only to see his efforts bear fruit in 1982 when the people of the province elected a Progressive Conservative government.

After he left politics, Richard was heavily involved in business in the United States and ended up moving there along with his family. Nevertheless, his contributions to the province were many, and his messages of individual initiative and free enterprise were powerful and resonated strongly among those of my generation.

He would have been very happy to see our province today. On behalf of Conservatives in Saskatchewan, may God rest his soul, and our condolences to his family.

PLIGHT OF CRIMEAN TATARS

Hon. A. Raynell Andreychuk: Honourable senators, I rise to draw your attention to the perilous situation of Crimean Tatars.

The Tatars are a Turkic-speaking Muslim people who for centuries have been indigenous to the Crimean Peninsula. In 1944, the Tatars were expelled from Crimea through the mass deportation policies of Joseph Stalin. Many died in the process.

The fall of the Soviet Union allowed the Tatars to re-establish themselves in Crimea. Since 1991, Crimean Tatars have operated their own executive commission, the Mejlis, which represents and promotes Crimean Tatar interests. Today, some 260,000 Tatars live in Crimea.

Earlier this year, the Ukrainian Parliament officially recognized the Crimean Tatars as indigenous people of Ukraine and recognized their right to self-determination within Ukraine.

Today, that freedom and autonomy is being challenged.

The relationship between the Crimean Tatars and Russia has long been fraught and difficult. Russia's illegal annexation of Crimea in March has exposed Crimean Tatars to renewed reprisals and persecution. Shortly after Russia's illegal occupation of Crimea, Crimean Tatars were told they would be required to relinquish their land for "social purposes." Several Tatar leaders were banned from the peninsula. Tatar activists endured violent attacks and spurious criminal prosecutions. Many Crimean Tatars have been forced to flee the Crimean Peninsula. Many more are likely to follow.

• (1350)

Parliamentary elections held in Crimea last week on September 14 prompted a new wave of suppression. On September 16, armed Russian agents raided Crimean Tatar schools, religious institutions and the homes of several Tatar leaders. The Crimean Tatar Mejlis was also raided and its members then given 12 hours to vacate its headquarters.

On September 18, the Crimean Tatar scholar Nadir Bekir was attacked by masked men and robbed of his passport and cell phone. It is believed that the attack was intended to prevent Bekir from attending the UN World Conference on Indigenous Peoples taking place this week in New York.

On September 19, the main Crimean Tatar library in Simferopol was shut down. This followed a Russian government resolution to replace libraries on the peninsula with Russian state entities. Tatar literature included on a list of materials banned under Russian law has been seized.

United Nations Assistant Secretary-General for Human Rights Ivan Šimonovic has expressed concern about the Tatar community. Addressing the United Nations Security Council in April, he emphasized that “the obligation of the Crimean authorities to ensure respect for international human rights norms” must be adhered to.

I urge all honourable senators to join me in standing in solidarity with the Crimean Tatar community and their right to exist free of political persecution.

ROUTINE PROCEEDINGS

BUSINESS OF THE SENATE

NOTICE OF MOTION FOR ADJOURNMENT

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, September 30, 2014 at 2 p.m.

QUESTION PERIOD

FOREIGN AFFAIRS, TRADE AND DEVELOPMENT

FOREIGN INVESTMENT PROMOTION AND PROTECTION AGREEMENT

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. The idea of the Foreign Investment Promotion and Protection Agreement is to ensure that investors and companies in both countries are treated fairly in a balanced playing field. The government has pushed to ratify its investment agreement with China. This agreement has been raising concerns for many groups, such as the Hupacasath First Nation, who are worried about their rights.

China is not the world's most open country. In fact, this agreement does not grant reciprocal market access for Canadian investors to China.

The arbitration method chosen in this treaty will not be open but behind closed doors and none of the documents will be available.

China is also a country known for its use of state-owned enterprises. This treaty will provide Chinese state-owned enterprise, an extension of the Chinese government, equal legal standing as a regular Canadian firm in both countries.

Why does FIPA not provide Canadian investors and companies total reciprocal market access to China as the Chinese have been provided by Canada?

[Translation]

Hon. Claude Carignan (Leader of the Government): I would like to thank you for your question, senator. The Foreign Investment Promotion and Protection Agreement between Canada and China will help ensure that Canadian companies that choose to do business in China will be treated fairly and benefit from a more predictable and transparent business environment. This agreement will give Canadian investors in China the same types of protection that foreign investors have long had in Canada.

More specifically, the agreement sets out clear rules governing investment relations, including dispute resolution, and provides for measures similar to those found in agreements between Canada and other countries to protect against discriminatory and arbitrary practices. It is a reciprocal agreement that creates mutual rights and obligations for both signatories.

Senator Hervieux-Payette: Given the dispute resolution mechanism chosen, this type of international arbitration clearly excludes any involvement of our Canadian courts.

Leader, why are we not relying on the Canadian courts when a dispute arises between a foreign company and another party, for example, the provincial or federal government? Why is the government not putting its trust in our Canadian judicial system?

Senator Carignan: As I said, senator, you are surely aware that the agreement between Canada and China is similar to agreements that exist between Canada and other countries. It is not different from the others.

Senator Hervieux-Payette: I am still wondering about this. It seems that, in this agreement, Chinese workers will be able to come work in companies, accompany the investments and create Chinese communities, as they have done in Africa and as part of a mining project in British Columbia.

Can the Leader of the Government assure me that the jobs created through these investments will be offered to Canadians first?

Senator Carignan: Listen, Senator, you know very well what our policy is on job creation and temporary foreign workers. That policy will continue to apply.

As for positive responses, I would like to share what Jayson Myers, President and CEO of Canadian Manufacturers & Exporters, said on September 12, 2014, and I quote:

We are supportive of any initiative that levels the playing field for Canadian businesses looking to expand their export markets. The protections gained from signing this agreement should signal to firms looking to attract foreign investment that there is a defined resolution process.

In addition, Janet L. Ecker, President and CEO of Toronto Financial Services Alliance, said and I quote:

This agreement will help support the growth of these business opportunities between our two countries by providing stronger protection and a more predictable, transparent investment environment for Canadian companies. The certainty and stability provided by the investment rules in FIPA can only help to strengthen our economic relationships.

Canadian businesses are welcoming this agreement. I hope you will be pleased about this agreement in the coming weeks.

Senator Hervieux-Payette: Not only am I not pleased, but I think that all Canadians should be very worried. The provinces were not allowed to participate and we know that, under the Canadian Constitution, natural resources fall under provincial and territorial jurisdiction, and the territories are dealing with Aboriginal title.

Were the First Nations and provinces affected by this agreement given a say in its development and did they agree? Not even Parliament was consulted.

• (1400)

Senator Carignan: Senator Hervieux-Payette, this is a foreign investment promotion and protection agreement between Canada and China. This agreement has gone through all necessary steps before being signed and implemented.

Senator Hervieux-Payette: I have many more questions, but I will finish with this one. Canada recently provided the steel for a bridge project in the United States. They could have had a federal subsidy in the United States, but they were denied federal funds because of the Buy America initiative. They removed the Canadian beams that had helped them cut costs.

I have a very specific question. Will this agreement make it possible to ensure that any materials, equipment and any other items used for projects — particularly in the oil and gas sector — will be of Canadian origin?

Senator Carignan: Senator, this agreement gives Canadian investors the same protections that foreign investors have long had in Canada. The agreement sets clear rules for investment

relations, including dispute resolution, as well as measures to protect parties against discriminatory and arbitrary practices. These rules will help create a safe and predictable environment.

[English]

ENVIRONMENT

CLIMATE CHANGE— RESEARCH AND DEVELOPMENT

Hon. Grant Mitchell: I have a question today from Kyle Doerksen of Virgil, Ontario, who starts off:

Since the birth of Canada, the great material and social gains that we have enjoyed came as a result of our scientists' freedom to research and study without the interference of ideologies and dogma. However, since Prime Minister Harper has assumed control, this freedom has become increasingly restricted in three distinct ways. One is through the shutting down specifically of certain scientific research through the muzzling of scientists and through the shutting down of links between scientists and public policy decision makers.

With respect to shutting down scientific research, why would this government, which says it is in favour of scientific data, research and knowledge, have eliminated the long-form census; trashed 50 per cent of Canada's lidar observations, which are used for meteorological research, that is, climate change research; and cut 700 Environment Canada scientists and 1,074 Department of Fisheries and Oceans positions? Why would they have done that if they believed in science?

[Translation]

Hon. Claude Carignan (Leader of the Government): Your question has several elements which I will try to address as best I can.

Our government has made unprecedented investments in science. Canada ranks first among G7 countries in its support of research and development in colleges, universities and other institutions.

Canada's Economic Action Plan 2014 sets out new measures, which I believe you voted against. For example, Economic Action Plan 2014 helped create the Canada First Research Excellence Fund, which allocates \$1.5 billion in funding over 10 years in order to help post-secondary institutions excel globally in research areas that create long-term economic advantages.

The fund also provides \$8 million over two years to Mitacs to expand its support for industrial research. It encourages world-class research through a \$222-million investment in the TRIUMF laboratory. It supports technological innovation through a \$15-million investment in the Institute for Quantum Computing.

Our government has also provided the highest increase in funding for granting agencies in 10 years. As you know, Senator Mitchell, we also committed to establishing the social innovation fund in order to study the most pressing social issues in Canada.

These investments have been warmly welcomed by groups such as the Association of Universities and Colleges of Canada, the Association of Canadian Community Colleges, the University of Manitoba and the University of British Columbia, to name but a few.

Senator Mitchell, I think that you, as a proud Liberal, are hardly in a position to lecture the current government. It was not our government that slashed investments in science, research and innovation.

[English]

Senator Mitchell: To paraphrase the “Monty Python” skit in the context of this answer, if that scientist were a parrot, she would be dead.

To a government that thinks that, in fact, it believes in science, perhaps the leader could explain why it is that the ground-breaking process achieved in climate research has been set back so far by the closure of our Polar Environment Atmospheric Research Laboratory, called PEARL. It was world-class. Why would the government have shut that down and set back their progress so much if, in fact, it believes in science and climate change, which the leader could actually be in New York talking to other leaders about now if he wanted to?

[Translation]

Senator Carignan: Senator Mitchell, since you wish to talk about the government’s record, let me remind you that in 2012, greenhouse gas emissions were 5.1 per cent lower than they were in 2005. The economy grew by 10.6 per cent in that same period.

In addition, carbon emissions per capita plummeted to their lowest levels since we started keeping track of those numbers. You need to keep in mind that Canada has one of the cleanest electricity systems in the world. In fact, 63 per cent of our electricity comes from renewable sources. That is the highest percentage in the G7.

Senator Mitchell, you also need to keep in mind that Canada accounts for less than two per cent of global carbon emissions. By comparison, the U.S. coal sector alone emits more greenhouse gases than all of Canada. The fact is that three-quarters of Canada’s power sources emit no greenhouse gases. In 2011, the International Energy Agency ranked Canada second for its rate of energy efficiency improvement. It wasn’t Senator Mitchell who came up that ranking; it was the International Energy Agency.

In 2012, Canada became the first major coal user to ban the construction of conventional coal-fired power plants, while the United States waited until 2014 to take action. Coal is the biggest source of greenhouse gas emissions in the world. Our rules are stricter and come into effect sooner than those proposed by our neighbours to the south. Thanks to measures taken by our government, carbon emissions will be almost 130 megatonnes lower than they would have been under a Liberal government. That’s like closing 37 coal-fired power plants.

[Senator Carignan]

[English]

Senator Mitchell: Muzzling scientists. Why is it that this government has muzzled scientists like Scott Dallimore and Kristi Miller by preventing them from speaking to the media regarding their world-class discoveries of past Canadian geological activity and the decline of salmon stocks respectively? What was the government afraid of?

[Translation]

Senator Carignan: Senator Mitchell, I don’t want to talk about parrots, but every time I answer your question, I feel like I’m repeating myself. You keep asking the same questions, and it’s getting almost easy to get ready for question period with you.

• (1410)

We can just keep going back and checking the archives. As I said, we are proud of our record when it comes to investing in clean energy and in research and development.

[English]

Senator Mitchell: If the government is so intent on its position that it actually listens to science and scientists, why would it have eliminated the role of national science adviser, which played a critical link between the scientific community and top political decision makers, like the Prime Minister and this cabinet? Why would they eliminate that important role?

Senator Dyck: Good question.

Senator Mitchell: That’s a different question.

[Translation]

Senator Carignan: As you know, Senator, we are taking action on files related to information, climate change, research and development and the sciences. Scientists are also available to share the results of their research with Canadians.

Did you know that Environment Canada granted more than 1,300 media interviews last year and published more than 500 peer-reviewed articles in 2010? Did you know that Agriculture and Agri-Food Canada produced more than 1,100 peer-reviewed scientific publications in 2012? You may cite all the anecdotal evidence you wish in order to make people believe that this government is trying to persecute scientists or reduce their impact, but the facts prove otherwise. Our record on scientific publications is a perfect example.

[English]

Senator Mitchell: The final question that Kyle Doerksen of Virgil, Ontario, would like to have answered — although that would be a dream of his, I’m sure, unrealizable — is this: A healthy democracy relies on information provided by science to

guide public debate and policy — so true. Not only is this effort of the government to shut down science shameful at home, but we are now being embarrassed on the world stage with Canada's war on science literally making international headlines. Therefore, Mr. Doerksen would like to ask, perhaps a bit rhetorically but nevertheless a strong question: When will you stop your persecution of our scientific community?

[Translation]

Senator Carignan: You say that we are persecuting scientists, yet we have created an investment fund of \$1.5 billion over 10 years to aid post-secondary institutions, put \$8 million over two years into groups such as Mitacs to expand its support for industrial research, invested \$222 million in laboratories such as TRIUMF and supported technological innovation with a \$15-million investment in the Institute for Quantum Computing. I can assure you that we will continue to invest in research and development.

We will continue to invest in science, and there will be another phase in our Economic Action Plan. I can tell you that we will continue to invest.

CANADIAN HERITAGE

FOUR HUNDREDTH ANNIVERSARY CELEBRATIONS OF FRANCOPHONES IN ONTARIO

Hon. Maria Chaput: My question is for the Leader of the Government in the Senate. In 2015, Ontario will celebrate the 400th anniversary of the Francophone presence in Ontario. The federal government has supported similar celebrations in the past. In 2004, the federal government allocated \$20 million to festivities for the 400th anniversary of Acadia. In 2008, the federal government invested \$40 million to celebrate the 400th anniversary of Quebec City. The Assemblée de la francophonie de l'Ontario is requesting \$10 million in special funds from the federal government to support celebrations planned for the 400th anniversary.

Could you ask the minister responsible whether she has received the application from the Assemblée? If the request has been approved, has a response been sent? Could you please get us some more information on that?

Hon. Claude Carignan (Leader of the Government): Thank you for your question. However, could you please send me a copy of the application in question, including the file number, if a number has been assigned by the public service, so that I may follow up on it and get back to you as soon as possible?

Senator Chaput: Thank you.

[English]

TRANSPORT

CHAMPLAIN BRIDGE

Hon. Percy E. Downe: The Government of Canada has had a long-time policy for major infrastructure announcements in Canada that there would be a user-pay policy. For example, we pay a fee of \$45 when we cross the Confederation Bridge connecting Prince Edward Island to the rest of Canada.

I understand the government's position is that the new bridge in Montreal, which will cost between \$3 billion and \$5 billion — where the Confederation Bridge cost a little over \$1 billion — will have a toll. This is a different position from that of the NDP, who, I understand, want the Government of Canada to build the bridge but they don't want anybody to pay for it, other than the taxpayers in the rest of Canada. I want to confirm that the position of the Government of Canada is that there will be tolls on that bridge to help pay the cost of it.

[Translation]

Hon. Claude Carignan (Leader of the Government): If I understand correctly, you are talking about the Champlain Bridge, although you began by talking about the Confederation Bridge. That said, I imagine you read the written responses concerning the Confederation Bridge following your requests.

The tendering process is under way for the three consortiums that are competing. In the meantime, we are staying the course and we continue to move this project forward, particularly concerning the terms and conditions of the toll. The good news is that a new bridge is being built and the project will create 30,000 jobs and contribute to Canada's economic growth. The toll will remain an essential condition to the project.

[English]

Senator Downe: It is good news. I share that view, and I'm glad to hear that the government's position has not changed because, obviously, if it was to change, the people of Prince Edward Island would be interested in why they are paying \$45 to cross the bridge if someone else was getting a bridge at a greatly reduced rate. And this is not only in Prince Edward Island but in Atlantic Canada where there are significant fees on the ferry between Cape Breton and Newfoundland and from the Magdalens to Prince Edward Island and also seasonal ferry services.

The one concern I have is that yesterday at the Senate Finance Committee we were advised — and this may be too technical and you may want to get back to me; you may not have it in your notes — that in addition to the tolls, the government would also be making a contribution to the new Champlain Bridge to help cover the cost.

The way the Confederation Bridge was paid for in Prince Edward Island, and the reason our tolls are so high, is that the Government of Canada had a constitutional obligation for a continuous connection to Prince Edward Island, and it was reconfirmed by the Supreme Court in the 1980s that there would be a ferry service or fixed link. So when the bridge was constructed, the Government of Canada took the fees they were giving to the ferries, which were \$42 million a year indexed for the cost of living for the next 35 years, plus all the tolls for the next 35 years, and gave that to the private company building the bridge. After those 35 years, the bridge, which was built to last 100 years, then reverts to the Government of Canada.

• (1420)

I was surprised by two things at yesterday's Senate Finance Committee. Government officials told us that tolls used to be charged on the Champlain Bridge up until 1990 and then were discontinued. Had they continued with those tolls for 24 years they would have had considerable funds to help pay for the new bridge. Setting that aside, they also told us there would be a top-up contribution, which was not received for the Confederation Bridge in Prince Edward Island. I appreciate that the Leader of the Government in the Senate would not have this information at hand, but would you be kind enough to find out, when that top-up is decided, how much it will be? There may be people in Atlantic Canada who are interested in a top-up so that our fees could be reduced accordingly.

[Translation]

Senator Carignan: Senator, as I said, the tendering process is under way for the three consortiums that are competing. I'm sure you will understand when I say it would be premature to answer your question at this point.

You may want to speak with your friend, colleague and leader — or former leader — Justin Trudeau and have him clarify his position on a toll for the Champlain Bridge. Does he support the idea of a toll or not? His answers have been unclear.

[English]

Senator Downe: I would normally ask that question if I was in the national Liberal caucus, but since I don't attend I don't have that information.

[Translation]

Senator Carignan: When you run into him in the hallway, you can ask him and share his answer with us.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): With reference to the Champlain Bridge, it is my understanding that that bridge is the busiest bridge in Canada. All the Montreal bridges heading toward the south shore are crowded, to the say the least.

[Senator Downe]

According to the press, the government did a public opinion survey, but it appears to have had some flaws. The survey was trying to find out whether the imposition of tolls would divert traffic from the new Champlain Bridge to other bridges, which, as I say, are already crowded.

The flaw, as reported in the public press, is that of all the people surveyed only two respondents actually use the Champlain Bridge to get to work every day, which is the way most people use the Champlain Bridge.

Can you confirm the reported flaws in that opinion survey? If the report is accurate, can you tell us whether any other more accurate opinion surveys have been done and, if so, what their results were?

[Translation]

Senator Carignan: Senator, as the minister said, we have always said that the report would be made public in due course, once the contract has been awarded for the construction of the new bridge.

The conclusions of the report you are referring to will be taken into consideration in the steps leading up to the opening of the new bridge in 2018. Since you are the deputy leader and you may meet with Justin Trudeau more often, could you ask him to clarify his position on the Champlain Bridge and find out whether or not he agrees with a toll on this bridge?

[English]

Senator Fraser: For the record, I have not had a conversation with Mr. Trudeau since the morning of January 29 this year.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Bob Runciman moved third reading of Bill S-221, An Act to amend the Criminal Code (assaults against public transit operators).

He said: Honourable senators, I'm pleased to speak today at third reading of Bill S-221, An Act to amend the Criminal Code. I will not speak long, but I wanted to highlight a couple of points made by witnesses at committee that help to show why this bill is necessary.

The bill amends the Criminal Code to require a court to consider the fact that the victim of an assault is a public transit operator engaged in the performance of his or her duty to be an aggravating circumstance for the purposes of sentencing.

This new proposed section 269.01 also defines a public transit operator as an individual who operates a vehicle used in the provision of passenger transportation services to the public. A vehicle, for the purposes of this section, includes a bus, para-transit vehicle, licensed taxi cab, train, subway, tram and ferry.

One of the questions raised in the consideration of the bill was, “Why transit operators? What makes them worthy of special consideration in the Criminal Code?”

There is, of course, the need to protect the public transit operator. There are some 2,000 assaults of public transit operators every year in Canada. More compellingly, there is the need to protect the broader public. The vast majority, around 80 per cent, of assaults on public transit operators occur in the vehicle, and many of them are when the vehicle is in motion.

Consider the risks to the public — passengers, other motorists, pedestrians and cyclists — when the driver is assaulted while driving a 10-tonne vehicle carrying dozens of passengers on a city street.

One of the committee’s witnesses, Neil Dubord, Chief of the Metro Vancouver Transit Police, noted that public transit operators serve a broad spectrum of customers, including those who may be suffering from addiction or mental illness, and, unlike other risky occupations, operators are uniquely vulnerable because of their job. They are, for all intents and purposes, defenceless.

According to Chief Dubord:

... the opportunity for operators to disengage and extricate themselves from potentially violent situations does not exist. They cannot walk away or withdraw from the incident because they are locked in the driver’s seat and operating a large vehicle. ... Public transit operators do not have the luxury of restricting access; they occupation is unique and the hazards they face are not experienced by others occupations. This is why they require the protection of Bill S-221.

I’d like to address another question that was raised by some senators at committee: why this bill, unlike similar bills before the other place, singles out public transit operators engaged in the performance of their duty as opposed to including all public transit workers who serve the public. It’s very simple: public safety.

Other transit employees are also at high risk of assault, there’s no doubt about that, but the same broader public safety considerations do not come into play. The assault of a subway token-seller threatens his safety but does not put at risk the broader public. I do not favour expanding the protection afforded by this bill to other transit system employees because it then becomes a slippery slope. This bill was written to be very specific: public transit operators engaged in the performance of their duty.

The Canadian Urban Transit Association, which appeared before the committee, is in the midst of gathering data on the types of sentences received for assaults of transit operators. One of the preliminary findings reported by vice president Patrick Leclerc is “a lack of consistency in sentencing across the country for similar types of assaults.”

In their view, Bill S-221 will help address that situation by ensuring judges must consider the fact the victim is a public transit operator as an aggravating circumstance in sentences for assault. Right now, some judges do and some don’t, which leads to inconsistency.

• (1430)

There is another important consideration, honourable senators: Cities across Canada are working hard to expand their public transit systems. A robust system eases congestion on our highways and is environmentally friendly. Diane Deans, Chair of the Ottawa Transit Commission, told our committee that transit operators are working hard to ensure their systems are perceived as a safe way to travel. As Councillor Deans said:

But that can all be diminished by one high-profile assault where the courts dismiss it. It’s important for us that this element of it is taken seriously by the courts and the punishment ultimately fits the crime.

I want to point out the difference between this bill and other similar initiatives in the other place: This bill is the only one that includes taxi drivers as public transit operators. Driving a taxi cab is one of the most, if not the most, dangerous occupations in Canada. Drivers work late at night, are alone with people they’ve never met before, and are carrying cash.

Since I introduced this bill, I have been approached by many people who thank me, often on behalf of a parent or a loved one who drove a cab. It is often the first job for new Canadians. They know the risks they are taking but see them as a necessary step toward building a future for their families.

Honourable senators, we need people who drive buses or taxis to feel safe when they come to work; and we need passengers to feel safe when they use public transit. Bill S-221 will help in that regard and I ask for your support.

Just before I close, I’d like to mention how much I appreciate the hard work and cooperation of members of the Standing Senate Committee on Legal and Constitutional Affairs. Bills similar to this have been introduced in the other place by members of all three parties, but none has progressed beyond first reading. The progress of this bill through the Senate is a testament to the way members of this institution can put their differences aside and get behind a good idea.

In particular, I would like to single out the Deputy Chair of the Committee, Senator Baker, for his cooperation in ensuring that this bill moved through committee to bring it before you now for third reading. Honourable senators, I can’t overstate the valuable contribution Senator Baker makes on a consistent basis to the committee’s deliberations.

Hon. Senators: Hear, hear.

Senator Runciman: Thank you, honourable senators. I ask for your support on Bill S-221.

Hon. Mobina S. B. Jaffer: Honourable senators, I too rise on Bill S-221, but I am not the critic of this bill. Senator Baker is the critic, so I ask that he be accorded the right to have his time as the critic.

The Standing Senate Committee on Legal and Constitutional Affairs met in June to discuss Bill S-221, which rightly looks to amend the Criminal Code with regard to assaults against public transit operators. I would like to thank the Honourable Senator Runciman for introducing a bill that highlights the importance of public transit workers in our communities and addresses their need for proper protection by the law. Senator Runciman, I have heard from so many public transit operators who have asked me to thank you publicly for introducing this bill.

I would also like to thank Mr. Neil Dubord, Chief Officer of Metro Vancouver Transit, for testifying and illustrating the magnitude of this issue in my home province of British Columbia and across Canada.

Honourable senators, I am saddened to say that assaults against public transit operators nowadays have become far too common and, unfortunately, the headlines in the news reflect this trend. Public transit operators are verbally, physically and emotionally abused on a daily basis. From minor physical assaults to egregious acts of violence, public transit workers face risks that those in other occupations do not face.

In 2013, Metro Vancouver reported a 9 per cent increase in assaults against bus drivers. Reports this year so far indicate that the number of assaults has dramatically risen. Mr. Dubord, Chief of Metro Vancouver Transit, explains that the risks bus drivers face are due to the fact that “the opportunity for operators to disengage and extricate themselves from potentially violent situations does not exist.” Unlike pilots, who may restrict access to the cockpit of a plane, public transit operators do not have that luxury, which is why they require the protection of this bill.

Bill S-221 seeks to provide justice in these cases of abuse by requiring a court to consider it an aggravating circumstance if the victim of an assault is a public transit operator engaged in the performance of his or her duty. Unlike similar previous bills before, Bill S-221 broadens the definition of “public transit operator” to include taxi drivers, ferry operators and school-bus drivers.

Today, I would like to share with you a story from a past intern of mine, Ms. Vi Vo, about her father, Mr. Cuong Cao Vo, a taxi driver in Toronto. Ms. Vo said:

Immigrants. Long hours. Danger. These are the words that come to my mind and the minds of many others when the taxi industry is mentioned. In many respects, these words are a very accurate description of the taxi business.

For over twenty years, my father has driven a taxi cab in the city of Toronto. As a taxi driver, he can tell you about the types of danger that he has encountered.

As an immigrant, he can tell you the type of treatment he receives for his work. Like many taxi drivers and their families, both of my parents are immigrants.

Both my parents are from Vietnam but spent over 10 years in a refugee camp before arriving in Canada. Although both of my parents work, my mother's focus has been on me and my two younger brothers, and my father is the primary financial supporter. With this enormous pressure on his shoulders, he joined the taxi industry with the notion that the long hours would provide him with the opportunity to bring more to the table than any other factory job could.

My father works 12-hour shifts, seven days a week, but he never complains. In fact, it is his positive attitude that I admire the most. Despite the long hours, my father always found something enjoyable in his day. At home, he would share stories about the interesting people he met that day or the fascinating places he was able to see. My father would also share stories about those moments when he feared for his life. There is one particular story that I will never forget.

It was around four in the morning and my father's shift was just coming to an end when he was flagged down for a ride. He had planned on heading straight home, but there were no other cabs around so my father thought he could make one more trip before calling it a night. A woman climbed into the front and two men settled in the back. They didn't have the address of where they wanted to go, so they gave my father directions along the way.

After a 20-minute ride, my father found himself in a deserted parking lot in the outskirts of the city and he knew something was wrong. One man pulled out a knife and held it to my father's throat. The other man demanded all his cash, and the woman simply watched. Without hesitation, my father unbuckled the pouch around his waist, which I had given him for Christmas, and handed over all his earnings. He hadn't made much that day and he wanted to go home, but the men didn't listen. They dragged my father out of the car and attacked him after he had given them all his money, after he promised not to say a word, and after he begged them to please let him go home to his family.

My father could have been killed that night and what I remember vividly is the sight of him getting ready for work earlier than usual the next day — wearing an old, weathered pouch around his waist instead of the new one I had given him. Bruises trailed along his weary face and his lip was swollen and cut, but he still managed a smile at the sight of me. When I asked why he wasn't staying home, my father joked that his lunch money was stolen and he had to put in a few extra hours to earn it all back.

My family fears for my father's safety every day. News of another assault against a taxi driver stops me in my tracks and I find myself praying that it's not my father and praying for the family of the victim.

I am heartbroken to say that my father has suffered numerous assaults over his twenty years of work, but he never complains. Instead, he tells me that abuse is part of the occupation. He tells me it happens all the time and is nothing to worry about. Although I admire how brave he is and how positive he remains, no one should ever have to explain these types of risks to their children. My father deserves to be protected.

• (1440)

Honourable senators, Mr. Vo's daughter is a law student, studying at one of the best law schools in the United States. Both of Mr. Vo's sons are pursuing business degrees. The youngest one just finished his first year at Schulich School of Business, one of the best business schools in Canada.

Mr. Vo is not just a taxi driver. He is also a father providing for his family so that his children can become the lawyers and the businessmen of our future. Across Canada, statistics show that over 50 per cent of taxi drivers are immigrants. Coming from Uganda, I do understand the narrow outlook on immigrants, but we must remember that we rely on them a great deal. Taxi drivers perform essential, front-line service that directly impacts the day-to-day lives of millions of residents and visitors.

Unfortunately, taxi drivers also hold the highest rate of being killed as a result of their occupation. According to Statistics Canada, the homicide rate of taxi drivers was found to be twice that of police officers. In the most recent study, an average of 3.2 taxi drivers per 100,000 died each year, which is significantly higher than the average for policemen. Yet, the status of a victim who was a policeman may be considered an aggravating factor, while the status of a taxi driver is irrelevant. The psychological impact, disrespect and embarrassment suffered are also never considered in sentencing yet continue to severely affect victims long after these crimes.

Bill S-221 properly acknowledges the different risks that public transit operators face. By broadening the definition of public transit operator, Bill S-221 rightly extends its protection to include those who need it most.

For example, unlike bus drivers, taxi drivers are independent, and the mobility of the workplace makes it very easy for taxi drivers to be directed to desolate locations where crimes can occur. Public transit operators who work alone are particularly vulnerable. Because of the lack of witnesses, complaints filed cannot be followed up on. As a result, numerous assaults are not reported because reporting such incidents would not lead to justice. Instead, public transit workers expect to be verbally, physically and emotionally assaulted every day. No one should expect to be abused in their workplace.

Honourable senators, many of our colleagues do exceptional work to improve the lives of Canadians. I know you will join me in acknowledging and appreciating the great work done by Senator Runciman in introducing this bill to protect people who provide public services and work long hours for our comfort.

Some Hon. Senators: Hear, hear.

Hon. George Baker: I would appreciate our having third reading of this bill immediately. Before that, I would like to mention the significance of this bill. The vast majority of states in the United States of America have similar legislation, either a law on its own or a law that deals with sentencing in various modes of assault. The vast majority of states in the United States.

The House of Commons has wrestled with this particular subject for decades, and, as Senator Runciman pointed out, the bills never did get to committee stage in the Commons, in my recollection of my 41 years here. With Senator Runciman introducing the bill and us having committee hearings, we were able, for the first time, to have the Amalgamated Transit Union make representation — the Amalgamated Transit Union Local 279, the Unifor Local 111, the City of Ottawa, the Canadian Urban Transit Association, and the Metro Vancouver transit authority.

So the testimony before the committee was very thorough. There are in Canada, as Senator Runciman pointed out, about 2,000 assaults of transit operators every year — a large transit bus, steaming down, sometimes at incredible speed, and an assault taking place and people being injured, children being injured. The need for the legislation has been there for many, many years.

As far as taxi drivers are concerned, there are the statistics we heard on homicides in the taxi business. I believe, Senator Runciman, that it's something like 3.3 in every 100,000. It far exceeds homicides of security or police officers.

So the need for the legislation is there. As you know, I don't always support additions to the Criminal Code. However, I think this is one instance, with others that we address, that is needed, and it's done in the right way. I think that's why the House of Commons will seize on this when they get this bill, and they will pass it.

In conclusion, let me say that the following senators made a great contribution: Senator Batters, Senator Frum, Senator Jaffer, Senator Joyal, Senator Boissieu, Senator McInnis, Senator McIntyre, Senator Plett, Senator Rivest and Senator Dagenais. Of course, the great credit to be given here is to a person who has been in politics almost as long as I've been, and that's saying something. His entry into politics goes back to 1980. It's not unusual that he would be proposing this bill. After all, he is the former minister of public safety for the Province of Ontario. He's the former Solicitor General for the Province of Ontario. He's the former minister of consumer affairs for the Province of Ontario, not to mention other things like economic development and being the leader of Her Majesty's Loyal Opposition at one point. To Senator Runciman really goes the credit for this bill, and he's an outstanding parliamentarian.

I am certain that when the House of Commons receives this bill, they too will give it quick passage. I ask all senators to give unanimous consent to Senator Runciman's bill.

Hon. Senators: Hear, hear.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read third time and passed.)

• (1450)

**CANADA LABOUR CODE
PARLIAMENTARY EMPLOYMENT AND
STAFF RELATIONS ACT
PUBLIC SERVICE LABOUR RELATIONS ACT**

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Marshall, for the second reading of Bill C-525, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act and the Public Service Labour Relations Act (certification and revocation — bargaining agent).

Hon. Joan Fraser (Deputy Leader of the Opposition): Colleagues, you may recall that, yesterday, after Senator Tannas spoke on this bill, I asked him a question about how the secret ballot system proposed in this bill would work in the initial determination of whether or not a certification vote should be held and whether there were the necessary numbers. He responded that he did not have the answer to that question but that he would get it for me. I want to express my gratitude to him for responding so promptly.

Here is the answer to that question concerning the union seeking to certify the bargaining unit in a particular place:

The union would need 40 per cent of the employees to show their support in writing,

Presumably by signing union cards. The reply continues by stating that:

The form of written support required does not fall under the scope of this bill. The Canada Labour Relations Board and the minister would implement these regulations at a later date. Once the union attains the required 40 per cent threshold, a secret ballot vote will automatically be triggered. The union would need 50 per cent plus one of the ballots cast in support to certify. The decertification process would work the same way.

I do find that helpful as we continue the examination of this bill. Union certification is an important process — one of the elements that underpin the system in which we live. I will need a bit more time to consider the ramifications of this bill, but I did want to thank Senator Tannas for responding so promptly.

With that, Your Honour, I move the adjournment for the balance of my time.

(On motion of Senator Fraser, debate adjourned.)

THE SENATE

**MOTION TO STRIKE SPECIAL COMMITTEE ON
EQUALIZATION AND FISCAL FEDERALISM—
DEBATE CONTINUED**

On the Order:

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

That a Special Committee on Equalization and Fiscal Federalism be appointed to consider whether the current formulae for equalization and other related federal transfers affect the ability of Canadians living in all regions of the country to access a basic standard of public services without facing significantly different levels of taxation.

That the committee be composed of nine members, to be nominated by the Committee of Selection and that four members constitute a quorum;

That, the committee have power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That, notwithstanding rule 12-18(2)(b)(i), the committee have power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than March 31, 2015.

Hon. Joseph A. Day: Honourable senators will note that this particular matter stands in the name of Senator Callbeck. She, of course, has retired. The subject matter is one that goes to the very heart of the federation of Canada in terms of the equalization and fiscal balance between the different regions of Canada.

It's not surprising that Senator Callbeck had indicated an interest to speak on this particular matter, coming from Prince Edward Island — a province that has relied on the concept of equalization to help raise that province to a level that is similar to the rest of Canada. That's what the entire concept of equalization is all about.

This particular motion, honourable senators, recognizes the importance of the subject matter and suggests that perhaps we should look into this in more depth by creating a separate committee that can focus on this issue in more detail and over a period of time.

There are many academics across Canada that deal with this subject; there are many examples of types of equalization under the European Community and in the United States, some of which are as successful as ours — some of which, in certain instances, may be more successful.

Our Finance Committee has looked into aspects of equalization, primarily looking at the amendments that have taken place in relation to our existing equalization regime. We need to take a step back, honourable senators, and consider whether the system that we have is working well for us and how we can improve upon it. My view is that we should be supporting this particular motion. There are other factors and figures that I could bring forward and hope to do so at a later time in relation to this, as I develop my thoughts.

Therefore, honourable senators, with your permission, I ask that this matter be adjourned in my name for the balance of my time.

(On motion of Senator Day, debate adjourned.)

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. Noël A. Kinsella: Honourable senators, I wish to make a few observations on this important inquiry, initiated by our colleague Senator Nolin.

I want to relate it to two important events. The first event was the April 25 decision of the Supreme Court of Canada that provided all Canadians with the court's views on the requirements of the Constitution in relation to making significant changes in modernizing the Senate of Canada. The court, helpfully in my opinion, laid out some of the background of the Senate in the course of rendering its opinion, and it is well worth reading and rereading that decision of the Supreme Court of Canada in its entirety.

As a practical matter, it is now clear that there is a provincial interest in any modernization of the Senate of Canada and the inquiries that are on the Order Paper, those initiated by several colleagues — Senator Nolin, Senator Tardif, and others — are very important. The Supreme Court, as I say, has provided us with a road map.

This summer, on July 23, the Speakers of the provinces and the territories of Canada met in Fredericton as part of the fifty-second Canadian Regional Conference of the Commonwealth Parliamentary Association. During that

conference, with the presence of all the Speakers of the provinces and territories, I took the opportunity to provide some analysis of this road map drawn up for us by the Supreme Court. It is not my intention this afternoon to review the details of that presentation, but with leave of the Senate I would ask permission to table, in both official languages, that analysis.

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

Hon. Senators: Agreed.

• (1500)

Senator Kinsella: Honourable senators, during the course of our discussion with the Speakers of all the territories and the provinces, we focused on the concept in which proposals for reforming the Senate, begun on July 2, 1867, have generally flowed from a paradigm that saw government, or the executive branch, making the proposals. We reflected on that phenomenon and came to the realization that we might have placed the cart before the horse, because it is the executive branch that is held to account by the legislative branch.

One could imagine, in an authoritarian regime, the first thing a dictator would do: Close down the supervisors — get rid of Parliament. Since 1867, I am sure prime ministers of various political persuasions have found the Senate, let alone the House of Commons, a terrible nuisance and would like to get rid of the institutions. So it is interesting to reflect upon the fact that these proposals in the past for reforming the Senate — some even including propositions to abolish the Senate — were coming from the executive branch.

We began to have a discussion with the Speakers from across Canada: How can we change that paradigm? How is it that we will be able to create a dialogue between the federal legislators, in particular the senators of Canada, and the provincial representatives of the provincial and territorial legislative assemblies?

Speakers from across Canada became very interested in that proposition. So I challenged them and said, "I will bring this discussion to my colleagues in the Senate of Canada with the proposal that we organize ourselves on a provincial basis, as senators, and enter into a dialogue with MLAs from our provinces and territories."

Now, how might that work? The Province of British Columbia has six senators. It should not be too hard to find a convenient time for the six senators to come together with the facilitation of the Speaker of the Legislative Assembly of British Columbia — I do not know how many MLAs would be available — to initiate a dialogue on Senate modernization with our provincial colleagues in that province. Ideally, the dialogue would be between the senators from British Columbia and their provincial MLAs.

In Alberta, there are six Senate seats. It should not be too hard to find a common time for them to meet. The Speaker of the Legislative Assembly of Alberta agreed that he would be happy to

be a facilitator in order to bring together a number of MLAs to initiate the dialogue. Alberta is interesting because that legislative assembly had indeed, as we all know, initiated legislation that provides for a selection process through a model or a type of election.

There are six senators from Saskatchewan. It would not be too hard to bring them together to meet with legislators from the Legislative Assembly of Saskatchewan.

In Manitoba, there are six senators, again.

In Newfoundland and Labrador, there are six senators. It would not be too hard to bring them together to meet with members of the House of Assembly of Newfoundland and Labrador.

In the Province of New Brunswick, there are 10 senators. It would not be too hard to bring those 10 together — it may be somewhat harder than bringing six together — to meet and have an open dialogue with the members of the Legislative Assembly of New Brunswick.

Nova Scotia has 10 senators.

Prince Edward Island would be the easiest; there are four Senate seats from Prince Edward Island.

It would be a little more complicated for Ontario and Quebec, because those large provinces have 24 senators. But the point is that the Speakers of those two provinces were very interested in the proposal. I know that Speaker Chagnon was excited about this idea of a new model of saying “What is it that would work in the view of members of the Assemblée nationale du Québec and the senators from Quebec?”

The idea, honourable senators, is to see whether there would be a willingness among members of this house to engage in discussion and commence a dialogue with our provincial counterparts. Who knows? We may end up discovering that there is more support for a common view. We might be pleasantly surprised that it would meet the constitutional test, depending on the subject, whether it is 7/50 or another formula.

The large questions we have had on the Order Paper in the Parliament of Canada for the last six years have dealt with the big three questions: selection, accountability and, with Senators Jack Austin and Lowell Murray, we had the constitutional resolution to deal with representation. We have had those items on the Order Paper; two of the initiatives came from the executive branch, and the constitutional question came from two members of this house.

Honourable senators, I want to compliment and support Senator Nolin's initiative. I believe that if we reflected upon this subject, we might find willing *conversantes* in the provinces and in the territories who would sit down with honourable senators and

have that dialogue to see what works from a legislator's point of view. That might provide dialogue that would lead to a modernization of the institution that others who have tried in the past have not been successful in achieving.

Hon. Senators: Hear, hear.

(On motion of Senator Cowan, debate adjourned.)

[Translation]

RECREATIONAL ATLANTIC SALMON FISHING

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Maltais, calling the attention of the Senate to the protection of the Atlantic salmon sports fishery in the marine areas of eastern Canada, and the importance of protecting Atlantic salmon for future generations.

Hon. Fernand Robichaud: Honourable senators, I'm smiling because I'm looking at last Monday's election results in New Brunswick. I love looking at the map of New Brunswick because I see a lot of red. However, that isn't what I want to talk about today. Today I want to talk about Atlantic salmon and, more specifically, the fact that we are seeing decreasing numbers of salmon, which is a powerful and graceful fish known as the king of the river.

Senator Mockler: I hope this will be as interesting as the map.

• (1510)

Senator Robichaud: I could talk more about the map of New Brunswick, but I know that Senator Mockler has already looked at it a number of times since Monday evening.

Over the past 20 years, this species has been in decline, despite the conservation measures that have been put in place by governments and the managers of the many rivers. There is still a great deal of work to be done to protect this species.

We have always been fascinated by the Atlantic salmon. For a long time, the salmon was considered an exceptional species because it dominated waterways with its presence and agility. The same is true today, except for the fact that this species is disappearing.

The salmon has been part of rural and maritime economies throughout the ages. It truly played a key role in the culture and diet of First Nations and Acadians. Today, we are particularly concerned about the decline in salmon populations identified by scientific research.

In 2011-12, the mortality rate of small and large salmon in the northwest Atlantic was very high. The number of large spawners in our waterways is diminishing, and the number of salmon that

visit those waterways for the first time is dropping even more significantly. It is important to continue conducting research to find out the causes of these problems and create optimal conditions so that these populations grow and return to our waterways.

A brief overview of the status of salmon stocks, prepared by the Atlantic Salmon Federation in May 2013, sounds the alarm with regard to the decline in stocks for 2012. It indicates that Greenland harvested too many salmon. However, scientific research does not explain the high mortality rate of salmon in the northwest Atlantic during the winter of 2011-12. This had a negative impact on the health of salmon stocks in rivers along Canada's East Coast.

According to an Atlantic Salmon Federation report, the Miramichi River, which produces 20 per cent of North America's Atlantic salmon population, saw a 60 per cent decline in returning large salmon.

Keep in mind that in the early 1990s about 82,000 salmon returned to the river every year. In the early 2000s, a decade later, that number dropped to 53,000. Since 2011, it has dropped even further, to 23,000. The president of the Miramichi Salmon Association said that despite near-perfect angling conditions, the number of salmon returning this year is even lower and is estimated at approximately 12,000. These are frightening numbers that should sound the alarm.

Recently, on September 16, 2014, during a Miramichi Salmon Association dinner in Fredericton, the Atlantic Salmon Federation and the Miramichi Salmon Association joined their voices to urgently call on governments to take action to save wild Atlantic salmon.

These two groups are calling on the Prime Minister to strike a multi-disciplinary task force to devise a plan to save wild Atlantic salmon. The situation is no different in other salmon rivers in Quebec and the Atlantic provinces. It is true that there are many reasons for this decline, including climate change and the death of salmon in the high seas. However, many salmon fishers in my part of the country would say that we cannot underestimate the damage caused by seals, which I'm sure will make Senator Maltais smile. The seals gather at the mouths of rivers and in the Gulf, where they feast on salmon as they head to the ocean. They are a real factor in the decline. If those seals happen to spare some of the salmon going out to sea, they won't make the same mistake when the salmon swim up-river to spawn.

That is exactly what I was wondering when I worked with the Friends of Kouchibouguacis River in Saint-Louis-de-Kent, where smolts were being raised to a particular size in a big tank before they were released into the river. They were marked with a cut on one fin so that the group could check how many of them returned. That is when I wondered about these little salmon that make it to the river mouth, where a herd of massive seals is waiting to gobble them up. Of course, the salmon that manage to make it out to sea and return suffer the same fate.

On Tuesday morning, I was talking to someone from the Friends of Kouchibouguacis River association who told me that they had captured some of the salmon that had returned to the river, so all is not lost.

Seals are not the only threat facing salmon in the region. We have seen a spectacular resurgence of the striped bass. According to fishers in my region, these fish eat smolts and small trout, and when they open the striped bass, those fish can be found inside. I think we need to continue our efforts at all levels to conserve the Atlantic salmon. Governments need to consider the economic impact of the Atlantic salmon sports fishery on the regions and cooperate with the international organizations that work to protect and conserve the salmon.

The 2012 Gardner Pinfold Report estimated that the wild Atlantic salmon fishery was worth \$255 million a year. It was estimated that the wild salmon sports fishery in New Brunswick contributed \$54.7 million to the gross national product. Now, two years later, the Atlantic Salmon Federation estimates the value of recreational salmon fishing in New Brunswick at around \$40 million, which is a 25 per cent drop. We are talking only about recreational fishing because there is no longer a commercial fishery. I remember when we had a commercial fishery back home, but the salmon are no longer there, and the governments have bought back all of the permits. However, there is still recreational fishing.

Recreational fishermen from all over the world come to fish for salmon in the Miramichi River. In the comments that I made when Senator Maltais spoke as part of his inquiry, I said that the biggest salmon are caught in the Miramichi River. This economic activity generates nearly \$16 million and accounts for nearly 637 full-time jobs. The investments made by the federal (\$2.8 million) and provincial (\$2.1 million) governments total \$4.9 million. The return on investment is more than three times the amount spent.

The provinces can encourage salmon river conservation groups by providing them with relevant information and helping to establish groups devoted to protecting and developing our salmon rivers.

I would like to point out the outstanding work done by the Friends of the Kouchibouguacis, who help and encourage communities to work to restore habitats and create a healthy ecosystem. Members of this group are volunteers, and I can assure you that they make a commendable effort to educate the public. They help conserve and replenish Atlantic salmon stocks and increase upstream migration in our rivers.

The goal is to prevent erosion, make sure that the buffer zones along the banks are observed, promote the use of natural fertilizers, observe salmon spawning and even help stock rivers. I participated in marking hatchery-reared salmon by removing one of their fins in order to track their route and especially to determine whether they migrate upstream again in the future. Urgent action is required for both conservation and economic reasons.

Honourable senators, I would like to add my voice to that of the Atlantic Salmon Federation and the Miramichi Salmon Association in calling on all levels of government to take urgent action. It is imperative that we set up this task force, whose mission would be to recommend measures to ensure the survival of the Atlantic salmon.

(On motion of Senator Eaton, debate adjourned.)

• (1520)

[*English*]

HEALTH AND POVERTY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck, calling the attention of the Senate to the

well-documented connection between health and poverty, and to the pressing need to alleviate the burden poverty places on our healthcare system and on millions of Canadians.

Hon. Art Eggleton: Colleagues, this is a subject that I have done some study on, with respect to the relationship of health and poverty. Poverty costs the health care system billions of dollars every year.

I will speak on this subject at greater length in a short period of time, but meanwhile I would like to take the adjournment for the balance of my time.

(On motion of Senator Eggleton, debate adjourned.)

(The Senate adjourned until Thursday, September 25, 2014, at 1:30 p.m.)

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