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Tuesday, October 23, 2012

THE HONOURABLE PIERRE CLAUDE NOLIN
ACTING SPEAKER

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THE SENATE

Tuesday, October 23, 2012

The Senate met at 2 p.m., the Honourable Pierre Claude Nolin, Acting Speaker, in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE LINCOLN M. ALEXANDER, P.C., C.C., O.ONT.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I rise today to pay tribute to a truly great Canadian leader, the former Lieutenant Governor of Ontario and Progressive Conservative member of Parliament and cabinet minister, the Honourable Lincoln Alexander.

Lincoln Alexander was a trailblazer in Canadian history whose many political achievements broke through many barriers. He is and was a symbol of Canadian equality and a role model for younger generations as he showed us that with hard work, courage and confidence, anyone can make a positive impact on our society and achieve any level they aspire to.

Born in Toronto, he was the son of West Indian immigrants, and he began his public service in the Royal Canadian Air Force during the Second World War. At a very young age, Lincoln Alexander's mother frequently repeated her mantra: "Go to school; you're a little Black boy," which not only served as the title of his memoir in 2006 but also inspired him to complete an undergraduate degree at McMaster University and a law degree at Osgoode Hall.

After graduation, Lincoln Alexander worked as a lawyer for 10 years and became an active member in his community. Of course, he began to develop a keen interest in politics. He had a deep respect for John Diefenbaker and his progressive views on human dignity and rights, including his courageous stand as Prime Minister when he challenged the Commonwealth on apartheid in South Africa, so much so that he succumbed to Mr. Diefenbaker's urgings and in 1965, with the support of local Progressive Conservatives in Hamilton, took a leap and ran for office. This is when I met this towering figure and wonderfully positive human being.

Lincoln was not successful on his first time out. However, not to be deterred, in 1968 Lincoln Alexander was back at it again and was elected as the member of Parliament for Hamilton West, thus becoming the first Black member of the House of Commons, which, of course, led to this being a first in every challenge that followed, whether it was as a cabinet minister or as Lieutenant Governor.

I ask colleagues to think of 1968, the year of Trudeaumania. Lincoln Alexander won the election against Trudeaumania. Martin Luther King had been assassinated, as well as Robert Kennedy. There were no Black members in the U.S. Senate, and Lincoln Alexander won that election.

As an interesting side note, and he told me and many of us this story several times, when he did win that election, he was of great interest to the United States television networks, then ABC, NBC and CBS. They called him and wanted to know what proportion of his riding was Black. He said, "Twenty." "Interesting; 20 per cent Black and 80 per cent White?" "No, 20 families," he said. This is who Lincoln was.

He served as an M.P. for 12 years and became a cabinet minister in the short-lived Clark government, as Minister of Labour. He resigned his seat in 1980 to serve as the chairman of the Ontario workers' compensation board and then, on the advice of the Right Honourable Brian Mulroney, he was appointed as Lieutenant Governor of Ontario, a position he served for six years. Of course, we all know the great job he did there, focusing on youth and education.

In 1992, he was awarded the Order of Ontario and also became a Companion of the Order of Canada. From 1991 to 2007, he also served as Chancellor of the University of Guelph, his term exceeding any of his predecessors.

On behalf of all of us, I am sure, I would like to offer his wife Marni, members of his family and his thousands of friends our deepest condolences. Lincoln Alexander was admired and respected across the country. He leaves us all with an extraordinary legacy filled with accomplishments that will impact the lives of future generations to come. He epitomizes everything that is good and honourable about public service.

SISTERS IN SPIRIT

Hon. Lillian Eva Dyck: Honourable senators, October 4 is the day on which the Sisters in Spirit vigils are organized by the Native Women's Association of Canada. This year, about 160 vigils were held across the country.

The Sisters in Spirit movement is growing. In Saskatoon this year, about 250 people gathered at Oskayak High School to march through the streets to bring awareness to the issue of missing and murdered Aboriginal women. I was one of the invited speakers.

Before 2005, much of Canada, and the world for that matter, was in the dark about this serious issue facing Aboriginal communities. Thanks to the excellent work of the Native Women's Association of Canada's Sisters in Spirit initiative, their statistical database shed a haunting light on the over 582 missing and murdered Aboriginal women and girls in this country.

In addition, the Sisters in Spirit have gone further, to investigate the root causes of violence against women and girls in hopes of addressing the problem from the start, in our communities. It is safe to say that without Sisters in Spirit, we would still be in the dark.

• (1410)

This is a pressing issue that demands immediate action. We need the leadership from our federal government to take on this issue fully in hopes that a new generation of our children will no longer have to deal with this heartbreaking legacy.

Unfortunately, the current federal government has not taken the necessary leadership on this issue. In 2010, Sisters in Spirit's federal funding was cut, and funding was diverted into an RCMP Missing Persons Unit database which, unfortunately, will not be up and running until 2013. This has led to a national chorus of individuals and organizations calling for the federal government to establish a national inquiry on the issue of missing and murdered Aboriginal women and girls. In fact, there was a call for a national public inquiry at the vigil in Saskatoon and across Canada on October 4.

The Sisters in Spirit vigil in Saskatoon was organized by members of Iskewewuk E-wichi-witochik, Amnesty International, Oskayak High School, Federation of Saskatchewan Indian Nations Women's Commission and the Saskatchewan Aboriginal Women's Circle Corporation. This year, there was a greater number of youth involved, including young men. In fact, a young woman read a poem and a young man sang a song to express the impact of missing and murdered Aboriginal women on them.

In conjunction with the Saskatchewan Native Theatre Company, the Saskatchewan Aboriginal Women's Circle Corporation worked together to premier the play *The Hours That Remain*, which is based on the Highway of Tears and which premiered that evening. I found the play to be powerful. The playwright, Keith Barker, the director, David Storch, and the actors, Tara Beagan, Eli Ham and Keira Loughran, did an excellent job of drawing us into the chaotic, emotional and spiritual reactions of two family members of an Aboriginal woman who has gone missing. This play will bring the importance of this issue to the broader Canadian community and shows how missing and murdered Aboriginal women is not just a woman's issue. This play is showing in Toronto, starting October 19 through to November 3, at the Aki Studio Theatre. I hope that senators from Toronto, such as my good friend Senator Nancy Ruth, will take the opportunity to attend its showing.

THE LATE HONOURABLE LINCOLN M. ALEXANDER, P.C., C.C., O.ONT.

Hon. Leo Housakos: Honourable senators, Canadians across the country were saddened with the news of the passing of Lincoln Alexander. I rise today to pay tribute to this great Canadian.

Following in the proud tradition of our great nation and the Conservative Party of Canada, Lincoln Alexander exemplified the notion that multiculturalism serves as an integral component of Canadian society. Indeed, in 1968, the Honourable Lincoln Alexander forged a new trail in Canada's history when he was elected the first Black member of Parliament for the Progressive Conservative Party of Canada in the electoral district of Hamilton West. He motivated and inspired a new generation of Canadians to serve the public and to focus upon the founding principles of Canada: equality, justice and tolerance.

A true political leader, Lincoln Alexander joined the ranks of other great Canadian Conservatives who come from a wide variety of cultural communities and ethnic backgrounds. A small sample includes, from Manitoba, the Honourable Paul Yuzyk of Ukrainian descent and better known as the "father of multiculturalism"; the Honourable Yonah Martin, a Conservative senator from British Columbia who is the first Korean-Canadian parliamentarian; and the Honourable Larry Shaben, past provincial minister and Conservative MLA in Alberta who is of Lebanese descent and one of the first Muslims to serve in higher political office in Canada.

Like these and other leaders, the Honourable Lincoln Alexander dealt with great adversity that shaped him. Born during the Roaring Twenties and a witness to the Great Depression, Lincoln Alexander was a member of that great generation of Canadians who helped defeat tyranny during World War II, supporting democracy and the struggle against racism. He taught us that sacrifice and strength are the pillars of survival. He also consistently demonstrated that dedication to community, through good times and bad, is what makes Canada a great country.

Our nation was founded on the notions of community, equality and tolerance. The life of Mr. Alexander has served as proof that Canada's success is based upon individual citizens' commitment to public service. The Honourable Lincoln Alexander's commitment was not based solely upon his role as M.P. Indeed, he served as Canada's first minister from the Black community under Joe Clark and later was appointed Lieutenant Governor of Ontario — also another first. Finally, he proudly worked as the longest-serving Chancellor at the University of Guelph.

This man loved his country and his Conservative principles. We will remember him as a man who rose from humble beginnings to become a proud symbol of what makes Canada great. Our sympathies are extended to his family.

THE LATE DR. AZIZ KHAKI

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to pay tribute to a respected community leader, a dedicated human rights activist and a proud Muslim, Dr. Aziz Khaki.

Born and raised in Tanzania, Dr. Khaki devoted his entire life to bringing people from different communities together, binding them together with ties that would last for generations.

For Aziz Khaki, it did not matter if you were Shia or Sunni, if you were Muslim, Jewish or Christian, if you were male or female, Black or White. This was because Aziz was far more interested in the similarities and values that brought us together than the differences that set us apart.

Dr. Aziz Khaki's vision of the world and of humanity was both broad and inclusive and was directly reflected in his work as an activist.

While in Africa, Aziz worked tirelessly for the betterment of the Muslim and general populations of the country. As the Secretary General of the Tanzania Welfare Society, he was instrumental in creating a Muslim secondary school system that made education possible for thousands of Africans, regardless of skin colour, religion or gender.

Upon immigrating to Canada, Aziz Khaki quickly became a respected community leader in my province of British Columbia, as he spearheaded interfaith dialogue with diverse faith communities from across the province as well as from across the nation.

Most notably, Aziz Khaki served as Vice-President of the Council of Muslim Communities of Canada as well as Vice-President of the Canadian Muslim Federation. In addition, Aziz was one of the founders of the International Development and Relief Foundation.

Honourable senators, Dr. Aziz Khaki truly embodied what it means to be a Canadian. Not only did he embrace and promote the Canadian identity, which is comprised of a mosaic of religions and cultures, he also helped build bridges between different communities that Canadians will proudly walk across for decades to come.

I have personally had the honour and privilege of getting to know Aziz Khaki, and I worked with him for many years. After observing the positive impact his work has had on both British Columbians and Canadians, I often describe Aziz Khaki as a quilt maker. For his entire life, Aziz Khaki has brought people from different communities, each one representing a unique piece of fabric, and stitched them together, binding them forever and creating a beautiful quilt.

Honourable senators, although Aziz Khaki passed away this summer shortly after celebrating his eighty-third birthday, the work he has done will continue to benefit British Columbians and Canadians for years to come. He will be sorely missed.

[Translation]

THE ANNUAL MEETING OF THE FRANCO-ALBERTAN COMMUNITY 2012

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, on October 12 and 13, I had the great pleasure of attending the 2012 edition of Rond Point, the annual meeting of the Franco-Albertan community organized by the Association canadienne-française de l'Alberta. More than 450 people attended this annual gathering of Franco-Albertans, which was held in Edmonton, and they had the opportunity to attend a number of workshops on various issues of interest to them, such as access to services in French, francophone immigration to Alberta and citizen engagement.

The workshops were designed to inform participants and provide them with tools, and they also fostered discussion about a vision for the future of the Franco-Albertan community. The participants also had the opportunity to visit the booths of exhibitors who were promoting goods and services available in French and to attend performances by francophone artists.

Rond Point came to an end on October 13 with the awards gala that every year recognizes the outstanding contribution of Franco-Albertans to their community.

At this event, I had the great pleasure and privilege of awarding the Queen Elizabeth II Diamond Jubilee Medal to 20 outstanding members of Alberta's francophone community. The recipients

were nominated by a committee created by the Association canadienne-française de l'Alberta. They come from various parts of Alberta and were recognized for their exemplary contributions to their respective fields. I extend my sincere congratulations to them for this well-deserved honour.

• (1420)

They are Linda Arsenault from Peace River, David Fréchette from St. Albert, Mireille Cloutier from Lethbridge, Oumar Lamana from Airdrie, Reed Gauthier from Plamondon, Herman Poulin and Marie-Claire Brousseau from St. Paul, Yvonne Hébert and Marguerite Sigur from Calgary, and Pierre Bergeron, Jean-Louis Dentinger, Sister Silvia Landry, France LeVasseur-Ouimet, Frank McMahon, Luketa M'Pindou, Dolorèse Nolette, Rhéal Poirier, Sister Thérèse Potvin, Ronald Tremblay and Eugène Trottier from Edmonton.

I would like to thank them for promoting the French language and culture in Alberta.

[Later]

[English]

CANADA-JAMAICA RELATIONS

Leave having been given to revert to Senators' Statements:

Hon. Don Meredith: Honourable senators, 2012 continues to be a milestone year for Jamaicans in Canada and across the globe. Yesterday the Most Honourable Portia Simpson Miller, Prime Minister of Jamaica, arrived in Ottawa on the first day of her four-day visit to Canada.

As the first Jamaican appointed to this place and a proud member of the Canadian-Jamaican community, I am delighted that Prime Minister Stephen Harper extended this timely invitation to the Jamaican prime minister to discuss trade, security and investment and to showcase Canada's vibrant Jamaican communities.

During yesterday's visit, Prime Minister Harper announced two initiatives that will promote sustainable economic growth in the Caribbean region. CIDA's Caribbean Program will support the Community Disaster Risk Reduction Program, which will assist more than 15 communities in managing and responding to natural disasters and their negative social impacts.

It will support the Canadian Hunger Foundation as it works with the Caribbean Farmers Network to enable farmers to increase the quality and quantity of fresh, regionally grown fruits and vegetables; to help these producers link with buyers; and to enable producers to maintain internationally accepted food quality and safety standards.

Yesterday afternoon I was honoured to join both prime ministers over a working lunch in Ottawa. We then travelled to Toronto where Prime Minister Harper highlighted the contributions Jamaicans have made to Canada, including that of the Honourable Lincoln Alexander, a great role model and a great Canadian.

[Senator Jaffer]

We then visited G98.7FM, considered Canada's first urban adult contemporary radio station. Prime Minister Harper and Prime Minister Simpson Miller appeared together on a special program with the station's founder and president, Jamaican-born Fitzroy Gordon, who thanked our government for its role in getting the station on the air.

In the following days, the Jamaican Prime Minister will meet with members of Canada's vibrant Jamaican community, including entrepreneurs from the Greater Toronto Area.

This visit coincides with a momentous milestone for Jamaican people all over the world, our fiftieth anniversary of independence. It also marks a half century of diplomatic relations with Canada.

In celebration of this important occasion, I led a delegation of Canadian parliamentarians and entrepreneurs to Jamaica this past August, including my colleague Senator Salma Ataullahjan and a colleague from the other place, Mr. Joe Daniel, the member for Don Valley East, to participate in national independence festivities and to promote relations between our two countries. Our group of 18 met with various government officials, including the Prime Minister of Jamaica and other world leaders.

Having members of Canada's upper and lower houses in attendance for the official independence celebrations in Kingston on August 6 was a great display of goodwill and friendship toward the people of Jamaica.

Honourable senators, I encourage you all to reach out to Canada's Jamaican community as we celebrate this historic milestone. Canada and Jamaica share a rich 300-year relationship of trade and warm ties. May this week's visit be the beginning of 50 more years of brotherhood and prosperity for both of our nations.

[Translation]

ROUTINE PROCEEDINGS

COMMISSIONER OF LOBBYING

REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF JULIE COUILLARD

The Hon. the Acting Speaker: Honourable senators, I have the honour to table, in both official languages, the report of the Commissioner of Lobbying regarding an investigation on the lobbying activities of Julie Couillard, pursuant to section 10.4 of the Lobbying Act.

AUDITOR GENERAL

FALL 2012 REPORT TABLED

The Hon. the Acting Speaker: Honourable senators, I have the honour to table, in both official languages, the fall 2012 report of the Auditor General of Canada, pursuant to subsection 7(3) of the Auditor General Act.

[English]

STUDY ON MANAGEMENT OF GREY SEAL POPULATION OFF CANADA'S EAST COAST

SEVENTH REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

Hon. Fabian Manning: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on Fisheries and Oceans, entitled: *The Sustainable Management of Grey Seal Populations: A Path Toward the Recovery of Cod and Other Groundfish Stocks*.

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

[Translation]

MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

BILL TO AMEND—FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-46, An Act to amend the Members of Parliament Retiring Allowances Act.

(Bill read first time.)

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

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-6.(1)(f), I move that the bill be placed on the Orders of the Day for second reading later this day.

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

Some Hon. Senators: No.

Senator Carignan: Honourable senators, with leave of the Senate and notwithstanding rule 5-6.(1)(f), I move that the bill be placed on the Orders of the Day for second reading in one day.

The Hon. the Acting Speaker: Honourable senators, is leave granted?

(On motion of Senator Carignan, bill placed on the Orders of the Day for second reading tomorrow.)

• (1430)

[English]

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

NOTICE OF INQUIRY

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, pursuant to rule 56, I give notice that two days hence:

I will call the attention of the Senate to the many contributions of Canadian universities and other post-secondary institutions, as well as research institutes, to Canadian innovation and research, and, in particular, to those activities they undertake in partnership with the private and not-for-profit sectors, with financial support from domestic and international sources, for the benefit of Canadians and others the world over.

Some Hon. Senators: Hear, hear.

QUESTION PERIOD

HEALTH

MENTAL HEALTH

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. This past May, the Mental Health Commission of Canada released the very first Mental Health Strategy for Canada, called *Changing Directions, Changing Lives*. It contains approximately 100 recommendations to improve our mental health care system. The day the strategy was announced, the federal health minister said in a news release:

Improving the mental health and well-being of Canadians is important to our Government and a priority for Canadians.

She went on to thank the Mental Health Commission for developing Canada's first-ever mental health strategy.

My question to the leader is this: Will this government take a leadership role in this strategy and start implementing it as soon as possible?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Of course, as the honourable senator and I both know, as we served on the committee in the Senate, our government created the Mental Health Commission in the first year of our mandate. In May of this year, as the honourable senator pointed out, it released this strategy, which is a resource for all levels of government, industry and the volunteer sector. It provides a road map on how we can improve mental health in our country.

Clearly, as a government, we understand the importance of mental health for Canadians and their families. That is why every budget we have tabled since we formed government has invested

significantly in mental health research and promotion. The Mood Disorders Society of Canada applauded the new investments in Budget 2012.

As honourable senators know, there are many areas in which the government is working on the very serious issue of mental illness, including in our prison systems. I would be happy to provide the honourable senator with the various funding envelopes under the strategy.

Senator Callbeck: Honourable senators, I have a supplementary question for the Leader of the Government in the Senate. I appreciate the leader saying what has been done, but my question is about the mental health strategy that was presented by the Mental Health Commission of Canada earlier this year.

Each day it becomes more apparent that mental health needs to be a bigger priority in this country. Earlier this month, the Centre for Addiction and Mental Health released a report that found that mental health issues, mental illness and addictions take a higher toll on the health of Ontarians than all cancers combined.

My question pertains to this strategy. I would like to know what concrete steps this government has taken, if any, to help implement this mental health strategy, and what steps it will take in the future.

Senator LeBreton: Honourable senators, again, I point out that we are the first government to take direct action in dealing with the very serious problems of mental health and mental illness. I pointed out to the honourable senator that, in every budget since we formed the government, significant sums of money have been set aside and earmarked for mental health issues. As I indicated in my first answer, I will be very happy to provide a list of the funding that the government has expended and will expend on this important subject.

[Translation]

CANADIAN HERITAGE

CANADA PERIODICAL FUND

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. In April and May 2012, I asked questions about the Canada Periodical Fund regarding aid to publishers.

Honourable senators, I am bringing this issue up again today. Everyone seems to recognize that there are some specifics that are not taken into consideration in the funding formula and that this formula, as I mentioned before, represents a step backwards for minority French-language newspapers, since they are facing a rather significant drop in the financial support they had been getting until now.

The government has always been willing to support minority official language publications. My question is this: since it is now acknowledged that it is possible to make the necessary adjustments to the existing funding formula, why have these adjustments not yet been made?

Could the leader tell Minister Moore that a ministerial directive on his part is urgently needed so that the formula can be adjusted to the specific reality of minority official language publications?

[English]

Hon. Marjory LeBreton (Leader of the Government): The honourable senator asks specific questions about specific programs. I do recall her making inquiries about this program in the spring and, as I think I answered at the time, the various organizations are funded through this program. I will be very happy, though, as I always am, to take the honourable senator's question as notice. The honourable senator asks specific questions about a specific program within a specific department and I do not have the answers at my fingertips.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I also asked questions about this issue, and it seems to me that the Minister of Canadian Heritage and Official Languages could have taken advantage of the fact that there were fewer applications to the Canada Periodical Fund during the last fiscal year to make the necessary adjustments to the program, without adversely affecting all the applicants. This issue has already been discussed, examined and presented.

The solution is well known and easy to implement. Everyone is waiting for the minister's directive. A letter was sent by the Association de la presse francophone, asking for a meeting with the minister. Will the minister at least agree to the request of the association, which has wanted to meet with him for several months to present its case face to face? Can the minister tell us whether he will at last agree to this meeting?

[English]

Senator LeBreton: I will be happy to pass on the honourable senator's request to the minister. As honourable senators know, these changes were made three years ago to strengthen the program. The goal was clear, namely, to provide readers with more quality Canadian stories in the magazines of their choice.

• (1440)

I believe I made clear, when I answered these questions in the spring, that official language minority publications have special eligibility exemptions under the Canadian Periodical Fund.

I will ascertain, honourable senators, the program as it stands at present and will pass on the request to Minister Moore.

[Translation]

Senator Chaput: Honourable senators, I would like to point out to the minister that the problem arose when the program was renewed and after the new formula was introduced. Meanwhile, during the discussions between employees of the department and members of the community, minority francophone communities learned that it was possible to change the formula by taking into consideration the specific needs that result from having a French-language newspaper in an official language minority community.

Could the leader please ask Minister Moore about this and ensure that he will meet with the representatives who asked to see him in order to discuss the situation?

[English]

Senator LeBreton: I thank the honourable senator for the question. As I mentioned to her colleague Senator Tardif, I do believe there were special eligibility exemptions for minority-language publications.

However, I will, as I indicated to Senator Tardif, refer the questions to the Minister of Canadian Heritage and we will respond by written answer.

ENERGY

NORTHERN GATEWAY PIPELINE PROJECT

Hon. Grant Mitchell: Honourable senators, this government has been in office for 7 years; people will say it has been 6 years and 9.625 months. It has been a long time. They have been unable to build a pipeline in energy-rich Canada. They just cannot get a pipeline built after seven years in energy-rich Canada. The problem is because the times have changed and they do not get it. They think the problem is the environmental process and that somehow environmental processes hold up projects. I can hardly recall an environmental process that has ever defeated a project.

The world has changed, because what was holding up the Gateway pipeline and Keystone pipeline projects is that the public — electors, voters — are not giving companies and governments the social licence to build those pipelines and projects. The only way one gets social licence is to be really good on the environment. This government is sending messages that are absolutely counterintuitive and counterproductive to establishing that confidence amongst Canadians and the international community that will make these decisions.

One of the biggest problems that people have with Gateway is offshore tanker spills of bitumen. What message will be sent to those according social licence or not when this government shuts down the spills office in Vancouver and moves it 3,000 kilometres or more to Quebec? What marketing genius figured out to send that kind of message?

Hon. Marjory LeBreton (Leader of the Government): Gosh — and it is only Tuesday, honourable senators.

With regard to the Northern Gateway pipeline project, Senator Mitchell knows as well as I that this is being reviewed by an independent panel that will base its decision on science, not over-hyped partisan rhetoric. This review is an open process where any interested party, including Aboriginal peoples, can express their views. We will wait, as a government, to get the recommendations from the panel before making a decision. Our government obviously supports the diversification of our exports. However, we are committed to ensuring that these projects go forward only if they are environmentally sustainable.

Senator Mitchell: Honourable senators, the problem is sending the message to people in British Columbia, for example, who are convinced that this government does not care particularly about

the environment. When they send messages about closing the spills office, that is exactly the message the people of B.C. get.

To compound that, the government has just hired a Deputy Minister of the Environment — this is incomprehensible — who, when asked last week if he could describe the cause of climate change, was unable to do that. His answer to that question was:

Wow. Umm. They didn't tell me I'd have to answer questions like that when I took this job. I think that it's — I don't know the total answer to that . . .

What message was sent to the people of B.C., to the people in the U.S. on Keystone, when this government actually hired — I hope they interviewed him — a Deputy Minister of the Environment who did not know the cause of climate change, did not think to figure out what that might be because he might have wanted to anticipate that question, and actually admitted it in front of the entire nation through a parliamentary appearance? It is breathtaking.

Senator LeBreton: I think the honourable senator is being unfair to a senior public servant. I do believe this individual is very well qualified to be a deputy minister. Obviously the deputy ministers who serve this government move from one portfolio to another. I read the news reports. I have not read the exact transcript, but I do believe that the Deputy Minister of the Environment certainly does know and would know all of the issues that he ultimately will have to deal with as the deputy minister of that department.

Senator Mitchell: Honourable senators, they were his words and he said them in public. If the leader has to make excuses for the deputy minister two days after he got the job, God help the environment.

Another message sent by the government — I think it is probably Mr. Harper who is coming up with these things — is that it is shutting down the Experimental Lakes Area . The Experimental Lakes Area has done world-class work on issues like water quality, water reclamation, things that affect the oil sands, ergo the oil that goes through the pipeline to the Gateway, ergo the problem people have with giving it social licence.

Why would this government shut down the Experimental Lakes Area when it plays such an important role in establishing environmental credibility for this country, for Alberta, for the oil sands, and that message is sent all around the world? Instead, the government sends a message that it does not care enough about those issues because it is shutting down the Experimental Lakes Area.

Senator LeBreton: My answer on the Experimental Lakes Area remains the same. We have made the decision that the Experimental Lakes Area will be ending as a federal facility. Our government has boosted investment significantly in science. We will get similar results from the investments we are now making in this area.

Senator Mitchell: The Premier of British Columbia has explicitly asked the Prime Minister to meet with her and the Premier of Alberta to begin to work out some of these environmental issues,

funding issues and risk-versus-reward issues. The Premier of Alberta and the Premier of British Columbia have explicitly asked the leader of this country to represent national interests and help them resolve this important issue. What kind of Prime Minister would refuse to meet? Does he think he is not capable of helping, or does he simply not care enough to meet with two leading political figures in this country to work on that project? This is so fundamentally important to the future economy of this country and how we deal with the environment. What kind of Prime Minister does the honourable senator work for?

Senator LeBreton: I work for the best Prime Minister this country has ever had.

Some Hon. Senators: Hear, hear!

Senator LeBreton: This is the second day he has led with his chin.

Honourable senators, I wish people would stop asking questions that they know are factually incorrect.

The Prime Minister has met with the premiers of various provinces and territories hundreds and hundreds of times on many issues. Recently he met with the premiers of Alberta and British Columbia.

• (1450)

PUBLIC SAFETY

KANISHKA PROJECT

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate.

On May 30, Minister Toews and Minister Kenney announced the first round of funding worth \$1.1 million awarded under the Kanishka Project, a multi-year investment in terrorism-focused research. As the leader knows, the Kanishka Project is named after the Air India Flight 182 plane that was bombed on June 23, 1985, killing 329 people, most of them Canadians. The Government of Canada has committed a total of \$10 million over five years to the project as a way to honour the memory of the victims. I want to commend the government for this progressive initiative and fitting memorial. From reviewing the abstracts of the successful proposals, I am encouraged by the knowledge and understanding that Canada is sure to gain from these projects.

Canada's counterterrorism strategy was published in 2012. As Minister Toews has said, however, "Threats evolve, and we must strive to improve our knowledge and understanding to more effectively address these threats."

In its next update of Canada's counterterrorism strategy, how does the government plan to integrate and engage Kanishka Project research to ensure a truly holistic strategy that reflects the most updated research available?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. Senator Jaffer's questions are always detailed and ask for specific information. The other

day I was going through answers that I have provided to thoughtful, well-researched questions, and I must tell Senator Jaffer that she has by far the most. I have a thick file of answers provided to her because she has asked very well-targeted and important questions. This question is no different from the others, honourable senators. I will absolutely get an update and respond by written response.

Senator Jaffer: What specific processes does Public Safety Canada have in place to translate research and knowledge into policy and action?

A third call for Kanishka Project research proposals is scheduled to close on October 31. What criteria and process does the government use to assess these proposals, and will there be further opportunities for Canadian scholars and students to participate in this valuable government initiative?

Senator LeBreton: As I indicated a moment ago, I will take the question as notice and respond by written response. I appreciate the question.

ORDERS OF THE DAY

STATUTORY INSTRUMENTS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Linda Frum moved second reading of Bill S-12, An Act to amend the Statutory Instruments Act and to make consequential amendments to the Statutory Instruments Regulations.

She said: Honourable senators, today I have the enormous pleasure to speak to you about the Incorporation by reference in regulations act. Bill S-12 deals with a regulatory drafting technique. Essentially, it is about whether federal regulations can or cannot use the technique of incorporation by reference. Incorporation by reference allows the government to regulate in an effective and responsive manner. The technique of incorporation by reference is currently used in a wide range of federal regulations. For example it is used in regulations that prevent the financing of terrorism, in the regulation of medical devices, in the control and collection of organs for donation and in those regulations that govern the way that ships are built. Indeed, it is difficult to think of a heavily regulated area in which incorporation by reference is not used to some degree.

This bill responds to concerns expressed by the Standing Joint Committee for the Scrutiny of Regulations about when incorporation by reference can be used. This bill is intended to address the committee's concerns and to create much needed certainty in this area. This bill codifies the power of the government to use the already common drafting technique of incorporation by reference while clearly prescribing when and how the technique is to be used.

Many regulations incorporate external material without having to duplicate that material by simply referencing it in the text of the regulation. This cuts down on the onerous amount of material that would have to be included in a number of regulations.

Furthermore, by adding "as amended from time to time" to the reference of the external material, the regulation will stay current with any changes made to that material without the regulation itself having to be amended or altered. This allows for regulations to be fluid, current and responsive and cuts down on unnecessary duplication.

Incorporation by reference is a widely used drafting technique currently, but this bill would legitimize it and place clear directions on its appropriate usage. A straightforward example can serve to illustrate how it works.

If a regulation provides that hockey helmets must be manufactured in accordance with a particular Canadian Standards Association standard, the effect of that reference is to make that standard part of the regulation without actually reproducing the text of the standard in the regulation itself. The rules found in the Canadian Standards Association's standard form part of the law even though they are not reproduced in the regulation.

Frequently, technical standards, like the Canadian Standards Association standard used in this example, are incorporated "as amended from time to time." This means that when the Canadian Standards Association makes amendments to the standard to keep up to date with changes in technology or improvements in manufacturing and science, those changes are automatically included in the regulation. In other words, the changes made to that standard are incorporated into the regulation and become law without amending the text of the regulation. This is called ambulatory incorporation by reference.

Sometimes documents are incorporated as they exist on a certain date. This means that only one particular version of a document is incorporated. In that case, regardless of what happens to the document after the regulations are made, it is only the version that is described in the regulation that is incorporated. If the regulator wants to adopt a newer version of the document, it needs to amend the regulation. This is static incorporation by reference.

Incorporation by reference has become an essential tool widely relied upon to achieve the objectives of the government. It has become increasingly common in federal regulations over the last 15 years. It is an effective way to achieve many of the goals of the Cabinet Directive on Regulatory Management, an important directive from the government that is designed to improve the efficiency and performance of regulations.

Regulations that use this technique are effective in facilitating intergovernmental cooperation and collaboration. By incorporating the legislation of other jurisdictions with whom harmonization is desired or incorporating standards developed internationally, regulations can minimize duplication and avoid needless repetition of the same material. Incorporation by reference can minimize and even avoid undesirable barriers to trade, an objective that is also an international obligation.

This bill strikes an important balance in respect of the types of documents that can be incorporated "as amended from time to time." To strike this balance, this bill allows for only the static

incorporation by reference of a limited type of material that is produced by the regulator itself. There are two points to highlight about these types of documents. First is that the ability to incorporate some documents that the regulator produces will be limited to those documents containing obligations that are only incidental to the regulation. The most important rules and obligations, those that form the core of the regulatory regime, will continue to be included in the text of the regulation and subject to the entire regulatory process.

The second point to highlight is that the material produced by the regulator itself will be limited to incorporation by reference on a static basis. This is in contrast to the ability of the regulator to incorporate material produced by another person or body. As for documents generated by the regulator, they would be incorporated only as they exist on a certain day. This means that if the regulator wants to include changes that are made to that document after it has been incorporated by reference, then the regulation would have to be amended. This will ensure that notice of any changes to the regulation through the incorporated document will be subject to the regulatory process and its requirements of examination, publication and registration.

• (1500)

There is no doubt that accessibility should be part of this bill. It is essential that documents that are incorporated by reference be accessible to those required to comply with them and to those who want to know how the law regulates industries or sectors of interest to them. This bill expressly provides protection so that no person could be penalized in any way for failing to comply with material incorporated by reference if that material was not accessible. This is an essential aspect of the bill that connects directly with the positive obligation on regulators to ensure that material is accessible.

This bill will solidify in legislation the position that the government has long taken on the question of when regulations can and cannot use the technique of incorporation by reference. It will provide express legislative authority for the use of this technique in the future and confirm the validity of existing regulations incorporating documents in a manner that is consistent with that authority.

Enactment of this legislation is a necessary and pertinent change so that the concerns expressed by the Standing Joint Committee on Scrutiny of Regulations can be addressed. By enacting this legislation proposal, Parliament will have spoken clearly as to its intentions and the committee's concerns will have been addressed. The committee will continue to have the mandate to scrutinize how incorporation by reference is being used in accordance with this bill. Certainly, it will continue to be able to review the documents that are incorporated by reference and compare them to their scrutiny criteria.

Enactment of this legislation is the logical and necessary next step to securing access in a responsible manner to incorporation by reference in regulations.

(On motion of Senator Tardif, debate adjourned.)

[Senator Frum]

CANADIAN HUMAN RIGHTS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

Hon. Jim Munson: Honourable senators, in preparation for expressing my opposition and particular criticisms regarding Bill C-304, I have reviewed the debates preceding this point in the legislative process, the arguments of MPs, senators and interest groups bent on passing the bill, and the concerns and the proposed amendments of others aiming at finding some sort of middle ground. My strategy is always to add to and enforce my side of a debate and determine what I most want to challenge: the weakest reasoning, the flimsiest facts. What I discovered is that the field before me is wide open.

Section 13 of the Canadian Human Rights Act plays a crucial role in promoting tolerance and respect among Canadians. The provision makes it a discriminatory practice to communicate via the Internet or other telecommunications device any matter likely to expose a person or persons to hatred or contempt on the basis of race, national ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and a conviction for which a pardon has been granted.

Section 13 is one tool in the toolbox, as the Canadian Bar Association has described it, to combat intolerance. The other hate speech provisions we have in Canada are contained in the Criminal Code of Canada. These tools, both civil and common law provisions, are a necessary complement to one another.

Section 13 imposes a lower standard of proof — a balance of probabilities — than what has to be met under the Criminal Code. However, this remedy of civil law is in no way inferior to our common law provisions. It has been a component of our Human Rights Act for 35 years. That, honourable senators, is considerable experience and considerably important insight and sensitivity.

The anti-hate provisions of the Criminal Code, on the other hand, impose a higher burden of proof — proof beyond a reasonable doubt. In addition, prosecutions cannot be made without the consent of the Attorney General, and the process is generally in the hands of police and prosecutors lacking expertise and adequate experience in pursuing hate speech cases. The Criminal Code is applied only in the most extreme cases, and thus far this government has not initiated a single prosecution.

Our country, by the way, has various international treaty commitments to advance human rights by providing protection from the proliferation of hate speech and the resulting rise of hatred and violence, yet here we have Bill C-304 being rammed through our legislative process.

Thanks to our colleague Senator Nancy Ruth, many of us have also been made aware of a dangerous discrepancy between those groups protected against discrimination under the Canadian Human Rights Act and those groups protected under the

Criminal Code. Under the Criminal Code, the prohibited groups include only those distinguished by race, religion or ethnic origin. It says nothing about those additional groups protected under section 13, including those distinguished by age, sex, sexual orientation or disability.

This represents a world of legal difference. As inconceivable as it may sound — that our anti-hate provisions could come to exclude protections for groups like women and homosexuals from the language and violence of hate — that is what we are facing. This will be one of the impacts of the passage of Bill C-304.

It is not as if this is news for those who are pushing for this bill. They have been told. They know.

I cannot think of a more dependable source of comment and guidance on Bill C-304 than the Canadian Bar Association. In an article posted in *The Huffington Post* last June, in reference to the bill, the association was cited as saying:

The debate surrounding the expediency of section 13 has become the proxy for an open assault on the very existence of an administrative framework to protect human rights in this country. . .

In April of this year, the Constitutional and Human Rights Section of the CBA's Equality Committee submitted a report placing section 13 of our Human Rights Act in its historical, social and legal context. At the outset of this report is a citation from Supreme Court Justice Rosalie Abella, speaking in 2009 on "Human Rights and History's Judgment." She said:

We were supposed to have learned three indelible lessons from the concentration camps of Europe. First, indifference is injustice's incubator. Second, it's not just what you stand for, it's what you stand up for. And third, we must never forget how the world looks to those who are vulnerable.

Canada and its citizens need laws to prohibit the publication of hateful statements that create the risk of hatred and violence being directed to vulnerable groups. The risk itself is an affront to human dignity.

• (1510)

Based on the substance of section 13 complaints handled by the Canadian Human Rights Commission, the Canadian Bar Association is convinced that hate speech directed at "identifiable religious and other groups is alive and well in Canada."

In its 2011 study of patterns of prejudice, the League for Human Rights of B'nai Brith Canada found a clear and ongoing trend that "sees the use of every new piece of web and mobile technology to spread hate, though such incidents are now becoming so commonplace that the reporting of cases is not expected to keep pace with the reality online."

With the continuing emergence of the Internet and other telecommunications options, we need section 13 more than ever. Almost anyone can find whatever information they are looking for on the Internet without any personal risk. The Internet also

enables us to easily and affordably reach as vast or as specific an audience as desired. These are among the main reasons why the Internet is the preferred medium of hate promoters.

We have reams of disturbing statistics at our fingertips; comments and advice from experts on anti-hate provisions and our civil and criminal laws. If we have the stomach, we can also refer too easily to the content of sites such as those maintained by White supremacist groups, misogynists and homophobes.

Our colleague Senator Doug Finley has spoken in favour of this back-door private member's bill. I am wondering how he or anyone can be aware of the plight of those groups who are the targets of such vile language and expressions of hatred and still stand in the chamber, as the senator did last June, and say:

If you find an idea stupid, it is your right to ignore it. If you find a joke offensive, it is your right to disregard it. Even statements one might find intolerable or heinously out of line with reality deserve . . . to be heard and ignored.

Stupid? A joke? Out of line? I think that is the way I would describe some of the statements we have endured in support of Bill C-304. However, these terms are, to anyone with a shred of moral fibre, inapplicable to what one will find on some of these sites. It is like calling a mountain a molehill.

With the passage of Bill C-304, we are failing in lessons of history. Regrettably, Justice Abella's lament is too true. She said:

We still have not learned the most important lesson of all: to try to prevent the abuses in the first place.

How did we get to this point? What is behind this drive to repeal section 13, regardless of the chasm that it creates in our human rights landscape?

The arguments of those aiming to repeal section 13 centre not on the threat of hate speech or ways to combat it, but rather on the primacy of freedom of speech in a democracy.

Honourable senators, with over 30 years as a reporter covering events throughout the world — including undemocratic countries where citizens are killed for expressing their thoughts — I am profoundly grateful to live in a country where freedom of speech is guaranteed by law. I do not, however, recognize the concept of freedom of speech that is being upheld by supporters of Bill C-304. The meaning infused in the references to this freedom is contorted.

As the *Huffington Post* reported last spring, it is not just the parliamentarians supporting this bill who regard its passage as a victory for freedom of speech, "it's being cheered most vocally by another group: White supremacists." StormFront, which touts the logo "white pride worldwide," is one site where one will find comments by individuals who are thrilled by what Bill C-304 could mean for this country.

Honourable senators, if I could only cite a passage or two of the materials one can find on hate sites today and provide real examples of what some supporters of Bill C-304 say should be protected in the name of freedom of speech, I would like to do that, but my conscience will not allow me to even paraphrase this garbage.

In the words of M.P. Brian Storseth, the sponsor of Bill C-304 at second reading, his bill:

... would help to protect and enhance our most fundamental freedom, and that is the freedom of expression and speech. As George Washington said, "if the freedom of speech is taken away, then dumb and silent we may be led, like sheep to the slaughter."

By the way, I was not that impressed, when Senator Cowan had his inquiry dealing with the thirtieth anniversary of the Canadian Charter of Rights and Freedoms — and, like millions of Canadians, I do regard the Charter as a reflection of our national identity — that this government chose not to pay much attention to this constitutional milestone. For the Charter's anniversary, the most this government mustered was a nondescript release from the Minister of Canadian Heritage and Official Languages.

It is ironic, not to mention hypocritical, that the majority of parliamentarians pushing for the passage of this bill in the name of the right to the freedom of expression are from the same party that has been disrespectful of the very instrument of law that protects this and other fundamental freedoms and rights. What is worse is that the proponents of this bill have built their arguments on a distorted concept of freedom of expression. Though they talk about this freedom as though it is an absolute, it is not. It comes with responsibilities.

In 1965, more than 15 years before the patriation of the Canadian Charter of Rights and Freedoms, the Special Committee on Hate Propaganda reflected on what should be the appropriate limits on freedom of expression, which include, to-the-point, relevant guidance on the broadcasting of hate speech. The committee said at that time:

Canadians who are members of any identifiable group in Canada are entitled to carry on their lives as Canadians without being victimized by the deliberate, vicious promotion of hatred against them. In a democratic society, freedom of speech does not mean the right to vilify. The number of organizations involved and the numbers of persons hurt is no test of the issue: the arithmetic of a free society will not be satisfied with oversimplified statistics demonstrating that few are casting stones and not many are receiving hurts. What matters is that the incipient malevolence and violence, as of which are inherent in "hate" activity, deserves national attention.

This was said in 1965.

Honourable senators, 25 years later, in *Canadian Human Rights Commission v. Taylor*, the Supreme Court of Canada referred to the fundamental truth of the committee's report in examining a charge that section 13 was an unconstitutional infringement of the right to free expression. Balancing freedom of expression against countervailing rights set out in the Charter, the court found that the section was a reasonable limit and acknowledged the important objective of section 13. It said:

It can thus be concluded that messages of hate propaganda undermine the dignity and self-worth of target group members and, more generally, contribute to

disharmonious relations among the various racial, cultural and religious groups, as a result eroding the tolerance and open-mindedness that must flourish in a multi-cultural society which is committed to the idea of equality.

For all the MPs and senators who opposed and proposed amendments to Bill C-304, and for all the testimony from groups and individuals cautioning us about the impact of this bill, if left unchanged, no one has disagreed that freedom of speech is a cornerstone of a democracy. Conservative M.P. Brian Storseth has stated that it is the bedrock that all other freedoms are built upon. Well, I wholeheartedly agree, but I disagree with the concept that Mr. Storseth and other proponents of Bill C-304 have been passing off as freedom of speech. They have been opportunistic in their definition of this right, polarizing debate and obstructing productive discussion about what is really at stake in relation to this bill.

As University of Windsor law professor Richard Moon stated in his 2008 report to the Canadian Human Rights Commission:

The goal of ending prejudice in the community cannot be accomplished through censorship. The purpose of hate speech law must be narrowly defined as the protection of the members of an identifiable group from the risk of violence that results from expression that threatens, abdicates or justifies violence.

Honourable senators, this could well have been a positive starting point for discussions about how best to incorporate assurances for freedom of speech within a federal legal provision for promoting tolerance and respect among Canadians. However, from the beginning, this process has never been about achieving balance or resolution. Section 13 is far from flexible, far from perfect, but it is fixable.

• (1520)

Throughout the process, we have heard some excellent proposals for amendments to both section 13 and to Bill C-304, and they have all fallen on deaf ears.

I am not saying that the promoters of this bill have a secret agenda. It is no secret at all. In fact, it has been blatantly obvious: Get this thing passed at all costs.

Honourable senators, just look at some of the groups and organizations supporting this bill. Take Ezra Levant. To him, respect for human differences and protection from discrimination is discriminatory, if not in the way, of what he wants to spew freely over the Internet and other media. Levant is a rabid critic of the Canadian Human Rights Commission, a master at distorting facts and infiltrating mainstream discourse. Whatever gains he realizes from the passage of this bill, they are most certainly in cold contrast to the loss and hardship endured by those groups protected under section 13 of the Canadian Human Rights Act. He has his tactics and so, too, do those who have so successfully carried Bill C-304 to these final stages of the legislative process — drafting a bill that was not even part of the Conservatives' election campaign platform, but I understand it was part of a policy platform in June of this year, and then presenting it as a private member's bill, disarming us with their utter disregard for lessons learned and wisdom reached.

In addressing the repeal of section 13, Mr. Irwin Cotler — Professor Cotler — stated:

The arguments of some in this place in support of a repeal, . . . have made a mockery of our constitutional law, arguments regarding free speech and, indeed, the related jurisprudence, in particular Supreme Court jurisprudence.

How do we address assaultive hate speech in Canada? Can we afford to lose section 13 of the Canadian Human Rights Act? This is the question — the issue — that has been sorely lacking in debates over the passage of Bill C-304. We have been drawn into debates, that were not really debates, over words and concepts that were never intended to mean what is commonly and appropriately understood. Enough.

We have a duty to reflect on what it is to be subjected to hatred on the basis of whatever we are. We must resist the heartless quips of those who equate these consequences with hurt feelings, easily ignored and unworthy of our attention. Cowardice is their way and it is their right. They can go for it; but for those of us who really want to know what can happen in the absence of protection, there is a wealth of tragic insight to draw from.

In his judgment upholding the constitutionality of section 13, former Chief Justice Brian Dickson thoughtfully drew from preceding wisdom:

The Cohen Committee —

— also known as the Special Committee on Hate Propaganda in Canada —

— noted that individuals subjected to racial or religious hatred may suffer substantial psychological distress, the damaging consequences including a loss of self-esteem, feelings of anger and outrage and strong pressure to renounce cultural differences that mark them as distinct. This intensely painful reaction undoubtedly detracts from an individual's ability to, in the words of s. 2 of the Act, "make for himself or herself the life that he or she is able and wishes to have."

The consequences of discriminatory hatred are as personal as they are societal. They scar; they enrage; they damage individuals. They undermine the trust and confidence of citizens in one another and their country. They create factions and spark violence. They reduce us all.

Honourable senators, if any of what I have said today resonates with you, speak up now and consider yourself lucky that you have been unswayed by what we are being told repeatedly are the merits of Bill C-304. I am gravely concerned about this bill for several reasons, beginning with its impact on the capacity of the Canadian Human Rights Commission to protect human rights and educate the Canadian public. Maintaining that the contributions of human rights bodies like the commission cannot be overstated, the Canadian Bar Association recently stated:

Over the years, human rights commissions have remained the vanguard of eliminating discrimination based on race, religion, gender, disability, sexual orientation, and other grounds, and advancing equality.

Honourable senators, today it is my duty, along with others, to stand up for the most vulnerable people in our society, but I am comfortable nonetheless to not be among those who will soon likely be patting themselves on the back and congratulating one another for getting the job done. Eventually, honourable senators, there will come a time when complicity in the passage of this bill will be recognized for what it really is: a source of national regret and shame.

Hon. Mobina S. B. Jaffer: Honourable senators, Bill C-304 is an act to amend the Canadian Human Rights Act. The debate on this bill is about hate messages. The debate is about preserving three central principles that frame the Canadian Human Rights Act: equal opportunity, accommodation, and without discrimination. These are also terms that frame this debate.

In a 2009 speech entitled "Human Rights and History's Judgment," Justice Rosalie Abella said:

We were supposed to have learned three indelible lessons from the concentration camps of Europe. First, indifference is injustice's incubator. Second, it's not just what you stand for, it's what you stand up for. And third, we must never forget how the world looks to those who are vulnerable.

Sadly, Bill C-304, An Act to amend the Canadian Human Rights Act, forgets these lessons. It would repeal a provision that identifies hate messages as a discriminatory practice. It would erode the fundamentally Canadian values that define our society.

There are three points that I want to make today. First, indifference to hate messages does not promote equal opportunity, accommodation, without discrimination. Second, hateful expression is an assault on human dignity. Third, hate messages target the most vulnerable members of our society.

I begin with my first point: Indifference to hate messages does not promote equal opportunity, accommodation, without discrimination.

Honourable senators, we must confront hate. Economists talk about the theoretical power of the invisible hand. Proponents of Bill C-304 point to this example and suggest that the invisible hand will ensure that poorer ideas will not last. However, economists also tell us that perfect markets only exist on blackboards and in textbooks. In the real world, excesses and inequities abound and they sometimes lead to market failure. In the real world, hateful intolerance and indifference persist, and they sometimes lead to indelible human rights atrocities.

Section 13 of the Canadian Human Rights Act, in keeping with the true intent of a perfect market and the spirit of Canadians' respect for human dignity, does not limit profits; it reduces inequities. It acknowledges that hateful intolerance that does not meet the Criminal Code standard may nonetheless breach a person's incontestable right to human dignity. It recognizes that indifference to hate, a deferment of society's moral obligation to protect its most vulnerable members, implicitly rejects commitment to ensuring equal opportunity, accommodation, without discrimination, for all.

My first point essentially mirrors Justice Abella's first lesson: Indifference is injustice's incubator.

My second point addresses that most fundamental right, the right to human dignity.

Professor Jeremy Waldron of New York University and Oxford University defines the harm in hate speech as an assault on dignity. Speech that assaults dignity is different from speech that causes offence. Whereas offence is a subjective reaction, dignity concerns the basic social standing of individuals within society. The justness of an individual's social standing corresponds to the same human rights principles that frame the Canadian Human Rights Act: equal opportunity, accommodation, without discrimination.

Honourable senators, hateful expression is not an exercise of freedom; it is an assault on human dignity.

• (1530)

As Waldron noted in his 2009 Oliver Wendell Holmes lectures delivered at Harvard Law School, the Universal Declaration of Human Rights begins its preamble with the strong assertion that:

... recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world ...

The International Covenant on Civil and Political Rights states that the rights it protects "derive from the inherent dignity of the human person." Dignity is inherent to every person, and right to dignity is natural law. Canadians understand, believe in and value this right. That is why a Canadian, John Peters Humphrey, was the declaration's principal drafter and why Canada was one of the 48 member states at the UN General Assembly that voted to adopt the declaration.

The primacy of human dignity is fundamental to our Canadian identity. Human dignity is the only right that Canadian law does not limit under any circumstances. Section 26 of the Canadian Charter of Rights and Freedoms affirms that:

... certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

In other words, Canada's constitution does not allow for any freedom to deny a person's right to human dignity. Freedom without rights is no freedom at all.

The Canadian Bar Association agrees. In a January 2010 submission, the CBA wrote:

... in Canada, freedom of expression is not an absolute value. It is subject to legal limitations, the most obvious being laws against defamation and slander. The CBA endorses the view that a properly drawn civil prohibition against the propagation of hate speech is also a reasonable limitation on freedom of expression.

More recently, honourable senators, this association of 37,000 jurists tells us that, should Bill C-304 pass:

... Canadians can expect to be subjected to a plethora of hateful messages and communications, and a corresponding loss of civility, tolerance and respect in Canadian society.

More than stand for human dignity, honourable senators, we must stand up against hate messages.

My third and final point builds on Justice Abella's most essential lesson:

We must never forget how the world looks to those who are vulnerable.

Hate messages target the most vulnerable members of our society.

For example, the Criminal Code, as Senator Nancy Ruth pointed out in her remarks last June, does not protect women from hateful expression, yet we know without doubt that hate messages target women. In her submission to the Standing Committee on Justice and Human Rights of the other place, Professor Kathleen Mahoney said:

Sometimes women are not recognized as being targets of hate propaganda.

It's important because women are not protected otherwise than in human rights legislation.

I'm thinking particularly about lesbians.

I'm thinking about black women and how they've been portrayed in hate speech.

I'm thinking about aboriginal women and how they've been degraded in various forms of hate speech.

I'm thinking about people with disabilities and how hate speech has promoted eugenics and euthanasia for this group of people.

Canadians' right to human dignity is compromised by pervasive sexism and discrimination grounded in fear and hate.

In October 2010, 21-year-old Jeanine Blanchette and her 17-year-old girlfriend Chantal Dube were found dead in Orangeville, Ontario. The couple's double suicide, Melissa Carroll of McMaster University observed, was "described by the media as losses that were inevitable." Carroll further commented that:

It is this odd (non)reaction to these young adults' deaths ... speaks to what I understand to be a western fear of ... young lesbianism ...

Fear, hatred and suffering — these phenomena share a causal relationship. Fear, hatred and suffering become increasingly prevalent in a society that sometimes mistakes powerfully damaging discrimination for constructive debate. We should debate new ideas. We must not discriminate based on antediluvian prejudices.

New electronic media communications sometimes foster these prejudices. Since July 2012, a website created by a team from the University of Alberta's Institute for Sexual Minority Studies and

Services has counted more than 3.271 million Twitter posts that used the word “faggot.” During the same period, more than 1.161 million tweets used the phrase “so gay.” Another 1.161 million used the phrase “no homo,” and 452,000 used the word “dyke.” The website tagline reads

Homophobic language isn’t always meant to be hurtful, but how often do we use it without thinking?

The answer? A lot. Hate messages are ubiquitous. We need to do more to confront hate messages, not less.

To be clear, section 13 is not about hurtful or offensive comments, honourable senators. To quote Mark Freiman, president of Canadian Peres Center for Peace Foundation:

Its purpose is to protect society from the baleful consequences of those most dangerous messages.

It is about prohibiting communication that is likely to expose persons to hatred or contempt by reason of the fact that those persons are identifiable on the basis of a prohibited ground of discrimination. It is about promoting the inherent and unimpeachable right to human dignity. It is about the essence of the Canadian Human Rights Act — equal opportunity, accommodation, without discrimination.

These are essential functions that the Criminal Code cannot serve alone. Hate crimes, like the violent murder of Aaron Webster in British Columbia in 2001, are supported by the spread of hate messages. Hate messages lead, however indirectly, to hate crimes.

More than 4.5 million homophobic tweets call for us to consider the lives of lesbian, gay, bisexual and transgendered Canadians, honourable senators. How will passing this legislation affect the lives of vulnerable people?

Inspired by the satirical cartoon “South Park,” a Facebook group urged members to “kick a ginger” on November 20. I do not watch “South Park,” but I am told that the artistic intent was to satirically protest racism. Instead, last year, visceral hate was directed towards students with red hair, including 13-year-old Aaron Mishkin of British Columbia, who figures he was kicked about 80 times. Discrimination, racism and hate, despite advances, are so prevalent in our society that critical satire only adds fuel to the fire.

However, there is another lesson here: Any one of us can become vulnerable if hate is leveled against a minority group of which we are a member. If we do not act, the hate that vulnerable people are made to feel each day will consume us all.

Honourable senators, at second reading, we debate the principles at the heart of the bill. Today, I have shared with you three key messages regarding those principles. First, we cannot be indifferent to hate if we wish to promote equal opportunity, accommodation, without discrimination; second, hateful expression is an assault on our universal right to human dignity; and third, hate messages target the most vulnerable members of our society.

Senator Finley said something at the conclusion of his speech with which I profoundly agree, and I think it bears repeating. He said that we live in the greatest nation on earth. The closing French lyrics of our national anthem tell us why.

[Translation]

Et ta valeur, de foi trempée,

Protégera nos foyers et nos droits.

Protégera nos foyers et nos droits.

• (1540)

[English]

Canada’s valour, steeped in faith — which I take to mean steadfast compassion and love — will protect our homes and our rights.

Compassion promotes human dignity; love overwhelms hate. Honourable senators, this is a Canadian promise that we must honour.

Honourable senators, if you will allow me, I would like to share some personal experiences with you. As you all know, I am a refugee to this country. As a refugee in 1972, when we were thrown out — may I have five more minutes?

The Hon. the Acting Speaker: Is permission granted for five more minutes?

Hon. Senators: Agreed.

Senator Jaffer: When we were being thrown out of Uganda, I saw the hateful eyes of the people who were throwing us out, and I can tell you that that will always be with me. In 2001, when I first became a senator, Aaron Webster was killed in Stanley Park, a park that all people from British Columbia love. It was a park where, as a Beaver leader, I took my Beavers and Cubs for a night hike. In the same area where I used to take my Beavers and Cubs, Aaron Webster was tragically kicked to death. His only sin or his only problem was that he was gay. Just for being gay, he was kicked to death in a park where I took my young Cubs and Beavers for hikes at night. That is what hate can do.

Honourable senators, as you know, the Human Rights Committee is studying the cyberbullying dilemma in our country. Each member of the committee will tell you that a young boy came to our in camera committee meeting and said that he is being sent hateful messages because he has ginger hair. This young boy is destroyed, and his only problem is that he has hateful hair.

Honourable senators, we came to this place to protect the rights of minorities. We came to this place to protect the rights of Canadians. Today I stand in front of you and say that we have to continue to protect the rights of Canadians.

(On motion of Senator Carignan, debate adjourned.)

[Translation]

KOREAN WAR

INQUIRY—DEBATE CONCLUDED

On the Order:

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

- (a) the importance of the Korean War, the third bloodiest war in Canadian History but often called “The Forgotten War”; and
- (b) Canada’s contribution to the three-year war on the Korean Peninsula, including the 26,791 Canadians who came to the aid of South Korea, 516 of whom gave the ultimate sacrifice, and the 7,000 Canadian peacekeepers who arrived following the signing of the Korea Armistice Agreement in Panmunjom 59 years ago this July 27.

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to speak to Senator Martin’s inquiry calling the attention of the Senate to the Korean War, the third bloodiest war in Canadian history.

I thank Senator Martin for raising this issue last June, which is both the month of the anniversary of the start of this war and the month of my birthdate — June 25.

It is more important than ever to bring this war back to the forefront if we want to change our perception of war. The sacrifice Canadian soldiers have made overseas must be acknowledged and honoured, not just by the people of these war-torn countries, but by everyone, because these soldiers reflect the population as a whole. They reflect us.

I agree with the senator’s proposal and I would like to share some history.

[English]

In the 1950s, when I was a young army cadet, the cadet camps were run — as they are less today but more so in those days — by the Canadian army, navy and air force. At the Canadian army cadet camp in Farnham, which I attended for many summers, the instructors were all regular force NCOs, a few officers, and they were all either Korean War or World War II veterans. The majority who were still serving were certainly recent Korean War veterans. I am talking about the 1950s and about those who had served and who had barely made their way home.

Their philosophy with regard to training was quite operational. They received us as cadets and potential recruits in waiting. We spent a lot of time doing significant military training, even at the age of 13 or 14, with big rifles, .303 Lee-Enfields, machine guns, grenades, steel helmets and the like.

Although we learned discipline, group support, leadership and a sense of purpose and pride, not only in the forces but in the country, and although we made extraordinary friends, we also

spent a lot of time honing military skills for which we had absolutely no competency at the end and were wondering how to survive the impact of those weapons on our shoulders as we fired them.

When I graduated in 1969 from the Royal Military College and went to my regiment, our first battery sergeant major was a Korean War veteran. By 1969, we were in the ebbing era of the Korean War veterans. With the major budget cuts at that point, and the cuts in the Armed Forces, many of the last of the veterans were in fact retiring or taking early retirement due to the cuts.

An extraordinary wealth of experience was disappearing from our ranks, but certainly the stories and the respect for those who had served in Korea within the forces was strong. The respect was brought about not only because they had fought bravely and had survived — some of them with injuries that only today we are starting to grapple with more appropriately, such as operational stress injuries — but because they were generous in providing us with a depth of experience in order to give us the knowledge, skills and, through their experience, the ability to operationally perform our duties with combat arms, in particular.

As one who has served this country and also the United Nations, remembering that that mission was the first predominant United Nations mission, I know how important it is to recognize the bravery of the men and women who laid down their lives for us. We should take a certain offence with regard to calling the Korean War “The Forgotten War,” not because the term is inappropriate but because what it reflects is so terribly inappropriate. They are forgetting the enormous sacrifices that Canadians paid overseas in a far-off land, certainly perceived as such in those days, and the price of assisting that nation to wrestle its way out of the Communist grip that was invading it.

• (1550)

We cannot forget the commitment of Canadians, not only the 26,791 who actually served in South Korea, including the 516 who were killed in action and the couple of thousand who suffered physical and psychological injuries, but also the more than 7,000 soldiers, airmen and navy, who after the peace agreement served as part of the peacekeeping force as we tried to stabilize that zone and assist that nascent democracy in evolving into what it ultimately is today.

Honourable senators, it is important that we do not forget that, yes, as a peace-loving country we have forged a history based on our work ethic, our mastery of technology, our belief in human rights — we had an interesting discussion earlier — and also the fact that we are a country that does not want to subjugate, through force or otherwise, any other peoples. On the contrary, we are a nation that is prepared to sacrifice, both by those engaged physically and by their families, to assist others if not to achieve the same level of democracy that we have, certainly to evolve into that. Korea is one fine example of a nation that has rebounded magnificently.

To speak of these grand concepts and points is one way of recognizing that war, and they are the sort of things I suppose politicians should be stating.

However, I think it is also important that we take a moment to bring this a little closer to home, and that is with a few more specifics on how we became engaged and how we performed. To that end, if you will permit, I would like to refer to our regimental history, Volume II of *The Gunners of Canada*, which describes a few of the regiments involved in that conflict and a few specific points.

I think to start with, Canada was absolutely not prepared in any way, shape or form to respond to a request by the UN to go beyond its borders, certainly with its army. I would like, if I may, to bring to your attention that when the Prime Minister was requested to provide assets to the force that was being deployed under American command but under the auspices of the UN, he, as previously even in World War II, 1939, was leery of sending forces on the ground because ground troops are where your commitment is whole. That is to say, your flag is planted on that nation and you must be prepared to defend it. Ground troops called for large numbers of human beings and a high potential for casualties.

Casualties are always anathema to politicians committing themselves, and so the Canadian government responded to the request five days after the commencement of the conflict by deploying three destroyers from the West Coast and then by deploying six cargo aircraft to reinforce the resupply.

That is a safe bet, if I can say, a sort of tentative step, because if things go sour you can always pull away those ships rapidly with little risk of casualties and destruction. It is the same with the aircraft; if things go bad, within 24 hours you can get them out of the country.

It is not the same with ground troops: When you commit ground troops you are fully committed. Therefore, it is interesting, if I may, to give you a short passage on how we actually took that request from the UN and how we responded initially. I will read the following:

The Far East had never been an area in which Canada had any special national interest, and unlike Britain and the United States she had no armed forces in that part of the world. Her existing army had been planned for the defence of country against a diversionary attack forming part of a Third World War, and not as an expeditionary force available for foreign service at short notice. Only two main roles had been foreseen for the Army on its reorganization after the Second World War — first, the defence of North America in conjunction with United States forces, and second, a capacity to supervise a general mobilization if such should be required.

Guess what? We literally did not have the forces to deploy; as such, Canada found itself having to conduct an accelerated recruitment in order to put together a force that would deploy and prove that process only on July 14. We were already three weeks into the conflict and we finally decided that maybe we wanted to put some troops together to send them.

However, Canada did respond to that conflict and did so very rapidly and rather exceptionally. I will use the example of my old regiment and read:

As recruits for the unit poured in, the war establishment, set at 39 officers and 635 other ranks, was quickly reached

and passed, and on 6 September it was found necessary to form a fourth battery to handle the excess personnel.

Two thirds of those personnel were World War II veterans, and only one third were basic recruits.

We had a lot of experience coming back into the ranks wanting to serve again in another theatre of operation. These were people who had already fought, were veterans and were either being or trying to be reintegrated into the Canadian mosaic and found themselves an opportunity to serve again and respond. However, there is a small problem when you get into a sort of ad hoc crisis management in trying to put a force together.

Just under 25 per cent of all those who were recruited at that time either had to be medically released before even being deployed overseas or deserted because maybe they found the role too difficult. With pride I say my regiment only had 5 per cent casualties and desertions.

This brings me specifically to reinforce my pride in responding to the inquiry by adding an even more personal dimension. The casualties of the Korean conflict were not all overseas. Sometimes we do tend to forget, as we have done even with the Afghanistan conflict, that in training we might lose a lot of people. Even trying to get there we might lose people. In World War II, before the Canadian Army even shot its first round in anger, we had already close to 30,000 casualties from training, malnutrition and all kinds of other compassionate and such requirements that had to be repatriated back. We were, at the time, in the hundreds of thousands of troops.

This is one story that I think is worthy of attention, because it shows that those who served and paid the sacrifice did not do it all in theatre in Korea, but in preparation thereof. I would like to bring this example to your attention.

[Translation]

The Hon. the Acting Speaker: I regret to inform Senator Dallaire that his time has expired. Will honourable senators grant him another five minutes?

Hon. Senators: Agreed.

Senator Dallaire: I will continue. I do not want to recount the history of a regiment per se, but I want to point out that we have forgotten this history.

• (1600)

It is easy to forget when we have been involved in many other operations that were much larger in scale. People remember the Suez Canal crisis in 1956 and the creation of the first peacekeeping force. They remember the Congo in 1960, where we deployed many soldiers, once again, under the aegis of the United Nations. People remember the Turkish invasion of Cyprus in 1973 and 1974, when once again Canada sent troops. In addition, during the 1990s and 2000s, that is, over the past 21 years, the Canadian Forces have been present in theatres of war around the world, and we seem to always return to them,

particularly Afghanistan, having already forgotten, even in this modern era, the conflicts in Bosnia and Africa and even the 300 soldiers we deployed to Cambodia in 1992.

But the Korean War cannot be forgotten because of the scope of the mission and the price we paid to take part in it. Consider how successfully that country recovered after we helped restore some stability and a climate of peace and security, thanks to the deployment of Canadians and 416,000 other soldiers from 16 countries, who all served in Korea to stabilize that country.

If I may, I would like to come back to the sacrifices made by those who paid the ultimate price before they could even set foot in Korea to serve.

[English]

The move of the 2nd Regiment R.C.H.A. from Camp Shiloh —

— where I was this weekend with the regiment —

— was made as part of Operation “Sawhorse,” the large-scale rail movement of more than 6,000 troops of the C.A.S.F. from various points in Canada at Fort Lewis.

Fort Lewis, Washington, was the jumping off point to go to Korea. The journey aboard the first of two trains carrying the gunners, the artillery regiment, was uneventful.

Then tragedy struck. At 10:35 on 21 November 1950 —

— we are nearly four months post the commencement of the conflict —

— the second train was met head on, just east of Canoe River, British Columbia, by the Vancouver-Montreal passenger train. The engines and leading coaches of both trains were derailed. There were no casualties to passengers on the eastbound train, but the forward cars of the military train were thrown down an embankment and demolished, resulting in a heavy toll.

The passenger train was made of steel; it was a modern passenger train. The troop train, because we were mobilizing so fast, was a wooden train. It was an old train. The train not only fell off the tracks and was demolished, but, if I may add, “the recovery of bodies was extremely difficult, and oil fire rendered a number of them unidentifiable.” A number of them died in the fire of that wooden train in that havoc. The final count of fatalities was 17 dead, including four soldiers whose bodies were never recovered. The injured men, 33 in total, were treated by a doctor from Edson, Alberta, pending the arrival within four hours of the accident of a specially organized train carrying doctors and nurses.

A rather interesting point is that the engineer of the passenger train was held accountable for the accident and was put on trial, but the person who defended him was John Diefenbaker, and he got off.

Senator LeBreton: He was a good lawyer.

[Senator Dallaire]

[Translation]

The fact that Senator Martin mentioned our failure to recognize this war is extremely valid. I agree with her on this point and I hope that she will continue to draw our attention to this matter. I also hope that this war will get the responsible recognition that it deserves.

The Hon. the Acting Speaker: Honourable senators, I am sorry to have to interrupt Senator Dallaire, but I hope someone will take over for him and continue his speech.

[English]

On debate. There is no time for questions.

I must tell honourable senators that if Senator Martin speaks, it will end the inquiry.

Hon. Yonah Martin: I thank all honourable senators who spoke to this inquiry, especially Senator Dallaire. He is just scratching the surface. There is so much more to share to enlighten and educate Canadians on sacrifices that were made and lives that were lost, even in preparing to join the UN forces in Korea overseas. I thank the honourable senator for at least sharing in part with us.

Part of me is in a rush to move to the next stage of what I hope we will do in cooperation with my co-sponsor and colleague, Senator Day. We have been discussing for months about going forward with the private member's bill to recognize a day for our Korean War veterans.

I want to thank all of my colleagues who spoke to this inquiry: Senator Oliver, Senator Unger, Senator Dallaire today, Senator Day, Senator Duffy and others who had wanted to speak but, because of time, did not get to go on record. I assure everyone that when we table the private member's bill and go forward, there will be opportunity for people to speak then.

Senator Dallaire spoke of the World War II veterans that also went to Korea. I met such a veteran and I spoke of him in this chamber, if honourable senators recall. He passed away — Dr. Nairn Knott. I was so touched to hear that when he left for Korea, his third son had just been born and he had a thriving medical practice in Vancouver. He did not leave because he was seeking adventure. He did not leave because there was nothing else to do and he was bored. He left in the midst of an important, dynamic life and the birth of his third child, whom I know. I only knew this had happened when I spoke to Lyall, whom I had known over the last few years, and learned that his father was a Korean War veteran — after we had unanimously passed the motion in the Senate in 2010.

When I met Dr. Knott before he passed away, above his bed was the map that he had used to fly. He was a medical naval pilot who had gone into some of the most dangerous parts of the war. He had three children, his third son just born.

These are the brave Canadians that went and served and the Canadians that intended to serve but risked their lives in many ways, such as in training, as the honourable senator mentioned. Those who served as peacekeepers were also at great risk of damage because it was a ceasefire, not the end of the war, with the signing of the armistice.

For me, there is a great sense of urgency, and Senator Day and I will co-sponsor this private member's bill. Next year is the sixtieth anniversary of the signing of the armistice. A pilgrimage will be taken by veterans and Minister Steven Blaney to participate in the anniversary. We know how time moves in this place, and we want to ensure that we can time it so that hopefully, if all goes accordingly, there could be a day enacted for our veterans before the sixtieth anniversary of the armistice.

I thank my colleagues for their time, care and thoughtful interventions and for participating in this inquiry. I will end with this, in great thanks.

Our veterans are listening. They are reading. When I meet them, they show me the printout of the Hansard of your words. They tell me with their tear-stained eyes how much they appreciate this acknowledgment, how much they love Korea and that they are so proud of what is happening there. Their dream is to see peace at last in their lifetime.

Time is ticking, so I thank colleagues for their attention at this time.

• (1610)

Senator Dallaire: Would Senator Martin accept a question?

Senator Martin: Yes.

Senator Dallaire: I tried to bring forward the point that we were able to put a force in the field within months to respond to a crisis for which the country had no policy or preparation whatsoever only because we had so many veterans, and the veterans provided that depth that rendered the training time and preparation much shorter.

We find ourselves in an interesting scenario now, where we have the Armed Forces chockablock full of veterans. Looking to the future, I am wondering whether we will learn the lesson of Korea and ensure that we keep those veterans percolating within the forces to be able to respond to a potential crisis.

To bring this specifically to the attention of both the veterans and the honourable senator, I noticed that although Minister Blaney and others have been engaged in preparing for the sixtieth anniversary, we have very few monuments recognizing the efforts of Korea in this country. "Korea" is written on the war memorial here. In Perth, they had to put money together to build their own and they received no support from Veterans Affairs Canada on the commemoration side. I think Korea is a lot more than *M*A*S*H* and we can have something better than that, although that was not a bad television program.

Does the honourable senator think that maybe Veterans Affairs should also take the lead in not forgetting Korea and should start looking, as it has a policy of potential monuments across the country, at where regiments have served and veterans are also interred regarding the Korean War?

Senator Martin: I thank the honourable senator. I know there is the Wall of Remembrance in Brampton where the annual commemoration takes place. That money was raised by the

veterans themselves. Our Korean War veterans are quite amazing in how they can raise funds. They have a lot of support.

There is also a Korean War memorial in Central Park in Burnaby, B.C. There was support from the provincial government and some from our federal government. That is the first one in Western Canada. I am aware of one in Winnipeg. There are these monuments. I think Veterans Affairs Canada, from the work that I have done with them, has focused and committed resources to honouring our veterans. That is why for Veterans' Week next year there is already discussion about creating a theme to highlight the Korean War veterans.

Even during Winterlude 2013, I am aware that Guy Laflamme, who is producing the show, will have their ice sculptures feature a Korean War veteran scene. A city from Korea is attending with a giant lantern. They have the largest lantern festival, and they will be creating a lantern of a Korean War scene in the Canadian War Museum.

There are various initiatives under way, working with Veterans Affairs Canada. We have our new deputy minister, and of course Minister Blaney has been tireless in his commitment. I have seen that kind of commitment, but the more the better. I do hope that we will continue to focus on this while the Korean War veterans are still with us — most of them are in their eighties and nineties — and that we will continue to honour them. Therefore, we look forward to our private member's bill.

Senator Dallaire: I have a supplemental. The veterans are disappearing rapidly but the regiments are still there, and with pride they commemorate their campaigns there. If honourable senators remember, the PPCLI received the U.S. Presidential Unit Citation for Hill 677, and, apart from the Australian battalion, they are the only ones to ever get it outside of the United States. We have 2 RCHA, and if honourable senators remember the first time I spoke on this, they fired for the PPCLI that night over 800 rounds per gun. Even the cooks were throwing ammunition from the trucks right into the barrel and firing to protect them.

A number of these regiments across the country have committed themselves. However, while monuments are being put up for the 158 casualties who were killed in Afghanistan, we had more than three times that number in Korea and there has been no similar effort by Veterans Affairs Canada, apart from some local regimental efforts.

Would the honourable senator entertain the idea that Veterans Affairs Canada, in its monument commemoration program where it is going across the country looking at improving monuments, consider giving Korea maybe as much time and as much funds as the War of 1812 is getting right now and bring it closer to those regimental homes where we commemorate those veterans and the losses thereof?

Senator Martin: I thank the honourable senator for his passion on this file. He knows I share that, and I would love to continue to advocate for our veterans.

There is a monument to the fallen in Confederation Park that is identical to the one in the United Nations Memorial Cemetery in Busan, Korea. They face one another. That is another important monument for our veterans and for Canadians to visit in a very important place in Ottawa.

As I said before, I do believe that going forward we will continue to see that kind of highlighting and honouring of our Korean War veterans. I look forward to working with the honourable senator and with my colleagues on both sides to ensure that the sixtieth anniversary is truly remembered. Next year it is the one hundredth anniversary of PPCLI and I understand big commemoration plans are under way as well. It will be an important year for us all.

The Hon. the Acting Speaker: Honourable senators, we have at least four minutes remaining.

Hon. Joseph A. Day: Honourable senators, my question will not take four minutes but the answer might. It is along the lines of a point that was made by Senator Dallaire. First, when Senator Dallaire referred to gunners, honourable senators will know that he was talking about the Royal Canadian Regiment and the various regiments of the artillery that are referred to as gunners.

One of the veterans from Korea whom both Senator Dallaire and I knew back in his prime was Sergeant Alexandre Doucette from the Royal Military College in Saint-Jean. He was our drill sergeant. This short story will illustrate the point I want to make. We knew him intimately for three years, but I never knew that he was a veteran of the Korean War. For many years it was referred to as the Korean conflict because of the nature of the conflict; it was not the traditional nation-to-nation declaring war but was, rather, a United Nations mission.

Was it the result of that — is it as simple as that? That is, because it was not called a war, it was not given the same level of attention? Was there public fatigue? Was it that the veterans just did not want to talk about the horrific experiences they went through?

The honourable senator has spoken to many veterans about this. Can she help us understand why this conflict, which we now refer to as a war, has never been given the attention that it deserves for the contribution that Canada made? It was a huge contribution.

Senator Martin: I thank the honourable senator for that question and insight. Again, it is hard to fully comprehend what happened other than based on what I have heard. The veterans say they returned to Canada with absolutely no fanfare or reception. They were put on a train and told to get off at the train station nearest to their homes. That is how our veterans returned home. Unless they stayed in the force, they disappeared into civilian life or into oblivion. I think many of them did not make it beyond a short time after their return.

It was a conflict and many veterans around the world are still somewhat orphaned by their involvement in the Korean conflict. When they came back to their respective countries, they were not treated like veterans of World Wars I and II. They did not have that place of belonging.

• (1620)

I am proud to note that in 2008 former minister Greg Thompson made the changes necessary to capture our Korean War veterans and give them status and benefits. I do not know if I

spoke of this, but there was one Korean Canadian veteran who finally, after two years of going back and forth, and receiving his veteran status, was going across the U.S. border, and he said the border guard stopped him and in the end he saluted him. He had never, ever had that in his whole life.

The Hon. the Acting Speaker: Regrettably, I declare that the inquiry of Senator Martin has been debated.

(Debate concluded)

PROMOTION OF ALBERTA'S INTERESTS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell, calling the attention of the Senate to the connection between maintaining the social license to operate in the energy sector and promoting Alberta's interests.

Hon. Daniel Lang: Honourable senators, I rise today to speak to the inquiry by Senator Mitchell on obtaining social licence and how it relates to the development of the Alberta oil sands.

In simplistic terms, “social licence” refers to the need for public acceptance and approval for major projects to move forward. This principle was one of the key priorities outlined in the recent Senate energy report entitled *Now or Never*, and it should be pointed out also that the report highlights the need to expand our energy markets.

Honourable senators, when we talk about the development of the oil sands, we are not just talking about Alberta. We are talking about a resource project that is so huge in its magnitude that it is going to play a large part in determining Canada's economic future. The oil sands are about employees in Cambridge, Ontario, who manufacture the piping modules for oil sands projects. The oil sands are about new technologies being discovered in our universities that help make northern development feasible. The oil sands are about Canadians from coast to coast to coast who are working to help develop a natural resource that is the envy of the world. This is especially true of our Aboriginal community, which makes up a large percentage of oil sands employment. The oil sands are a Canadian good news story that we should all be proud of.

When Senator Mitchell spoke to his inquiry, he correctly stated that Canada needs to diversify our economy and find new markets for Canada's energy resources. He went on to emphasize the reason for the need for this diversification was because of the geographical location that his province of Alberta finds itself in selling its energy resources to our American neighbours for as much as \$35 to \$37 a barrel below market value. Having only one buyer for our oil is costing Canada and the province millions of dollars a day.

Looking to the future, the financial picture does not look any brighter. The United States of America is becoming more and more self-sufficient in fossil fuels. With the advent of the new

[Senator Martin]

drilling techniques, it is predicted that the United States will be self-sufficient in natural gas by 2020 and will be producing more oil internally for their own use. Who would have predicted five years ago that in 2012 North Dakota would be producing more oil than the state of Alaska? Honourable senators, the marketplace is changing and Canada has to find other buyers for our energy if we are to maintain our standard of living.

This is not rocket science. If Canada does not find other buyers, we will sell less and at a much more discounted price.

This subject takes me back to the question Senator Mitchell raised about social licences. Honourable senators will recall that Senator Mitchell went on and blamed the Canadian government for all the controversy over the proposed gateway pipeline and the failure of the Keystone Pipeline to proceed. Not once did he mention that three years ago his party, along with the NDP, by a motion in the House of Commons made the decision that Alberta did not need a pipeline to the West Coast. He never once stated that these federal opposition parties were the initial cause of the polarized debate that is now taking place in Canada; nor did he provide us with any alternatives to how to obtain that social licence that is so important for the successful advancement of these projects that are in the provincial and national interests.

I submit that steps are being taken to obtain the social licence. The first step has been taken, and that is the streamlining of the environmental regulatory process: "One project, one review."

This legislative change provides certainty and a requirement for discipline by all stakeholders when a project is under review. This change, it should be noted, was requested by all the provinces and territories. No longer will we witness a regulatory review of a project such as the Mackenzie Valley gas pipeline, which took over eight years, and yet there are still no definitive decisions taken on the project. In fact, in today's energy environment, the economic viability of that pipeline is now in question. The point, honourable senators, is that because of the lack of discipline in the past regulatory process, the window of opportunity for this project may well have passed us by.

Another step that has been taken to assist in acquiring social licence has been the consolidation of the Government of Canada's environmental responsibilities. The end result of this consolidation was that there is an increase of 5 per cent in the resources available to help and assist in natural resource project reviews. Canadians can be assured that all due diligence will be done to ensure Canada meets its environmental responsibilities when it proceeds with these reviews.

Another step forward in obtaining social licence is the allocation of millions of dollars in the budget for consultation with First Nations affected by development. This commitment should go a long way to assisting our Aboriginal people in taking part in projects that meet their environmental, social and economic objectives. At the same time, Canada will meet its "duty to consult" with our First Nations well in advance of any project approval.

Senator Mitchell raised the issue of environmental organizations and how they are being financed. Unfortunately, he blamed members of this chamber for raising the question of charitable donations and how some organizations were channeling money from sources outside Canada to influence public policy. At the same time he berated the government for bringing clarification to the tax policy governing the charitable status of these organizations. Unfortunately, he did not address the outstanding question of why so many of these environmental organizations were spending so much money on influencing environmental policy in Canada and yet ignoring the real environmental issues in countries such as Venezuela or China. Put in perspective, the greenhouse gas emissions of Alberta's oil sands in one year equal two days of greenhouse gas emissions in China.

We must ask ourselves why these environmental organizations that are being funded by foundations outside Canada are so interested in our energy and how we develop it. Why are they funding organizations to oppose pipelines to the coast when at the same time they say nothing about the oil tankers off the coast of Alaska?

Honourable senators, the requirement to earn social licence is very important to the success of such projects such as pipelines and other natural resource projects.

• (1630)

I submit that the streamlining of our regulatory processes, the increased resources for environmental review, the recognition of our duty to consult with Canada's Aboriginal communities and the clarification of the charitable tax benefits that help finance environmental groups should go a long way to moving the process ahead.

(On motion of Senator Tardif, debate adjourned.)

(The Senate adjourned until Wednesday, October 24, 2012, at 1:30 p.m.)

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