



# DEBATES OF THE SENATE

---

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 106

---

OFFICIAL REPORT  
(HANSARD)

Thursday, October 4, 2012

The Honourable NOËL A. KINSELLA  
Speaker

## CONTENTS

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

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

---

Published by the Senate  
Available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Thursday, October 4, 2012

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

Prayers.

### SENATORS' STATEMENTS

#### SOCIETY FOR THE PROTECTION AND PRESERVATION OF BLACK CULTURE IN NOVA SCOTIA

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call your attention to the thirty-fifth anniversary of the Society for the Protection and Preservation of Black Culture in Nova Scotia. For decades, the society and its sister organization, the Black Cultural Centre, have been instrumental in instilling a sense of pride in Nova Scotia's Black community. It has empowered us and helped increased awareness of the contributions of Blacks to our society.

Honourable senators, historically Nova Scotia was once home to the largest African population in Canada. More than 30,000 Blacks lived in small communities scattered across the province. Many of them were descendants of slaves, as I was.

However, Blacks were not given the same opportunities as Whites. Racial discrimination and segregation were realities in Nova Scotia throughout the greater part of the 20th century. Blacks were often the last hired and the first fired and could obtain only menial work. The norm was that Blacks were paid less than White workers for doing the same work.

Many restaurants in Nova Scotia would not serve Black people. Many White barbers would not cut our hair. For decades, Blacks in Nova Scotia attended segregated schools. Until the 1960s, African-Canadians were often denied the right of burial in some public cemeteries.

My late brother Reverend Dr. William P. Oliver dedicated his life to breaking down barriers. He wanted to empower Blacks. He also wanted youth to be inspired by our untold history. He wanted to create a cultural and education centre where they could gather and learn about the many contributions of Blacks before them in shaping our country.

In 1977, after years of hard work and dedication, the society was incorporated as a charitable organization. It became the driving force behind the creation of the Black Cultural Centre of Nova Scotia that opened in 1983. The centre was my brother's grand vision.

Honourable senators, 35 years after its foundation, the society and the centre are still relevant, indispensable and as effective as ever. Many cultural events take place at the centre, such as plays and concerts. It offers educational activities such as workshops, lectures and guided tours, welcoming more than 100 school groups every year. The BCC is also home to an impressive collection of historical artefacts and archives.

To mark its thirty-fifth anniversary, the society hosted a gala in Halifax on April 21. Dr. Les Oliver — the president of the society and the son of Reverend Dr. Oliver — invited me to be the evening's keynote speaker. At the gala, Captain Yves Lesieur from National Defence presented the centre with a piece of Canadian history: the military uniform worn by the Right Honourable Michaëlle Jean, Canada's first Black Governor General. This is a great addition to the centre's collection.

Honourable senators, the centre is a beacon for all of us today. It reminds us of our duty to honour the memory of Black leaders of yesterday in our actions today.

Please join me in congratulating the Black Cultural Society on its thirty-fifth anniversary. I encourage all honourable senators to visit the centre when you are next in Halifax. You will truly be impressed by the countless contributions Blacks have made to our society.

#### WORLD TEACHERS' DAY

**Hon. Jane Cordy:** Honourable senators, tomorrow, October 5, we celebrate World Teachers' Day. This day was designated in 1994 by the United Nations Educational, Scientific and Cultural Organization to coincide with the adoption in 1966 of the Recommendation concerning the Status of Teachers. This recognizes the need for competent, quality and motivated teachers around the world.

This year's theme is "Take a Stand for Teachers." It is a call to society and policy-makers to support and respect teachers in times that have taken a toll on public education. This aims to provide adequate training, ongoing professional development and protection for teachers' rights.

A quality education offers hope and the promise of a better standard of living for students. However, this cannot exist without competent and motivated teachers, teachers who are interested in the whole student and not just academics. I am sure we can all remember teachers who went above and beyond and who viewed teaching as more than just a job.

It is essential that we acknowledge the crucial role teachers play in building the future.

Teachers are one of the many factors that keep children in school and influence learning. They help students to think critically, process information from several sources, work cooperatively, tackle problems and make informed choices. I am sure you would agree that these are desirable skills in all professions, but especially in education.

Honourable senators, World Teachers' Day gives us the opportunity to examine issues facing teachers on both the regional and the national level, from an international perspective.

In the words of Irina Bokova, UNESCO Director-General:

On this day, we call for teachers to receive supportive environments, adequate quality training as well as “safeguards” for teachers’ rights and responsibilities . . . We expect a lot of from teachers — they, in turn, are right to expect as much from us. This World Teachers’ Day is an opportunity for all to take a stand.

Honourable senators, I know there are many former teachers in the Senate. As they will tell you, teaching is an amazing career with lots of special memories that we have from those who were in our classes.

Let us celebrate World Teachers’ Day tomorrow.

### NATIONAL SECURITY AND DEFENCE

**Hon. Daniel Lang:** Honourable senators, I would like to take a few moments to share some observations with you from my recent travel with the Standing Senate Committee on National Security and Defence to the West Coast military bases in Comox and Esquimalt, B.C. Our committee met with military members of all ranks, witnessed an air/water rescue training demonstration by 442 Transport and Rescue Squadron and received a complete briefing on our naval requirements on the West Coast.

• (1340)

We observed a CH-149 Cormorant, with the assistance of CC-115 Buffalo fixed-wing search and rescue aircraft, approach a small vessel in distress and parachute search and rescue technicians into the water and hoist their colleagues to safety. The skill, coordination and technique, along with the fitness and work ethic that the members of the squadron demonstrated, not to mention the risks they take on our behalf, can only be described as awe-inspiring.

As the senator for Yukon, it is important to note that this squadron is committed to providing search and rescue not only to British Columbia, but also to the Yukon when we are in a situation of need.

They say seeing is believing. I think all members of the committee came away with a much clearer understanding of the importance of procurement and the need for decision makers to appreciate the practical needs that new equipment must provide in order that members of our armed forces are able to do their jobs safely. For example, there is an absolute necessity that any replacement for the aged CC-115 Buffalo must provide a rear exit as opposed to the side if our search and rescue members are going to be safe as they exit the aircraft.

I ask honourable senators to picture one of our members of the search and rescue squadron exiting the chopper with 200 pounds of life-saving equipment on his chest in the dark of night, with 70-kilometre-an-hour winds in the middle of a snow storm by the side, which would cause them to swing into the helicopter rather than ejecting them straight away from a rear exit.

Witnessing the search and rescue demonstration firsthand made it clear why guidelines must be set out in the initial specifications for new replacements so that the military acquires the equipment to do the job.

[ Senator Cordy ]

The visit to our naval base in Esquimalt was very informative, and it was an eye-opener to tour the facilities where over 500 officers and cadets undertake their training in any given year. We were also able to observe the retrofitting of our fleet of older ships with the latest technology, which is a massive undertaking to maintain our commitment to peace and security, and all the while, we are beginning to gear up for the largest military replacement of our fleet.

Members of the air force and navy who were involved in organizing the tour have to be commended for providing our members with such a full and informative program. I would be remiss if I did not recognize the hard work of our clerk, Josée Thérien, and her staff in planning the program.

### NATURAL SCIENCES AND ENGINEERING RESEARCH COUNCIL

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, the Natural Sciences and Engineering Research Council of Canada, or NSERC, helps lay the foundation of science, technology and innovation in Canada. Its programs support research-based innovation, university-industry partnerships, and the training of young Canadians in scientific knowledge and business skill sets that allow them to create wealth and social benefits from new discoveries in science and engineering.

With the world’s longest coastline and more than 20 per cent of the world’s fresh water, Canada bears responsibility for wise stewardship of its oceans, rivers, glaciers, groundwater and lakes. Canada’s research community focuses individual and collective effort on understanding these resources and the life that depends on them.

In the last fiscal year, NSERC has invested over \$54 million in water-related research. At any one time, nearly 3,000 professors and students are at work on solving important water-related challenges such as developing new risk assessment techniques and processes to enable municipalities to effectively address emerging threats to water quality; working with industry on new analytical technologies to detect microbial pathogens, proteins and other contaminants in drinking water; using isotopes to understand and trace contaminants from water deep underground to help us develop new ways to remove pollutants such as petroleum hydrocarbons and chlorinated solvents from our rural and urban groundwater.

On Monday, October 15, Suzanne Fortier, the President of NSERC, and I will have the pleasure of hosting a very special event appropriately called “On the Water Front — The Science Behind Canadian Water Research.” This kiosk-style event will feature leading researchers from universities across Canada who work with municipalities, communities and industry on water remediation, contaminant tracking and ecosystem analysis.

Honourable senators will have an opportunity to hear from our guest speakers, His Excellency Andrea Meloni, Ambassador of Italy to Canada, and Barbara Sherwood Lollar from the University of Toronto, who recently received the international ENI Award in recognition of her world-leading research in groundwater contamination.

I urge honourable senators to meet these Canadian researchers showcasing cutting-edge science that is leading to economic, environmental and social benefits for all Canadians. Please join us on Monday, October 15, between 4 p.m. and 7 p.m. in room 256-S, Centre Block.

[Translation]

## INTERNATIONAL POETRY FESTIVAL

**Hon. Paul E. McIntyre:** Honourable senators, let me first thank Prime Minister Harper for appointing me to the Senate. It is an honour and a privilege to serve my province and my country as a senator.

Having said that, since I am a part-time poet who loves poetry, I am rising today to draw attention to the 28th International Poetry Festival, which is taking place this week in Trois-Rivières.

The festival, which began on September 28 and ends on October 7, includes 10 days of poetry, over 400 activities and 100 French-speaking poets from 30 countries around the world, including poets from Canada and particularly Acadia.

Various media will be used to convey the richness of the art.

An impressive roster of poets, artists and writers will participate in this major celebration of poetry, thereby enriching our cultural life and Canada's literary heritage.

This year, the festival is also paying tribute to poet and painter Hector de Saint-Denys Garneau on the occasion of the 100th anniversary of his birth.

Congratulations and hats off to the organizers and to the residents of Trois-Rivières for this magnificent celebration.

This week, in Trois-Rivières, poets are expressing themselves. Let us listen to their voices.

Long live poetry!

## ROUTINE PROCEEDINGS

### PRIVACY COMMISSIONER

#### PRIVACY ACT—2011-12 ANNUAL REPORT TABLED

**The Hon. the Speaker:** Honourable senators, I have the honour to table, in both official languages, the 2011-12 annual report of the Office of the Privacy Commissioner of Canada, pursuant to section 38 of the Privacy Act, for the period from April 1, 2011, to March 31, 2012.

[English]

## SENATE ETHICS OFFICER

### CERTIFICATE OF NOMINATION TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the certificate of nomination and CV of Lyse Ricard, the nominee for the position of Senate Ethics Officer.

[Translation]

## STUDY ON AIR CANADA'S OBLIGATIONS UNDER THE OFFICIAL LANGUAGES ACT

### THIRD REPORT OF OFFICIAL LANGUAGES COMMITTEE—GOVERNMENT RESPONSE TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the government response to the third report of the Standing Senate Committee on Official Languages entitled: *Air Canada's Obligations under the Official Languages Act: Towards Substantive Equality*.

[English]

## GLOBAL CENTRE FOR PLURALISM

### 2011 ANNUAL REPORT TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Global Centre for Pluralism's annual report for 2011.

## STUDY ON CURRENT STATE AND FUTURE OF ENERGY SECTOR

### FOURTH REPORT OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE TABLED WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Richard Neufeld:** Honourable senators, I have the honour to inform the Senate that pursuant to the order of reference adopted on Thursday, June 16, 2011, and to the order adopted by the Senate on Tuesday, June 5, 2012, the Standing Senate Committee on Energy, the Environment and Natural Resources deposited with the Clerk of the Senate on Wednesday, July 18, 2012, its fourth report entitled *Now or Never: Canada Must Act Urgently to Seize its Place in the New World Order*.

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Neufeld, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1350)

## SAFE FOOD FOR CANADIANS BILL

### SEVENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE PRESENTED

**Hon. Percy Mockler,** Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, October 4, 2012

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

### SEVENTH REPORT

Your committee, to which was referred Bill S 11, An Act respecting food commodities, including their inspection, their safety, their labelling and advertising, their import, export and interprovincial trade, the establishment of standards for them, the registration or licensing of persons who perform certain activities related to them, the establishment of standards governing establishments where those activities are performed and the registration of establishments where those activities are performed, has, in obedience to the order of reference of Wednesday, June 20, 2012, examined the said bill and now reports the same with the following amendments:

#### 1. Clause 51, page 21:

Replace line 34 with the following:

“names in respect of any food commodity and”.

#### 2. Clause 68, page 30:

Replace lines 22 to 25 with the following:

“68. (1) Five years after the coming into force of the section, and every five years after that, the Minister must undertake a review of the provisions and operation of this Act, including an assessment of the resources allocated to its administration and enforcement.”.

Respectfully submitted,

PERCY MOCKLER  
*Chair*

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

(On motion of Senator Mockler, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[Translation]

## THE SENATE

### MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE LYSE RICARD, SENATE ETHICS OFFICER, AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN ONE HOUR AFTER IT BEGINS ADOPTED

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

That, today at 2:45 p.m., the Senate do resolve itself into a Committee of the Whole in order to receive Ms. Lyse Ricard, respecting her appointment as Senate Ethics Officer;

That the Committee of the Whole report to the Senate no later than one hour after it begins.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## SENATE ETHICS OFFICER

### NOTICE OF MOTION TO APPROVE APPOINTMENT

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, with leave of the Senate, I give notice that later this day, immediately after the Committee of the Whole has reported to the Senate, I will move:

That, in accordance with section 20.1 of the Parliament of Canada Act, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Lyse Ricard as Senate Ethics Officer for a term of seven years.

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

**Hon. Senators:** Agreed.

## CANADIAN NATO PARLIAMENTARY ASSOCIATION

ANNUAL ECONOMICS AND SECURITY COMMITTEE'S  
CONSULTATION WITH THE ORGANISATION  
FOR ECONOMIC CO-OPERATION AND DEVELOPMENT  
AND THE JOINT MEETING OF THE DEFENCE  
AND SECURITY, ECONOMICS AND SECURITY,  
AND POLITICAL COMMITTEES,  
FEBRUARY 10-14, 2012—REPORT TABLED

**Hon. Pierre Claude Nolin:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the annual Economics and Security Committee's consultation with the Organisation for Economic Co-operation and Development (OECD), and at the Joint Meeting of the Defence and Security, Economics and Security and Political Committees, held in Paris, France, and in Brussels, Belgium, from February 10 to 14, 2012.

[English]

## COMMONWEALTH PARLIAMENTARY ASSOCIATION

BILATERAL VISIT TO SOUTH AFRICA,  
SEPTEMBER 9-17, 2011—REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association to the Bilateral Visit to South Africa, held in Johannesburg and Cape Town, South Africa, from September 9 to 17, 2011.

[Translation]

## PARLAMERICAS

ANNUAL GATHERING OF GROUP  
OF WOMEN PARLIAMENTARIANS,  
MAY 8-9, 2012—REPORT TABLED

**Hon. Michael L. MacDonald:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Section of ParlAmericas respecting its participation at the Annual Gathering of the Group of Women Parliamentarians, held in Valparaíso, Chile, on May 8 and 9, 2012.

[English]

## BANKING, TRADE AND COMMERCE

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

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

That the Standing Senate Committee on Banking, Trade and Commerce have the power to sit at 2 p.m. on Wednesday, October 31, 2012, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

ENERGY, THE ENVIRONMENT  
AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY EMERGING ISSUES RELATED TO MANDATE  
AND REFER PAPERS AND EVIDENCE FROM  
PREVIOUS SESSIONS

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

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including but not limited to water, minerals, soils, flora and fauna; and
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development.

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the Second Session of the Fortieth Parliament be referred to the committee; and

That the committee submit its final report no later than June 27, 2013 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

• (1400)

## QUESTION PERIOD

## AGRICULTURE AND AGRI-FOOD

CANADIAN FOOD INSPECTION AGENCY—  
FOOD SAFETY

**Hon. Wilfred P. Moore:** Honourable senators, my question is for the Leader of the Government in the Senate.

The Parliamentary Budget Officer is reporting that the Conservative government will spend less on food safety this year than the previous year. He says that the food safety and

bio-security risk management systems are 27 per cent lower this year compared with the previous fiscal year. The government's decisions regarding spending and cost-cutting are pointing to a very large question of competency. It is cutting people's EI when the economy is fragile, cutting Veterans Affairs after the war in Afghanistan, and now cutting back spending on food security after having gone through the listeriosis crisis, having spent \$1 billion on a photo op for the G8, and when it is just dying to drop billions on the F-35.

Why does this government believe that spending less on food security will make people safer?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the Honourable Senator Moore for that question.

The facts are that, like all responsible governments, our first priority here is Canadian consumers and our food safety.

The Canadian Food Inspection Agency acted to contain these contaminated products, as I reported. They started working on this on September 4. There was a long media conference a short while ago with the Minister of Agriculture and the head of the Canadian Food Inspection Agency to update Canadians on the situation at this particular XL plant which, as opposed to the erroneously reporting in the media today, will not be reopened until it is certified to be safe.

I have reported in this place and the facts are, honourable senators, that we have hired over 700 new food inspectors since 2006.

This includes 170 meat inspectors. We have increased CFIA's budget by \$156 million, a 20 per cent increase. We have implemented all 57 recommendations of the Weatherill report, which followed the Maple Leaf Foods listeriosis issue. As was reported by Senator Mockler in the Senate today, we have also brought forward Bill S-11, the Safe Food for Canadians Act, to make the system even stronger and to give the Canadian Food Inspection Agency more powers and the ability to respond quickly.

**Senator Moore:** Honourable senators, the government has been extremely dubious in its presiding over the largest two food recalls in Canadian history. It is now in the process of spending less on food safety than it did a year ago. Furthermore, the government will cut food safety systems by a further \$32 million this year, from \$116 million down to approximately \$85 million. We are now looking at a government that is increasing its tendency to roll the dice with the lives of Canadians by cutting the very systems that Canadians count on to keep them safe. We all know where this could end up.

Why does this government not seem to be able to connect the dots to its next food safety disaster and provide the necessary care?

**Senator LeBreton:** I wish to put on the record that we have increased the number of food inspectors and the Canadian Food Inspection Agency's budget. Those are the facts.

The bill that was before us, which has now passed through the Senate committee, will further strengthen the ability of the CFIA to move in and get their hands on records more quickly. This is a good act. It will help the Canadian Food Inspection Agency, which has been working hard on this serious issue since September 4.

**Hon. Robert W. Peterson:** Honourable senators, my question is for the Leader of the Government in the Senate. It is regarding the XL plant in Alberta.

Could the leader confirm whether or not the recall of tainted meat was delayed because the company was negligent in providing pertinent information to CFIA, in spite of being requested to do so by CFIA?

**Senator LeBreton:** I would refer the honourable senator to the head of the Canadian Food Inspection Agency and the media conference he held about an hour ago with the Minister of Agriculture where he absolutely did acknowledge the issue of timely documentation. The provisions of Bill S-11 will provide further powers to the Canadian Food Inspection Agency to obtain records from companies much more quickly.

Going back to Senator Moore's question about the funding, the last two budgets clearly indicated that considerable money was added to the budget for the Canadian Food Inspection Agency. Of course, I point out that the honourable senator and his colleagues in the other place voted against those budgets.

**Senator Peterson:** Honourable senators, I am talking about the crisis we are facing now. It is my understanding that the company was tardy in providing pertinent and timely information to CFIA officials despite them requesting it.

My question is this: Why did the minister not get on the phone, call the company and demand that the information be provided by day's end, instead of losing valuable time?

**Senator LeBreton:** Again, I refer the honourable senator back to the head of the Canadian Food Inspection Agency who indicated that there were records, if I am paraphrasing correctly, that were not as available as they should have been. With the passage of Bill S-11, the powers that it provides to the head of the Canadian Food Inspection Agency will, of course, mitigate this problem in the future.

Honourable senators, I think it is fair to say that the Canadian Food Inspection Agency has been working on this serious matter since September 4 and has done everything within its powers to deal with this very serious situation.

**Senator Moore:** Honourable senators, in response to Senator Peterson's question, the leader said that the records were not available as they should have been. Could the leader explain that? What records should have been available, by whom, to whom and when?

**Senator LeBreton:** I was simply reporting to the Honourable Senator Peterson, and I hope the Honourable Senator Moore was watching the media conference himself. I will get the transcripts



if it will help. I was simply relaying to honourable senators what I believe the head of the Canadian Food Inspection Agency reported less than an hour ago. That is as far as I can go at the moment.

**Senator Moore:** Senator Peterson pointed out that the officials were lax in getting information to the head of the CFIA, who comes under Minister Ritz, the Minister of Agriculture. It took the American inspectors to discover this problem and come back to Canada about it. It was 14 days before we did anything officially. There are so many questions around this issue. I do not understand why, when we did find that out, there was not an immediate response and I would like to know the reason.

Minister Ritz is the same guy who was responsible for the two largest recalls in Canadian history. The buck stops with him. I want to know why he has not been recalled.

**Senator LeBreton:** Honourable senators, in fairness, the Canadian Food Inspection Agency has acted quickly and properly, and it was not weeks between the reported United States' involvement and the actions of the Canadian Food Inspection Agency.

• (1410)

The Canadian Food Inspection Agency has been on this serious situation since September 4. I would suggest that they are using their resources to full value in trying to deal with this serious situation, and their ability to deal with situations like this in future will, of course, be further strengthened with the passage of Bill S-11.

**Senator Moore:** On a supplementary question, this XL plant produces one third of the processed meat in Canada. That amount of processed meat would draw anyone's attention to the seriousness of the situation. When CFIA learned of it, what did it do? How many weeks or whatever in advance of that did they not get the information? When they did not get the information — I would suggest that the CFIA probably knew in advance that this plant was such a major producer — what did it do? Did it involve the minister? Did it get the minister involved right away?

**Senator LeBreton:** I will not comment on this particular plant, honourable senators. Obviously, it is located in one of the largest beef producing areas in the country. I simply want to put on the record, yet again, that the Canadian Food Inspection Agency acted to contain these contaminated products beginning on September 4, which is a month ago today, and has been working actively on this problem ever since.

**Senator Moore:** The leader did not give me an answer to my question.

I would like to know what that administration did on September 4. What did it do when it learned of this serious situation? Did it involve the minister right away, and what did he do right away?

**Senator LeBreton:** Honourable senators, the head of the Canadian Food Inspection Agency appeared before the national media less than an hour ago. I would suggest that the honourable senator get the transcripts and let the minister speak for himself.

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

**Senator Moore:** The Senate of Canada does not operate on press conferences. The leader is a member of the cabinet.

**Senator Tardif:** That is right.

**Senator Moore:** She was probably made aware of this when it happened. Again, I would like to know what the CFIA did on September 4, when it learned of this extreme situation and when the minister got involved and what he did.

**Senator Cordy:** Hear, hear!

**Senator LeBreton:** On September 4, the CFIA began to act on the issue of the contaminated product, and they have been working and acting on this serious issue ever since.

**Senator Moore:** I do not know what that means, "they began to act." I would like to know if they contacted the minister immediately to tell him of this very serious situation. Did any other meats leave the plant after they were made aware of this, and what did the minister do to ensure that situation did not happen?

**Senator LeBreton:** I should have said they acted immediately to contain this product and they have been acting to contain this product ever since.

**Senator Moore:** Again, what did they do vis-à-vis the minister? Did they call him that day? Did they get him to phone the plant that day? What was his involvement? What did he do and when?

**Senator LeBreton:** The CFIA reports to the Minister of Agriculture, and I am not privy to what transpired then. I know the honourable senator just said the Senate does not operate on media availability or press conferences, but it would probably do us all some good if we brought ourselves up to date with the latest information, and the latest information is today the head of the CFIA and the minister appeared in a press conference.

**Senator Cowan:** That is what we are looking for. That is what we are trying to find out.

**Senator Moore:** Supplementary. The minister is right on, and that is why we are here. I am asking you what the latest information is. What did the CFIA do on that day? When did they speak to the minister and what did he do on that day, if they spoke to him at all on September 4?

**Senator LeBreton:** Although it is a service available to all of us, I will get the transcripts of the update today and ensure the honourable senator has a copy.

**Hon. Grant Mitchell:** Honourable senators, the Leader of the Government in the Senate has established a couple of things. First, it is clear that this was not a surprise, that Minister Ritz has had experience with this type of situation because 22 people in Canada died from the listeriosis outbreak on his watch.

The leader here has established that the government, Mr. Ritz, has put millions more dollars into this process and has hired hundreds more people, if we can believe that. You would think that any competent manager who was not surprised by the problem, had experience with this kind of problem, had millions more dollars and hundreds of new people, would have fixed the problem. Is the fact that this minister has not fixed the problem not a *prima facie* case that he absolutely is incompetent and should be fired?

**Senator LeBreton:** Actually, the minister did take action. The Weatherill report went through all the problems that surfaced as a result of the listeriosis at Maple Leaf Foods. The Weatherill report was presented. All of the recommendations in the Weatherill report were implemented, and further to that, the government brought in another piece of legislation to strengthen the powers of the Canadian Food Inspection Agency. It was in the Senate before we rose for the summer. The committee has now completed its work on it. Senator Mockler reported on it today. When it goes over to the House of Commons, I would hope that this bill receives quick passage in order to further strengthen and give the Canadian Food Inspection Agency more powers because obviously these powers are needed.

**Senator Mitchell:** Minister Ritz had all kinds of advice on how to fix the problem. He has had experience with the problem on his watch. He has millions of new dollars, hundreds of new people, all the resources that he needs to fix the problem. You would think that any competent manager would fix the problem. The only missing link here is competence. Is it not clear from this litany of advantages he has that, still being unable to fix the problem, he simply is not competent to do the job? He cannot manage it and should be fired because he cannot even provide a hamburger on a child's plate that the parents can be secure enough to give that child and not have the child get sick. Think about it. What about competence? How does the leader spell incompetence? Ritz, R-I-T-Z.

**Senator LeBreton:** How about Senator Mitchell?

Obviously, honourable senators, this situation at the XL Foods plant is very serious. The Canadian Food Inspection Agency took the appropriate action and has been working on removing contaminated products since September 4. This is an unfortunate incident, but Canada has an outstanding record on food safety. I will quote a report on OECD countries:

Canada is one of the best-performing countries in the 2010 Food Safety Performance World Ranking study. Its overall grade was superior — earning it a place among the top-tier countries.

Obviously, Canada's food supply is very safe; this is a very unfortunate incident in this one plant. The Canadian Food Inspection Agency has been working on this since September 4, and I think we should be supportive of the work they are doing and the work they will continue to do in the whole area of food safety.

**Hon. James S. Cowan (Leader of the Opposition):** Does the minister not realize that at the heart of this issue is the confidence that Canadians need to have in their food security? That is the basic issue.

[ Senator Mitchell ]

The leader talks about making available the latest information and providing a transcript of the minister's statement at a press conference. I remind honourable senators that the press conference was not held in the press theatre here where the management of it would be controlled by the press gallery. It was held in the minister's office, off the Hill, on 15 or 20 minutes' notice so that many of the people who would want to be there and ask questions of the minister could not get there in time.

After hiding from the public for the last three or four days, he appears at a hastily arranged press conference in his own office, says a few words and then is hustled out by his handlers. That does nothing to enhance the confidence that Canadians need to have in their food security.

• (1420)

**Senator LeBreton:** I just read the honourable senators a quote. This is an unfortunate and serious issue at this one plant in Brooks, Alberta.

Overall, Canadians have every right to feel secure —

**Senator Mitchell:** Thirty-six per cent of the beef in Canada.

**Senator LeBreton:** — in the safety of our food.

With regard to the head of the Canadian Food Inspection Agency and the minister, and the update today that they provided, they did not hustle anyone away. They connected by telephone people who could not be there in person. They took calls from the media by telephone and in person. They answered all the questions that were put to them.

**An Hon. Senator:** Exactly. I watched it myself.

[Translation]

## FOREIGN AFFAIRS

### CONSULAR SERVICES FOR IRANIAN STUDENTS IN CANADA

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. On September 7, the government announced that it was closing Canada's embassy in Iran. I would like to draw the attention of the Leader of the Government to one of the consequences of that decision.

According to Citizenship and Immigration Canada, more than 3,200 international students from Iran are currently studying at Canadian universities. Alberta's faculty of engineering alone attracts hundreds of students. Of the 1,600 students registered for the master's and doctoral programs at the faculty, 400 have Iranian citizenship. Now that Canada has suspended diplomatic relations with Iran, those students no longer have access to the consular services that are essential for renewing their passports or their student visas, facilitating banking transactions and countless other important services.

Can the minister please explain what mechanism the government intends to put in place to address this problem and allow these students to pursue their studies without having to worry about their status in Canada?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the decision to close our embassy in Iran and expel Iranian officials from Canada has been overwhelmingly supported by members of the Iranian community who live in Canada.

With regard to consular services for students, the Minister of Foreign Affairs has made arrangements through Italy, I believe — but I will confirm that, Senator Tardif — to process student visas and documents on behalf of Iranian students presently studying in Canada.

**Senator Tardif:** Madam Minister, I was not questioning whether it was a good or a bad decision to have closed the Iranian embassy. I was stating a concrete problem.

In the Faculty of Engineering at the University of Alberta, for example, 25 per cent of the students at the masters and doctorate level are from Iran. This is a concrete problem: What do they do now when they require consular services?

You mentioned that you would check this out, but at this present moment, the dean at the faculty of engineering is waiting for an answer and so are the students.

**Senator LeBreton:** Honourable senators, I will be happy to confirm this, but I do believe such processes are done through Italian officials. I will confirm that as soon as Question Period is over. I will ensure the honourable senator's office is advised so that she can so inform the head of the faculty at the University of Alberta.

## NATURAL RESOURCES

### PROPOSED PIPELINE PROJECTS

**Hon. Grant Mitchell:** Honourable senators, it is clear that this government does not have the competence to provide a sense of security about the safety of Canadians' foods to Canadians. At the same time, after seven years in government, they have not been able to get a pipeline built to diversify Alberta and Saskatchewan energy markets, internationally. Talk about incompetence — a government of a country that they want to call an energy superpower cannot get an oil pipeline built after seven long years.

The government will say over and over and over again that it is someone else's fault. It is those Aboriginal groups that are holding it up or —

**Senator Moore:** The energy expert.

**Senator Mitchell:** — it is the environmental groups that have screwed it up, or it is those horrible, horrible "international" foundations that are involved. But oh, no — it is not the

government that is responsible for getting the economy, the energy and the markets of this country done. After seven years, that is fundamental incompetence.

Mr. Prentice, the former minister, disagrees that it is someone else's fault. He made it clear in a major speech last week in Calgary that the real holdup is because this government has failed to meet its own constitutional responsibility to properly consult Aboriginal peoples.

When will this government get it that they are in power and that it is their responsibility, and that they have to take their responsibility and do what they can to get these things done instead of blaming someone else? If they do not, do you know what it adds up to? Fundamental incompetence — not building a pipeline after seven years. Think about that.

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

**Hon. Marjory LeBreton (Leader of the Government):** It may feel like seven years to the honourable senator, but we have been in government for only six and a half years.

In any event, I did read the article —

**Senator Tardif:** Too long!

**Senator LeBreton:** — by my honourable former colleague, Mr. Jim Prentice. I think the honourable senator is massively misinterpreting what he said. We have a great Minister of Natural Resources, Minister Oliver.

The process for a pipeline, as the honourable senator should know as an Albertan and as a former political leader in Alberta, is a long, arduous and complicated process. There are many steps that have to be taken. We will follow the proper steps, including the consultations. We are not blaming anyone; this is a process that does take some time, historically and at the present time.

It is clear, and Minister Oliver has made it clear over and over again, that we have a great opportunity in this country to grow our economy, develop our resources and be a world energy superpower.

**Senator Mitchell:** Could the leader tell me if she thinks that I am misconstruing what Mr. Prentice is saying when I quote him directly?

... we aren't yet playing that [global energy] game with much skill —

"We" being the Government of Canada.

— foresight or cohesiveness. Despite our natural advantages, we have failed to occupy the strategic high ground.

Whose fault would that be? Is it the fault of environmental groups or Aboriginal groups? Would that be the fault of U.S. foundations, or would that be the fault of the Prime Minister of Canada, Mr. Harper, who I am beginning to believe is fundamentally incompetent?

Some Hon. Senators: Oh, oh!

**Senator LeBreton:** Honourable senators, I think we will need to send a memorandum to the Senate officials to say we do not need a sound system in the Senate with Senator Mitchell here.

The fact is that former Minister Prentice was in that article pointing out some of the issues that he faced when he was the Minister of Indian Affairs and Northern Development and the Minister of Industry. I think that is how I read the article. I can always trust Senator Mitchell to read things into the article that I do not believe are intended.

In any event, we have an excellent Minister of Natural Resources in the person of Joe Oliver and we know the importance of developing our resources. With a government that is focused on jobs, the economy, and long- and short-term prosperity, obviously resource development — not only in the West but in Northern Ontario, in Quebec and in Atlantic Canada — is a top priority for this government.

Some Hon. Senators: Hear, hear!

**Senator Mitchell:** There is this problem that we have, honourable senators. We have the Premier of B.C., Premier Clark, whom we would expect to represent British Columbia's interests, and the Premier of Alberta, Premier Redford, whom we would expect to look after Alberta's interests. That is what we hired them to do, and they are doing a good job representing their respective interests.

What is missing here is a representative of the national interest. Who would that be? That would be Mr. Harper. Why has Mr. Harper gone AWOL from this important role? Why is he not bringing those two premiers together, figuring out a way to get them to work together, facilitating that working together and doing what a national leader does — representing the national interests of all Canadians? He is incompetent.

**Senator LeBreton:** That is the honourable senator's new word. He must have checked out a dictionary this morning to find a new word he could bring in.

The Prime Minister leads the government. Around the cabinet table are many competent ministers the Prime Minister depends upon to fulfill their duties as ministers.

• (1430)

In the case of resource development, we have an outstanding minister in the person of Minister Oliver. I guess the honourable senator does not watch the activities of the government, but Minister Oliver is literally on the road almost every day dealing with these resource development issues and moving this file along. At the end of the day, we, as a country, will be in a much better place because of his efforts.

## ORDERS OF THE DAY

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### MOTION TO AUTHORIZE COMMITTEE TO STUDY THE POWERS AND RESPONSIBILITIES OF THE OFFICERS OF PARLIAMENT AND THEIR REPORTING RELATIONSHIPS TO THE TWO HOUSES— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report on the powers and responsibilities of the officers of parliament, and their reporting relationships to the two houses; and

That the committee present its final report no later than March 31, 2013.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I rise today to speak to Senator Comeau's motion of May 3, 2012, calling on the Standing Committee on Internal Economy, Budgets and Administration to study the powers and responsibilities of the officers of Parliament and their reporting relationships to the House of Commons and Senate.

I listened with great interest to Senator Comeau when he moved his motion last spring. He began his remarks by seeking and obtaining leave to table a 2011 letter signed by the seven officers of Parliament. It was addressed to the Speaker of the House of Commons, several committee chairs in the other place and the chair of the Advisory Panel on the Funding and Oversight of Officers of Parliament. The Speaker of the Senate was copied on this letter, but not directly addressed. The letter contained an extensive report on the accountability of these officers of Parliament.

Senator Comeau argued that the exclusion of the Senate and its committees from this letter was evidence of a larger problem that requires our attention. My colleague took great exception to the fact that officers of Parliament appear to focus on their responsibilities to the other place but not to this chamber.

I think it is important to take a few moments to explore the meaning of the term "officer of Parliament" since, as Senator Comeau has noted, there is some confusion and ambiguity surrounding the term.

The fact of the matter is that this designation has been used inconsistently throughout our history. This is due, in part, to the fact that there is no statutory definition of an "officer of Parliament." At various times, the term has been used to describe not only those seven independent officers who signed the letter and who report to Parliament, but also senators and

members of Parliament who are appointed to particular parliamentary offices, as well as procedural officers and officials within the Senate, the House of Commons and the Library of Parliament, that is, the administrative apparatus.

For example, the Privy Council Office refers to the clerks of both chambers of Parliament, the sergeant-at-arms, the law clerk and parliamentary counsel, and the parliamentary librarian as officers of Parliament.

In the strictest or narrowest sense, the officers of Parliament are the individuals occupying the seven following positions: the Auditor General, the Chief Electoral Officer, the Commissioner of Official Languages, the Privacy Commissioner, the Information Commissioner, the Public Sector Integrity Commissioner and the Commissioner of Lobbying. These are the seven individuals who signed the letter that Senator Comeau tabled with us.

To distinguish these officers from other positions that might also be called officers of Parliament, they are sometimes referred to as “agents of Parliament,” which Senator Comeau also noted in his speech. This provisional distinction is important because of the incertitude of the terminology.

Senator Comeau spoke at length about his concern with the term “agent.” He stated several times that these individuals are calling themselves agents. He noted that the normal definition of “agent” is someone authorized to act for or in the place of another. They would act on our behalf, and their actions would bind us.

I would also like to point out that this term was not adopted as a self-designation by these individuals, but rather used by the Privy Council Office and in its glossary of terms. A footnote to this glossary indicates that the term “agent of Parliament” comes from the Treasury Board Secretariat, which uses the term in all of its official documentation.

If there is a legal issue with the use of the term “agent,” it has never before come to bear as far as I can tell from the research that I have conducted. However, Senator Comeau has raised a very interesting point about what exactly we parliamentarians mean when we agree that these individuals are our agents.

The criteria that have been traditionally used to identify these seven officers or agents are consistent. They are appointed by the Governor-in-Council by commission under the Great Seal. Their appointment is approved by one or both houses of Parliament through a resolution. Their term of appointment is laid out in a statute. They can be removed from office by resolution of one or both houses. Their reports are submitted to the speakers of one or both chambers.

This brings us to question of whether agents of Parliament have an equal degree of responsibility to both chambers. All signs indicate that they should, since Canada’s Parliament is composed of the House of Commons, the Senate and the Governor General. All of these agents are appointed by resolution of both chambers, with the exception of the Chief Electoral Officer, who is appointed by resolution of the other place only.

Looking at these facts, I can appreciate Senator Comeau’s troubled reaction to the letter and report in question. Indeed, as he stated, unlike in the Commons, no Senate committee chair or clerk received a copy of the letter. Given that the Senate is one of the two houses of Parliament and that the senders call themselves agents of Parliament, why did they exclude the chairs of Senate committees?

I have looked at other joint work undertaken by agents and have found that this is not the first case where the Senate appears to have been sidelined in the relationship between Parliament and its agents. A significant report by the House of Commons Standing Committee on Ethics and Access to Information in 2005 studied the funding provided to agents by the Treasury Board. Senator Comeau also spoke of this report.

The committee found that the agents’ need to secure funding each year from Treasury Board was incompatible with their government scrutiny mandate. As a result, as a two-year pilot project, an all-party advisory panel was established in the fall of 2005. It is known as the House of Commons Advisory Panel on the Funding and Oversight of Officers of Parliament. It is composed of members of the other place, including their Speaker. All political parties are represented. Its purpose is to make funding recommendations to the Treasury Board. This restructuring of the agents’ funding process was implemented without consultation from the Senate and, to the best of my knowledge, the advisory panel continues to operate today, although on an ad hoc basis.

On the face of it, I am inclined to share Senator Comeau’s concerns about the exclusion of the Senate from the relationship between Parliament and its agents. However, I also wonder whether this chamber has not been as active as it could be in fostering that relationship. There was an ad hoc committee struck in the other place, as I mentioned earlier. Did the Senate endeavour, at any point, to undertake similar work? It is also worth noting that the Standing Orders of the House of Commons provide that the mandated reports of certain agents of Parliament are automatically referred to specific standing committees for consideration and examination. Here in the Senate there is no direct linkage through our rules, as there is in the other place, between our committees and the officers of Parliament.

• (1440)

Perhaps if the motion proposed by Senator Comeau is adopted, the committee could recommend what steps the Senate might take to be a more active partner in its relationship with the agents of Parliament.

In a 2010 article in the *Canadian Parliamentary Review* Jack Stillborn raised, for example, the possibility of adding senators to the Advisory Panel on the Funding and Oversight of Officers of Parliament or of the creation of a complementary Senate panel. This is one idea among others that could be considered and studied in committee.

Honourable senators, I believe Senator Comeau has raised some very interesting issues that are certainly worthy of closer study. It is a part of our duty as members of this chamber to

monitor and scrutinize all aspects of the institutions we serve to ensure it fulfills the role it was designed to play in Parliament and that it does so to serve Canadians in the most effective way possible.

I thank Senator Comeau for having brought this matter to the attention of the chamber. However, I do not believe that the Standing Committee on Internal Economy, Budgets and Administration is the best committee to study this issue. Senator Comeau's remarks make it clear that we need to be looking at how the Senate can be a more active participant in its relationship with the agents of Parliament; for example, by creating more direct linkages in our rules. It follows then that the Standing Committee on Rules, Procedures and the Rights of Parliament would be the more appropriate committee to which this order of reference should be directed. This committee is actually mandated to propose changes to our rules and to consider the orders and customs of the Senate and privileges of Parliament.

#### MOTION IN AMENDMENT

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I move, therefore:

That the motion be not now adopted, but that it be amended by replacing the words "Internal Economy, Budgets and Administration" with the words "Rules, Procedures and the Rights of Parliament".

(On motion of Senator Cools, debate adjourned.)

[Translation]

#### SENATE ETHICS OFFICER

##### LYSE RICARD RECEIVED IN COMMITTEE OF THE WHOLE

On the Order:

The Senate put into Committee of the Whole in order to receive Ms. Lyse Ricard on the matter of her appointment as Ethics Officer.

(The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Senator Oliver in the chair.)

**The Chair:** Honourable senators, Rule 12-32(3) provides the procedure in Committee of the Whole. In particular, under the revised rule:

(b) Senators need not stand or be in their assigned place to speak.

I remind honourable senators that the Committee of the Whole is meeting pursuant to the order adopted in the Senate earlier today, in order to receive Ms. Lyse Ricard on the matter of her appointment as the Senate Ethics Officer. Pursuant to the order, the meeting will last no longer than one hour.

I now ask the witness to enter.

[ Senator Tardif ]

(Pursuant to Order of the Senate, Lyse Ricard was escorted to a seat in the Senate Chamber.)

• (1450)

**The Chair:** Honourable senators, the Senate is now in Committee of the Whole to hear from Lyse Ricard regarding her appointment as Senate Ethics Officer.

[English]

Ms. Ricard, thank you for being with us today. I invite you to make your introductory remarks after which there will be questions from Senators.

[Translation]

You now have the floor.

[English]

**Lyse Ricard, Interim Senate Ethics Officer:** Thank you, Mr. Chair.

Honourable senators, thank you for inviting me today. It is an honour and a privilege for me to be considered to become the Senate Ethics Officer. The mandate is to administer, interpret and apply the *Conflict of Interest Code for Senators*. One of the major responsibilities is to advise the senators in this regard by helping them understand their obligations, identifying conflicts of interest, real or apparent, as well as providing advice and guidance. The advice and opinions are based on a careful analysis of the code and each senator's circumstances.

[Translation]

With the utmost confidentiality.

[English]

The purposes of the code are to maintain and enhance public confidence and trust in the integrity of senators and the Senate; provide for greater certainty and guidance for senators when dealing with issues that may present foreseeable real or apparent conflicts of interest; and establish clear standards and a transparent system by which questions relating to proper conduct may be addressed by an independent, non-partisan adviser.

The Standing Senate Committee on Conflict of Interest for Senators has a very important role. It exercises general direction over the Senate Ethics Officer; and it exercises general and constant oversight over the conflict of interest regime applicable to senators.

I have worked with the committee during the last six months to implement the changes to the code that you approved on May 1, 2012.

It was important to ensure that the transitional measures to implement the changes be simple and clear, cover all angles and comply with the code and support senators.

[Translation]

I was a career public servant for over 30 years. In addition to my experience and training as a chartered accountant, I am aware of the importance of reconciling personal interests and official duties to act in the public interest, of the importance of using good judgment to interpret a code of ethics and of providing objective and impartial advice that is also in the public interest.

As a chartered accountant, I am also regulated by a code of ethics that requires me to abide by high professional and ethical standards in the public interest; to act with integrity, objectivity, independence and confidentiality; and to respect client privilege. As a public servant, I was always serious about my responsibilities to provide independent, objective and high-quality advice.

I would be pleased to fulfill these responsibilities if you decide to proceed with my appointment. I have felt very privileged to serve the great institution of the Senate in recent months. I thank you for your attention.

[English]

**The Chair:** Thank you very much for your presentation. Honourable senators, I have a list of senators who wish to pose questions, and the first senator is Senator Joyal.

[Translation]

**Senator Joyal:** Welcome, Ms. Ricard. As a member of the committee, I had the pleasure of working with you during your six-month interim appointment. It is truly a privilege to have you here today. Since all honourable senators have not had the opportunity to get to know you, here is my first question for you. Your predecessor, Mr. Fournier, who retired, was able to maintain contact with the legal community during his long career in the public service. As part of his duties as Deputy Solicitor General and at the Privy Council, he was regularly responsible for the interpretation of regulations and acts.

The responsibilities of the ethics officer, particularly when there is an investigation, or when you are asked to provide a detailed opinion — I am thinking, for example, of the opinion that your predecessor had to give and that is included in the annual report which I am sure you read — clearly show that the incumbent must be familiar with the interpretation of statutory and legal instruments. You are a chartered accountant by profession and you certainly have a lot of experience, since you have been working for over 30 years, but how can we be sure that your previous experience enables you to interpret statutory and legal instruments, and even conduct an investigation under the code, should allegations demand it?

**Mrs. Ricard:** Thank you for the question. First, I wish to mention my experience as deputy commissioner at the Canada Revenue Agency and as assistant commissioner, law enforcement, also at the Canada Revenue Agency, where we routinely had to look at files, interpret the act, determine the procedure to be followed, decide whether or not to take the matter to court, and distinguish between tax evasion and irregular files.

I could go on at length about the various processes involved. Incidentally, the legal team that works with the Canada Revenue Agency is the largest group in the entire public service. Also, when I was assistant deputy minister for operations at Citizenship and Immigration, we had to study a whole series of regulations and the entire act, and we had to implement them on a regular basis.

As part of my duties, I was also responsible for law enforcement within operations. Again, as part of that responsibility, we sometimes had to decide whether or not to conduct investigations, and then decide if we were going to lay charges or take other measures such as recommending that a visitor's status be revoked.

**Senator Joyal:** My second question concerns the provisions of the Parliament of Canada Act, section 20 in particular, which governs the Senate Ethics Officer. Subsection 20.5 states that:

The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out those duties and functions.

In other words, you have exactly the same privileges and immunities as we do. Can you confirm for us that you have been informed of the nature of senators' privileges and immunities, because once we approve your nomination, you will be on equal footing with all senators with respect to senators' privileges and immunities?

**Ms. Ricard:** Yes, I was given a brief explanation of what that means, but I will not pretend that I can explain it myself.

**Senator Joyal:** You could at least succinctly explain what these privileges are because they have been recognized by a number of legal decisions. Section 18 of the Constitution very clearly states that senators and the Senate enjoy the same privileges as those enjoyed by the House of Commons.

Do you have any ideas that you could share with us here today?

• (1500)

**Ms. Ricard:** It is my understanding that if I express an opinion or give advice based on the information that I have, my opinion or advice will be recognized as having been given under those specific conditions.

**Senator Joyal:** Are there other elements of immunity? The reason I raise the question of immunity is that it is a very important aspect of the confidentiality that you will ensure. As senators, when we confide in you to obtain advice or guidance, we do so with the expectation of a certain degree of professional integrity, so to speak, and you must be able to uphold the privileged relationship you have with each and every senator, much like when I confide in another senator during a debate in this chamber. Anything I say to another senator in this chamber is protected by immunity. Do you have a clear understanding of the parliamentary immunity that you will enjoy?

**Ms. Ricard:** Yes, I do. No one can force me to disclose any information I possess or receive, either verbally or in writing.

**Senator Joyal:** The other question I would like to ask you has to do with the changes you referred to during your presentation. As you know, as of October 1, senators' statements that have been made public are being posted online. Consequently, we can assume that a great deal more information will be shared compared to when the information was kept in a registry that was available only in your offices.

How will you handle this new reality, whereby information about each senator will now be available not only within Canada, but around the world, since anyone can access your website? This creates a completely different context in terms of managing information compared to what your predecessor had to deal with, when the registry was available for only a few hours a day in your offices.

**Ms. Ricard:** I imagine that, initially, my office and senators' offices may receive more calls and questions. As we saw when other information was made public, such as proactive disclosures and access to information, as soon as everyone has access to the same information, there will be less interest.

My predecessor was very careful to ensure that the information contained in the public registry was accurate. We will take the same care in ensuring that the information in the public registry is correct, that it is accurate and relevant.

**Senator Joyal:** What comes to mind here is that it will clearly be much easier for a person to make an allegation against a senator when the information is completely accessible. You risk being under more pressure, or certainly we will be exposed to more pressure, to disclose more information because, as you know, when a senator's duties or activities outside the Senate are made public, this information will be accessible.

How do you plan to manage this situation, which will certainly be different from the way things were in the past?

**Ms. Ricard:** There are two aspects to the transition. First, we must be even more vigilant when we analyze files and when we have conversations about real or apparent conflicts of interest. It will be even more important to explain the code, what it means, what constitutes a real conflict of interest, what constitutes an apparent conflict of interest, and why there is no conflict of interest in a given situation.

**Senator Joyal:** You will certainly have a different situation to manage than your predecessor did during the six years that he was in the position.

[English]

**Senator Andreychuk:** Welcome to the chamber. I had the honour of working with you, having been on the committee, along with Senator Joyal and others. I appreciate that you have given it the time and that you have understood the differences between the Senate and the House of Commons, and the public service and the executive. Your practicality could serve us very well. You understand both the need for the code and how it is applied practically. I thank you for the work that you have done. I trust that you will be approved today and that we will continue to work subject to comments made later.

In that vein, I would like to address the fact that we have the Code of Conflict of Interest and not a code of conduct. It has seemed over the years that I have sat on the committee that the single most difficult thing to explain is what our code does and what it does not do. Questions from senators, the public and others have always centred on how we operate and what standard we apply.

Has that come up in the short time that you have been with us? Are you fielding questions about other issues of ethics and conduct that are not within the purview of this act? How do you envision answering such questions?

**Ms. Ricard:** Yes, that has happened. At times, people wonder whether they have to ask the advice of the Senate Ethics Officer and at times some questions, for example, are about the use of Senate resources, which falls under the authority of the Standing Committee on Internal Economy, Budgets and Administration. I refer people there.

**Senator Andreychuk:** We will go public on the Internet on certain issues, but other issues will not be there. Have you contemplated that? Will you simply assess where they belong, or will you be in consultation with the committee to create that? The Internal Economy Committee looks after Senate resources and conflict of interest. However, a host of issues do not fall in either camp. How do you answer those questions?

**Ms. Ricard:** As I said, the committee has a very important role. When issues arise that I am not sure about, I will work with the committee.

It happens that outside people, such as the media, phone the office and ask questions that are not part of the code. We explain the difference.

**Senator Andreychuk:** Another concern that has arisen is whether our code is strong enough and meets today's needs. We have made some amendments in response to valid concerns, and the Senate has embraced those. Are you satisfied that our code is defensible and in line with that of other parliamentarians in both Canada and elsewhere?

**Ms. Ricard:** It is a very well-balanced code. You have made important changes over the years. What I like about the code is that it is based on principles and allows analysis, interpretation and the use of judgment. We are seen as one of the leaders by others in Canada. My predecessor was asked from time to time to explain the evolution of the code.

• (1510)

That being said, I believe it is not static and there is always an evolution in the code. In the past seven years we have seen an evolution. You may decide in the future, eventually, when expectations change, to make other changes. We have seen this in the past and it has shown us that nothing is static in the world of ethics.

**Senator Andreychuk:** How do you see the role of the committee, which is a unique feature of our code? We operate here on peer consensus and most of our rules and precedents are based on that. How do you see having the committee assist in the process of the conflict of interest code?



**Ms. Ricard:** As I said in my opening remarks, the role of the committee is very important. I felt fortunate to be able to work with the committee and to present issues to the committee and to work on the transition. I believe it is a good thing for this committee to have oversight of the code.

**Senator Andreychuk:** What do you put in place uniquely from your perspective, not your predecessor's, to reach out to senators to ensure that they understand the code and that they are responsive to it?

**Ms. Ricard:** Individual meetings with senators. Over the last six months I have met with some senators. I have not met all the senators because there was the summer adjournment during that six months and I did not have time to meet with them all. I would have a meeting with senators or a conversation over the phone. I have had interesting conversations with senators.

**Senator Andreychuk:** Thank you. I will not ask the legal questions and the application questions of our code, as that will be your responsibility and the committee's as we continue working on these issues. It is the practical approach — and you have answered some of my questions — of how we apply the code and how we are perceived to be dealing with conflicts of interest that is important. Your practical approach to them will be helpful. Thank you.

**The Chair:** Thank you, Senator Andreychuk. Honourable Senator Downe.

**Senator Downe:** Thank you, chair.

You have been acting for six months and I am wondering whether you think you have enough resources in your office given the changes that are in the code.

**Ms. Ricard:** Yes. There are enough resources in the office to manage the code. There is no problem.

**Senator Downe:** You know we are in a time of restraint. Do you see any opportunities to reduce your budget?

**Senator Andreychuk:** No.

**Ms. Ricard:** We did, as every institution in the federal public service did. We have a small office, but we did our share, yes.

**Senator Downe:** I am glad to hear that. We did as well.

My second to last question is about issues on a go-forward basis. What advice or issues will you be identifying for the committee that are being done in other institutions that we should consider?

**Ms. Ricard:** I have not had the time and the opportunity to compare the Senate with other jurisdictions yet. However, I do know that we have been a leader in that area. Today I would not be able to identify to you changes that I may want to recommend. There have been changes this year, which are significant changes as well.

**Senator Downe:** My last question will be a follow-up on a question asked earlier. If there is a public issue that gathers a lot of media attention, would it be your role to respond if the report were erroneous, or would that be the responsibility of an individual senator, or would the senator and you both respond? How do you see that developing?

**Ms. Ricard:** My answer to that question is that it would depend on the unique situation. I would not have an approach that is the same in every situation. I would have to discuss with the senator or, depending on the situation, with someone else, to be able to decide on a course of action. I think this merits reflection and careful analysis.

**Senator Downe:** The question is this: Would you see yourself being proactive? In other words, if there is an erroneous report in the media, a misinterpretation of the information that is publicly available, would you correct that? Would that be part of your responsibility, or would you wait until another person from the media contacted you to verify the report? Sometimes people sit back and other times they are proactive. How would you see your office in those cases?

**Ms. Ricard:** I do not think I would be proactive in a general sense. As I said, it depends on the individual situation. I would need to discuss with the senator because if the media calls me regarding the activity of a senator the one thing I do not want to do is discuss affairs concerning a senator with someone other than the senator.

**Senator Downe:** Yes; I understand that. However, my question was about publicly available information. If the publicly available information is misinterpreted and there are all kinds of media stories, another erroneous attack on the Senate or the institutions of the Senate or a senator, would your office be proactive to correct that if it is an obvious mistake, or would that be the responsibility of the individual senator affected?

**Ms. Ricard:** I really believe I would need to discuss the situation. It is difficult to give an answer that would be appropriate for every situation.

**The Chair:** Thank you, Honourable Senator Downe. Honourable Senator Marshall.

**Senator Marshall:** Thank you, chair.

Under the revisions to the code we are required now to provide a lot of additional personal information, including information that relates to our families, so privacy has really become a major issue.

A lot of the information that we provide, or some of it, is not required to be disclosed. I would assume it will be retained within your office. I know from meetings that I have had with the previous Senate Ethics Officer that additional information is also provided, for example, during meetings, and notes would be kept. Could you provide us with some information that would address the issue of security and privacy? I ask that question because there is a lot of information now that will be retained in your office. I would like to know what sort of security there is with regard to access by parties outside. How are you assured that people cannot access information that does not have to be disclosed publicly?

Also, what sort of security is there with regard to individuals in your office? Is everyone in your office able to access all of the personal information of the senators?

Could you address both those issues, please?

**Ms. Ricard:** With regard to physical security, the doors are closed; there is an alarm system and there is a video camera. The room where the files are located is separately controlled. There is an additional control. They are in filing cabinets that have locks.

Also, with regard to the office, I have a very small office. We have four employees. Two of them have had their careers in the Senate and two of them have always been advisers in ethics. They were recruited from Mr. Wilson's office. They have secret clearance in terms of a security clearance.

• (1520)

**Senator Marshall:** What about the electronic files? I would think that some of the information is maintained electronically.

**Ms. Ricard:** They are paper files when you send them to me. Anything electronic is under the security of the Senate. It is the Senate IT department that looks after security and it is very robust. When you send me your confidential disclosure, it is paper. That is why we do not ask you to send it to us electronically.

**Senator Marshall:** For security of electronic information, you rely on the security that is in place with the Senate; you would just rely on them?

**Ms. Ricard:** They provide it to us on a cost-recovery basis, but they do not have access to the information. The confidential information you send to the office, you send it by paper. That is why we do not want an electronic filing of the confidential disclosure.

**Senator Marshall:** Thank you.

**Ms. Ricard:** You can fill it in electronically, but it is not kept. You sign and send it on paper, and the files are paper-based.

**The Chair:** Ms. Ricard, when a senator dies or retires, what happens to their personal files in your office at that time?

**Ms. Ricard:** We do not keep them.

**The Chair:** Are they destroyed? What happens to those personal files?

**Ms. Ricard:** I keep them for one year after the senator leaves. The public documents are sent to the archives.

[Translation]

**Senator Comeau:** Thank you, Ms. Ricard, for being here today. My question is further to those of Senator Marshall about the changes made to the code that now require senators to disclose private information about their spouse.

[ Senator Marshall ]

Did I understand correctly that you and four employees have access to that private information?

[English]

**Ms. Ricard:** The access to the information is based on the need to do the analysis of the file. It is not every four employees who will look at every file. There are two advisers, for example, and they each have their files that they are assigned and those are the files that they work with. When you send your public disclosure form filled in, it is assigned to one adviser and that adviser looks at the analysis and prepares your public disclosure document for you to sign. It is on a need-to-know basis only.

[Translation]

**Senator Comeau:** So the people who have access to these documents are you, the person analyzing the document, and possibly the secretary who is responsible for storing and maintaining the documents?

[English]

**Ms. Ricard:** Maybe two, yes, and I do not have a secretary. The person who answers the phone is also an adviser and an administrator.

[Translation]

**Senator Comeau:** I gather these people are made to understand the importance of keeping these documents confidential?

Did it occur to you that these changes to the code will henceforth require us to search through our spouse's documents in order to report information about them to your office?

The code was adopted in the Senate, so we must accept it. However, that means I now have to disclose information about my wife. Have you considered the fact that my wife is also subject to the code now, not just me?

**Ms. Ricard:** I do not know whether this was discussed when the committee was working on the changes to the code before I arrived. I cannot answer that question because that was addressed before I arrived.

Based on my understanding of the code, the spouse is not subject to the code; the senator is.

**Senator Comeau:** Yes, I understand, but, with these changes, the Senate will henceforth require the senator to disclose private information about his spouse. The spouse therefore becomes subject to the code by association. That is why I wondered whether any consideration was given to alternatives to requiring the senator to disclose this information.

**Ms. Ricard:** I will have to ask the committee what options were considered when this amendment was discussed. I am sure there were different options.

**Senator Comeau:** I was trying to see how one could arrive at such a decision. Thank you.

[English]

**Senator Lang:** I would like to follow up on Senator Joyal's and Senator Downe's inquiries having to do with when someone does make an inquiry of your office. Quite frankly, you are in charge, in part, of the reputation of each and every one of us in this chamber and of the institution itself in how you handle those inquiries. It will be very important at the end of the day.

Perhaps you could describe to me what exactly will take place if there is an inquiry, for example a phone call, from an individual or from the press inquiring about the file on an individual senator. Will it be the procedure that you will, as soon as possible, let that senator know that there has been an inquiry? How will you handle that particular situation?

**Ms. Ricard:** First, we do not discuss the files of individual senators with someone who phones, who comes to the office. We never do that. We let the senator know that someone phoned about their situation.

**Senator Lang:** I want to follow this through. There is an allegation of a conflict of interest. You have the information on each and every one of us in the chamber. Are you saying that upon that inquiry you will not make any response or, like Senator Downe's inquiries, are you leaving it to the senator to respond? You are the one with the information. If the inquiry is made about, let us say, a private business interest that a senator has, will you say, "Yes, he or she has declared that and, as the officer on behalf of the Senate, I reviewed it and felt that it was in order," or do we leave that out there for someone else to explain?

The difficulty one gets into, if there is not a definitive answer in a short period of time, is that it becomes a story by itself and then, all of a sudden, it is the reputation of that particular individual senator. There may be no basis to that allegation at all, but if there is not a response from the Senate Ethics Officer that says there is not, then it stays open and it stays a story. Can you give us a response to that?

**Ms. Ricard:** When you talk about allegations, you are not referring to the allegations that are covered in the code, which means an inquiry, an investigation and all that. That is a different process altogether.

• (1530)

If someone called my office to make an allegation, I would first want to look at what they are talking about and then quickly discuss it with the senator. I do not think it would be appropriate for me to discuss the affairs of a senator with someone on the telephone.

**Senator Lang:** I appreciate your response to that part of the question. At the end of the day, through your office and with the individual senator — I am trying to envisage a situation — would you see yourself verifying a statement by the senator saying, "Look, I have made those declarations, they are on file, and you can check with the officer to ensure that what I have said is true"?

**Ms. Ricard:** Now they will be able to check their disclosure online, so I could refer them to the public registry that will be on the website as of this Monday. This is for the future. The public

disclosure that is currently filled in will be available online starting as soon as we process them this year, so people will be able to see it for themselves.

**Senator Lang:** I do not want to belabour this too far, but the point I am making is that it is all in the eye of the beholder and how they interpret what they read.

I will use myself as an example. If I have filed with you and clearly enunciated to you all of my assets and any possibility of a conflict of interest, and then if, in this case, perhaps the media or an individual pursues the question of whether what I have in trust is proper — the point being that I have gone through you and you have said to me when I filed and verified my declaration that I have met everything in the code — then would you not see it as your place to verify first what I have said but also say that it is online and it does meet the code so there is a third party involved here?

**Ms. Ricard:** Yes, because it is clear when it is online, what is online, and I certify it is a copy that I have processed. When it is put online, that means it complies with the code.

**Senator Lang:** You would verify, then, if you were asked the question directly, that "It is online, I have gone through and done the declaration and it meets the code," and that should be the end of the question? Thank you.

**Senator Andreychuk:** I think there has been a precedent set, but if there is some question from a reporter that you would have the courtesy of allowing the senator to say "this question has been put to me and I am going to answer it" so that in fact there is an understanding that no one is confused. I think it is done in all cases, to make the senator aware if there is a request before a reply. There is then an opportunity to ensure that we are actually putting forward the proper information to the public.

**Ms. Ricard:** That is what I was trying to explain. Thank you, senator.

**Senator Meredith:** Thank you very much for your answers this afternoon. I have been listening intently.

You have been here for six months. Do you have any regrets so far? Are you comfortable with everything moving forward? Do you want to exit now? Do you foresee any challenges that would impede your moving forward in your position in terms of resources that you would need? Can you elaborate on that a little bit? I will then follow up with another question.

**Ms. Ricard:** I have no regrets, and if I wanted to exit, I would not be here today. As I said, we participated in a reduction, and should there be any issue resource-wise, I would raise that issue at the time.

**Senator Meredith:** That is comforting to know. This is a follow-up question to Senator Andreychuk's question with respect to security. You said that Senate security is responsible for the files and so forth.

Has any senator's information from your predecessor gone public? Has any senator said to you, "I was a little taken aback that some information got out in the public that was not supposed to?" Has anyone come to you with that sort of information?

**Ms. Ricard:** No, I have no indication that that has ever happened. I do not think that has ever happened.

**Senator Meredith:** Let us venture that it does happen. How would you handle such a breach?

**Ms. Ricard:** It would not happen. The measures of security are so high that it could not happen.

We do not take files out of the office. We do not take even a photocopy of any document out of the office. If employees work overtime, they work in the office. Even for me, I will not cross the street to come and meet you with your file in my briefcase. The file does not leave the office.

**Senator Meredith:** Thank you.

**Senator Wallace:** Ms. Ricard, with regard to the confidential disclosure statements that each of us files with the ethics office, I believe I understood you to say that that information would be reviewed by a person in your office that you would assign each file to, and they would decide what of that confidential information goes on the public record.

Would it be that individual who would make the decision whether sufficient information was disclosed in the confidential portion of our filing? Is it that individual who makes that decision or do you?

**Ms. Ricard:** They prepare their analysis and make recommendations, but I review the file.

**Senator Wallace:** I am sorry?

**Ms. Ricard:** I review the file. They do not make the decision. I review the file and they make recommendations. They prepare the paperwork, and I go through the file.

**Senator Wallace:** Would that be the same process in deciding what information goes on the public record? Would it be you that gives the final approval that it is sufficient?

**Ms. Ricard:** The difference now with the change to the code is that your activities are all public; there is no longer a determination of what information does not have to be there.

**Senator Wallace:** As you pointed out, your responsibility, as it is with all of us, is to protect the public interest, and to a large extent you will do so by assisting us to ensure that we stay on side with our obligations. I think you were asked by Senator Andreychuk how you would proceed to assist us, and I believe I heard you say that you would have individual meetings. Certainly Mr. Fournier did that, and it was very helpful.

I am wondering, oftentimes when those meetings are called, it may be after a problem has developed. Of course, with all of us, we want to avoid those situations that we may inadvertently fall into. Do you see the need to do anything more proactively than wait for us to call you? Would you see any advantage to, on a

regular basis, reviewing what our obligations are or answering questions, that type of thing? Or, as you say, do you feel it is simply enough to wait until we raise an issue and have a one-on-one meeting at the time?

**Ms. Ricard:** I agree with everything you said, and I will explain. Prevention is better than correction. This means that in addition to a meeting we may have and in addition to your calling me when you are not sure about something and you want us to look at a particular situation, if you are about to study a piece of legislation and I think of your activities, then I will raise it with you and tell you to be careful. Therefore, there is the aspect of being proactive, as well as the service aspect of when you ask me questions and you need advice.

• (1540)

**Senator Wallace:** It seems that you have been in a unique position where you have had this opportunity to work in the office for the last six months, in particular, with the recent changes to the code being implemented. Having gone through that process, could you point to anything that you feel prepared you to be here today to be considered for this position permanently?

**Ms. Ricard:** Working through the implementation of a brand new code and its modifications probably allowed me to focus on the code in more detail with regard to those new provisions, as well as working more closely with the committee than I otherwise would have, had this not coincided with my interim appointment of six months.

**Senator Wallace:** Thank you, Ms. Ricard.

**The Chair:** Honourable senators, that concludes the list of senators I have for the first round. I now turn to the second round, Honourable Senator Joyal.

[Translation]

**Senator Joyal:** I would like to follow up on Senator Downe's question. If you found that information about the code or about your activities as ethics officer were false, what would you do to correct the situation?

I draw to your attention the fact that your predecessor, Mr. Fournier, once took the initiative of replying to an interpretation that came from the House of Commons during a debate involving ethics and members of the other place. The interpretation stated that the code, in this case, the senators' code, did not include any provision to deal with or to disclose the benefits that a senator may receive, such as gifts or sponsored trips.

Your predecessor took the initiative of writing a formal letter to the member of Parliament who had made that allegation to draw his attention to the provisions of the code that deal precisely with this situation.

It seems to me that in such a context, you certainly also have the responsibility of defending the Senate as an institution and the integrity of the code, when one or the other, or both together, are questioned in a public debate, particularly in the other place or in the public sphere.

Based on the legislation governing your activities — again the Parliament of Canada Act — you assume responsibilities that make you part of the Senate as an institution.

Since you enjoy the same privileges and immunities as senators, in a way you also have to defend the institution, just like you must ensure the public interest, since you are the one who ensures that the public interest is served by the code and by complying with it.

Therefore, it would seem very appropriate that you would consider the situations where your predecessor got involved on his own initiative to present information to the public. As we know, many things are said about the Senate. Some of them are accurate and some are not. In your role, particularly as regards the application of the code, that is certainly one of your responsibilities. As for the rest, it is up to us individually and to the authorities to take the initiative.

However, as regards the code, you certainly share the responsibility of defending its integrity, and of ensuring that if the code is binding on senators, you can guarantee that they will comply with these obligations and will respect the spirit and the letter of the code.

I think there is something extremely important here because, as my colleagues told you earlier, we know that, in the coming weeks, the public will be expecting to read public statements made by senators on line. This new reality will force you to reconsider the way you will respond to code interpretations, at least those that will be expressed. It is not your responsibility to launch the debate; it is up to us individually, but at least the facts regarding the letter and the spirit of the code should be spelled out.

**Mrs. Ricard:** You are absolutely right. When it comes to defending the code and explaining or correcting erroneous information about it, or about the role of the Senate Ethics Officer, I will be proactive like my predecessor. It is when a specific senator is concerned that I cannot advocate a general approach. But you are absolutely right. It is indeed within my power and my responsibility to explain the code and to defend it.

[English]

**The Chair:** Honourable senators, are there any further questions from any other senators? We have three minutes left before the committee proceedings must be terminated. Do honourable senators have any final comments, questions or suggestions? That not being the case, honourable senators, I know you will want to join me in thanking Ms. Ricard very much for her presentation here today.

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

**The Chair:** You may now depart. Thank you.

Honourable senators, is it agreed that the committee now rise and that I report to the Senate that the witness has been heard?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Honourable senators, the sitting is resumed.

#### REPORT OF COMMITTEE OF THE WHOLE

**Hon. Donald H. Oliver:** Honourable senators, the Committee of the Whole, authorized by the Senate to hear from Ms. Lyse Ricard respecting her appointment as Senate Ethics Officer, reports that it has heard from the said witness.

[Translation]

#### SENATE ETHICS OFFICER

##### MOTION TO APPROVE APPOINTMENT ADOPTED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I move:

That, in accordance with section 20.1 of the Parliament of Canada Act, chapter P-1 of the Revised Statutes of Canada, 1985, the Senate approve the appointment of Lyse Ricard as Senate Ethics Officer for a term of seven years.

(Motion agreed to.)

• (1550)

#### ADJOURNMENT

##### MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move that when the Senate adjourns today it do stand adjourned until Tuesday, October 16, 2012, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, October 16, 2012, at 2 p.m.)

## CONTENTS

Thursday, October 4, 2012

	PAGE		PAGE
<b>SENATORS' STATEMENTS</b>		<b>ParlAmericas</b>	
<b>Society for the Protection and Preservation of Black Culture in Nova Scotia</b>		Annual Gathering of Group of Women Parliamentarians, May 8-9, 2012—Report Tabled.	
Hon. Donald H. Oliver . . . . .	2559	Hon. Michael L. MacDonald . . . . .	2563
<b>World Teachers' Day</b>		<b>Banking, Trade and Commerce</b>	
Hon. Jane Cordy . . . . .	2559	Notice of Motion to Authorize Committee to Meet During Sitting of the Senate.	
<b>National Security and Defence</b>		Hon. Irving Gerstein . . . . .	2563
Hon. Daniel Lang . . . . .	2560	<b>Energy, the Environment and Natural Resources</b>	
<b>Natural Sciences and Engineering Research Council</b>		Notice of Motion to Authorize Committee to Study Emerging Issues Related to Mandate and Refer Papers and Evidence from Previous Sessions.	
Hon. Kelvin Kenneth Ogilvie . . . . .	2560	Hon. Richard Neufeld . . . . .	2563
<b>International Poetry Festival</b>			
Hon. Paul E. McIntyre . . . . .	2561	<hr/>	
<hr/>		<b>QUESTION PERIOD</b>	
<b>ROUTINE PROCEEDINGS</b>		<b>Agriculture and Agri-food</b>	
<b>Privacy Commissioner</b>		Canadian Food Inspection Agency—Food Safety.	
Privacy Act—2011-12 Annual Report Tabled . . . . .	2561	Hon. Wilfred P. Moore . . . . .	2563
<b>Senate Ethics Officer</b>		Hon. Marjory LeBreton . . . . .	2564
Certificate of Nomination Tabled.		Hon. Robert W. Peterson . . . . .	2564
Hon. Claude Carignan . . . . .	2561	Hon. Grant Mitchell . . . . .	2565
<b>Study on Air Canada's Obligations under the Official Languages Act</b>		Hon. James S. Cowan . . . . .	2566
Third Report of Official Languages Committee—Government Response Tabled.		<b>Foreign Affairs</b>	
Hon. Claude Carignan . . . . .	2561	Consular Services for Iranian Students in Canada.	
<b>Global Centre for Pluralism</b>		Hon. Claudette Tardif . . . . .	2566
2011 Annual Report Tabled.		Hon. Marjory LeBreton . . . . .	2567
Hon. Claude Carignan . . . . .	2561	<b>Natural Resources</b>	
<b>Study on Current State and Future of Energy Sector</b>		Proposed Pipeline Projects.	
Fourth Report of Energy, the Environment and Natural Resources Committee Tabled with Clerk during Adjournment of the Senate.		Hon. Grant Mitchell . . . . .	2567
Hon. Richard Neufeld . . . . .	2561	Hon. Marjory LeBreton . . . . .	2567
<b>Safe Food for Canadians Bill (Bill S-11)</b>		<hr/>	
Seventh Report of Agriculture and Forestry Committee Presented.		<b>ORDERS OF THE DAY</b>	
Hon. Percy Mockler . . . . .	2562	<b>Internal Economy, Budgets and Administration</b>	
<b>The Senate</b>		Motion to Authorize Committee to Study the Powers and Responsibilities of the Officers of Parliament and Their Reporting Relationships to the Two Houses—Debate Continued.	
Motion to Resolve into Committee of the Whole to Receive Lyse Ricard, Senate Ethics Officer, and that the Committee Report to the Senate No Later than One Hour After It Begins Adopted.		Hon. Claudette Tardif . . . . .	2568
Hon. Claude Carignan . . . . .	2562	Motion in Amendment.	
<b>Senate Ethics Officer</b>		Hon. Claudette Tardif . . . . .	2570
Notice of Motion to Approve Appointment.		<b>Senate Ethics Officer</b>	
Hon. Claude Carignan . . . . .	2562	Lyse Ricard Received in Committee of the Whole.	
<b>Canadian NATO Parliamentary Association</b>		Lyse Ricard, Interim Senate Ethics Officer . . . . .	2570
Annual Economics and Security Committee's Consultation with the Organisation for Economic Co-operation and Development and the Joint Meeting of the Defence and Security, Economics and Security, and Political Committees, February 10-14, 2012—Report Tabled.		Senator Joyal . . . . .	2571
Hon. Pierre Claude Nolin . . . . .	2563	Senator Andreychuk . . . . .	2572
<b>Commonwealth Parliamentary Association</b>		Senator Downe . . . . .	2573
Bilateral Visit to South Africa, September 9-17, 2011—Report Tabled.		Senator Marshall . . . . .	2573
Hon. A. Raynell Andreychuk . . . . .	2563	Senator Comeau . . . . .	2574
		Senator Lang . . . . .	2575
		Senator Meredith . . . . .	2575
		Senator Wallace . . . . .	2576
		Report of Committee of the Whole.	
		Hon. Donald H. Oliver . . . . .	2577
		<b>Senate Ethics Officer</b>	
		Motion to Approve Appointment Adopted.	
		Hon. Claude Carignan . . . . .	2577
		<b>Adjournment</b>	
		Motion Adopted.	
		Hon. Claude Carignan . . . . .	2577



---

**Published by the Senate**

**Available on the Internet: <http://www.parl.gc.ca>**