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Wednesday, February 13, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, February 13, 2013

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

Prayers.

SENATORS' STATEMENTS

WORLD UNIVERSITY SERVICE OF CANADA

Hon. Salma Ataullahjan: Honourable senators, I rise today to speak about a formidable organization, the World University Service of Canada, or WUSC. I visited WUSC headquarters in Ottawa last December and was so impressed with the spirit and culture of the people that I had to share it.

WUSC is a network of professionals, students, volunteers, faculty and community leaders who together provide opportunities to some of the world's most disadvantaged youth. Its mission is to foster human development and global understanding through education and training.

These are individuals and post-secondary institutions who believe that all people are entitled to the knowledge and skills necessary to contribute to a more equitable world. In fact, WUSC has the largest network of local committees on university and college campuses in Canada. The majority of members consist of students, faculty and staff in over 80 active post-secondary institutions across the nation.

There are about 1,200 international students in Canada.

WUSC's award-winning program is based in over 14 countries and has been developed to address local needs and reduce poverty, all delivered with local partners to ensure sustainability.

For example, current projects include the Plantation Communities Project in Sri Lanka, teacher certification in Afghanistan, the enhancement of local leadership in Indonesia and protecting the rights of women and girls living with HIV and AIDS in Malawi.

Since 1978, WUSC's Student Refugee Program has helped address shortages in post-secondary education by enabling student refugees to pursue their studies at Canadian universities and colleges.

More recently, they introduced Students Without Borders, an innovative program that allows Canadian students to apply their academic knowledge to a practical work environment in the developing world while earning credits.

Honourable senators, WUSC's motto is "Education Changes the World."

Please join me in commending the World University Service of Canada for its promotion of international volunteerism, youth leadership and partnership. I wish them a happy thirty-fifth anniversary this year.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, let me at this time draw your attention to the presence in the gallery of Ms. Michelle Manks, a Queen's Diamond Jubilee Medal recipient and Senior Program Officer of the Student Refugee Program at the World University Service of Canada. Ms. Manks is accompanied by Ms. Asni Mekonnen, also a Senior Program Officer of the Student Refugee Program. They are guests of our colleague, the Honourable Senator Ataullahjan.

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

Hon. Senators: Hear, hear!

INTERNATIONAL DAY AGAINST THE USE OF CHILD SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, yesterday was International Day Against the Use of Child Soldiers. I was going to give my presentation yesterday. However, our good words to Senator Fairbairn were more than deserved, particularly because of the fact that she was an honorary colonel of one of our artillery regiments in Lethbridge and we were proud of her work with the guns.

[Translation]

Honourable senators, February 12 is International Day Against the Use of Child Soldiers. This special day is a reminder that we must take action to further a cause to which I devote a great deal of my personal time. My mission is to work every day to eradicate the use and recruitment of child soldiers.

Honourable senators, the definition of "child soldier" is not limited to young men who have been drugged and who brandish AK-47s. Child soldiers are any individuals under the age of 18 who are or have been recruited or used by an armed force or armed group in any capacity. This includes boys and girls who are used as combatants, cooks, porters, messengers and spies, as well as those recruited for sexual purposes and forced marriage. What is more, of the approximately 250,000 child soldiers throughout the world, 40 per cent are female.

This definition, which has been agreed upon at the international level, is not limited to children who have participated directly in hostilities. Children are used in armed conflict because they are considered to be easily replaceable, available in large numbers, cheap and easy to indoctrinate.

[English]

Children are used as a strategic military tool, a weapons system to advance the interests of persistent human rights violators. It is a crime against humanity to recruit children to be used as weapons of war. Progress is being made to eliminate the use of this weapons system and to stop the impunity. Yesterday, we should have recognized that and I hope to do so today by bringing it to the attention of honourable senators.

This occasion is worthy of taking stock of the current situation. Human rights officials in Mali have estimated that approximately 1,000 children, some as young as 11 years old, were being employed as soldiers by Islamic forces before the French intervention. This number is believed to have increased as more military pressure has been exerted on the rebels. Our allies, the French forces in Mali, have not received any specific training on the standard operating procedures that pertain to interactions with child soldiers. They simply consider them as combatants and they are blown away like any other when they are faced with the threat of use of force.

We currently have a team from Dalhousie University in Sierra Leone, at the invitation of the president of Sierra Leone, to train his army — from a war that was based on child soldiers — on how to handle child soldiers without having to kill them.

Does one kill children who kill, are indoctrinated, drugged-up and used as weapons systems? There has to be another way to bring conflict resolution.

ALZHEIMER'S DISEASE

Hon. Paul E. McIntyre: Honourable senators, I also rise in this chamber to pay tribute to former Senator Joyce Fairbairn. Although I never had the privilege to meet Senator Fairbairn, I was deeply touched by her illness.

• (1340)

It is particularly troubling to see a person of such intelligence and accomplishments face the ravages of dementia. Her struggles remind us that Alzheimer's disease strikes people in all walks of life, no matter how smart or engaged they are.

Of course, many people in the early stages of Alzheimer's disease can still find employment, if only in the moment, and, though diminished, they are still part of the life of this country.

As a country, however, we are facing an ever-increasing burden as a result of the disease. The Alzheimer Society estimates that over 500,000 Canadians have the disease or other dementia. With the aging of the population, that number is expected to double by 2038.

The impact this is having is enormous. For many caregivers, however, the cost is real and immediate. Many of them retire early to perform the difficult task of looking after someone who has been afflicted. Caregivers and loved ones also face a heavy emotional burden. They must deal with the grief associated with

watching someone lose their ability to function fully in society. It is devastating to witness the memory loss, the personality changes and the physical deterioration. Eventually, the sufferer is reduced to what has been described as a shell of their former self.

Before her death at age 92, my mom suffered from dementia, and I know from personal experience what she went through.

Of course, there is always hope that medical research will some day find effective treatments or even a cure, but in the meantime, our thoughts go out to people like Senator Fairbairn who suffer from the disease, as well as to their families and friends.

IDLE NO MORE MOVEMENT

Hon. Nick G. Sibbeston: Honourable senators, over the last few months, Canadians have witnessed hundreds of marches, demonstrations, round dances, teach-ins and blockades carried out by the Idle No More movement. These peaceful events have taken place across the country from coast to coast to coast. They have happened in malls, at border crossings and bridges, in the streets and on Parliament Hill.

In big cities and small towns, Aboriginal people — mostly young people — and their non-Aboriginal supporters have gathered to raise awareness of the plight of Aboriginal people in our country.

In my own hometown of Fort Simpson, there were a number of Idle No More events, some planned and some that arose spontaneously. I attended several and was invited to speak at them. I will quote what happened at one of those.

Senator Nick Sibbeston's voice choked up on two occasions while addressing the crowd. Sibbeston said he is both emotional and optimistic that Canada and aboriginal people have a real chance to forge a new future together.

Sibbeston said he believes Harper is sensitive and consciously wants to do something for aboriginal people. Major changes will need to happen, including ensuring a certain share of revenues from resource developments goes to affected First Nations, and coming up with a new act to replace the Indian Act...

Chief Atleo, in his speeches before and after his January 11 meeting with Prime Minister Harper, also spoke of the leadership being provided by women and youth through Idle No More. He said that this country will be forever changed by what has happened.

There is a need, he said, for "a fundamental transformation in our relationship." It is time to live up to the spirit of the treaties and provide indigenous people with "a fair share of the wealth and resources of the land." Only then can "the children of Canada and the children of First Nations walk hand in hand into the future," as was intended when the treaties were signed.

With the ending of Chief Spence's fast on Victoria Island, many pundits believed that the movement would disappear. However, this week the movement is still going on, and events are happening throughout our country. I do not doubt that in the spring there will be more.

In keeping with the movement's style, some of these have been announced in advance, such as the one in Prince George. Others will occur spontaneously or without warning. I do not know whether they have something planned for tomorrow on Parliament Hill, but I would not be surprised.

Aboriginal people are appealing to all of us to become aware of their concerns and their challenges. They are inviting us to be a part of the solution. This is not a partisan issue. I urge all of you to hear the Aboriginal peoples' call in our country.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I take the occasion to draw to your attention the presence in the gallery of Jerry Antoine, Rob Prosper, Karen Sibbeston and Susan Sibbeston, who are guest of the Honourable Senator Sibbeston.

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

Hon. Senators: Hear, hear!

MENTAL HEALTH

Hon. Yonah Martin: Honourable senators, yesterday was Let's Talk Day in B.C., and so I continue our conversation on mental illness today.

Let us talk about a very important topic, honourable senators, that likely affects every one of us and millions of Canadians, directly or indirectly. In fact, according to Health Canada, one in three Canadians will face a neurological disorder, injury or psychiatric disease in their lifetime. Neurological diseases, disorders and injuries represent one of the leading causes of disability in the Canadian population.

[Translation]

Mental illness affects people of all ages, regardless of their level of education, income or culture. It is costly for patients, their families, their caregivers, their communities and the health care system.

[English]

There are no boundaries that mental illnesses cannot cross. Therefore, they can affect any one of us.

Tragically, there is still a stigma attached to mental illnesses in our society. People suffering from mental illnesses may be afraid to seek treatment for fear of reprisal from those who could not or would not understand.

[Translation]

Education and research are vital to overcoming the obstacles that marginalize people with mental illnesses while making society aware that it is important to be supportive rather than add to the

problem by making generalizations, assumptions and judgments based on ignorance.

[English]

As someone who has been affected directly by family members' suffering from mental illnesses, I was pleased to attend, on behalf of Minister Leona Aglukkaq, Brain Canada's inaugural Bell Mental Health Research Training Awards in Vancouver on February 8, 2013.

In 2011, the Government of Canada set aside \$100 million to establish the Canada Brain Research Fund, based on a public-private model that matches private donations dollar for dollar with federal funding. Brain Canada, the only national non-profit organization devoted to supporting all neuroscience research, awarded several studentships and fellowships to talented recipients, the next generation of researchers.

[Translation]

One of the highlights of the event was meeting with and listening to the speech given by Canadian Olympic champion, Clara Hughes, national spokesperson for Bell's third annual Let's Talk Day initiative.

[English]

Clara explained that despite the rigorous training to win medals in both the Summer and Winter Olympic Games, nothing was tougher than her struggles with depression. She is a champion in every sense of the word.

Finally, I want to commend the leadership of Inez Jabalpurwala, President and CEO of Brain Canada, and Mary Deacon, Chair of the Bell Mental Health Initiative, for the success of their effective Bell Let's Talk initiative.

Honourable senators, let us join the conversation on mental health. Let us see how we can end the stigma. Let us talk.

THE LATE KENOJUAK ASHEVAK, C.C.

Hon. Wilfred P. Moore: Honourable senators, I rise today to pay tribute to Inuit artist Kenojuak Ashevak of Cape Dorset on Baffin Island in Nunavut, who departed this life on Tuesday, January 8, 2013, at the age of 85. Her passing marks the end of an era. She was the last of the Inuit artists born and raised on the land and who began to experiment in art-making at Cape Dorset in the late 1950s. She was clearly one of the most talented of those artists.

• (1350)

Kenojuak's life was anything but easy. She gave birth to seven children and adopted at least seven others. In 1951, she was diagnosed with tuberculosis and sent to a hospital in Quebec City to recuperate, leaving her husband Johnniebo and children behind, some of whom died in her absence. Life would also see her thrice widowed. Such events would have defeated all but the most resilient of human spirits. Her endearing survivor spirit was evident when she said in a 1978 interview:

I like to make people happy and everything happy. I am the light of happiness and I am a dancing owl.

[Senator Sibbeston]

In recognition of her talent, she was among the original inductees into the Order of Canada in 1967. In 1982, she was promoted to Companion of the Order of Canada. In 2008, she was bestowed a Governor General's Award in Visual and Media Arts. Kenojuak's limited-edition lithographic print entitled *The Enchanted Owl*, published in 1960, was the image used by Canada Post on the 17-cent stamp in 1980. Her work achieved significant commercial value. One of *The Enchanted Owl* prints sold at auction in 2007 for more than \$50,000.

In the late 1950s, she began making art prints in the Cape Dorset lithography studio founded by James and Alma Houston. The studio was a gamble but one that ultimately paid off with my friend, Wallie Brannen of Halifax, Nova Scotia, a NSCAD University graduate, in charge during its inception and through the 1970s. Upon meeting Kenojuak in 1974, he said:

Her quiet charm and guarded interest gave nothing away. There was no hint of the powerful images to come from her work in lithography. Her familiar motif — to so many, the face of Inuit art — was made more bold by the free use of brilliant colour.

In a book entitled *Cape Dorset Prints: A Retrospective 50 Years of Printmaking at the Kingait Studios*, published in 2007, the author, Leslie Boyd Ryan, wife of Terry Ryan, who was the first southerner hired by the Inuit to run their print studio, wrote: "Without Kenojuak, there would have been far less light shining in the print studios of Cape Dorset."

Kenojuak's long-time dealer and friend, Pat Feheley, of Feheley Fine Arts in Toronto, likely said it all when he stated: "She was the star of the Dorset artists, but she was also a national icon transcending Inuit art."

We extend our collective sympathy to the children of Kenojuak, including her daughter Silaqqie, who was her travelling companion and translator, and her multigenerational extended family.

[Translation]

THE LATE RIGHT HONOURABLE MARTIAL ASSELIN, P.C., O.C.

Hon. Andrée Champagne: Honourable senators, a few days before we returned to work here, we learned of the passing of the Right Honourable Martial Asselin.

Some of you have fond memories of this wonderful man. Since I was attending the APF bureau meetings in Paris last week, this is my first opportunity to speak briefly about our former colleague.

The Right Honourable Martial Asselin was appointed to the Senate in 1972 and served in cabinet as Minister of State for the Canadian International Development Agency and Minister of la Francophonie, among other positions. He became the chair of what was then called the AIPLF, the Assemblée internationale des parlementaires de la Francophonie. He was very active in organizing Francophonie summits.

He was Speaker *pro tempore* in the Senate when I held the same position in the other place. When he stepped down, in 1990, after spending a lot of time building up the weakest sections, he was appointed honorary chair of what became the APF.

When I first became chair of the Canadian section of the AIPLF, we travelled together all over Europe and French-speaking Africa. I owe him a great deal. As I prepare to become chair of the APF, I cannot forget that he was the one who showed me the ropes at the AIPLF, which he chaired internationally for two years.

His life was not always easy. While he was in the national capital, his first wife and children died in a fire at their family home. He and Ginette d'Auteuil, with whom he spent the later decades of his life, were heartbroken to have to sell their beautiful house in Pointe-au-Pic, a house my husband and I had the honour of visiting a number of times. I believe that even after he moved to Quebec City, Martial Asselin's heart remained in Charlevoix, in La Malbaie, where he was mayor and then member of Parliament in the House of Commons.

His dedication, his kindness, his talents as an orator and his ability to look at the overall picture made him someone to admire. In 1990, this great francophone, a man of deep conviction, was appointed Lieutenant-Governor of Quebec. He is one of three Canadians to hold the title of Right Honourable without having been prime minister, chief justice or governor general.

Martial will always remain in our hearts. Our deepest sympathies go out to Ginette. We will always be here for her.

[English]

ROUTINE PROCEEDINGS

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ELECTION OBSERVATION MISSION OF THE
ORGANIZATION FOR SECURITY AND CO-OPERATION
IN EUROPE PARLIAMENTARY ASSEMBLY,
OCTOBER 26-29, 2012—REPORT TABLED

Hon. Larry W. Campbell: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Election Observation Mission of the Organization for Security and Co-operation in Europe Parliamentary Assembly, held in Kyiv, Ukraine, from October 26 to 29, 2012.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL CONFERENCE OF STATE LEGISLATURES,
AUGUST 6-9, 2012—REPORT TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the

National Conference of State Legislatures (NCSL), held in Chicago, Illinois, United States of America, from August 6 to 9, 2012.

• (1400)

[Translation]

ORDERS OF THE DAY

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Hubley, for the second reading of Bill S-211, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Gerald J. Comeau: Honourable senators, Bill S-211 is a very ambitious public policy initiative that includes substantive changes to Part IV of the Official Languages Act, which falls under the responsibility of the President of the Treasury Board, Minister Tony Clement.

For those of you who may not be familiar with the bill, it proposes the following changes: redefining official language minority population, establishing new criteria to determine if there is significant demand; introducing a provision on institutional vitality; making major transportation centres bilingual; ensuring services of equal quality; ensuring that there is a decennial review; and introducing an oversight mechanism.

I want to point out that, like many others in this chamber and the lower chamber, I support replacing the provision on significant demand in the Official Languages Act.

In 1969, when Prime Minister Trudeau proposed the first Official Languages Act, many of us recognized the problem of putting a number to significant demand.

There is no need to preach to the choir. Instead of trying to convince us of the need to change the criteria for significant demand, a measure supported by many of us in this chamber, Senator Chaput should have tried to convince us that her proposal is the only way and the best way to achieve this objective. She could have convinced us that a study by the Official Languages Committee was unnecessary and that the minister's support did not matter.

Senator Chaput asked former Supreme Court Justice Michel Bastarache to draft Bill S-211. Acadian and francophone communities across Canada have a great deal of respect for Mr. Bastarache, as do I. He has the courage of his convictions, and he is an acknowledged leader in the Acadian community. His

historic public comments about the injustices suffered by the Acadians in the Great Upheaval speak for themselves. He made these comments while sitting on the Supreme Court of Canada.

However, is the senator's bill the best way to achieve the various objectives of Bill S-211? This is when in-depth studies by a committee can be useful. In general, a bill to make fundamental changes to an important government policy is introduced after thorough study by the appropriate parliamentary committees that are versed in the issue or, at the very least, by experienced public servants.

No matter what our opinions are, this is a very important government policy document. In reality, we must acknowledge that backbenchers do not have the resources, the experience, the knowledge or the research capabilities of experts and public servants.

Instead of focusing on in-depth studies and various public policy options in order to address the issues raised by the bill, Parliament must now bring its attention to bear on Senator Chaput's bill in particular. The bill does not provide for other options to be studied. Some issues will not be addressed and no other options will be examined.

Focusing on a bill could be counterproductive because it postpones an in-depth study of the issue. In fact, it could postpone the study of positive results for quite some time. Instead of studying a bill, the Official Languages Committee could have examined the type and scope of the problems that Bill S-211 attempts to remedy. The bill does not identify or explore other pertinent issues, and it fails to explore other potential solutions that could be studied by the government and Parliament.

The bill precludes a thorough study of important questions.

[English]

Unfortunately, the bill rules out looking at alternatives.

[Translation]

How many communities in Canada are at risk? Are there other ways these objectives can be met? Perhaps through legislative, regulatory or administrative means? Could departmental officials have done better with the resources available, resources that Senator Chaput does not have access to?

What are the bill's implications in terms of government policy? It would have been important and informative to have a closer look at why these problems have never been solved. Why did Prime Minister Trudeau and Parliament select the figure 5 per cent for "significant demand" in 1969?

Surely it was not because Senator Chaput was not there to point out the problem. Why did the Mulroney government not amend the provision in 1988 when it made other important changes to the Official Languages Act?

[Senator Johnson]

Why did the Chrétien and Martin governments not amend the 5 per cent significant demand provision during the 13 years they were in power from 1993 to 2006? How is today any different than the Trudeau years?

Prime Minister Chrétien appointed Senator Chaput in December 2002. Why did she wait until a Conservative government was in power before introducing this bill? Did her government not support this bill at the time? Senator Chaput asked for my opinion about the best way to proceed.

At one time, MP Wayne Easter from Prince Edward Island indicated that Prime Minister Chrétien did not want any backbenchers' bills and said that if the bills were so important, the government would introduce them.

Senator Chaput asked my opinion on the best way to proceed, and I thank her for that. She knows that I have experience in dealing with private members' bills. I told her that there are no shortcuts.

[English]

As honourable senators know, I am not the greatest fan of private member's bills.

[Translation]

I advised her, to the best of my ability, on how to go about meeting her objectives. Drafting the bill and introducing it in the House of Commons is the easiest part. I told her that there are no shortcuts.

[English]

If the goal is to raise awareness of the issues, a bill may not be the most appropriate means. By way of illustration, Senator Harb introduced a bill banning the Canadian sealing industry. He knows his bill will probably not pass, but his goal is to stimulate a discussion on the issues on his terms. He and his animal rights group want to keep the issue at the forefront with the hope of an eventual ban on all hunting and, ultimately, the consumption of meat. In the meantime, keeping the issue front and centre helps to keep donations coming in to the animal rights groups.

However, the issue that Senator Chaput is pursuing is not similar to Senator Harb's. She does not need to have an awareness and support campaign for the objectives of replacing significant demand. I am confident that the Official Languages Committee would have been willing to study the issue much more effectively than by means of a bill.

[Translation]

If the goal is to pass a bill to help our communities, some preliminary work needs to be done first.

Senator Chaput and I met on a number of occasions. I told her that I do not have the expertise to determine whether her bill is the only or the best option for replacing the current policy on significant demand and the other policies proposed in her bill.

For that reason, I told her that I would prefer to see an in-depth study before any legislation was introduced. I also told her that I often rely on public servants to draft legislation and to make any

significant changes to government policy. I further suggested that she secure the support of key decision makers in the government.

• (1410)

Gathering support from representatives of official language minority groups is great, but it is also important to have the government's support in order to succeed. Legislative proposals in the area of policy are the responsibility of the executive branch of government.

It is rare for the government to relinquish its responsibility for significant changes to important laws to backbenchers in either the House of Commons or the Senate, regardless of the nature of the changes, coordination, scope or wording, especially if it involves changes to any laws that are considered semi-constitutional. It does happen occasionally.

For instance, Senator Jean-Robert Gauthier managed to have one single word added to the Official Languages Act, but many years went by before the Chrétien government finally passed his bill. And Senator Gauthier had earned the esteem and respect of all parties during his long career in both houses of Parliament.

I recommended to Senator Chaput that she work with representatives of the department, the Treasury Board in this case, before introducing this bill. I advised her to give them a copy of the proposed text so they could examine it and provide the senator with some input. I advised her to listen to what they had to say—their concerns, objections and suggestions, try to take all of that into account and modify her proposals based on their analysis and suggestions. I strongly recommended that Senator Chaput work with government officials on this to correct any flaws and evaluate all the options.

Unlike backbenchers, the government reviews various means and options it can use to meet its targets, including the cost of various solutions and the best way to implement them.

Bringing a private member's bill before Parliament requires diplomacy, patience, tenacity, determination, marketing skills and good timing. There are no shortcuts. Senator Chaput unfortunately did not take my advice. She did not submit a copy of her bill to the officials. Instead of allowing them to review the substance of the bill, she chose to merely explain the content to them. This is not how officials and professionals at the Treasury Board operate.

Hon. Fernand Robichaud: That is insulting.

Senator Comeau: It is insulting that I made suggestions to her and she rejected them. Senator Robichaud may find that insulting, but I made my recommendations. She said, "no" and did the opposite. What more can I say?

I suggested that, after meeting with these officials, she should call a meeting with the minister's policy advisors and give them her bill so that they could examine it. They, along with departmental representatives, are the ones who conduct initial

policy reviews of private member's bills and make recommendations to the minister.

Once again, she did not give a copy of her bill to these key people. You may be insulted by that, Senator Robichaud, but that is the truth.

Senator Robichaud: If we have to give our bills to the officials, we might as well go home.

Senator Comeau: We could have a great discussion about that. You do not need to take my advice if you do not want to. It is up to you. The discussions between departmental and ministerial representatives would have been followed by a meeting with the minister to get his support. Once again, there are no shortcuts. Everyone must do the groundwork. Conservative backbenchers in Parliament and the Senate must proceed in this fashion if they want their private member's bill to make it through all of the necessary steps. Senator Robichaud may call that insulting, but at least we all do it.

It is crucial to get the support of the minister's officials. The process is based on a dialogue with these people that may lead to changes to the bill over time, if necessary. Unfortunately, Senator Chaput did not follow the process.

[English]

Ultimately, even after not doing her homework with departmental and ministerial officials, I still helped to organize a meeting for her with the minister. She met with the President of the Treasury Board on a Monday afternoon to announce to him that she was tabling the bill on Wednesday. She met with him on Monday afternoon and was tabling the bill on Wednesday. She only made the bill available to him on Tuesday — less than 24 hours before tabling.

[Translation]

Why did she refuse to work with the minister and give him a copy of her bill for review? If the minister had found flaws, he might also have found solutions. The minister is responsible for examining the impact and consequences of all bills. It was incumbent upon the sponsor of the bill to work with the minister to reach an agreement or a compromise or to conclude that the process had failed. A sponsor must work as part of a team.

This is not rocket science. It is not a mystery or a well-kept secret. In fact, the secret is to work with the government and the minister. The minister is the individual who has to defend the private member's bill and sell it to his cabinet colleagues and the government.

All private members' bills go through this process, whether or not they are introduced by government MPs or senators. Passing bills in the federal government is a very serious matter. This is a substantial bill seeking to change a very important act, an act almost deemed semi-constitutional.

On May 1, 2012, Senator Chaput wrote to me to say that her bill had the unconditional support of the FCFA and the Quebec Community Groups Network. These two organizations represent official language minority groups, and they play a very important

role in our society. According to the senator, they gave their unconditional support more than two weeks before Senator Chaput introduced her bill in the Senate on May 16, 2012. That was two weeks before senators, officials and the minister could read it.

[English]

According to the senator, their unconditional support was, therefore, given over two weeks before she brought the bill into the Senate on May 16, 2012, for first reading — two weeks before senators, officials and the minister were able to see the bill.

[Translation]

Let us not forget that Senator Chaput had refused to give a copy of her bill to the minister and his officials. She waited until 24 hours before introducing it in the Senate to do so.

Either these two groups received a copy in advance, while the senator refused to do the same for the minister, or they gave their unconditional support to a bill they had neither seen, nor read.

I find it very odd that Senator Chaput refused to give a copy of her bill to the minister, who is key to achieving the support of cabinet and Parliament, but made it available to non-governmental organizations. I can assure you that the minister was prepared to listen. I also find it worrisome that before Senator Chaput tabled her bill, I met with the minister. He was sympathetic to the issues raised by Senator Chaput. I found his questions very thoughtful.

Moreover, the minister would have been open to a study of the concept of significant demand and any other section of the Official Languages Act for which he is responsible. But Senator Chaput did not avail herself of that opportunity. In my opinion, a backbencher should never slam the door in a minister's face. Given the positive attitude of the minister, this could have been, for the senator and her colleagues on the Standing Senate Committee on Official Languages —

[English]

Hon. Terry M. Mercer: According to Senator Comeau those are the rules? Is this written down somewhere? Are these rules according to Senator Comeau?

In other words, it is the government that generally makes these types of executive decisions.

• (1420)

Senator Comeau: Senator Mercer has something to say. I look forward to his comments on this. I really do. Usually he is a fountain of knowledge and profound reflection, so I look forward to his comments.

In the meantime, let me make mine.

[Translation]

Given the minister's positive attitude, this could have been a wonderful opportunity for the senator and her colleagues on the Standing Senate Committee on Official Languages to study the

issue and make recommendations concerning these important sections of the Official Languages Act.

If I were still a member of the Standing Senate Committee on Official Languages, I would be very concerned that the committee chair squandered such an opportunity.

Senator Chaput, as committee chair, knows that the members are very competent, motivated and interested and that they are concerned about issues involving the Official Languages Act.

By conducting a study, they would have had a hand in the outcome. They would have participated in the process, and often those who help find a solution are your most enthusiastic supporters.

The senator should not underestimate the respect people have for the studies and recommendations that come from the Standing Senate Committee on Official Languages, or any other Senate committee, for that matter. I have the utmost respect for recommendations from our committees.

Perhaps the recommendations and proposals coming from the Standing Senate Committee on Official Languages were slightly different from Senator Chaput's ideas, but the important thing is a favourable outcome.

[English]

There are financial implications to all of this. Senators will note that the proposals in the bill have not been costed. This is understandable because private members' bills cannot authorize new spending. Senator Mercer should be aware of this as well — more information he should be aware of. Only government ministers can authorize new spending. This reality is often forgotten by the public, and also occasionally by parliamentarians.

Ministers' warrants are required for new spending, which is another important reason it is essential to work with the minister. Therefore, private members' bills are drafted on the premise that funding for the proposal will be redistributed from existing program spending. This is not some minor detail.

Given that this bill would likely require significant resources to implement, we have to presume that existing official language programs would be cut to finance the new proposals if the minister is not prepared to authorize new funding.

Perhaps La Fédération des communautés francophones et acadienne du Canada and the Quebec Community Groups Network, which unconditionally support the bill, may give us some guidance in the redistribution of program funding. What is their preference? Will it be cuts to La Feuille de route? Will it be cuts to core operational funding for our representative groups in various provinces? I, for one, am certainly not prepared to recommend which official language programs are to be cut.

[Translation]

Because we support the idea of replacing the significant demand provision, perhaps she assumed that we would automatically support her bill. But that is not how it works.

I would like to encourage all senators who are considering supporting a doomed private member's bill to do their homework.

Remember to work with the minister responsible for the changes to public policy that you are proposing. It is not difficult to talk with the minister. You have nothing to lose and everything to gain. Using the media to put pressure on the minister is no substitute for good old-fashioned discussion.

[English]

Major public policy changes by means of private members' bills are inherently risky. Whom does one hold responsible if unintended or bad public policy becomes commonplace? Canadians certainly cannot hold the government or any one party responsible or accountable.

The bill was put forward by a backbencher. The vote is a free one, and majority rules. I realize that some on the other side may disagree with me on this, but, in spite of surface attraction, majority rule can have negative consequences when it impacts minorities. I have long believed there is a risk to the process of majorities making decisions for or against minority language rights. This becomes even more risky if accountability cannot be established.

We cannot have it both ways. If we open the door wide to minority language rights by means of free votes on private members' bills, the consequences can go either way. Be careful what you ask for: You might get it.

We are seeing in Nova Scotia what majorities can do to minorities with the NDP government's decision to disenfranchise the Acadian and Black communities of Nova Scotia. My colleague Senator Oliver is very much aware of the attack on our groups.

In the case of Nova Scotia, we can hold the NDP government to account in the next election, but this would not be possible with a private member's bill.

[Translation]

Honourable senators, I am not questioning Senator Chaput's good intentions. Her goal is to propose changes that could benefit Canada's official language minority communities. The committee that will be mandated to study this bill can thoroughly examine the suggestions, and I wish her good luck.

Hon. Maria Chaput: Will the honourable senator accept a question?

Senator Comeau: Yes.

Senator Chaput: Thank you. My question will be brief. Senator, first, I do not recognize myself at all in what you just said. My grandmother used to say that there are two sides to every coin.

One thing is true. I am a backbencher. I am a Liberal senator and so I am not in a good position to introduce a bill of this magnitude.

However, I have conducted exhaustive analyses. I have been working on this for years. I have held extensive consultations. As you know, I met with Treasury Board officials, and the information that was shared with them was the same as the information that was shared with the communities. I also even met with Tony Clement—thanks to you since no one else could have made this possible, I know—and, during our meeting, he clearly stated that the first step would be to introduce the bill. I was not alone at that meeting.

So I introduced the bill, and the minister had it in his hands the day before. To my mind, and I still feel this way today, I sincerely and honestly believe that the debate can and should be held in a Senate committee. That is where we should be studying it and asking all the questions you have asked today.

Why do you not agree with me?

Senator Comeau: As far as your discussion with Minister Clement is concerned — and you will correct me if I am wrong — he asked you for a copy of the bill and you refused to give him one. That is what I heard.

As for the questions that I asked, once Senator Chaput's bill goes to committee, we will study it. However, we will not study all the alternate solutions. The alternatives will not be considered.

Senator Robichaud: Why not?

Senator Comeau: We are studying a bill. Senator Robichaud, if you wish to provide instructions to the committee examining Senator Chaput's bill and carefully consider alternate solutions, then you could probably amend the motion. The motion regarding this bill is to refer the bill for study and not to study alternatives. That is my opinion. Let us conduct a thorough analysis, look at various options, and consider different means. But we are not looking at legislative, administrative or regulatory options.

We are going to study Senator Chaput's bill. No alternatives will be studied. You have been here for some time now, Senator Robichaud. You know all this. We are referring a bill, not a proposed study.

I believe I have answered your question.

• (1430)

Senator Robichaud: Honourable senators, I am having difficulty with Senator Comeau's understanding of the work of a committee that receives a bill: we study it. Unfortunately, it has become the norm to return the bill without amendment when the study has been completed. The purpose of the study is to examine the whole bill and determine whether amendments are needed without, of course, straying from the spirit of the bill. That is the committee's job.

[Senator Chaput]

If anyone believes that I am mistaken, please say so. If that is not what we are supposed to do, then we should just forget about the committee's work, as there would be no point to it.

Senator Comeau: Honourable senators, Senator Robichaud answered his own question. The role of the committee is to examine the bill, period. It does not examine alternatives or other means of achieving the bill's objectives. I have said this from the beginning: I support the concept of significant demand, important demand, and many of my colleagues in this chamber support it.

However, is Senator Chaput's means of achieving this objective the best one, or the only one? Will we not see if there are other means?

Senator Robichaud: Honourable senators, we are talking in circles. He just said that we will study it. I am suggesting that, when we study it in committee, we look at whether there are ways to improve it and we suggest amendments. You said that is not how it works.

That is why I said that we are talking in circles. In the end, you said: "Yes, we will take a look and we might propose some improvements." With that, honourable senators, I will stop talking, because I am not getting anywhere. Thank you.

Senator Comeau: I agree with you, Senator Robichaud, you are not getting anywhere.

Hon. Joan Fraser: Honourable senators, I have a suggestion and a question. My suggestion is that if Senator Comeau really believes that we must follow the process that he has decided to use to get the government's approval before tabling a private member's bill, he should ask the Standing Committee on Rules, Procedures and the Rights of Parliament to conduct an in-depth study of this process, to see if there is anything in the parliamentary traditions, rules or conventions that supports his interpretation. Perhaps changing our own rules would bring a benefit that I have not thought of. It is the Standing Committee on Rules, Procedures and the Rights of Parliament that should examine this issue.

We are talking about official languages. Senator Comeau, knowing you as I do, I was surprised to hear the language that you used while referring to our colleague, Senator Chaput. She is not merely a backbench senator. She is the Chair of our Standing Senate Committee on Official Languages. Moreover, she is someone who has a lot of experience with the struggle of official language minority communities. She dedicated her life to that cause. You are suggesting there were not enough studies and consultations, not enough information on the needs of minorities.

[English]

In the case of my community, I cannot speak for francophones, but I know something about English Quebec. I know that the Official Languages Committee, under Senator Chaput, conducted an exhaustive and thorough study — months and months of study — of the nature, needs, problems, advantages and difficulties of my community. It published a report which that community

thought was fantastic — for the first time, if anyone up here had paid any attention, I might add. May I simply ask if the honourable senator paid any attention to the proceedings of that committee and their report?

[Translation]

Senator Comeau: Honourable senators, I do not question Senator Chaput's position on Canada's official languages at all. She plays a major role in defending our official language minority communities. I do not question that at all, and I certainly have no doubt about her faith in the future of these communities, or her good faith. Not at all.

What I do question is her approach with this bill. Why not go through the Standing Senate Committee on Official Languages? Senator Chaput is not the only one who plays an important role in defending official languages. There are others, including Senator Champagne, Senator Mockler and many others on your side, such as Senator De Bané. The Official Languages Committee has some great defenders of the rights of official language minority communities, and of Canada's linguistic duality. Why not first do a study to see if there are other means? Again, I do not question her good faith but, rather, her approach.

Now, if it is insulting to say that a senator on either side is a backbench senator, I apologize. I personally consider myself a backbench senator, even though I may be sitting on a front bench. It may have been insulting to express myself in this fashion. Therefore, I withdraw that comment, because that was not my intention.

Still, I do question the approach. I can assure you that I met with Senator Chaput whenever we wanted to do so. The suggestions I made this afternoon were also made to her at that time.

I want to be absolutely sure that this is the approach that Senator Chaput wanted to use and that she was considering other approaches.

The idea of meeting the minister and working with him is not new. I just want to suggest a common-sense approach to my colleague. I worked with the minister. I remember that, on many occasions, when I took an interest in private members' bills, I would meet with ministers, even when a Liberal government was in office. I do the same now, even though it is a Conservative government. We are not required to do it. Anyone in this chamber can, at any time, introduce a bill without having mentioned it to anyone. Everyone has that right, but it is a good idea to consult with the minister, because it is the minister who must present the bill to his cabinet colleagues. There is no better way to defend a bill than to be thorough. In my opinion, such an approach was not followed.

Hon. Pierrette Ringuette: Would Senator Comeau take a question?

Senator Comeau: Yes.

Senator Ringuette: In your speech, and again just now, you talked about an approach that parliamentarians should take before they introduce a private member's bill, and you said that this approach should be a consultative process with the minister concerned and the minister's political assistants. Have I understood the approach you suggested in your speech, Senator Comeau?

Senator Comeau: Yes. One of the advantages of having served in the Senate for many years is that I rarely consult ministers before speaking in this chamber. This speech is Senator Comeau's speech. These suggestions are Senator Comeau's suggestions. These suggestions do not come from the government. I did not give this speech to the government simply because I like to defend my own speeches.

The suggestions I am making have not come out of some government policy; they are suggestions. You are fully entitled to reject them outright, ignore the minister and do as you please, but I am giving you suggestions, which, in my view, can be refuted.

• (1440)

Senator Ringuette: If I understand correctly, the honourable senator's suggestion stems from a practice in his caucus, as he seems to be really sure about it.

Honourable senators, all we can do is ask ourselves the following question. Since 2006, in the case of all private members' bills introduced in the House of Commons and the Senate by members of the Conservative caucus, the bill was first sent to the minister in question for approval, and this minister then went to cabinet to sell the bill to the other ministers. Is this what the honourable senator has just confirmed to this chamber?

Senator Comeau: I never said that.

Senator Ringuette: We have a bill before us. Bill C-377 was introduced in the House of Commons by Conservative MP Russ Hiebert, from South Surrey—White Rock—Cloverdale. Honourable senators, after listening carefully to Senator Comeau's speech, I can only conclude that Mr. Hiebert consulted with the Minister of Labour and the Minister of National Revenue, because the bill contains spending that must be authorized by a minister, as the honourable senator just said in his speech. Consequently, the honourable senator appears to be saying that what is good for a private member's bill from a member of the House of Commons should also be good for all senators, regardless of their party affiliation, and that all the senators in this chamber should follow the same approach before introducing a bill.

My colleague said it clearly. If a new procedure is going to be imposed in this chamber, the idea will certainly have to be sent to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Senator Comeau: Unfortunately, some senators are having problems hearing. Perhaps they should adjust their device.

I am going to repeat what I said, for the third or fourth time. That is not the case at all. There is no need to discuss it with departmental officials. There is no need to discuss it with

ministers' assistants or with the minister. If you want, you can discuss it with the postal employee in your riding. However, I can assure you that there is no need to do so. This is not a new procedure.

I am simply saying that, if you want to be successful, it is a good idea to meet with the minister's officials, with officials and with the minister. There is nothing extraordinary about this. I am not telling you any big secret. And you should not suggest anything other than what I am saying.

Senator Mitchell, I do not think I need to take any lessons from you on backtracking. I will look forward to your public comments, but not snide remarks from the benches. Just get up, and if you have something to say, say it, but do not make snide remarks from the background.

There is no big secret. Go and discuss it with the minister. You will be surprised at the good that will come of it. That is only a suggestion. You can take it or leave it.

[English]

Why do we not hear from Senator Mitchell?

[Translation]

Senator Ringuette: Honourable senators, I can assure you that I do not have any audio or visual problem. I want to put that on the record.

The Hon. the Speaker: I regret to announce that Senator Comeau's 45 minutes have expired.

[English]

Senator Mercer: Honourable senators, it is time to stop and just remember what has transpired here. I wish I had heard this speech in February 2004, when I was sworn into this place, because I obviously missed the lecture. I hope our new friends down in this corner, and our not so new friends in the other corner, are paying attention to this because these are now the new rules. These are the rules according to Senator Comeau. These are the rules that say, "Check your brain at the door; check your initiative at the door; check your imagination at the door; just go see the minister. If you have an idea, see if the minister says it is okay: 'Okay, Conservative backbencher, you can go do this now'; and how high do I have to jump for this?"

Honourable senators, this is beyond the pale. It is beyond belief that Senator Comeau stands here and lectures us and tells us to go see the minister. It was not that long ago when Senator Comeau sat over here, when he was part of the loyal opposition, and he was here to oppose and to present different ideas, different concepts and to use his brain to come up with some good ideas that might help change the way this country and this Parliament is run, but that is obviously not the case.

I advise His Honour and the Clerk, as we prepare for new senators as vacancies occur, and some vacancies will occur naturally over the next little while, that they should probably put in place a training session that explains to new senators to check their brains at the door, check their imaginations at the door, and make sure, if they are to do anything in here, to go see the minister and get his stamp of approval before doing anything.

[Senator Comeau]

Honourable senators, I am sorry I missed that lecture. Actually no, I am glad I missed that lecture back in 2004.

Hon. Jane Cordy: Honourable senators, I was going to ask the question of Senator Comeau, but time ran out. Senator Comeau kept referring to "the backbenchers." I have been here for 12 years. I have not heard of a Senate backbencher before. I wish Senator Comeau could answer. Is everyone in here a backbencher except for our one minister that we have? I do not know what a backbencher is in the Senate. I have not heard the term before. The honourable senator actually used the term, but I do not know if he was referring to Senator Comeau's comments or his own. I just do not know what it is.

Senator Mercer: When I first came to this place I was given a briefing by the then Leader of the Government in the Senate, Senator Carstairs. In that briefing I was told that we are all equal in this place and there are no backbenchers in this place. The exception is anyone who is a minister of the Crown — Senator LeBreton in this case and in previous times when we have had more than one minister in here — who of course are front-benchers because of their stature as ministers, but we are all equal. Some honourable senators who sit in the front row have no responsibilities other than to be senators. They may not be chairs or deputy chairs of committees; they may not have special duties as either leader or deputy leader. We are all equal.

Honourable senators, we all contribute in our own way. Yes, some of us take on some extra responsibilities on occasion, but that does not make us more special. It just means we are doing something different from our colleagues.

• (1450)

It is bizarre that Senator Comeau would try to distinguish between the status of different people in this chamber. We are all equal. Our newest colleagues down there are just as important and have just as much status as I, who has been here for a number of years, have. They have just as much status and importance as Senator Comeau, who has been here a lot longer than most of us. There is no such thing as a backbencher in this chamber.

Senator Cordy: Unlike in the House of Commons, honourable senators, where the Speaker has special privilege, in the Senate chamber, the Speaker is an equal among equals; is that not also correct? I think the answer is that we are all equals within this chamber, including the Speaker, and there is no such thing as a backbencher, as Senator Comeau is using the term.

Senator Mercer: Indeed. The Speaker, historically, has been named by the Prime Minister. I am one of those people who believes that, at the next opportunity, when the current Speaker is no longer in the chair, this chamber should elect the Speaker, as they do in the House of Commons because, if the Speaker is a servant of this chamber, then he should be chosen by this chamber.

Senator Cordy is absolutely right. He is equal to all of us. That is why, unlike in the House of Commons, the person who sits in that chair votes when he wants to vote. Most of the time, when he

votes, I am not in agreement with him, but that is okay. However, we are equal. His vote is as important as mine. I think that is another recognition. Senator Comeau did not enlighten us about that; he did not talk about us being equals in this chamber.

Senator Cordy: So, no backbenchers.

Hon. Lillian Eva Dyck: Would the honourable senator take another question? I just recently got moved back here and I thought I was being promoted by being moved farther to the front. What is the honourable senator's interpretation of that move?

Senator Mercer: First, I want to welcome the honourable senator to the neighbourhood. Second, I actually thought she was moved here to keep an eye on me, and she is not doing a very good job.

I think that is a great example. The honourable senator is certainly not a backbencher. She is an important member of several committees, an important representative of Saskatchewan and an important representative of the community from which she comes. I am honoured to be able to say that I sit next to the honourable senator.

An Hon. Senator: He has her back.

Senator Mercer: She has my back, I hope.

Senator Dyck: I have a supplementary question. Our honourable colleague, Senator Lovelace Nicholas, was also recently moved to the backbench. What is the honourable senator's comment with regard to that?

Senator Mercer: Senator Lovelace Nicholas comes here with a reputation that is extraordinary. She is an extraordinary leader within the Aboriginal community in this country. The leadership she has shown over the years has changed not just how Aboriginals are perceived in this country, but how our indigenous people are perceived in the world. This is a woman who, while very quiet and sometimes unassuming in this place, has a tremendous amount to offer and contributes when she feels she wants to contribute. She is not restricted to checking her brain at the door. She is not restricted to checking her imagination at the door, and she is not restricted to running off and checking with the Minister of Aboriginal Affairs and Northern Development when she has an idea about how to help her community.

Hon. Roméo Antonius Dallaire: The honourable senator is on a roll here. We are breaking new ground because I was also surprised by the term "backbencher" in this chamber. As it is new ground, there might be some precedence to try to establish.

Being a soldier in the artillery, I am used to surveying. We like to know geographically where we situate ourselves. I am wondering if the term "backbencher" has something to do with the geography in this chamber. As an example, in the good old days, when one sat below the salt, one knew one was really of the lower class and certainly not as appreciated by the head of the table. However, in this case, does "backbench" mean farther away from the chair or farther away from the mace, both left or right,

or front to rear? Can the honourable senator give us a bit of a definition of that?

Senator Mercer: I do not know of a definition, honourable senators, but, in some people's minds, it is farther away in their imagination. As he is a former soldier, a decorated soldier and an artilleryman who was always in the back firing to the front, I thought this would be the honourable senator's appropriate spot. He is close enough to the front where he can see the enemy and he can lob those shells in. I think the honourable senator is a general among men in this place.

[Translation]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today in support of Bill S-211 at second reading. It is very appropriate that this bill would be initiated and studied in this chamber.

I want to commend Senator Maria Chaput for her very important and necessary initiative, which seeks to make changes to Part IV of the Official Languages Act (communications with and services to the public).

The dedication of our honourable colleague deserves our support, our recognition and our appreciation. Over the years, she has consulted experts, Treasury Board officials, the minister and many groups and associations, and she has prepared this bill diligently and carefully,

Honourable senators, I would like to review the merits and the importance of this legislation. Modernizing Part IV of the Official Languages Act is a realistic objective and it is essential to better protect the linguistic rights of official language minority communities.

Bill S-211 seeks greater consistency with the spirit of the Official Languages Act, which is about promoting the use of official languages, supporting the development of official language minority communities and taking into consideration the changing reality of official language communities across the country.

Senator Comeau asked what was different now. That is the difference. The reality of official language communities is changing.

To me, the reason for this bill is very obvious, given the changes in the demographic and sociolinguistic contexts of our country since the Official Languages Act was passed in 1988. According to the most recent census, close to seven million Canadians were speaking primarily French at home in 2011, compared to 6.7 million in 2006. Close to ten million Canadians said that they can carry on a conversation in French, compared to less than 9.4 million in 2006.

Between 2006 and 2011, Alberta was the province with the highest growth rate among those for whom French is the mother tongue or the primary language spoken at home. That group went from 68,435 to over 81,000 in the 2011 census, an increase of more than 18 per cent over the previous census.

• (1500)

It is clear that the method of calculating significant demand set out in the existing regulations is no longer painting an accurate picture of these new realities. This method of calculation is no longer accurately reflecting the new demographic, sociolinguistic, legislative and legal contexts of official language minority communities, and this is restricting many people's right to be served in the minority language.

Bill S-211 proposes that the significant demand calculation be based instead on the number of people capable of communicating in the official language. This new approach is obviously logical and necessary. Furthermore, the current legislative context and recent court decisions support new adjustments to the Official Languages Act.

Senator Chaput gave an excellent summary of the merits of her bill in her speech on May 30, 2012, and I quote:

Despite its good intentions, the government is undermining official language communities instead of enhancing their vitality.

It is not difficult to understand why the legislation is inadequate. The current Part IV does not address the main factors that have redefined the image of official language communities in the past 30 years. The legislation does not take into account exogamy, immigration, or even the vitality of communities. Federal institutions decide whether or not to provide services in the minority official language without taking into consideration the main factors that characterize the region and the communities.

The Honourable Michel Bastarache, a former Supreme Court justice, confirmed this when he gave testimony before the Standing Senate Committee on Official Languages on October 26, 2009, and I quote:

I believe that on the occasion of the 40th anniversary of the Official Languages Act, we need to take a step forward and act positively by giving ourselves the means to go further in service delivery and to ensure that these services are genuinely accessible and adapted to the needs of communities...The government has the obligation not only to communicate with the individual in his or her language, but to provide service that is adapted to needs, as is done for the majority requesting service in the majority language.

The Association de la presse francophone is an organization in the field that supports Bill S-211. I received a letter from the organization's president, who wrote the following:

We understand that Bill S-211 contains changes that will allow the government to apply the act more fairly and more effectively.

Every element in Senator Chaput's bill works to improve the act's logic, as her bill is based on the reality facing communities and the travelling public.

A more detailed look at these amendments shows that, so far, the only regulations resulting from the Official Languages Act concerning communications with and services to the public were passed in December 1991. The regulations set out language requirements for federal institutions and the circumstances in which service in the official language of one's choice is justified.

The regulations currently in effect use "significant demand" to determine if services must be offered in both official languages. Significant demand is determined using statistical criteria that are complex, and purely mathematical, which means that certain areas of the country are denied services in one official language, regardless of changing demographics, actual needs and the institutional vitality of the community.

An excerpt from the Supreme Court's decision in *Beaulac* in 1999 encourages an approach that includes all members of the community that use both official languages. It says:

A simple approach, such as maternal language or language used in the home, is inappropriate *inter alia* because it does not provide a solution for many situations encountered in a multicultural society and does not respond to the fact that language is not a static characteristic.

This mathematical, mechanical process for determining demand for service is not in line with the fundamental goal of the Official Languages Act, which is to promote the development of francophone and anglophone minorities and the full recognition and use of French and English in Canadian society.

For example, in Alberta, 71,000 people use French as their first official language spoken, but over 238,000 people are able to hold a conversation in French. That is a discrepancy of over 167,000 people. In British Columbia, over 62,000 people use French as their first official language spoken, but close to 300,000 people can hold a conversation in French. That is a discrepancy of over 206,000 people. In Saskatchewan, 14,290 people use French as their first official language spoken, but 47,000 people are able to hold a conversation in French. That is a discrepancy of 32,710 people. In Manitoba, 41,365 people use French as their first official language spoken, but 104,630 people are able to hold a conversation in French. That is a discrepancy of 63,265. Do the math, honourable senators.

Clearly, the current legal definition of "francophone" set out in the regulations, which is determined by first official language spoken, is very limiting. Only those whose mother tongue is French are taken into account, which excludes many people who want to speak this language. A criterion that takes into account the use of or communication in the minority language would make it possible to better assess the impact of immigration, exogamy, graduates from immersion programs who want to use French and people with a knowledge of French on the demand for service in either official language.

Moreover, this definition is incompatible with the spirit of the Canadian Charter of Rights and Freedoms and the Official Languages Act, whereby the public as a whole and not just the members of a linguistic minority are entitled to receive services in both official languages.

[Senator Tardif]

Bill S-211 proposes that the calculation of significant demand be based on the number of people who can communicate in the second language or in one of the two official languages. This new approach would take into account the reality of a portion of the population that is far too often ignored in the current regulations.

A number of stakeholders, including the official languages commissioner, representatives from the francophone and Acadian communities, and experts who came to committee to testify, criticized the regulations because they fail to include certain qualitative criteria that would provide a true picture of the official language minority community.

In that regard, institutional vitality and the specific characteristics of the community would better reflect the real needs for services in either official language.

• (1510)

Senator Chaput is proposing the addition of a very relevant and worthwhile criterion, namely, that of institutional vitality, in order to change the way significant demand is determined.

I would like to quote our honourable colleague, Senator Rivest, who emphasized the great merit of this bill. He said:

Senator Chaput...proposes that...[we] take into account the number and presence, but also the vitality and dynamism of linguistic communities. This proposal aims to avoid depriving minority communities that have a hard time complying with numerical criteria and the purely mathematical side of things, but that are dynamic and creative and help make our country what it is.

Our honourable colleague, Senator Fraser, defined institutional vitality in a speech. She said:

Institutional vitality is a polysyllabic way of talking about the capacity of a community to continue to thrive, to live, to serve its members, to reflect its members and to be a true community for its members.

Could I have another five minutes, please?

[English]

The Hon. the Speaker pro tempore: Is more time granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Tardif: Thank you, honourable senators.

In short, it is to be a community for these people. It goes way beyond the simple question of how many members of a minority language group there are in any given geographical region or community.

It is essential to take institutional vitality into consideration, as the honourable Stéphane Dion pointed out in his February 5, 2013, speech entitled "Where Numbers Warrant: A Definition that Reflects the Reality of the 21st Century". He said:

Taking the vitality of communities into account is a natural extension of the existing legislation. It could even be argued that the government fails to meet its legal obligations when it uses purely numerical criteria to determine the level of bilingualism to which communities are entitled. [...] Moreover, with the passage of *An Act to amend the Official Languages Act* in 2005, the federal government and its institutions are required to take positive measures to support the development of official language minority communities and promote equality of status and use of English and French in Canadian society. Under this law, the federal government has a duty to enhance the vitality of communities. It cannot therefore evaluate communities based on purely numerical criteria that artificially lower their real numbers and do not take their vitality into account.

I agree completely with that assessment. A community that has initiatives in health, education, social services and the arts and culture, in its own language, must have the support of the federal institutions in its region. The government, under the Official Languages Act, is required to encourage the institutional vitality of such communities.

Let us now take a look at amendments made by Bill S-211 regarding the offer of services. The bill introduces the concept of equal quality in order to better reflect certain recent Supreme Court rulings that recognize the need for equal access to services of equal quality for members of Canada's two official language communities.

For example, the decisions of the highest court of the land in *Beaulac*, in 1999, and *Desrochers*, in 2009, show that the applicable standard is that of substantive equality. According to this standard, official language minorities must be treated differently in accordance with their particular circumstances and needs to ensure that their treatment is equivalent to that of the majority. These rulings remind us that exercising one's language rights is not equivalent to asking for an accommodation.

I do not have enough time to speak to the other aspects of the bill that are very important. But I can say, honourable senators, that this bill represents an important step for the linguistic duality of our country. Its objective is based on fundamental principles of fairness and equality, which are recognized by the highest courts in the land. Francophone minority communities are evolving, and legislators must amend the Official Languages Act without delay.

I encourage you, honourable senators, to support this important and necessary initiative to modernize the Official Languages Act and to send the bill to committee for in-depth study.

[English]

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time).

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

Hon. Gerald J. Comeau: Honourable senators, I move that the bill be referred to the Standing Senate Committee on National Finance.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator Comeau, seconded by the Honourable Senator Andreychuk that this bill be sent to the Standing Senate Committee on National Finance.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker *pro tempore*: This question is not debatable.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: Carried, on division.

(On motion of Senator Comeau, bill referred to the Standing Senate Committee on National Finance, on division.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-214, An Act to amend the Criminal Code (protection of children).

Hon. A. Raynell Andreychuk: Honourable senators, I have recently agreed to be the critic on this bill. It is a bill that I followed some time ago and I wish to prepare my notes for it, so I would ask to rewind the clock and adjourn the debate at this time.

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

(On motion of Senator Andreychuk, debate adjourned).

• (1520)

STUDY ON POTENTIAL REASONS FOR PRICE DISCREPANCIES OF CERTAIN GOODS BETWEEN CANADA AND UNITED STATES

SIXTEENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Mercer, for the adoption of the sixteenth report of the Standing Senate Committee on National Finance, entitled: *The Canada-USA Price Gap*, tabled in the Senate on February 6, 2013.

Hon. Joseph A. Day: Honourable senators, we are on reports of committees, No. 1. Could I ask the Honourable Senator L. Smith, in whose name this is adjourned, if it is his intention to speak further on the matter?

Hon. Larry W. Smith: Honourable senators, I ask that this motion be adjourned, please, in my name.

The Hon. the Speaker *pro tempore*: The matter stands adjourned.

Senator Day: We are still on No. 1.

Hon. Fernand Robichaud: It was moved for adoption, was it not?

Senator Day: There has been a motion by the person in whose name the matter had been adjourned. Senator L. Smith indicated he would be content that this matter be moved for adoption at this time.

The Hon. the Speaker *pro tempore*: It has already been moved for adoption so he cannot now ask again that it be adopted. This matter has been adjourned in the name of Senator Smith (*Sauvel*), who originally said the matter could be adjourned until the next meeting. Then Senator Day rose and he said something else, and I did not hear what he said. However, I want to bring to the attention of honourable senators that this was moved for adoption on February 6.

I should now ask Senator Smith, who has the floor, if he is now ready for the question.

Senator L. Smith: Yes, please.

The Hon. the Speaker *pro tempore*: It has been moved by the Honourable Senator Day, seconded by the Honourable Senator Mercer, that the sixteenth report of Standing Senate Committee on National Finance be adopted.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[Translation]

FRENCH EDUCATION IN NEW BRUNSWICK

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Losier-Cool, calling the attention of the Senate to the current state of French language education in New Brunswick.

Hon. Fernand Robichaud: Honourable senators, my colleagues have painted a rather clear picture of the current state of French education in New Brunswick and of education in the language of the minority.

I have no intention of repeating everything that has been said, but I do want to make some observations and perhaps review a little history. I assure you that my comments are not intended to stir up any kind of controversy.

The idea of preserving the French language among Acadians is nothing new. The clergy and religious institutions always encouraged the Acadian people to speak and read their language as best they could.

Our parents loved listening to and hearing people who spoke well, who spoke passionately and enthusiastically. Speaking well was valued. I can still hear my parents saying, “Oh, how I love to hear him speak”, referring to a new priest or a campaigning politician. There were also the preachers who used to come to us to preach retreats—I think that happened throughout the Catholic Church. People were required to follow these novenas religiously every day. It was often Capuchin friars who came, so the crowds were bigger. Even though their speeches and sermons could scare people and make them look at the consequences of their daily actions, they still enjoyed listening to these people who spoke well and left an impression.

Acadians were absolutely convinced that their language would be preserved and their economic lives improved through education.

I have mentioned before the large Acadian rallies in the late 19th century, when the Acadian flag and national anthem were adopted.

There were also organizations that affected the evolution of education in New Brunswick.

I would like to quickly mention the Ordre de Jacques-Cartier, founded in 1926. It was created to defend the interests of French Canadians in all aspects of Canadian society, including in Acadia. Acadian leaders joined, and the group was also known as La Patente. This organization wanted to more efficiently counter

hidden influences that hindered the economic and social advancement of French Canadians.

It disbanded in 1965 but, according to historians, La Patente played a role in raising awareness amongst Acadians and French Canadians.

Another organization that played a role in promoting French in Acadia was the Association acadienne de l'éducation, known as the AAE. This organization was founded in Campbellton, New Brunswick, in 1936, and was led by two Acadian bishops.

The AAE wanted to recruit students from French schools and their parents in order to preserve the language and religion. When I was in school, I remember making a donation, perhaps five or ten cents, to be able to wear an AAE pin, and I wore it with great pride.

The organization was started after the infamous regulation 32 was withdrawn. In 1928, the Baxter government loosened regulations to encourage the use of French in Acadian schools. That did not last long. In 1929, the government gave in to pressure from the opposition and withdrew it a few months later.

It was the Acadians' turn to protest loudly and to continue to organize. Under the auspices of the church, movements such as Action catholique de la jeunesse canadienne française were established. These Catholic action committees were found throughout the province, laid the groundwork for the AAE, and were guided by the same principle that faith is the guardian of language.

Honourable senators, real progress has been made in the education of French language minorities since the middle of the last century. I have already mentioned the important role played by the successive governments of Louis J. Robichaud and Richard Hatfield, in New Brunswick, in ensuring French language education for Acadians.

The progress made by francophone minorities elsewhere in Canada, especially in St. John and Fredericton, New Brunswick, was made possible by article 23 of the Canadian Charter of Rights and Freedoms in the Constitution Act, 1982.

Minorities have obtained the right to manage and control their educational institutions thanks to successive court rulings. Francophones have obtained the right to manage their own school system, and governments have had to fund French public schools.

Obtaining what is considered a legitimate right did not just happen by magic. It took legal battles, including appeals to the highest court in the land. When the rights of francophone minorities were affirmed, governments took action, and opponents and critics of bilingualism accused the courts of judicial activism.

That is why today, honourable senators, we can say that despite real progress, nothing can be taken for granted. We must always

be vigilant, not just because the forces of assimilation are ever-present, but because opponents are just as fierce.

As recently as last November, the editorial writers for New Brunswick English newspapers blamed bilingualism and the duality in education and health for the province's financial and budget difficulties, as well as the size of its debt.

• (1530)

Opposition to bilingualism is like an old, sleeping lion that periodically wakes roaring. What is particularly heartening about this recent episode is that Acadians stood up and said enough was enough.

About 100 leaders of the Acadian community released a letter setting the record straight. In it, they say that Acadians pay taxes too, and that the bilingual status of New Brunswick, and its bilingual workforce, give the province competitive advantages and revenues.

There are also taxpayers working in businesses related to arts and communications, as well as in the small and medium-sized businesses created by Acadians in every part of the province. These entrepreneurs include many University of Moncton graduates. And what about the millions of dollars spent by tourists who are attracted to Acadian festivals and artistic locales?

I find it rather interesting that the signatories of that letter are sons and daughters of Acadian fishermen, farmers and lumberjacks. Coming from the business and professional world, the vast majority of these Acadian men and women were trained in French and are obviously proud of their language and heritage. They have filled and continue to fill high-profile positions in the province.

That is how a minority community that is proud of its language can react to and express itself in the face of adversity. Today's Acadians know how to react because of the education they received and the pride they feel about the road travelled.

Fifty years ago, such an immediate and clear reaction would probably not have been possible. Pride in being able to speak and write one's language properly is the basis for the survival of a minority language. Clearly expressing what we think and, more importantly, transmitting what defines us — including our values

and our culture — to future generations will allow us to survive in French.

Incidentally, as the signatories of that letter mentioned, dialogue and compromise are key values for Acadians and francophones. That is what has enabled us to survive against all odds.

To ensure the survival of French in a minority setting, we are almost forced to wage a constant and continuous battle. That fight has to be fought every day. We must show resilience.

There are other dangers on the horizon. I am concerned about the impact of modern technologies on the written language. People are now "texting" and using abbreviations and sounds to write, which makes the teaching of French in our schools all the more important.

This takes me back to the old days when my mother, who had very little formal education, wrote using abbreviations or sounds because she had not had the chance to attend school. Quite often, there was not even a school around.

In English we say, "Back to the Future." That is what I think when I see young people, including my grandchildren, writing messages using a few abbreviations or words and understanding each other. I am afraid this could become a danger to our language. That is why we must be vigilant.

I hope that experts in the teaching of French are already looking at this phenomenon. Education for Acadians in New Brunswick has improved, but there is still work to do.

I think education in French will continue to train men and women who want to build a better world, a world of tolerance, a world where relations with others are respectful and where people are open to compromise.

However, we should not take anything for granted, and we have a duty to remain very vigilant.

(On the motion of Senator Fraser, debate adjourned.)

(The Senate adjourned until Thursday, February 14, 2013, at 1:30 p.m.)

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