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OFFICIAL REPORT
(HANSARD)

Thursday, March 7, 2013

The Honourable DONALD H. OLIVER
Speaker *pro tempore*

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THE SENATE

Thursday, March 7, 2013

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL WOMEN'S DAY

Hon. Mobina S. B. Jaffer: Honourable senators, International Women's Day represents an opportunity to reflect on how far we have come and what more we can do to advance the rights of women in Canada and around the world. Here in Canada, when I think about women's rights, my first thought is for the 582 missing or murdered Aboriginal women that the Sisters In Spirit campaign identified three years ago. We have no idea how that number may have grown since then. I wonder, honourable senators, whether we are doing everything we can to protect the rights of all Canadian women to live free of violence.

However, International Women's Day is also about recognizing progress. Last month, South Africa's National Prosecuting Authority announced an investigation into crimes against humanity committed by Zimbabwean President Robert Mugabe's political party. In a 2009 report, the NGO AIDS-Free World accused the ruling Zimbabwean party of a brutal, orchestrated, vicious campaign to intimidate voters by raping women associated with the opposition party ahead of the 2008 presidential elections. Human rights groups estimate that 2,000 women, ranging from 5-year-old girls to elderly grandmothers, were raped between May and July 2008. This is the first time an African government has used domestic laws to investigate another African country under universal jurisdiction for a crime of sexual violence.

The Globe and Mail called South Africa's decision a sign of the growing resistance to the use of rape as an organized political tactic.

Honourable senators, this is progress. As AIDS-Free World co-director Paula Donovan explained, South Africa's unprecedented investigation sends a very clear message to those perpetrators that this cannot be repeated, that we are all on notice and watching. Zimbabweans will vote on a new constitution in a little over a week. A few months later, presidential elections will be held, and President Mugabe will once again run as a candidate.

Honourable senators, the situation in Zimbabwe is hardly unique. A 2009 report cites a United Nations Population Fund figure of 15,996 new instances of sexual violence in a single year in the Democratic Republic of Congo. Sixty-five per cent of the victims are children. Ten per cent of them are under 10 years of age.

Last October, Prime Minister Harper announced Canada's commitment to playing a leadership role in the international campaign to prevent conflict-related sexual violence. According to section 6 of Canada's Crimes Against Humanity and War Crimes Act, every person who commits, outside Canada, a genocide, a crime against humanity or a war crime is guilty of an indictable offence and may be prosecuted for that offence by Canada.

Honourable senators, on this International Women's Day we need to summon the will to act and to protect the women who have been raped in the Democratic Republic of Congo. Canada can learn from the action of South Africa. We as a country need to protect women and children of the Democratic Republic of Congo.

Hon. Elizabeth (Beth) Marshall: Honourable senators, tomorrow, March 8, we will celebrate the one-hundred-and-second anniversary of International Women's Day, which offers us the opportunity to pay tribute to women's contributions to society both in Canada and throughout the world. This year's theme is "Working Together: Engaging Men to End Violence against Women." Women play important roles in their families and communities and are key to our country's and world's prosperity. On International Women's Day 2013, we call on all Canadians to work together to end violence against women.

Any form of violence against women has been recognized, at both national and international levels, as a serious and ongoing impediment to gender equality and women's human rights and fundamental freedoms. It is a time to engage communities and men in considering concrete actions to eliminate all forms of violence against women.

Canada's theme on International Women's Day aligns with the fifty-seventh meeting of the United Nations Commission on the Status of Women. This week, Minister Ambrose led the Canadian delegation to address this issue on the international stage.

Our government is committed to ending all forms of violence against women and girls at home and abroad. It has increased funding to the women's program to its highest level in Canadian history, funding over 550 projects across Canada since 2007. Our government is taking action to protect the most vulnerable women in Canadian society.

Canada is a world leader in the promotion and protection of women's rights and gender quality. Gender equality is not only a human rights issue but also an essential component of sustainable development, social justice, peace and security. These goals will be achieved only if women are able to participate as equal partners, decision makers and beneficiaries of the sustainable development of their societies. Protection and advancement of women's human rights remains a central foreign policy priority for Canada, both in bilateral discussions and in multilateral fora. Canada actively promotes the integration of women's human rights throughout the United Nations system.

• (1340)

Honourable senators, I invite you to join me and Canadians from coast to coast as we celebrate progress toward equality for women and their full participation; reflect on the challenges and barriers that remain; and consider future steps to achieving equality for all women in all aspects of their lives.

Hon. Céline Hervieux-Payette: Honourable senators, tomorrow is a very important day for women all around the world. In honour of International Women's Day, my statement today pertains to the opportunity for advancement of women in Canadian society and in the world.

As some of you may know, the Conservative's 2012 Economic Action Plan proposed an advisory council of leaders from the private and public sectors to promote women's participation on corporate boards. This advisory council would serve as an alternative to creating new legislation. However, since then, we have not heard a thing from this advisory council.

Since 2008, at least nine countries, including Norway, Spain, France and Italy, have adopted a 40-per-cent requirement for diversity on corporate boards. Other countries do not have a fixed percentage, but instead have set targets for women that companies are either required to comply with, or must explain publicly why they are not. Canada does not have anything but a vague advisory council.

A study done this year by Catalyst shows that today, while women make up 47 per cent of the Canadian labour force, only 17 per cent of board seats in the 500 largest Canadian corporations are held by women and 30 per cent of these companies do not have a single woman on their board. It is very embarrassing.

[*Translation*]

Honourable senators, I think that International Women's Day is the perfect day to reflect and look for solutions to improve the lives of women. It is also an opportunity to recognize how far women have come and to remember that progress has happened fairly recently and remains fragile. We still have a long way to go.

The status of women has improved significantly over the past four decades, but the final frontier is power, power within government and in the business world. That is just as important as all of the barriers we have overcome to date. Legislators here must work to change things, just as those in other countries have done.

They must see this as a personal challenge. If the advisory council is struck — we have no idea who will be on it — it will serve no purpose unless there is legislation in place requiring companies to appoint women to their boards.

This year's theme for International Women's Day is "A promise is a promise: Time for action to end violence against women". It is time that the Government of Canada realized that violence is not just physical; violence is also social injustice. There can be no genuine peace as long as women are not sufficiently represented in all aspects of Canadian society to condemn injustice and help build a better society.

UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN

Hon. Suzanne Fortin-Duplessis: Honourable senators, last Tuesday, I participated in the 57th session of the United Nations Commission on the Status of Women. The meeting brought together thousands of representatives of the United Nations, governments, civil society, the media and the private sector from around the world. One of the primary objectives of this gathering was to study the elimination and prevention of all forms of violence against women and girls.

This basic exercise made it possible to review the progress made, share experiences and best practices, analyze shortcomings and challenges, and decide on priority measures in order to completely eradicate violence against women and girls.

As parliamentarians, I believe that it is our duty to raise awareness and to urge men and women throughout the world to take action against this violence.

The UN Secretary-General indicated that the global pandemic of violence against women too often thrives in a culture of discrimination and impunity. That is why we must take strong action against this problem, enact robust legislation and implement education and prevention services so that women and girls can live their lives free of violence.

In this regard, many measures have been taken by the Government of Canada to protect women and girls and prevent and reduce this type of violence. I am thinking, for example, of how the government has strengthened our crime laws in order to increase sentences for violent crimes. I am also thinking of the increase in the age of consent for sexual activity and the measures taken to allow legal stakeholders to more effectively manage the threat posed by people who are at high risk of sexual recidivism or violence.

The Government of Canada also supports many community initiatives and projects designed to address new challenges, such as violence perpetrated in the name of so-called "honour" and involving men and boys in preventing violence. Our government is also making great efforts to combat the violence done to Aboriginal women and girls and continues to believe that the measures taken in the areas of education, housing and health will help to prevent and reduce such violence.

Finally, Canada is working with a number of other countries to strengthen the implementation of mechanisms to protect the rights of children and youth, particularly girls, who are at higher risk of becoming victims of violence and exploitation.

In closing, progress has been made throughout the world, but there is still much work to be done. By working together, we will be able to advance this cause.

[*English*]

THE LATE STOMPIN' TOM CONNORS, O.C.

Hon. Catherine S. Callbeck: Honourable senators, last night we lost a Prince Edward Island and Canadian cultural icon. The legendary Stompin' Tom Connors passed away, surrounded by his family, at the age of 77 years.

Born in New Brunswick and raised in Skinner's Pond, Prince Edward Island, he travelled across the country at the age of 14, wandering from town to town and picking up odd jobs. It is said that his music career began with a few songs played at a bar in Timmins, Ontario, because Tom was a nickel short of the price of a pint of beer.

In 1970, he released his first album and "Bud the Spud" became a hit.

With his trademark black cowboy hat, size 12 cowboy boots and piece of stomping plywood, he delighted fans young and old for more than four decades. He was awarded a number of Junos, which he famously returned in protest, and he refused induction into the Canadian Country Music Hall of Fame. He did accept being named an Officer of the Order of Canada, the Golden and Diamond Jubilee Medals, and his own postage stamp.

I had the great pleasure of knowing Stompin' Tom. He was proud of his Island roots and a truly great Canadian. From "Sudbury Saturday Night" to "Canada Day, Up Canada Way" to "My Stompin' Grounds," his vast collection of songs told the story of this country from one coast to the other. "The Hockey Song" has become an unofficial anthem for our national sport and is played at minor and major league games in rinks everywhere. He was a fierce patriot and a proud promoter of all things Canadian.

In the days leading up to his death, Stompin' Tom wrote a final letter to his fans. His family posted it on his website last night. He closed the letter with the following words:

> I humbly thank you all, one last time, for allowing me in your homes, I hope I continue to bring a little bit of cheer into your lives from the work I have done.

There is no doubt that his music will carry on in the years to come. He recorded 61 albums, of which 10 have yet to be released. I can think of no greater legacy than Canadians' continued love and appreciation for the songs that Stompin' Tom has left behind.

I extend my sincere sympathy to Tom's wife, Lena, his two sons and two daughters, his grandchildren, and his friends and loved ones. I am certain that his absence will be sorely felt by all those who had the good fortune to know him.

Hon. Senators: Hear, hear!

• (1350)

WORLD PLUMBING DAY

Hon. Donald Neil Plett: Honourable senators, next Monday, March 11, is "Be Kind to Your Plumber Day." Actually, it is the fourth annual World Plumbing Day. It is a day celebrated around the world not to recognize plumbers, although they surely need it now and again, but to recognize the need for clean drinking water and good sanitation services, which are imperative for our health and safety.

As I stated last year, the United Nations declared 2005 to 2015 the International Decade for Action "Water for Life." This initiative places a focus on increased attention to water-related issues and shows how important clean drinking water and basic sanitation are for our health.

This decade of action includes international goals of giving 97 million more people access to safe drinking water, as well as 138 million more people access to sanitation services by 2015. UN statistics show that currently 783 million people live without clean drinking water. Moreover, 3.1 million lives around the world, most of them children under the age of five, are claimed each year as a result of preventable diseases related to water and sanitation.

Basic maintenance of plumbing systems helps prevent the spread of diseases and viruses. Plumbing systems require maintenance over their lifetime, and the chances of a system functioning safely grow exponentially when the person who is performing maintenance is a trained, professional plumber. For instance, routine maintenance on a plumbing system may have discovered a failed P-trap before the SARS coronavirus was introduced to it. System maintenance works drastically to reduce the likelihood of the type of failure that facilitated the spread of the SARS virus in Hong Kong.

System maintenance steps are often bypassed, which causes increased health risks. Seven and a half per cent of all deaths in India, over 700,000 people each year, are attributed to water and sanitation-related causes. This, honourable senators, is similar to my home city of Winnipeg being wiped out each and every year.

Honourable senators, all levity aside, basic sanitation and sound plumbing practices do save lives.

On April 30, the Canadian Institute of Plumbing & Heating and the Mechanical Contractors Association of Canada are having a day on the Hill. I hope honourable senators will be able to join us at some point throughout that day. If honourable senators are presented with an opportunity, next Monday, March 11, please give your plumber a hug.

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

Hon. Sandra Lovelace Nicholas: Honourable senators, I stand today to honour the memories of hundreds of murdered and missing Aboriginal women and girls and to honour their families left behind.

I stand today to honour the women who went missing on the Highway of Tears and the families left behind. I stand today to honour the loss of thousands of students who died or went missing while attending residential schools and those who were buried on the schools' properties in unmarked graves. I honour the grandmothers, mothers and sisters left behind.

Honourable senators, I stand today to honour single mothers living in poverty in mould-infested homes, struggling to feed their children.

I stand today to honour all women on International Women's Day who are less fortunate than I.

Hon. Senators: Hear, hear!

THE LATE STOMPIN' TOM CONNORS, O.C.

Hon. Joseph A. Day: Honourable senators, I join Senator Callbeck in paying tribute to Stompin' Tom Connors, who passed away at the age of 77 at his home in Halton Hills, just north of Toronto. Stompin' Tom was born and spent his early years in my hometown of Saint John, New Brunswick, before moving to Skinner's Pond on Prince Edward Island at the age of nine. Though his career took him across Canada many times — more than anyone could count — he never forgot the Maritimes and made sure to return frequently.

At the age of 14, as honourable senators have heard, Tom Connors left home to hitchhike across Canada, a journey that would transform him into the Stompin' Tom we are familiar with today. The wonderful story of being a nickel short for a beer, which resulted in his playing a few songs at the Maple Leaf Hotel in Timmins, Ontario, resulted in a 13-month contract. This moment of the 13-month contract also led him to a writing partnership with a bartender, Mr. Lepine. Out of that partnership came "Sudbury Saturday Night," and all honourable senators have heard those wonderful lines:

> Well the girls are out to bingo
> and the boys are gettin' stinko
> We'll think no more of Inco on a
> Sudbury Saturday night.

Few ever earn a nickname as powerful as Stompin' Tom. He told us that he would stomp on the board in order to keep the rhythm in noisy establishments where he performed. Where other artists today wear earpieces to help keep rhythm, Stompin' Tom's low-tech solution is but one of the many blue-collar qualities that endeared him to so many of us across the country with his guitar and stomping board as he proceeded across the country.

Stompin' Tom immersed himself into Canada's cultural fabric. The inspiration for his songs came from his pride in being Canadian and the gritty nature of the people he met. His enormous catalogue included songs such as "Tillsonburg," which is about his days picking tobacco in Tillsonburg, Ontario. It was a very common adventure for young Maritimers back in those days. Not far from Tillsonburg he was inspired to write "The Ketchup Song"; he was at the tomato-growing capital of the world.

Those back home would never forgive me if I did not mention his song "Reversing Falls Darling," the first song that Tom ever wrote. The song goes something like this:

> In Saint John, New Brunswick, a city by the sea,
> There is a girl awaiting, she's longing for me,
> Goodbye, Alberta, I'm gonna roam,
> Back to my darling, back to my home.

There is "The Hockey Song," which will no doubt introduce generations to Stompin' Tom Connors. By way of other songs, Stompin' Tom will go down as one of Canada's great musical historians, recording what life was like in the towns and villages he visited across Canada.

[*Translation*]

These songs are as much a part of our culture as the songs by Gilles Vigneault and Félix Leclerc.

[*English*]

We lost a great Canadian yesterday, but as Tom said himself, there are those who have been inspired and picked up on his songs who will undoubtedly pick up and carry the torch.

Hon. Elizabeth Hubley: Honourable senators, I too would like to take a few minutes to pay tribute to a great Canadian who passed away yesterday, Charles Thomas "Stompin' Tom" Connors.

As many honourable senators know, Stompin' Tom grew up in a very small town on the west end of Prince Edward Island, fairly close to where I come from, Skinner's Pond. Islanders are very proud to call him one of our own.

Stompin' Tom was one of Canadians' most-loved country and folk singer-songwriters. He spent much of his life travelling our great country and wrote many famous songs about the places and people he saw along the way.

• (1400)

There was "Sudbury Saturday Night," "Big Joe Mufferaw," "Gumboot Cloggeroo" — and I am sure Senator Comeau and I could probably raise the chorus once in a while; we did before — "Tillsonburg," and our favourite on the Island, "Bud the Spud," just to name a few.

For anyone who saw Stompin' Tom in person, they would marvel at his remarkable stage presence. He stood on a wooden board so that he could stomp out the syncopated rhythm of the song with his famous black cowboy boots. This became his trademark.

As we reminisce about this legendary patriotic Canadian, I wanted to share a letter he wrote to his fans before his passing:

Hello friends,

I want all my fans, past, present, or future, to know that without you, there would have not been any Stompin' Tom.

It was a long hard bumpy road, but this great country kept me inspired with its beauty, character, and spirit, driving me to keep marching on and devoted to sing about its people and places that make Canada the greatest country in the world.

I must now pass the torch, to all of you, to help keep the Maple Leaf flying high, and be the Patriot Canada needs now and in the future.

I humbly thank you all, one last time, for allowing me into your homes, I hope I continue to bring a little bit of cheer into your lives from the work I have done.

Sincerely,

Your Friend always,

Stompin' Tom Connors

[*Translation*]

ROUTINE PROCEEDINGS

PUBLIC SECTOR INTEGRITY COMMISSIONER

MATTER OF AN INVESTIGATION INTO A DISCLOSURE OF WRONGDOING AT THE CANADA BORDER SERVICES AGENCY—REPORT TABLED

The Hon. the Speaker *pro tempore***:** Honourable senators, I have the honour to table, in both official languages, the Office of the Public Sector Integrity Commissioner's case report of findings in the matter of an investigation into a disclosure of wrongdoing, pursuant to subsection 38(3.3) of the Public Servants Disclosure Protection Act.

HUMAN RIGHTS

BUDGET—STUDY ON ISSUE OF CYBERBULLYING—TENTH REPORT OF COMMITTEE PRESENTED

Hon. Mobina S. B. Jaffer, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 7, 2013

The Standing Senate Committee on Human Rights has the honour to present its

TENTH REPORT

Your committee, which was authorized by the Senate on Wednesday, November 30, 2011, to examine and report on the issue of cyberbullying in Canada with regard to Canada's international human rights obligations under Article 19 of the *United Nations Convention on the Rights of the Child*, respectfully requests supplementary funds for the fiscal year ending March 31, 2013.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the supplementary budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted

MOBINA S. B. JAFFER
Chair

(For text of budget, see today's Journals of the Senate*, Appendix, p. 2001.)*

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

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

STUDY ON POLITICAL AND ECONOMIC DEVELOPMENTS IN BRAZIL

FIFTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE—GOVERNMENT RESPONSE TABLED

Leave having been given to revert to Tabling of Reports:

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the government response to the fifth report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Intensifying Strategic Partnerships with the New Brazil*.

[*English*]

FIRST NATIONS FINANCIAL TRANSPARENCY BILL

ELEVENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Vernon White, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Thursday, March 7, 2013

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill C-27, An Act to enhance the financial accountability and transparency of First Nations, has, in obedience to the order of reference of Thursday, December 13, 2012, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

VERNON WHITE
Chair

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

(On motion of Senator Patterson, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

CORRUPTION OF FOREIGN PUBLIC OFFICIALS ACT

BILL TO AMEND—ELEVENTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE PRESENTED

Hon. A. Raynell Andreychuk, Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, March 7, 2013

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

ELEVENTH REPORT

Your committee, to which was referred Bill S-14, An Act to amend the Corruption of Foreign Public Officials Act, has, in obedience to the order of reference of February 27, 2013, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

RAYNELL ANDREYCHUK
Chair

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

(On motion of Senator Johnson, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-42, An Act to amend the Royal Canadian Mounted Police Act and to make related and consequential amendments to other Acts.

(Bill read first time.)

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

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

HUMAN RIGHTS

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

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights have the power to sit on Monday, March 25, 2013 at 4 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

• (1410)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO COMMITTEE TO STUDY SECURITY CONDITIONS AND ECONOMIC DEVELOPMENTS IN THE ASIA-PACIFIC REGION

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

THAT, the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on security conditions and economic developments in the Asia-Pacific region, the implications for Canadian policy and interests in the region, and other related matters; and

THAT the committee submit its final report to the Senate no later than March 31, 2014 and that the committee retain all powers necessary to publicize its findings until April 30, 2014.

[*Translation*]

QUESTION PERIOD

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Callbeck on October 23, 2012, concerning mental health funding.

[*English*]

Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Cordy on December 6, 2012, concerning First Nations and generic OxyContin.

[*Translation*]

HEALTH

MENTAL HEALTH

(Response to question raised by Hon. Catherine S. Callbeck on October 23, 2012)

Mental illness can affect Canadians of any age, culture or income level. Addressing this important issue requires the combined efforts of all levels of government, health professionals, communities, workplaces and individuals.

Decision-making about health care is best left to the provincial, territorial, and local levels. While the federal government cannot dictate to the provinces and territories how to deliver services, or set priorities, there is a role for the federal government in helping to improve mental health among Canadians.

In 2007, our Government invested $130M over ten years to establish the Mental Health Commission of Canada to be a national focal point on mental health and to help change the attitudes of Canadians towards mental illness.

Through the Opening Minds Campaign the Commission has been funded to address the serious issue of stigma associated with mental illness and to begin to create a national dialogue on this important issue.

The important work of the Commission has resulted in Canada's first ever national mental health strategy, *Changing Directions, Changing Lives*. The Strategy, released in May 2012, will help guide Canada's actions for years to come and underscores that we must all work together to improve the mental health system in Canada.

In addition:

- In 2008, Health Canada provided an additional $110M over five years to the Commission to undertake five research projects on homelessness and mental illness. The At Home / Chez Soi project is providing evidence on the use of the "Housing First" approach to address chronic homelessness among people who also have mental health issues; homeless people are given access to housing through rent subsidies and to mental health/support services.

- In order to assist provinces and territories address short-term pressures in the supply of affordable housing, including transitional and supportive housing, Budget 2006 provided $800 million to establish the Affordable Housing Trust. In addition, as part of the government's 2008 commitment to housing and homelessness, the government renewed the Homelessness Partnering Strategy (HPS) for two years and committed to maintain annual funding at the current level of $134.8 million per year until March 2014.

- Budget 2012 included $5.2 million to establish the Canadian Depression Research and Intervention Network. Led by the Mood Disorders Society of Canada, this network will connect over 80 of Canada's brightest depression researchers across the country. This network will look at better treating depression with a focus on suicide prevention and post-traumatic stress disorder.

Building our knowledge base through strategic research investments is an essential component of bringing real world solutions to bear on improving mental health and resolving mental health problems. That is why this Government has committed to investing in world class research excellence.

- Since 2006, more than $374 million has been invested in mental health and suicide prevention research through the Canadian Institutes of Health Research (CIHR), with more than $28 million towards suicide prevention.

- CIHR has partnered with the Mental Health Commission of Canada on the new mental health strategy. For example, CIHR's Institute of Neuroscience, Mental Health and Addictions, will be working with the Commission to develop a national research strategy on suicide prevention. This will help to fill key knowledge gaps on suicide to better inform interventions.

- CIHR also supports mental health and suicide research as it relates to Aboriginal peoples. In June, 2012, Aboriginal Affairs and Northern Development and Health Canada announced $25M in funding for the CIHR initiative *Pathways to Health Equity for Aboriginal Peoples*. This funding will be used to establish programs to address four critical health inequities affecting First Nations, Inuit and Métis, one of which is mental health/suicide.

- In addition, CIHR and the Graham Boeckh Foundation are each providing $12.5 million in funding for a total investment of $25 million in the Patient-Oriented Network in Adolescent and Youth Mental Health. This research network will improve the care provided to young Canadians with mental illness by taking research findings and using them in practice and policy.

- The Canada Brain Research Fund provides yet another example of our Government's commitment to bring various stakeholders together to collaborate on research that aims to advance knowledge and treatment of brain disease and mental disorders. In May 2012 our Government announced that it would be providing up to $100 million in matching funds over the next six years to create the Canada Brain Research Fund.

In 2012-13 Health Canada is providing approximately $261 million to support First Nations and Inuit mental health and addictions programs, including mental health promotion, addictions and suicide prevention, counselling and other crisis response services, treatment and after-care services. For example:

- Through the National Aboriginal Youth Suicide Prevention Strategy, Health Canada invested $75 million over 5 years (2010-2015) to support prevention, intervention and crisis response in approximately 150 First Nations and Inuit communities.

- The Brighter Futures / Building Healthy Communities programs have an annual budget of $89 million to provide funds to all First Nation communities for activities supporting improved mental health, child development, parenting skills, and healthy babies. In addition, support to address mental health crises is provided.

- Through the National Native Alcohol and Drug Abuse Program (NNADAP) and the National Youth Solvent Abuse Program (NYSAP), Health Canada provides approximately $92 million in 2012-13 in addictions programming, which supports a network of 58 treatment centres, as well as drug and alcohol prevention services in over 550 First Nations and Inuit communities across Canada. A further $10 million will be invested under the National Anti-Drug Strategy to improve access to quality addictions services for First Nations and Inuit.

- Indian Residential Schools Resolution Health Support Program: Budget 2012 provided an additional $57 million in 2012-13 for this Program to continue to meet the increased demand for emotional and health supports services requested by eligible former students and their family members.

- Non-Insured Health Benefits Mental Health Crisis Counselling, with expenditures of $13 million in 2011-12, provided coverage to eligible First Nations and Inuit for a limited range of early-intervention, short-term mental health services to address at risk situations.

- Health Canada, in partnership with the Assembly of First Nations and the Inuit Tapiriit Kanatami, developed a First Nations and Inuit Mental Wellness Strategic Action Plan to improve systems and services. This Strategic Action plan has informed Health Canada's ongoing work and the priorities it established were reflected in the Mental Health Commission of Canada's recently released national mental health strategy.

- Health Canada is currently working with partners to develop a First Nations Mental Wellness Continuum Framework which will describe a comprehensive framework of mental wellness services and identify opportunities to build on community strengths and control of resources, strengthening existing mental wellness programing for First Nations communities. Work with Inuit partners to develop a parallel process to develop an Inuit Mental Wellness Continuum Framework is ongoing.

Mental Health promotion activities are designed to improve the capacity of individuals and communities to take control over their lives and improve their mental health. These activities aim to foster individual resilience and promote socially supportive environments. The Public Health Agency of Canada works to promote mental health through a range of initiatives, including:

- Over $116 million each year in community-based health promotion programs for children. These programs, including the Aboriginal Head Start in Urban and Northern Communities program, the Community Action Program for Children and the Canada Prenatal Nutritional Program support the emotional, intellectual and physical development of children and promote mental health.

- Another $27 million over 5 years has been invested through the Innovation Strategy to support projects in 230 communities across Canada. These efforts will reduce barriers to positive mental health for our children, youth, and families.

GENERIC OXYCONTIN

(Response to question raised by Hon. Jane Cordy on December 6, 2012)

Reducing and preventing Prescription Drug Abuse (PDA) in First Nations communities requires a comprehensive, multi-sectoral and multi-disciplinary response. Health Canada continues to support work at the community, regional and national levels in the domains of coordination, policy, prevention, treatment, and research/surveillance.

Health Canada's Non-Insured Health Benefits (NIHB) Program provides coverage for a limited range of goods and services, such as prescription drugs, to First Nations and Inuit when they are not insured elsewhere. The Non-Insured Health Benefits Program is Health Canada's national, medically necessary health benefit program that provides coverage for benefit claims for a specified range of drugs, dental care, vision care, medical supplies and equipment, short-term crisis intervention mental health counselling and medical transportation for eligible First Nations people and Inuit.

Health Canada has taken action to prevent and respond to potential misuses of prescription drugs, so that First Nations and Inuit clients can get the medications they need without being put at risk. The NIHB Program has established a wide range of client safety measures such as restrictions on coverage of drugs of abuse, and warning and rejection messages to pharmacies when clients access multiple drugs of abuse.

NIHB's Prescription Monitoring Program (PMP) monitors clients' utilization of certain drugs of concern in order to identify and address potential misuses, and to prevent 'double-doctoring', which occurs when a client visits more than one doctor for the same prescription during the same time period.

There is also an ongoing review and trend analysis of utilization, prescribing and dispensing patterns, including instances of prescription drug misuse and abuse.

NIHB has also established maximum quantity limits for drugs subject to abuse, and changed the listing status of long acting oxycodone (OxyNeo) on the NIHB Drug Benefit List (DBL) from Limited Use to Exception Status.

OxyContin was subsequently removed from the NIHB DBL as it is no longer available to the Canadian market. OxyNeo will continue to be available for coverage by the NIHB Program only on an exceptional basis, such as for clients with palliative or cancer related pain. Exception Status drugs require a justification from the patient's prescriber and a full review by an NIHB Drug Exception Centre pharmacist.

The NIHB Program has taken the issue of determining if coverage should be provided for generic versions of OxyContin to the external, expert Drugs and Therapeutics Advisory Committee (DTAC). The DTAC is comprised of highly qualified health professionals including First Nations physicians, and plays an important role in advising First Nations Inuit Health Branch on PDA related matters, including client safety measures and surveillance activities.

In 2011, an internal Prescription Drug Abuse Coordinating Committee (PDACC) was established to provide strategic advice to FNIHB on issues related to prescription drug abuse for First Nations and Inuit. In 2012, PDACC expanded to include senior representatives from across Health Canada, the Assembly of First Nations, the National Native Addictions Partnership Foundation, and the Canadian Centre on Substance Abuse (CCSA). The PDACC plays an important role in providing strategic advice on issues related to PDA for First Nations and Inuit with a focus on coordination, surveillance/research, policy, prevention and treatment.

In addition, CCSA is currently working on the development of a national strategy to address prescription drug misuse. Health Canada has committed to work in partnership with CCSA on this strategy to help make sure that the specific issues of First Nations are considered in any pan-Canadian approach.

Health Canada recognizes that reducing and preventing OxyContin abuse and other forms of PDA must include support for addictions and treatment programs.

That is why Health Canada is investing approximately $92 million in 2012-13 to support First Nations and Inuit communities to deliver addictions prevention and treatment programming. This investment includes funding to support a network of 58 treatment centres as well as drug and alcohol prevention services in over 550 First Nations and Inuit communities across Canada through the National Native Alcohol and Drug Abuse Program and the National Youth Solvent Abuse Program.

This investment also includes approximately $10.1 million per year, through the National Anti-Drug Strategy, to improve the quality, effectiveness, and accessibility of addiction services for First Nations and Inuit.

In July 2012, the Minister of Health announced that Health Canada would be providing an additional $1.5 million in 2012-13 to address prescription drug abuse in First Nations communities. This investment is supporting the areas of service provision and continuum of care, integration of services and enhanced collaboration among service providers, and capacity building, training and education.

Health Canada will also contribute an additional $2 million to support community-based programming in First Nations communities in Ontario where PDA is most acute.

Additionally, Health Canada, in partnership with the Assembly of First Nations (AFN) and the National Native Addictions Partnership Foundation (NNAPF), recently completed a comprehensive, community-driven review of substance use-related services and supports for First Nations, resulting in the development of *Honouring Our Strengths: A Renewed Framework to Address Substance Use Issues Among First Nations People in Canada*. The Framework outlines a strength-based, systems approach to addressing substance use and associated mental health issues among First Nations, including prescription drug abuse. The summary report is available at: http://publications.gc.ca/collections/collection_2011/sc-hc/H14-63-2011-eng.pdf.

[*English*]

BUSINESS OF THE SENATE

Hon. Catherine S. Callbeck: Honourable senators, I rise on a matter of Senate business.

On October 2, I asked the Leader of the Government in the Senate if the federal government had considered eliminating interest on student loans or if it would at least implement the Social Affairs Committee's recommendation to lower the interest rate to prime.

The leader took notice of that question. I did not receive a reply, so I asked for an update on the issue on December 11. To date I have not received a reply. I wonder when I might expect one.

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I will check with the office of the Leader of the Government in the Senate.

[*English*]

ORDERS OF THE DAY

COASTAL FISHERIES PROTECTION ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Greene, for the third reading of Bill S-13, An Act to amend the Coastal Fisheries Protection Act.

Hon. Elizabeth Hubley: Honourable senators, I would like to make a few supportive comments about Bill S-13, An Act to amend the Coastal Fisheries Protection Act. The Standing Senate Committee on Fisheries and Oceans studied this bill for three weeks. We heard from the Minister of Fisheries and Oceans, the Department of Fisheries and Oceans, the Department of Foreign Affairs and International Trade, the Fisheries Council of Canada and the Maritime Law Association. All of the witnesses were in favour of this legislation and agreed that the Port State Measures Agreement is an important international treaty which Canada should ratify.

This treaty deals with the worldwide problem of illegal, unregulated and unreported fishing. IUU fishing has deep economic and environmental consequences. The committee heard that the estimated economic loss from IUU fishing averages between $10 billion and $23 billion every year.

As a nation with a robust fishing industry, Canada has a strong interest in protecting fish stocks and ensuring that fishing regulations are respected. That is why Canada has taken an international leadership role by signing, and now working toward ratifying, the Port State Measures Agreement. So far 23 countries have signed the treaty, one has ratified and two have acceded. The United States is currently dealing with its ratification legislation, and it is expected other countries will soon follow suit.

As I mentioned earlier, the witnesses who appeared before the Standing Senate Committee on Fisheries and Oceans all strongly supported this bill. The Fisheries Council of Canada told the committee that it was their objective to get this Port State Measures Agreement ratified and in force as soon as possible, while the Maritime Law Association said they were strongly in support of DFO's initiative to curb IUU fishing through the implementation of this bill.

The amendments to the Coastal Fisheries Protection Act contained in Bill S-13 will allow Canada to implement the Port State Measures Agreement and improve its ability to deal with illegal fishing on the high seas. This is a necessary, important step for Canada to take.

Honourable senators, I am pleased to rise today to offer my support for the swift passage of Bill S-13.

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

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by Senator MacDonald that this bill be read a third time now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

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

NORTHERN JOBS AND GROWTH BILL

SECOND READING—DEBATE ADJOURNED

Hon. Dennis Glen Patterson moved second reading of Bill C-47, An Act to enact the Nunavut Planning and Project Assessment Act and the Northwest Territories Surface Rights Board Act and to make related and consequential amendments to other Acts.

He said: Honourable senators, I am privileged to have the opportunity to speak today in support of Bill C-47. The northern jobs and growth act includes the Nunavut Planning and Project Assessment Act and the Northwest Territories Surface Rights Board Act, along with amendments to the Yukon Surface Rights Board Act.

This bill was introduced to allow northerners to benefit from projects in mining, oil and gas, transportation and other business sectors in the North and across Canada. Together, these measures fulfill outstanding legislative obligations under the Nunavut Land Claims Agreement, the Gwich'in Comprehensive Land Claim Agreement and the Sahtu Dene and Metis Comprehensive Land Claim Agreement. They also respond to calls for measures to streamline and improve regulatory processes in the North.

[*Translation*]

The government knows that our country has world-class natural resources that have immense economic potential, not just for northerners, but for all Canadians. Developed sustainably, these resources will have economic benefits for Canadians for generations to come.

Businesses, investors and communities want to tap these resources and create opportunities for individuals and communities across the country. However, to unlock this potential, we need investment. Investors demand certainty, consistency and clarity from the regulatory regimes that govern resource development.

Canadians also want resources to be developed in a sustainable manner so that the people who depend on the northern lands and waters for their survival can continue to do so.

[*English*]

Sound resource development is vital to the growth and future prosperity of Canada's economy. Sustainable development will also ensure that the North's resources benefit Canadians today and well into the future. The Mining Association of Canada estimates that potential developments in the North could draw more than $8 billion in investment and create over 4,000 jobs in the next decade.

• (1420)

Bill C-47, the Northern Jobs and Growth Bill, is the tool Northerners need to unlock the potential of their lands while ensuring development is sustainable. As I mentioned, this bill honours outstanding legislative obligations made by the Government of Canada to Northerners when representatives of the federal government negotiated and signed land claims agreements.

For Nunavut, Bill C-47 and the enactment of the Nunavut Planning and Project Assessment Act honours the Government of Canada's legislative obligation under the Nunavut Land Claims Agreement. Under the provisions of the agreement, the Nunavut Planning Commission and the Nunavut Impact Review Board were established in 1996 as institutions of public government. This bill will recognize the continuation of these bodies by defining their powers, duties and functions in a federal statute.

All prospective resource development projects in Nunavut will enter the review process through the Nunavut Planning Commission. This approach streamlines the assessment process by creating a single-window approach to project reviews in Nunavut. It also adds clarity and certainty for investors by establishing clear timelines for assessing a project.

In the Northwest Territories, the northern jobs and growth act would establish the Northwest Territories surface rights board. Similar to the Yukon Surface Rights Board established in 1993, this new board will resolve disputes between holders of surface or subsurface rights and the owners or occupants of surface lands when agreements could not be reached through negotiation.

The establishment of this board would also fulfill an outstanding obligation found in the Gwich'in Comprehensive Land Claim Agreement and the Sahtu Dene and Metis Comprehensive Land Claim Agreement. These agreements call on the federal government to enshrine in law a surface rights board in the Northwest Territories.

The proposed act is also consistent with the letter and spirit of the Inuvialuit Final Agreement and the Tlicho Agreement. The Tlicho Agreement anticipates but does not mandate a new surface rights board. The Inuvialuit Final Agreement specifies that any interim measures related to access across Inuvialuit lands will be replaced when a law of general application is enacted.

The establishment of the Northwest Territories surface rights board provides the people of the territory with a single process to resolve access disputes in a manner that is fair, balanced and clear.

[*Translation*]

The process will assist in resolving access issues to surface and subsurface resources and increase predictability and consistency in the territories' resource management regime.

It will provide incentives for companies in the resource industry and other rights holders to negotiate terms and conditions of access and compensation for that access with landowners and occupants, to the benefit of all parties.

For the Yukon, Bill C-47 amends the Yukon Surface Rights Board Act in three key ways. First, the bill grants employees immunity from prosecution for decisions they have made in good faith. Second, the bill enables board members whose terms have expired to be eligible to render final decisions on hearings in which they have participated. Third, Bill C-47 allows for an independently performed annual audit of the board.

[*English*]

These changes will improve the board's operations and align it with similar institutions and processes in Nunavut and, with the passage of Bill C-47, in the Northwest Territories.

Honourable senators, that is a short summary of the details of the northern jobs and growth act, and it does not do justice to the impact it will have, if passed, not just on Northerners but on all Canadians. Everyone stands to benefit from the jobs and economic growth that will flow from sustainable resource development in the territories.

The proposed act also lives up to our government's 2010 Action Plan to Improve Northern Regulatory Regimes. The action plan sets out three elements we must focus on to improve resource regulation in the territories: provide more efficient and effective processes; enhance environmental stewardship; and reflect a strong Aboriginal voice. I have touched on the first two already.

As for the third, the government also carried out extensive consultation with leaders of Inuit and Aboriginal governments and groups in all three territories. The views of these leaders and the people they represent are reflected in Bill C-47. Consultation was not limited to Inuit and First Nation leaders and groups. The government also consulted with industry and with representatives of the territorial governments, among others. This consultation has contributed to legislation that Northerners support.

For instance, the NWT Chamber of Commerce has said:

> The Northern Jobs and Growth Act will help to strengthen the regulatory framework and will provide certainty to the investment climate in Nunavut and the Northwest Territories... [and] it will help fill the outstanding gaps in legislation prior to the devolution of non-renewal resources to the northern governments.

Nunavut Premier Eva Aariak called Bill C-47 "an important milestone in establishing an effective and streamlined regime for Inuit and government to manage resource development in Nunavut together."

The private sector, too, has recognized the importance of this legislation.

The Mining Association of Canada's Pierre Gratton said:

> The new regulatory regime will help to enhance the North's economic competitiveness for mineral investment, while ensuring projects go through a robust assessment and permitting process.

Mr. Gratton should know. The sector he represents is fuelling development in the North and generating greater prosperity throughout the country.

In Canada's North, the number of mines in operation continues to grow and exploration activities are on the rise. In all, there are more than 25 projects in the works north of 60, representing $38 billion in potential investment in the mining sector.

[*Translation*]

According to some estimates, one-quarter of our known reserves of oil and gas are found north of 60. That is huge potential for development.

If developed, these projects would create thousands of direct jobs, as well as thousands more in the manufacturing, transportation and services sectors.

Abundant natural resources in the North have the potential to create thousands of new jobs for northerners, support economic growth in territorial communities and drive Canadian prosperity for the coming decades.

[*English*]

This legislation is a concrete step toward realizing the tremendous potential of the North. Honourable senators, I urge you to give it the support it so clearly deserves.

(On motion of Senator Tardif, debate adjourned.)

• (1430)

BILL TO ASSENT TO ALTERATIONS IN THE LAW TOUCHING THE SUCCESSION TO THE THRONE

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Carignan, for the second reading of Bill C-53, An Act to assent to alterations in the law touching the Succession to the Throne.

[Senator Patterson]

Hon. Serge Joyal: Honourable senators, it is a privilege to speak at second reading of Bill C-53, An Act to assent to alterations in the law touching the Succession to the Throne. This is an unusual piece of legislation. In the role of this chamber of reviewing legislation coming from the other place, it is unusual that a bill is referred to us, having been adopted there without an introductory speech from the sponsor of the bill, without any debate at second reading, without study at committee stage and report to the house, and without third reading debate before its adoption.

This is all the more surprising because this bill is a very important one because it relates to who should be the head of state of Canada. This bill involves the principle that explains why we are here, that being the supremacy of Parliament, a principle that is at the source of parliamentary democracy. Those two principles, which are enshrined in this bill, have not been the object of a single minute of consideration in the other place.

I insist on this in my opening remarks because, as I will explain later, the first role of Parliament is to select the head of state of Canada, or of any country where democracy is fundamental. Before explaining that to honourable senators, I would be remiss if I did not extend to Her Majesty wishes for a prompt recovery from the health problems she encountered last week. We have been informed that she is now back to work.

Last year, we celebrated the Queen's Diamond Jubilee and we will share the pleasure this spring of unveiling the commemorative token that honourable senators have been invited to inscribe to mark the jubilee of Her Majesty. I look forward, with the support of the majority of senators in this chamber and the officers at the table, to unveiling that which we will offer to this chamber and to those who will occupy it in the years to come as a testament to Her Majesty.

Honourable senators, in my speech this afternoon I will cover four points. First, why the principles in this bill are important; second, why Canada is asked to legislate in the context of assenting to the changes to the law of succession in Britain; third, the mechanism that we should use to entrench those changes; and fourth, the scope of the bill.

On the principles involved in this bill, I will remind senators of some history. In Britain, the monarchy was not only hereditary but also contractual in that the sovereign owed his position not only to hereditary rights but also to the consent of Parliament. Since the time of William III, the sovereign has owed his title to Parliament, not merely to the right of hereditary succession. In other words, from that time onwards, the supreme power in the state was not the sovereign but the sovereign in Parliament.

The fundamental freedom, first, is to choose who will be the sovereign, and that is not for the sovereign to decide alone; it is for Parliament to assent to who the sovereign will be.

[*Translation*]

That is the basis of the whole parliamentary system in a constitutional monarchy. Parliament decides who will hold executive power.

[*English*]

Who will hold the executive power? Section 9 of the Canadian Constitution reads:

> The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.

The executive government is the Queen. Legislative power is enacted through Her Majesty with the consent and advice of Parliament. The source of justice is the Queen.

We know very well that in criminal law cases are titled *R. v.* the defendant. It is always the sovereign that owns the responsibility of rendering justice. Finally, the fountain of honour is in the hands of the sovereign.

It is very important to realize that if the principle of constitutional monarchy has a meaning in our system, the decision to change the law of succession, in other words, who will be the king or the queen, is a very important decision for Parliament to make.

As I said, I was surprised that the other place seemed to pay zero attention to this. What is the intention behind that? Why is the House of Commons so reluctant to open such an important debate? Are they shy to discuss constitutional monarchy? Are they shy to make the Crown visible? Why do they not recognize that, as parliamentarians, they have a responsibility to educate the Canadian public on the principles of our system of government? Rather than questioning our very existence, those in the other place should first ask themselves what their role is in public debate in Canada and in the understanding of freedom and democracy in our system.

This is important because those principles stem from the very element that defines our freedom as parliamentarians. They stem from the Bill of Rights of 1689. They stem from the first law of succession in 1701, the Act of Settlement, and all the other legislation that has framed how the head of state, the person who will wear the crown, will be chosen by Parliament.

It is of such importance that this principle is enshrined in the preamble of our Constitution. The preamble of the Constitution Act, 1867, says that Canadians at the time had the desire to be federally united into one dominion under the Crown of the United Kingdom of Great Britain and Ireland.

What was the original intention? It was for Canada to have the same Crown, the same head of state as the United Kingdom of Great Britain and Ireland. This principle is very well reflected in the Fifth Schedule of the Constitution that provides for the Oath of Allegiance, and that is part of the Constitution. All of us in this chamber have sworn that oath of allegiance. The explanatory note under the Oath of Allegiance says that "...: I will be faithful and bear true Allegiance to Her Majesty Queen Victoria." Of course, even though Queen Victoria's bust is here over the throne, she has been replaced by Her Majesty Queen Elizabeth II. The note below the Oath of Allegiance reads:

> Note. The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the Time being is to be substituted from Time to Time, with Proper Terms of Reference thereto.

• (1440)

What does it mean? It means that the principle of symmetry of the Crown, whoever happens to be the King or Queen of Great Britain and Ireland, is at the same time the Queen or King of Canada. The principle of symmetry means that if Great Britain were to change the law of succession, it would affect Canada because the law of succession determines who wears the Crown for Canada. That seems to be a simple principle, but it entails many consequences. If the government at Westminster were to change the law of succession, for example as provided in Bill C-53, it would abolish the male lineage requirement, primogeniture, and open the line of succession to females. If Bill C-53 were adopted, females would be in the line of succession.

Honourable senators, I resent the media calling this bill "the baby bill," or suggesting that it is simply to modernize the institution. The second principle enshrined in Bill C-53 is to allow an heir to the throne to marry a Roman Catholic. Those who have studied the history of England since Henry VIII know that that was the beginning of a change in government in Great Britain that has lasted to this day. This is a very important principle. If an heir to the throne were to marry a Roman Catholic and they were to have children, some of them might be raised in the Roman Catholic faith. The implementation of the law of succession would mean that they could be barred from succeeding to the throne. That raises an important element of unintended consequence. Although this is not the case now, once it is in the line of succession, it could happen one day.

Honourable senators may think I am dreaming or conjuring up scenarios. I invite them to read the debates in the House of Commons at Westminster, in particular the debate in the House of Lords that took place at second reading, and the committee proceedings this week and in the weeks before. Honourable senators will notice that they realize well what is at stake with this proposed change.

When I am told that this is about the Royal baby or that it is essentially about modernizing the institution, I must remind honourable senators that this proposed legislation will impact for years to come. A dynamic is included in the bill that is not for us to address today but to address in future years. It is there as a potential of evolution and dynamism that one day some of our successors will have to address because it will happen in the line of succession that applies in Canada because of the principle of symmetry of the Crown, which I explained earlier.

Honourable senators, why are we called upon to legislate on the line of succession? The Statute of Westminster, 1931, was an agreement among the 16 Commonwealth countries under

the King or Queen of the United Kingdom. The Statute of Westminster states:

> ... any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

When they change anything in respect of the Royal Style and Titles and the line of succession in Great Britain, because Canada is a dominion — the senior dominion as historians describe Canada — we have to express consent before that legislation in Westminster is proclaimed. That is a very important element. Westminster will not legislate on the Royal Style and Titles or on the line of succession without the concurrence of the 16 countries of the Commonwealth.

Honourable senators, how do we express concern and that consent? In the past, we expressed it in 1937 after the abdication of Edward VIII. Six years after the adoption of the Statute of Westminster, that convention was enshrined immediately in the preamble of the Statute of Westminster, 1931. Honourable senators will remember that Edward VIII abdicated and renounced the throne for himself and all his descendants, thereby breaking the line of succession. Parliament in Westminster had to agree, but with the consent of Canada. As a matter of fact, this house consented to such a bill on March 31, 1937: "The alteration in the law touching the succession to the Throne is hereby assented to."

This ensured the crowning of George VI as King of the United Kingdom and Ireland. Members of the Commonwealth had to assent because it meant a change in the line of succession. Edward VIII abdicated the throne for himself and for all his descendants, and he signed the abdication document. There was the call of the Canadian Parliament to intervene.

In 1953, there was a second involvement of the Canadian Parliament when Canada changed the Royal Style and Titles Act on February 11, 1953, to reflect Her Majesty as Queen of Canada. The Royal Style and Titles Act states:

> The assent of the Parliament of Canada is hereby given to the issue by Her Majesty of Her Royal Proclamation under the Great Seal of Canada establishing for Canada the following Royal Style and Titles, namely:
>
> Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories....

Honourable senators, I was tempted to read the *Debates of the Senate* from those days to learn more about what was said about the issue. How was it understood in those days? I identified the speech given by the prime minister of the time, the Honourable Louis St. Laurent, on February 3, 1953. I quote:

> Her Majesty is now the Queen of Canada, but she is the Queen of Canada because she is the Queen of the United Kingdom and because the people of Canada are happy to recognize as their sovereign the person who is the sovereign of the United Kingdom.

The sovereign who is recognized as the sovereign of the United Kingdom is loyally and affectionately recognized as the sovereign of our country.

• (1450)

In other words, even though we changed the titles, it was still the same person wearing the crown of Canada, distinct from the crown of the United Kingdom and Ireland. It is the same person wearing different crowns. You can almost figure out that there would be a Canadian crown with maple leaves that the Queen would wear when she is acting for Canada, as much as she would wear a British crown, the Tudor or St. Edward's Crown, when she is acting on behalf of the United Kingdom and Ireland.

In other words, honourable senators, we are called today to assent to that legislation on the basis of the precedent that Parliament, in 1937 and 1953, acted upon.

The next question is this: Is it only the Parliament of Canada that need act, or is it a change to the Constitution of Canada that would require the provinces to be involved? We all know that this is a question unique to Canada because we have a federal structure of government and Parliament that they do not have in Westminster.

I mentioned earlier the precedents of the royal abdication of 1936 and the change to the royal style and titles, and I read again the preamble of the Statute of Westminster, which says: "The Parliament of the Dominion."

I went back into the history books, and I did not find any request by any province in those days to be involved in expressing concurrence. I am looking at my dear friend the Honourable Senator Segal, who will remember that, in 1936-37, Maurice Duplessis was Premier of Quebec. Premier Duplessis was a staunch monarchist. He was an admirer of King George VI and Queen Elizabeth, and, when they came to visit Quebec City on May 14, 1939, he could not do enough to rally and mobilize people. There were more than 100,000 people in the streets to welcome King George VI and Queen Elizabeth. Premier Duplessis went out of his way to welcome them. I read the public addresses that he gave, and it is quite stunning to see how admiring he was of the principle of British constitutional monarchy.

I will come back to my subject. At that time, no province expressed any will or any desire to concur. In fact, according to the letter of our Constitution, the power to make laws for the peace, order and good government of Canada is of course a federal power, as is the residual power of the Constitution. In other words, when it is not mentioned under the heading of the provinces for them to legislate, it falls to the federal Parliament. It is what we call the residual clause of the Constitution. Of course, if you look at the heading of section 92, which describes the power of the provinces, none of those powers can realistically be claimed to give to the provinces any say in the determination of who the sovereign of Canada is.

The argument has been made that since 1982 and the patriation of the Constitution, section 41 might apply. In other words, section 41 of the Constitution says that, if there are any changes to the office of the Queen — the phrase is "the office of the Queen" — then it is the unanimity formula. Honourable senators,

again I call upon my friend Senator Segal, who was one of the advisers to Premier Davis when we patriated the Canadian Constitution. I looked into the minutes of the special joint committee of 1981-82, when we discussed that very section and what was to be meant by "office of the Queen." I found — and the honourable senator will certainly be happy when I remind him — that Jake Epp, a former well-known member who was a minister of the Crown, intervened at length during the debate at the committee to make sure that the office of the Queen would involve the status of the Crown in Canada, the powers of the Crown in Canada and the rights of the Crown in Canada.

It is quite clear, in my opinion, that if we are to define the sense of that bill, that bill does not change anything in relation to the powers exercised by the Crown. It does not change any of the rights of the Crown, and it does not change anything in the status of the Crown. What does it change? It changes the person holding those powers, those rights and that status; so there is a distinction to be made between the person who holds the power and those powers. It is not for us to contend that section 41 would compel the concurrence of the provinces because we are changing an element of the constitutional status of the Crown. We are not diminishing the status of the king or queen. We are not adding to his or her powers. We are not changing the rights. We are determining who will be the queen. That is totally different.

I am looking again at my friend Senator Segal and thinking of the late premiers of the day, Davis and Hatfield, of New Brunswick. That is why I say "we" because I was as much a part of it as Senator De Bané was. I am looking around the chamber at who happened to have been there. You raised your arm, but you were not there, Senator Tardif. You were not there. I remember it very well.

Those who were there in those days entrenched the Statute of Westminster in the schedule of the Constitution because the obligation for the Parliament of the Dominion to assent is in the schedule of the Constitution.

In other words, we have provided very specifically that, insofar as the royal style and title and the line of succession is concerned, it is in the Constitution for the Dominion Parliament to assent.

Hon. Hugh Segal: I wonder if my honourable friend would allow me to correct the record. Premier Hatfield is very much the late Premier Hatfield. Premier Davis is alive and well and a thriving and robust 84 years young.

Senator Joyal: I apologize, honourable senator. The last time I saw Premier Davis in Montreal was about four years ago. He seemed to be very well. I apologize again for that, but it does not change at all my the admiration for the involvement that he had in those days to make sure that the patriation was a success at the end, even though we still have the issue of Quebec. I will come back to that later on.

Honourable senators will understand that this issue of determining who the person is has been well taken care of, originally in 1982. Today there is no request by any province, not even Quebec, as a matter of fact, claiming that they should concur with that. However, I would like to put on the record the position of the Quebec government in relation to the monarchy because this is a very important point that I think many honourable senators will be interested in. The Quebec Minister of Canadian Intergovernmental Affairs, Alexandre Cloutier, made a statement in the National Assembly of Quebec on January 21st of this year, two months ago.

[*Translation*]

According to the article that appeared in *Le Devoir*, and I quote:

> My sole objective is to abolish the position of Lieutenant-Governor. Mr. Cloutier accused his adversaries of taking the wrong approach by attempting to modernize a role that he wants to see disappear. He wanted to avoid giving the Lieutenant-Governor greater legitimacy by supporting an appointment based on the National Assembly's choice.

[*English*]

The most important element is as follows. I am quoting verbatim.

[*Translation*]

> We feel it is an archaic position that is not in keeping with Quebecers' values.

[*English*]

In other words, for the present government in Quebec, anything related to the monarchy, the Lieutenant Governor or the Governor General is obsolete and archaic and has no importance for the present government of the province. Hence, we, as a Parliament, can say or do anything we want in the line of succession and they do not bother to express any opinion. As honourable senators know, that is in total contrast with the traditional position of any Quebec government to be very attentive and upright in any encroachment of the Constitution on what could be the powers or the privileges of the Government of Quebec under the Canadian Constitution.

• (1500)

That leaves us with the importance of this bill in relation to the scope of the bill. Again, honourable senators, I hope that, when this bill is sent to committee, we will have an opportunity to study it a length as they did in the House of Lords and as they did in the House of Commons at Westminster. It will be there for future generations to understand very well what we are doing today.

There is also a third clause in the bill that changes the royal wedding succession. That is an important element because it changes an old statute from 1772 — since the time of George I, in fact — which provided that the King had to consent to any wedding in the Royal Family. Of course, there are hundreds of people in the Royal Family, but this bill changes that in that it restricts the Royal Consent to only the first six in line.

Why six? That was my first question when I read the bill. I asked, why six? Why not seven, or five, or ten? That is a good question, as honourable senators know. I found out that it is because the one who was the furthest in line in history to become King or Queen was Queen Victoria, who was the fifth in line. They decided to add another one to make it the sixth to be wise in determining the number. That is why that number is in that bill.

Honourable senators, this bill is important and it helps us to understand our system. It is important in that it reaffirms the principle of supremacy of Parliament. That is why we are a parliamentary democracy. We choose our sovereign; we have that freedom. If we choose our sovereign, we remain loyal to that sovereign, because we have selected him and we are responsible for that choice. We live by the responsibility of our choice and it is important for us to help Canadians to understand that.

Honourable senators, if you want to make the Crown invisible, do not talk about it, just shelve this bill among the statutes and books and no one will care. You will wither the institution by the lack of understanding, the lack of appreciation, and the lack of a model that Her Majesty has been incarnating for the 60 years of her reign in an admirable way for Canadians to follow.

I hope our committee will call upon the experts and other specialists of constitutional law or of the institution, such as Professor David Smith, one of the Canadian authors who studied with great authority the principles of our system. I would like honourable senators to be able to read those transcripts. They will learn a lot about our system and our history and how we are now indebted to the wisdom of our predecessors in history who devised a system that has survived all the revolutions in the world. After all the American and French revolutions and all the other revolutions in South America, that system is based on sound principles if it has given to Canada the level of freedom and rights that we all enjoy under the Crown.

Hon. Terry M. Mercer: Will the honourable senator take a question?

Senator Joyal: Yes.

Senator Mercer: Honourable senators, the senator raised an issue on which I am not clear. That is the issue of religion. The act will now allow the sovereign to marry a Catholic. One would assume that if he or she marries a Catholic, the Catholic of the pair may want to raise their children as Catholic and the first born — whether it be a male or a female will not matter if this bill is passed — will then be a Catholic.

My understanding is that one of the roles of the sovereign is that he or she is head of the Church of England, an interesting turn of events. What will happen if those circumstances were to arise?

Senator Joyal: Honourable senators, I will not try to stretch the hypothesis, but I read the debates of the House of Lords and the House of Commons. In the House of Lords last week, there were amendments that were not adopted, but they raised that problem. It was an amendment that was introduced by Lord Trefgarne. That amendment was defeated, but I want to outline that the problem that the honourable senator expressed is clear in the minds of people.

The amendment states:

> (3) A child of a marriage, which at the time of the marriage disqualified one of their parents from succeeding to the Crown or possessing it, who is at the time of the coming into force of this section of the Roman Catholic faith shall not as a result be for ever incapable of succeeding to the Crown.

There was another amendment here by Lord Northbrook. This one was defeated also. It states:

> (6) In the event of a person of the Roman Catholic faith succeeding to the Crown by virtue of subsection (5), the title of Defender of the Faith and the function of Supreme Governor of the Church of England shall pass to a regent qualifying with the provisions of section 3 of the Regency Act 1937.

It was not adopted, but there was no doubt it was on their mind and they have already proposed in principle what could be an approach. It is not for me today to pronounce on that, but they understand, as I mentioned, the implications that exist.

I read also that in the House of Commons one of the members went to some length to draw the attention of the members of the House of Commons to that point also. It is there; there is no doubt. It is in the book by today's report, as much as I could read it and explain it to you.

Hon. Joan Fraser: I have a question for Senator Joyal.

As the honourable senator knows, there has been some discussion about whether the Parliament at Westminster, under the Statute of Westminster, can or cannot pass its bill before the Parliaments of the Dominions have passed their bills. As I read the history, and other documents, in 1936 Canada passed an order–in–council on the morning of December 11, 1936, after the abdication of Edward VIII. The Parliament at Westminster forthwith, that same day, passed a new Succession Act. We did not get around to passing our own legislation until the following January. This time, as I understand it, the Parliament at Westminster received a letter from the Government of Canada in December giving its consent/assent.

• (1510)

In the honourable senator's view, do we in fact have to pass this bill before Westminster concludes its proceedings or not?

Senator Joyal: In my opinion, honourable senators, undoubtedly, yes. The Statute of Westminster is clear. I will read it to be sure I have exactly the right wording. It states:

> ... require the assent as well of the Parliaments of all the Dominions...

The Parliament is not the government.

The only point I want to mention in relation to 1937, which the honourable senator referred to, is that Parliament was not in session that year. There was an urgency to have a king in England because the King had abdicated. It was public and those honourable senators who are fond of British history will know how much turmoil the government was in in those days with Sir Winston Churchill and the like.

Today it is clear and Her Majesty has stated clearly that she would not sign the bill if all the 16 Dominions have not concurred. In other words, this bill could be passed by Westminster Parliament but not proclaimed until all the Parliaments of the Dominions agree. That is the way it is mentioned in the Statute of Westminster.

In my opinion, this Parliament is the proper authority to give a formal assent to those changes.

I might add something that I found in reading the House of Lords debates of Thursday, February 14. It is a statement made by Lord Wallace of Tankerness, who happens to be the Advocate-General for Scotland. It states:

> In many ways, this Bill is akin to an international treaty and it is incumbent on us to give this legislation detailed consideration of what I hope is a Bill with a clear purpose.

In other words, they understand that they are bound themselves, akin to an international treaty. It is quite strong. They need the concurrence of the other countries that are part of the Statute of Westminster to formally concur to the assent through Parliament.

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*: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Hon. Claude Carignan (Deputy Leader of the Government), pursuant to notice of March 5, 2013, moved:

> That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject matter of Bill C-55, An Act to amend the Criminal Code, introduced in the House of Commons on February 11, 2013, in advance of the said bill coming before the Senate.

[*English*]

Hon. Joan Fraser: May I put a question to the deputy leader?

The Hon. the Speaker *pro tempore*: Will the Honourable Senator Carignan accept a question?

Senator Carignan: Yes.

Senator Fraser: Honourable senators, since it is unusual for this kind of project to get pre-study, would the Deputy Leader of the Government explain why that was being sought in this case?

[*Translation*]

Senator Carignan: Honourable senators, this bill is a result of a Supreme Court ruling that ordered Parliament to make amendments so that the legislation would be consistent with the Canadian Charter of Rights and Freedoms. We must meet the deadline set by the Supreme Court in its ruling, and without a pre-study, we would not be in a position to do so.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

BILL TO AMEND—THIRD READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator White, for the third reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

Hon. Donald Neil Plett: Honourable senators, there has been much discussion about Bill C-290, an Act to amend the Criminal Code (sports betting), and I would like to add my voice to the debate.

Honourable senators, we owe to our constituents — the Canadian people — the duty to thoroughly study this piece of legislation. As the house of sober second thought, we should take the time to properly examine the far — reaching impact that Bill C-290 could have on our constituents, our communities and, indeed, all Canadians. That is why I supported moving Bill C-290 into the Standing Senate Committee on Legal and Constitutional Affairs for their review.

I would like to commend and voice my appreciation to the committee's chair, Senator Runciman, as well as the entire Standing Senate Committee on Legal and Constitutional Affairs for their thoughtful and thorough study of this legislation. The committee called numerous witnesses and heard much compelling testimony.

Honourable senators, we need to ask ourselves, what will be the true cost of this legislation — the cost on health, the cost on life, the cost on family, the cost on the economy, the cost on the justice system and the cost on sport? I ask honourable senators this: Have we truly and fully considered what these costs will be? Have we truly considered the job losses, the increased crime, divorces, depression, bankruptcies, loss of integrity and public confidence in sport, and family strife? How does one quantify and measure such things against the possibility of increased revenues?

As Senator White pointed out in his speech to this house, the Canada Safety Council attributes 200 suicides a year in Canada as a result of problem gambling. Two hundred lives every year, honourable senators, are lost due to gambling.

The Canada West Foundation's three–year-long study on gambling in Canada points out an interesting fact. It states:

> The issue of government gambling dependency is perhaps the most prominent concern for critics and analysts. Governments find themselves in a potential conflict of interest as both the providers and regulators of gambling. This dual role creates questions about the ability of governments to properly carry out both responsibilities. Profit maximization and public health goals would appear to be often incongruent.

Several peer-reviewed studies on gambling in Canada have also shown that high concentrations of gambling availability are linked with higher rates of gambling addiction. Can we simply ignore this fact? The March 2005 edition of *The Canadian Journal of Psychiatry* from the National Survey of Gambling Problems in Canada states:

> In general, the empirical findings from this study underscore earlier public health concerns (1) about the social costs likely to accompany the rapid and prolific expansion of new forms of legalized gambling in many regions of the country.... Specifically, high concentrations of gambling availability in the community are associated with higher rates of gambling addiction.

• (1520)

Just a few weeks ago, the Manitoba NDP provincial government announced the launch of an online gambling site, playnow.ca, and plans for a new casino in a Winnipeg shopping centre, which will be located near a high-traffic food court area.

As Manitoba Progressive Conservative Party Leader Brian Pallister stated:

> The question is not just how much money does the government get from gambling revenues, surely. The question is how much does it cost society in general.

One U.S. economist calculated that for every $46 in economic benefit that gambling provides, it costs up to $289 in social costs.

In a letter from the Centre for Addiction and Mental Health to the committee, Peter Selby and Robert Murray state:

> Approximately 3 per cent of Canadians experience moderate to severe gambling problems and between 30 per cent and 40 per cent of gambling revenues come from this 3 per cent.

Should we really be taking advantage of the vulnerable for profit? As legislators, we have a responsibility to continue to defend and protect the most vulnerable in our society, and we should never give up that fight.

One argument that has been made in favour of Bill C-290 is that single-sports betting will be regulated by the provinces, absolving us of responsibility. Honourable senators, this is simply not correct. As we all know, provincial governments are rubbing their hands in glee at the thought of generating more revenues without raising taxes — although raising taxes has never been a problem for the Manitoba NDP government.

Another argument that has been made in favour of Bill C-290 is that single-game sport betting is already happening through illegal bookies, so we may as well just legalize it. Honourable senators, that argument is simply illogical. If we legalized everything that people chose to do illegally despite the law, we would quickly descend into a lawless anarchist state. To those senators who argued this point, I ask this: Should we legalize prostitution and drugs simply because they are being used or are already happening?

As well, the Centre for Addiction and Mental Health stated in a letter to the committee that, in their clinical experience,

> ... people now patronizing illegal bookmakers would likely continue to do so because of easy access to credit, convenience, and better odds... Bill C-290 is likely to enlarge the pool of people who bet on sports and therefore the number of people affected by problem gambling — not reduce illegal sports betting.

The National Football League stated to the committee:

> We recognize that some people bet on sports illegally. Yet, when a federal, state or provincial government steps in to legalize it, then the activity takes on a new and different character. Not only does sports gambling become more accepted in society, removing the illicit stain to the activity, but the government puts itself in a position of supporting and promoting sports gambling. After all, provincial revenue will depend on the volume of the wagers.

In a letter to the committee, the Honourable Michael Chong, Member of Parliament for Wellington—Halton Hills, stated:

> While organized crime in Canada undoubtedly benefits from illegal gambling on single sports events, the solution lies not in legalization. The federal government is not pursuing the legalization of prostitution in order to tackle the organized crime associated with that activity. Rather, the government prohibits this activity because it has deemed it to have an undeniably harmful effect on society. The same logic applies to single sports gambling in Canada.

Other honourable senators have argued that this piece of legislation was passed unanimously in the House of Commons. This is simply not correct. In a *Globe and Mail* article, M. Chong makes some other important points:

> *The Globe and Mail* reported that "this bill was passed unanimously by the House." In fact, a number of MPs, myself included, are opposed to this bill.
>
> In a highly unusual occurrence, debate on this bill collapsed and it passed through all stages without a standing vote. To my knowledge, no opposition private members' bill has ever passed through the House of Commons in this manner. For this reason, a defeat of this bill would not be inconsistent with the wishes of the House, as those wishes were never properly recorded in a vote.

As well, have we truly considered the cost that this legislation may have on sport in Canada? The National Collegiate Athletic Association, the National Hockey League, the National Football League, the National Basketball Association and Major League Baseball have all expressed their opposition and concerns with Bill C-290 since they believe that it puts sport at risk in Canada by undermining its integrity and public confidence.

For instance, the NCAA prohibits any championship tournaments being held in a province that allows single-game wagering on the outcome of a championship. As such, Simon Fraser University, an NCAA member, would not be allowed to host championship tournaments, and schools such as the University of British Columbia that have expressed interest in joining the NCAA may lose the future opportunity to do so.

As Andrew Petter, President and Vice-Chancellor of Simon Fraser University stated in a written submission to the committee:

> Should Bill C-290 be adopted and the Province of British Columbia expand its lottery scheme to include single-game betting, SFU would be unable to host championship games under the NCAA's championships hosting policy. This would hugely disadvantage our teams and demoralize our student athletes and coaches. Although difficult to measure, as we would be the first non-US institution to host championship games, local communities and business would also lose significant economic benefits gained from hosting up to seventeen regional and championship events.

As well, Bill C-290 will also negatively affect professional sporting in Canada.

In a written submission to the committee, Paul Beeston, President of the Toronto Blue Jays, had concerns with Bill C-290:

> Major League Baseball and the Toronto Blue Jays strongly oppose the passage of Bill C-290...
>
> ... We understand the appeal of it all to those who desire to raise revenues without raising taxes. However, no government should be permitted to create an environment that sheds doubt on the integrity of the game. We are well aware that sports betting is a huge industry — largely illegal. We know all too well the extent to which citizens engage in gambling on sports. However, there is a fundamental difference between illegal sports betting, which Major League Baseball tries to monitor and contain, and government-sponsored betting, which confers public approval on a system that is inherently corrupting.
>
> ... We do not want any government to teach children to gamble on their heroes."

Honourable senators, I ask that each and every one of you take the time to truly consider the far-reaching implications and the cost to Canadians of this piece of legislation. Please take the time to fully consider the consequences and the effect it will have on the most vulnerable.

(On motion of Senator Baker, debate adjourned.)

• (1530)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

EIGHTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighteenth report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate budget for 2013-2014*), presented in the Senate on February 26, 2013.

Hon. David Tkachuk moved the adoption of the report.

He said: Honourable senators, the Senate's Main Estimates for the fiscal year 2013-14 show that the proposed total budget is $92,517,029, up from $92,215,846 from the previous year. This translates into an increase of 0.3 per cent in the total budget.

The Senate undertook a fairly strong review of all its programs and expenditures to ensure greater fiscal responsibility and accountability. This exercise will result in reductions in the voted budgets over the three fiscal years. As a result, the 2012-13

voted budget was reduced by 2.6 per cent from the 2011-12 voted budget. The voted budget was further reduced in 2013-14 by 1 per cent from the 2012-13 budget.

However, the Senate needed to fund salary increases that were outside the reduction plan. If honourable senators remember, we had this discussion last year. Union negotiations were ongoing, and when they were finished, we would have to compensate for that.

We are confident that the Senate will meet its 5 per cent reduction by 2014-15. Many of the costcutting measures are already implemented and were applied to the 2012-13 Main Estimates, including a reduction in the maximum available for expenses related to living in the National Capital Region, a reduction in the limit allowed under the miscellaneous expenditure account budget for senators, a reduction in political officers budgets, a reduction in caucus budgets, a reduction in committee budgets, a reduction of the contribution to International and Interparliamentary Affairs budgets, a decrease in paper consumption, restraint on travel, saving on telecommunication, a reduction for professional services and consulting, and a reduction in the number of person years through attrition.

The Senate is also quite aware of the current economic contexts, and that is why we are managing to fund special initiatives with existing resources through internal reallocation.

Honourable senators, in order to allow us to pursue our work, I present this report for adoption.

The Hon. the Speaker *pro tempore***:** Further debate?

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CASE OF PRIVILEGE RELATING TO THE ACTIONS OF THE PARLIAMENTARY BUDGET OFFICER(—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion, as amended, of the Honourable Senator Cools, seconded by the Honourable Senator Comeau:
>
> That this case of privilege, relating to the actions of the Parliamentary Budget Officer, be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for consideration, in particular with respect to the consequences for the Senate, for the Senate Speaker, for the Parliament of Canada and for the country's international relations.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, in speaking to this motion I find myself in an awkward position because I am still not clear about what incidents of privilege the committee would be authorized to examine and report on if it is adopted.

In his ruling, His Honour found that Senator Cools had raised her question of privilege at the earliest opportunity as required under rule 13-3(1) because, in his words:

> The international meeting at which the Parliamentary Budget Officer apparently made remarks that are the subject of this question of privilege was only reported last week in the *Ottawa Citizen*....

Therefore, because Senator Cools brought these remarks to the attention of the Senate at her first available opportunity, her question of privilege was timely. However, should the members of the Rules Committee now prepare themselves in advance by closely scrutinizing the remarks the PBO made at that conference in anticipation of having that matter referred to them? This is where I would like some guidance, because I am not clear that this is what the committee would be tasked with examining if this motion is adopted.

In his ruling, His Honour, after concluding that the issue had been raised in a timely matter, then asked whether the next two tests for a question of privilege had been met; namely, whether the matter directly concerns the privileges of the Senate, any of its committees or any senator; and that it be raised to correct a grave and serious breach. He found that the answer was "yes," but he did not refer to the conference in coming to this conclusion. He stated:

> By asking the courts to decide the question of his mandate, the Parliamentary Budget Officer has disregarded the established authority and organizational structure of which he is a part. The question of his mandate is solely for Parliament to determine. The officer's actions run contrary to the constitutional separation of powers between the branches of government. As a consequence, both the second and third criteria have been fulfilled.

The application to the court was made in November by the PBO and was widely reported at the time. My difficulty is that the motion proposed by Senator Cools does not indicate whether the committee would be tasked to examine the PBO's conduct at the recent Organisation for Economic Co-operation and Development conference or whether the committee would be examining the PBO's decision to make an application to the Federal Court in November concerning the powers and authority given him in the Parliament of Canada Act. The motion introduced by Senator Cools speaks only of unspecified actions of the Parliamentary Budget Officer.

Seeing how what took place at the conference triggered this question of privilege, I would hope that this is what the committee would focus on, with the court action relegated to a secondary role. In other circumstances, I might be able to support a motion that would have this as the committee's primary focus of examination, but I suspect that this is not what is intended, and that, therefore, gives me concern.

In her remarks on February 26, Senator Cools said of Mr. Kevin Page:

> This Library officer's actions are so shocking that the Senate may well have to consider an order to this officer to withdraw his frivolous and vexatious application to the Federal Court of Canada.

The next day, the headline to a story posted on the CBC's website was "Senator says budget watchdog could be ordered to drop legal challenge." Honourable senators, if this is Senator Cools' objective, I am not comfortable being party to a process whereby the Senate of Canada will prevent a Canadian — any Canadian — from having their day in court.

An Hon. Senator: Hear, hear.

Senator Tardif: As His Honour has told this chamber, such a proposition would be abhorrent. In my view, every Canadian, including Mr. Kevin Page, has the right to go to court to defend their rights. What rights are we talking about?

As I noted in my remarks on February 27, 2013, Parliament gave the Parliamentary Budget Officer an obligation and statutory legal right in the Parliament of Canada Act to request and obtain information from the government. The government refuses to give him the information he is requesting under the Parliament of Canada Act, so he has gone to the Federal Court seeking clarification about how the act should be interpreted.

Honourable senators, there is nothing unusual about what is taking place. Every Canadian has a right to seek justice in our courts. Let me give a very instructive example.

In 1994, the government of Jean Chrétien introduced legislation to cancel a contract to privatize the Toronto Pearson International Airport that had been signed by the government of Kim Campbell during the election period. The legislation provided that the other parties to the contract would have all their expenses reimbursed but would not be allowed to seek damages in the courts for lost profits. That legislation was ultimately defeated by the Senate because it denied the rights of Canadians to their day in court. The Leader of the Opposition at that time, Senator Lynch-Staunton, stated that "this denial goes against one of the basic foundations of our society," and further stated: "From now on the government will decide who has access to justice."

• (1540)

To paraphrase Senator Lynch–Staunton, in our case, according to Senator Cools, it will be the Senate which will decide who has access to justice.

Senator Lynch–Staunton was adamant that this right should not be dependent on someone's good will. He stated that the denial of access to the courts implies "at least to the layman, a horrendous violation of a fundamental right."

The debate I am referring to took place in this chamber on June 21, 1994, and on that day, the Deputy Leader of the Opposition was, if anything, even more insistent about the right of any Canadian to seek access to our courts and this could not be denied by Parliament. Senator Kinsella, at that time Deputy Leader of the Opposition, stated:

> Indeed, honourable senators, free Canadians can only find abhorrent the provision of this bill which seeks to deny Canadians access to a court of law.

He referred to the Canadian Bill of Rights and then cited article 10 of the Universal Declaration of Human Rights, which states:

> Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations...

Senator Kinsella was very clear and compelling that day, saying if the rights of citizens are to be determined by law and not by the arbitrary will of governors, there must be independent courts to protect those rights.

The independence of the courts is critical. Today, there is a well–publicized dispute between the Government of Canada and the Parliamentary Budget Officer about his rights and obligations. Would ordinary Canadians feel confident that this dispute can be resolved impartially in a political environment —

Senator Moore: Not likely.

Senator Tardif: — in a Senate where the majority of members have been appointed by the same Prime Minister who claims that the Parliamentary Budget Officer is operating outside his lawful authority?

I may be confident that the Senate and its members would, in fact, rise above partisan political considerations and give the Parliamentary Budget Officer an impartial hearing in his dispute with the Prime Minister, but that is not the point. What will Canadians think? Justice must not only be done; it must also be seen to be done. Are we confident that Canadians will believe that justice is being done if they see the Senate, the majority of whose members were appointed by Prime Minister Harper, ordering the highly respected Parliamentary Budget Officer to withdraw his application to the court, an application which Mr. Harper opposes?

We are all aware of events in recent weeks which have put the Senate in the public spotlight. Will this news enhance the public's opinion of our institution?

For the first time in our nation's history, the Senate, on its own, would attempt to forbid a Canadian from seeking access to our courts. That is what Senator Cools, who has moved this motion, has suggested could happen. If this is what could happen, I do not want to have any part in it. As our current Speaker told this chamber many years ago, it is abhorrent for Parliament to seek to deny Canadians access to a court of law. It is even more abhorrent for one chamber, acting on its own, to attempt to do so.

As I explained, Mr. Page has asked the Federal Court for determination on questions of law and jurisdiction. The Speakers of the Senate and the other place have requested and have been granted status as parties in the action. In fact, our Speaker filed his factum with the court on the very day he ruled that Senator Cools had established a prima facie case of privilege on the same matter.

Senator Ringuette: Wow.

Senator Tardif: Does the court have jurisdiction to hear the case? That is up to the court to decide after hearing from all sides. It is not up to the Senate to bar the courthouse door to prevent or forbid Canadians from entering the building.

Senator Moore: Absolutely.

Senator Tardif: Honourable senators, last week our Speaker found that Senator Cools had established a prima facie case of privilege. Senator Cools then availed herself of an opportunity to move a motion to refer the matter to our Rules Committee, pursuant to rule 13–7(1).

It is now up to all of us to decide whether we believe it is appropriate to adopt this motion and to thus embark along the path that Senator Cools has told us could lead to the Senate ordering — let me repeat that — the Senate ordering the Parliamentary Budget Officer to withdraw his application to the Federal Court. This is what we are now being asked to do.

Senator Tkachuk: No, you are not.

Senator Tardif: At this point in the process, I do not feel comfortable in making such a decision by casting a vote on the significant motion —

Senator Tkachuk: The committee decides.

Senator Tardif: — which, as the Speaker has noted in his ruling, could very well have serious constitutional implications concerning the separation of powers. I think all senators will agree that the situation we find ourselves in now is without precedent. If we adopt this motion, it represents groundbreaking action by the Senate.

For my part, honourable senators, I believe all of us would be in a much stronger position to make such a momentous decision if we could hear from the Parliamentary Budget Officer himself. He should be able to tell all of us, and not just the small number of honourable senators on the Rules Committee, why he has taken the actions that have drawn the condemnation of Senator Cools.

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE—DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition): Therefore, honourable senators, pursuant to rules 5-7(b) and 6-8(b), I move:

> That this motion be not now adopted but that it be referred to a Committee of the Whole for consideration.

Some Hon. Senators: Hear, hear!

Hon. Mobina S. B. Jaffer: As honourable senators are aware, Senator Cools has raised a question of privilege concerning the Parliamentary Budget Officer's decision to refer a question of the interpretation of his mandate and power of direct request to the Federal Court under section 18.3 of the Federal Courts Act.

I should emphasize the Parliamentary Budget Officer is not suing the government. He is not seeking any orders against any member of the executive. He is merely seeking legal clarification of his mandate and power of direct requests that are laid down in law.

Under section 79.3 of the Parliament of Canada Act, the Parliamentary Budget Officer is entitled by requests made to the deputy head of a government to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate. Part of the mandate of the Parliamentary Budget Officer, according to section 79.2 of the Parliament of Canada Act, is to estimate the financial cost of any proposal that relates to a matter over which Parliament has jurisdiction when requested to do so by a member of a committee of either house.

Honourable senators, as I understand the process, a member of Parliament in the House of Commons can request the Parliamentary Budget Officer to undertake analysis and request certain information to do so. The same type of analysis and information has been said to fall outside of the legislative mandate and power of direct request of the Parliamentary Budget Officer by ministers of the Crown. This puts the Parliamentary Budget Officer in an unenviable position. On the one side, he may have a parliamentarian to whom he is directly accountable asking him to undertake work. On the other, he has ministers of the Crown asserting that he is legally incapable of doing so. Placed in such circumstances, the Parliamentary Budget Officer has little choice, stuck between a rock and a hard place: complying with the request of a member or acting in accordance with the position of ministers of the Crown.

We passed amendments to the Federal Courts Act, including section 18.3, to deal with this precise situation, assisting a federal tribunal or "federal office to clarify a point of law arising from any stage of its proceedings." Section 18.3(1) of the Federal Courts Act reads, and I quote:

> A federal board, commission or other tribunal may at any stage of its proceedings refer any question or issue of law, of jurisdiction or of practice and procedure to the Federal Court for hearing and determination.

• (1550)

To clarify, honourable senators, a federal board, commission or other tribunal, according to section 2 of the Federal Courts Act, refers to any body, person or persons having, exercising or purporting to exercise jurisdictional powers conferred by or under an act of Parliament. The Parliamentary Budget Officer clearly falls under this definition.

As a non-political and non-adjudicative actor, he cannot be expected to make complex assessments about legal interpretations of his mandate when placed in such circumstances. As such, the Parliamentary Budget Officer is merely seeking the assistance of

the Federal Court to instruct him on what to do next. He is asking the Federal Court, "Do I have the right to this information?" He is asking the court, "Does this work fall within my mandate?"

If the work falls within his mandate, he is entitled to the information. He will request the information and, if provided with it, carry out the work. If he is refused the information, his only remedy will lie with the Senate or the House of Commons. He will report to us the fact that he has not been provided the information, and we will, if we choose, act to assist him in the matter.

Given the seriousness of the allegation of a breach of privilege and the potential implications of moving forward with our own committee process, I would recommend caution.

At this juncture, it is of paramount importance that we ensure we are, indeed, on sound footing in sending this matter to committee. The Speaker mentioned in his decision last week that the *sub judice* rule was a mere constitutional convention, such that where matters of privilege are raised, it does not, by definition, apply. While this may very well be true, the action the Senate is considering at the moment is far more serious than merely talking about a breach of parliamentary privilege currently before the courts. Rather, we are thinking of referring the matter to our own committee, which would operate in tandem to judicial proceedings already afoot.

There will, therefore, be a real possibility that our committee process will result in one decision and the court's ruling in another. I need not underscore how this undercuts the separation of powers in our constitutional system. To hold a committee hearing at this point would involve one branch of government, the legislature, replicating proceedings that another branch of government has already put in motion. Such a course represents a risk not only to the Senate but to also the integrity and harmony of our constitutional fabric, and it contains the potential to deeply offend the rule of law.

I would implore honourable senators to consider delaying this matter until the court has returned its interpretive ruling on the mandate and powers of the Parliamentary Budget Officer. As I understand it, the hearing is scheduled for March 21 and 22.

Senator Comeau's amendment to the motion has passed, which would ensure that, if the motion itself is passed, the committee has the luxury of time. It is important that the committee ensures that the ongoing legal process outside this chamber is resolved before the Senate passes its own judgment. Delaying until after the Federal Court returns its interpretive ruling represents a slight compromise in expediency, especially given the fact that if this matter engages our privileges, they have been so engaged since November 2012 when the Parliamentary Budget Officer filed his application with the court.

I suspect we would all agree that, given the gravity of the impact on the separation of powers by holding our own proceedings in tandem to those of the judicial branch, the attendant possibility of different outcomes and the fact that this matter has existed since late last year, a slight delay of a few weeks is more than acceptable. Such a course would tend to protect and preserve the position of the Senate, maintain constitutional harmony between the different branches of government and substantially achieve the objective of assessing whether or not our privileges have been engaged.

Honourable senators, Senator Tardif has put to us that if we want to hear the Parliamentary Budget Officer, then — and I support her — we should hear him as a Committee of the Whole, as we all need to hear from him. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Pierrette Ringuette: Would the honourable senator take a question?

The Hon. the Speaker *pro tempore***:** Senator Jaffer, will you accept a question?

Senator Ringuette: She is a little bit shy about it, but I will ask her a question.

I have spent quite a lot of time in my life in Parliament, whether it was at the Legislative Assembly of New Brunswick, the House of Commons or here. Every time an issue touched a matter in front of the court, whichever court, the executive would not answer a question in front of the courts, as far as I know. It is part of our ruling.

Could the honourable senator explain to me, because I did not know that our Speaker, the same day that he made that ruling, also filed to be an intervenor in the court case specific —

Senator Cools: No, it is not true.

Senator Ringuette: I am really beginning to question.

Senator Cools: The integrity of the Speaker?

Senator Ringuette: Whether it is proper. I am not a lawyer. I have been in Parliament for quite a long time. I am, first, questioning whether it is proper for the Speaker to rule on this issue, as it was in front of the court and he had filed to be an intervenor.

An Hon. Senator: You cannot do that!

Senator Ringuette: I am listening to Senator Tardif, and the entire issue of the Senate's prohibiting, or potentially prohibiting, a Canadian from appearing in front of the court.

I know that the honourable senator has a legal background. Could she clarify these two issues that I am questioning?

Senator Jaffer: Senator Ringuette has raised a very important question. It is a question that has many different facets to it. All I can say is to repeat what I said in my speech. The steps we take here will affect us for many years, and so I ask that we take them with caution and be very careful what we do. At the minimum, let us have a Committee of the Whole so that we can hear from the Parliamentary Budget Officer.

Hon. Anne C. Cools: I would like to raise a couple of questions to whomever.

The Hon. the Speaker *pro tempore***:** Are you prepared to accept another question, Honourable Senator Jaffer?

Senator Jaffer: I do not know whom she means by "whomever."

The Hon. the Speaker *pro tempore***:** You have the floor.

Senator Jaffer: I will answer it, if I can.

Senator Cools: I would like to know on what authority and on what ground the ruling of the Speaker of the Senate is being questioned and impugned at this moment. I want to know the constitutional and parliamentary authority on which that is happening. That is number one.

My understanding of the rule is that if there are any questions about the Speaker's ruling, those are to be handled through a process by which the house appeals the ruling. Thereafter it cannot be a matter of debate because the Speaker's ruling is already established and is already a part of the jurisprudence of this place. It cannot be questioned.

What is going on here is an extremely unusual —

Senator Ringuette: What is the question?

Senator Cools: I just asked her for the authority on which she was questioning the ruling of the Speaker.

The Hon. the Speaker *pro tempore***:** Senator Jaffer, you have the floor to respond to the question.

Senator Cools: That is the first question.

Senator Jaffer: With the greatest of respect, I do not remember and may want to be corrected. I never questioned the Speaker's ruling. I was speaking to the motion, the one Senator Cools had stated.

The Hon. the Speaker *pro tempore***:** You have a second question, Senator Cools?

Senator Cools: Yes. Maybe I should do all these as a point of order.

Senator Fraser: Oh, God, no.

Senator Cools: We will see.

• (1600)

However, I want to know, again, the authority for the senator's statements in respect of section 79.3 of the Parliament of Canada Act, which is the section of the Parliament of Canada Act in respect of the Parliamentary Budget Officer's powers. I would like to know her authority for her claim in this place that the Federal Court of Canada has jurisdiction over these sections or any section of the Parliament of Canada Act. I want to know what her authority is.

My integrity has been impugned here. Oh, yes, I understand exactly what is happening here. Somehow there is an attempt here to shift the debate away from the propriety, the legality and the constitutionality of the activities of the PBO and onto, one, the Senate Speaker, and then, two, onto me. Motivations have been attributed that I just cannot recognize.

I want to know the authority, the parliamentary authority and the constitutional authority that the senator is relying on when she is essentially asserting that the Parliamentary Budget Officer has a right to appeal to a court to hear and determine sections of the Parliament of Canada Act. I just want to know the authority.

Senator Jaffer: My remarks speak for themselves.

The Hon. the Speaker *pro tempore*: Further debate?

Senator Cools: Your remarks are no authority.

Hon. Wilfred P. Moore: I have a question.

The Hon. the Speaker *pro tempore*: Will the Honourable Senator Jaffer accept a question from Senator Moore?

Senator Moore: The honourable senator mentioned that she learned that the Speaker filed for intervenor status — did she not? Does she know whether or not he did?

Senator Jaffer: It is my understanding he did, just from what I have read, but I do not want to speak for the Speaker.

Senator Cools: Someone has to defend the Speaker.

An Hon. Senator: Time is up.

The Hon. the Speaker *pro tempore*: I regret to advise the Honourable Senator Moore that the Honourable Senator Jaffer's time for speaking has expired.

(On motion of Senator Tkachuk, debate adjourned.)

MISSING AND MURDERED ABORIGINAL WOMEN

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Lovelace Nicholas, calling the attention of the Senate to the continuing tragedy of missing and murdered Aboriginal Women.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I note the adjournment is in Senator Jaffer's name, and I would wish that it return to her after my comments.

Honourable senators, I rise today to participate in the inquiry of the Honourable Senator Lovelace Nicholas calling the attention of the Senate to the continuing tragedy of missing and murdered Aboriginal women. I feel strongly that this is an

important issue for the Senate to examine because, in spite of its magnitude, this topic has never occupied a very significant space in the realm of public awareness.

As Senator Cowan said when he spoke of the hundreds of missing and murdered Aboriginal women last December, this is a list of national shame. Why, in a country as rich and advanced as Canada, has this been allowed to happen? Why must it be such a long and difficult process to bring it to the forefront of the national conversation? By joining the debate begun by the Honourable Senator Lovelace Nicholas, I hope I can help bring to this issue the attention it merits.

Appropriately, tomorrow is International Women's Day, and the theme that the Government of Canada has named for this year is "Working Together: Engaging Men to End Violence against Women."

The basic facts are shocking. Indigenous women living in Canada are five times more likely to die a violent death than other women, according to a recent Statistics Canada study. Studies have shown that they are three and half times more likely to experience violent victimization and three times more likely to be victims of spousal violence than non-indigenous women. Between 2000 and 2008, indigenous women and girls represented approximately 10 per cent of all female homicides in Canada, although they make up just 3 per cent of the female population in Canada.

When we talk about missing and murdered Aboriginal women, we need to understand what we are really dealing with. The Native Women's Association of Canada estimates there are over 600 missing or murdered Aboriginal women in Canada. Of those, 67 per cent are identified as murder cases; 20 per cent are missing persons; 4 per cent are cases of suspicious deaths; and 9 per cent are cases where it is unknown whether the woman was murdered, is missing, or died in suspicious circumstances.

What is particularly tragic is that most of these cases involve young women and girls. More than half the victims are under the age of 31, and 17 per cent are girls under 18.

How many of these cases are solved? Honourable senators should first know that the national clearance rate for homicides in Canada, meaning those cases that are solved and police identify a perpetrator, is 84 per cent. Yet, this rate falls below half when it comes to homicides of Aboriginal women and girls.

It is with a great deal of emotion that I am speaking on this topic, both as a woman and as a representative of the West. We know that the preponderance of these cases occurs in Western provinces. A total of 16 per cent of the over 600 missing and murdered Aboriginal women come from my home, Alberta, a rate exceeded only in British Columbia, where 28 per cent of the cases originate.

Honourable senators will notice that I say "over 600" but do not cite an exact figure. The fact that the number cannot be verified with any certainty demonstrates exactly what is so shameful about this national crisis. We have not even been able to quantify the problem. We know that women are disappearing and being murdered by the hundreds, but we have no idea exactly how many.

It is past time to get serious about addressing this. I hope that no one in this chamber disagrees at this point that we need a national inquiry into missing and murdered Aboriginal women.

Some Hon. Senators: Hear, hear!

Senator Tardif: There was a time when these problems were not as clear as they are now. We knew anecdotally that violence against Aboriginal women was a consistent problem, but a dedicated investigation had not been undertaken. In 2005, the final year of the Liberal government, Canada invested $10 million to examine the inherent circumstances and trends, working in cooperation with the Native Women's Association of Canada.

What we discovered was alarming. There were serious concerns of whether police were providing indigenous women with an adequate standard of protection. There was also evidence that the apparent societal indifference to Aboriginal women systematically allowed perpetrators to escape justice. Something had to be done. It was increasingly clear that a national inquiry was the only way to develop comprehensive, action-oriented solutions to this Canadian tragedy.

Regrettably, a change in government in 2006 stopped progress in its tracks. The new Conservative government cut the funding to the Native Women's Association and its Sisters In Spirit research initiative, responsible for tracking and collecting the cases of missing and murdered women. They further mandated that any future funding for the association could never be used for the Sisters In Spirit initiative.

This government redirected that money to police initiatives to track missing persons in general, but these initiatives were not focused on the specific patterns of violence against indigenous women and girls. In the view of experts in the field, this was a misguided shift in direction.

It has been more than five years now that we, as a party, have been calling on this government to institute a national inquiry into missing and murdered Aboriginal women. This is no longer a new issue, the existence of which needs proving. It is a tragedy of epic proportions and affects all Canadians. The time has come, honourable senators, for the Government of Canada to work in collaboration with all stakeholders in order to provide justice for the victims of violence, healing for affected families, and to end the violence for good.

• (1610)

I was proud to see men and women gather in cities across Alberta on February 14 for the annual Women's Memorial March which raises awareness about violence against women. In Calgary the march was chaired by Suzanne Dzus who said:

> I have a daughter, I have a granddaughter.... Being afraid and worried about having violence committed against them is not the world that I want for them. Indigenous women are such a small portion of the Canadian population, but they make up such a large percentage of women who are missing and murdered.

In Edmonton the memorial marches were first organized in 2005 by Danielle Boudreau after the murders of her friends Rachel and Ellie-May. I would like to read an excerpt of what Ms. Boudreau has written about her experience.

> It all started for me back in 2004, when Rachel Quinney was found murdered in a field Northeast of Sherwood Park, Alberta. She was 19 years old and her body had been mutilated. The headlines in the paper at the time used so many demeaning words as if to justify the death of a young woman whose life had taken a wrong turn. A year later on May 6, 2005 another friend of mine was found in a field, also murdered and once again demeaned in the media. I couldn't sit back and do nothing, I felt I needed to tell the country who these women really were.

In a heart-wrenching turn of events, Ms. Boudreau's own younger sister, Juanita, was found murdered in her home, stabbed to death by her friend on February 26, 2006, just a week after Juanita herself participated in the women's memorial. Still Ms. Boudreau continues her advocacy work year after year.

The efforts of determined community members like these Alberta women and many more across the country are inspiring, but communities organizing to raise awareness and combat stereotypes are only half of the equation, honourable senators. The partnership of government is needed if we are to have any hope of addressing this crisis in a meaningful way.

Government action brings resources and legitimacy and ultimately, hopefully, real change. In this chamber, the majority of the disagreements between the government and the opposition are rooted in a fundamental ideological difference with respect to the size and role of government in a society. On many issues we can debate the positive or negative impact of governmental involvement in a particular area; international trade, health care, or education, but I believe that today there should be no disagreement when it comes to the crisis of missing and murdered Aboriginal women. We need government to take a leadership role in addressing this ongoing tragedy.

Some Hon. Senators: Hear, hear.

(On motion of Senator Tardif, for Senator Jaffer, debate adjourned.)

POINT OF ORDER

Hon. Joan Fraser: Honourable senators, I rise on a point of order.

Some of you may have noticed that a little while ago, when we were debating the question of privilege, Senator Cools had a number of questions and said at one point that perhaps she should phrase them all as a point of order, and I blurted out, "Oh, God, no."

Apparently the news of my exasperation or my blurting has gone viral. I want to go on the record to say that I should not have said that. Any senator has the right to raise points of order, all the more so on important questions.

I unreservedly apologize to the Senate and, in particular, to Senator Cools.

Hon. Gerald J. Comeau: I appreciate what Senator Fraser has done. It is very gracious of her and is the proper thing to do.

As we all know, Senator Cools has a very deep appreciation for this institution and its officers. I believe that at that time someone had started to question a Speaker's ruling. I think Senator Cools was questioning whether she should raise a point of order because someone had questioned a Speaker's ruling of last week. If my recollection serves me right, a Speaker's ruling has to be challenged immediately. One cannot challenge a Speaker's ruling a week or two later.

It was unanimous when the Speaker made his ruling; it was not questioned at all.

Returning to the point of order, Senator Fraser was very gracious and did the right thing.

The Hon. the Speaker *pro tempore*: Is there further debate on the point of order?

There being none, we will proceed with the Order Paper.

Hon. Anne C. Cools: Honourable senators, were we on a point of order? I am sorry, Senator Day just came over to say something to me.

Were you speaking to the motion or to the amendment? Could someone explain to me what was happening as I walked through the door, please?

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, I think the point of order had already been resolved. If Senator Cools wishes to raise a new point of order, she is free to do that. Senator Comeau commented on the point of order raised by Senator Fraser. The Speaker asked if there was further debate, no honourable senators rose, and he moved on to the next item on the order paper. That is my understanding of where we stand.

The Hon. the Speaker *pro tempore*: That is correct.

Senator Cools: Honourable senators, I was out of chamber to get some documents. I walked in and heard the tail end of Senator Comeau's intervention, which sounded like it was on a point of order. At that precise moment, Senator Day came over to say something, I looked away, and then I rose again.

I think that the house would be served well by hearing as much debate as possible on the point of order. Based on that, could I proceed to speak to it?

The Hon. the Speaker *pro tempore*: Senator Fraser's point of order was an apology, and Senator Comeau spoke to that. When I asked if any other senator wished to speak to the point of order in the form of the apology from Senator Fraser, no one wished to. I asked the table to then proceed to the next item on the Order Paper, so that matter was dealt with, as Senator Cowan has rightly stated.

• (1620)

FOOD SAFETY SYSTEM

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Mercer, calling the attention of the Senate to the current state of the food safety system in Canada, the faith Canadians have in that system, and the negative impact of changes made by the federal government on that system.

Hon. Terry M. Mercer: Honourable senators, I was prepared to speak to this inquiry today but I came up with some new information this morning that I would like to add to my speech. Therefore, I move the adjournment of the debate in my name.

(On motion of Senator Mercer, debate adjourned.)

THE SENATE

MOTION TO AFFIRM VALUES OF THE COMMONWEALTH—DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of February 28, 2013, moved:

> That whereas the Senate recognizes the values of the Commonwealth of Nations, which include the promotion of democracy, human rights, good governance, the rule of law, individual liberty, egalitarianism, judicial independence and the rights of girls to education — values that the Parliament of Canada has long advanced and defended;
>
> That whereas the Senate recognizes that the Commonwealth is an important association of 54 countries, consisting of 2.4 billion citizens of all faiths and ethnicities, that support each other and work together toward shared goals in democracy and development;
>
> That the Senate take note that the global fight for democracy, the rule of law, religious tolerance and development needs a strong, focused and authoritative Commonwealth;
>
> That the Senate welcome the new Charter of the Commonwealth, which was approved by all Commonwealth Heads of Government in December 2012, and urge its broad circulation in both official languages throughout Canada; and
>
> That the Senate affirm the importance of the Commonwealth to promoting the aforementioned values, which are in the best interest of all nations.

He said: Honourable senators, with leave of the Senate, pursuant to rule 14-1.4 of the *Rules of the Senate*, I would like to table a document entitled *The Charter of the Commonwealth,* in both official languages of Canada.

The Hon. the Speaker *pro tempore:* Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

Senator Segal: I would like to point out, honourable senators, that the Charter of the Commonwealth has been tabled for the first time in French in the parliaments of 54 countries around the world. The same official French version of the Charter of the Commonwealth applies here in Canada as in Rwanda and Cameroon, which are both an integral part of the Commonwealth family.

[*English*]

I rise to speak briefly to the new Charter of the Commonwealth. Next Monday, March 11, the second Monday in March, is Commonwealth Day, celebrated in each of the 54 Commonwealth nations. It is also the day when the new Charter of the Commonwealth will be presented by Commonwealth Secretary-General Kamalesh Sharma to Her Majesty Queen Elizabeth II, Queen of Canada. More than 60 years ago in April 1949, heads of government from Australia, Britain, Ceylon, India, New Zealand, Pakistan, South Africa and Canada met in London and deliberated over six days. They reached an important and salient decision to transform the Commonwealth's colonial legacy into a partnership based on equality and consensus. The outcome was the London Declaration, viewed as the official birth of the Commonwealth of Nations. It was an innovative and bold move on the part of these nine countries in that they affirmed the equality of each country regardless of size or influence and declared themselves a free association of independent nations, but also stressed their cooperation in the pursuit of peace, liberty and progress.

With the agreement of King George VI, they affirmed the monarchy as the head of the Commonwealth, not necessarily the head of state for the all the members of the Commonwealth. Commonwealth prime ministers and heads of government have met regularly since 1944. At several of these meetings, the Commonwealth government heads approved statements and declarations reaffirming principles and beliefs relating to all Commonwealth citizens, including the Singapore Declaration of Commonwealth Principles, in 1971; the Harare Commonwealth Declaration, in Zimbabwe 1991; the Commonwealth (Latimer

House) Principles on the Three Branches of Government, in London 2004; the Millbrook Commonwealth Action Plan on the Harare Declaration, in New Zealand 2008; the Affirmation of Commonwealth Values and Principles, in Trinidad and Tobago 2009. It was also in Trinidad and Tobago that Commonwealth heads of government mandated the creation of an Eminent Persons Group for the Commonwealth. They were concerned that the Commonwealth was sliding toward irrelevance and requested that recommendations be brought forward to renew and reinvigorate the organization and make it the force that members knew it could be, especially in this chaotic 21st century.

As the Canadian member of the group, and through five meetings over 14 months, 10 of us from separate Commonwealth countries and different faiths, ethnicities, backgrounds and ages came together with the others to discuss, debate and offer suggestions as to how the Commonwealth of Nations could move forward. The result was that 85 of our 106 recommendations were adopted, including one calling for the Charter tabled in this place today.

Present at the Eminent Persons Group table was the eminent Supreme Court Justice from Australia, the Honourable Michael Kirby. Our group was chaired by the former Prime Minister of Malaysia, Tun Abdullah Badawi. At his suggestion, we began discussions regarding the possibility of a charter of the Commonwealth, not a binding justiciable document but rather an aspirational one, taking into account all those statements and declarations made over previous years.

Justice Kirby began the drafting process and brought the first iteration of the document to our working table. When it was approved in principle in Perth, Australia, it was sent out to Commonwealth countries for consultation. Under the distinguished leadership of Senator Andreychuk, the Standing Senate Committee on Foreign Affairs and International Trade considered the charter and made strong and constructive recommendations, which were adopted.

The Charter is not a new departure but is the consolidation of commitments made by heads of government over the decades. It is not about intervening in the domestic affairs of sovereign member states but about defining the terms and rules of membership in the Commonwealth. When combined with the new remit and authority of the Commonwealth Ministerial Action Group, as defined by heads of government in Perth, Australia, in October 2011, it gives a new focus and enforcement capacity around the rules.

Honourable senators, the challenge is around implementation of the recommendations of the EPG and the values outlined in our new Charter. No country in the Commonwealth is perfect, but all are expected to be moving in the right direction in their own way, true to respective histories and cultures while always in the direction of more democracy, stronger rule of law, human rights, judicial independence, equality of opportunity, adherence to the standards outlined in the Charter and accepted by all 54 member countries in the Commonwealth.

This challenge of implementation will require more than the tacit acceptance of the values and principles so eloquently laid out in the Charter. When heads of government accepted the Charter, the assumption was that it was with the view to living up to its contents. If this is not the case, the challenge will also involve the courage of the Commonwealth to act and, on occasion, to suspend, as it has done in the past in places like Fiji, which remains suspended; Nigeria; South Africa; and Pakistan, twice. There are clear challenges in Sri Lanka relating to the independence of the judiciary and human rights and in the Maldives relating to democracy and free and fair elections.

Honourable senators, membership in the Commonwealth is neither permanent nor unconditional for any realm. The values outlined in the Charter are not would-it-not-be-nice options. Fifty-four foreign ministers, heads of government, agreed to and welcomed the reform of CMAG, the Eminent Persons Group report, and the Charter of the Commonwealth. Agreeing to and welcoming reform and change also involves abiding by and striving to implement reform and change. The Commonwealth operates by consensus and cooperation. There is no Commonwealth member state that would hesitate to assist another Commonwealth member if the request were made.

A stronger Commonwealth on target and on mission could well but need not necessarily be a smaller Commonwealth, especially if sacrificing principles is the price of inertia in the face of clear violations. We are either a coalition of democracies or we are not. We are either a coalition of like minds or we are not. We are either a force for democracy, rule of law and human rights or we are not. For the Commonwealth to flourish and survive, we must have the courage to choose. The Charter, tabled respectfully before honourable senators today, reflects the important choices made in the past and the ones we must now respect and implement in the future.

(On motion of Senator Tardif, debate adjourned.)

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Pamela Wallin, pursuant to notice of March 5, 2013, moved:

> That the Standing Senate Committee on National Security and Defence have the power to sit on Monday, March 25, 2013, at 4:00 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1630)

THE SENATE

MOTION TO DECLARE THE CANADIAN CANOE MUSEUM A CULTURAL ASSET OF NATIONAL SIGNIFICANCE—DEBATE ADJOURNED

Hon. Linda Frum, pursuant to notice of March 5, 2013, moved:

That the Senate declare the Canadian Canoe Museum and its collection a cultural asset of national significance.

She said: Honourable senators, I am pleased to rise today to praise the Canadian Canoe Museum and to move that this chamber declare it a cultural asset of national significance.

The Canadian Canoe Museum is a unique national institution that explores and celebrates the enduring significance of the canoe to Canada. The museum houses 600 canoes, kayaks and paddled watercraft, making it the largest such collection in the world. Even more significant, the museum illustrates how the canoe has defined and shaped the Canadian character and spirit.

The location of this unique collection of Canadian history and culture is, fittingly, Peterborough, Ontario, which is the historic site of industrial canoe manufacturing in Canada. Commencing in the late 1850s, a substantial canoe building industry grew in and around Peterborough, and the Peterborough Canoe Company was founded in 1893.

By 1930, 25 per cent of all employees in the boat building industry in Canada worked in the Peterborough area. The canoe's origins and its prolific usage can be traced to First Nations, Metis, Inuit and Canada's early settlers. The canoe provides a commonality of heritage across all of these diverse groups of Canadians. Canoes were a necessity for the nomadic native tribes and voyageurs alike in exploiting the fur trade. As the commerce of early North America grew, so too did the need for canoes.

The canoe became and remains one of the most efficient means of moving humans in harmony with the natural environment. The canoe has been voted one of the seven wonders of Canada in a poll conducted by CBC.

A canoe from Canada's canoe museum, the Canada One/Un Canoe, represented the indominantable spirit of the great nation at the Thames Diamond Jubilee Pageant in honour of Her Majesty on June 3, 2012.

The founder of Canada's canoe museum, Kirk Wipper, began collecting canoes in the late 1950s and spent the next decades finding a suitable place to house this growing collection of history, ultimately culminating in the establishment of the Canadian Canoe Museum in Peterborough in 1997. Professor Wipper's credo was "to know, to care, to act"; and that is exactly the ethos exemplified by the Canadian Canoe Museum today. In addition to its priceless artifacts, the museum employs a knowledgeable, passionate staff who share their expertise and historic resources with visitors in an interactive, meaningful way.

In 2011, almost 5,000 students from 101 different schools across Canada participated in the museum's school-age educational programs. Of those, 340 spent a memorable night in the museum, and many others learned to paddle a canoe for the first time. The Canadian Canoe Museum has plans to expand to a new site that will physically connect the collection to the Trent-Severn Waterway, helping to increase the interest level and encourage the attendance of younger patrons.

Honourable senators, the Canadian Canoe Museum pays homage to one of the great wonders of our country. It celebrates one of the most potent symbols of our collective national identity. It is for this reason, honourable senators, that I am moving that the Senate declare the Canadian Canoe Museum and its collection a cultural asset of national significance.

Hon. Joseph A. Day: I am wondering whether the honourable senator would take a question.

The Hon. the Speaker *pro tempore*: Senator Frum, will you accept a question?

Senator Frum: Certainly.

Senator Day: The Peterborough canoe is a wonderful canoe, and so was the Chestnut canoe from Fredericton, New Brunswick. In that regard, I am wondering if the honourable senator could tell me how having the Canadian Canoe Museum declared of national significance would impact people and history in other parts of Canada. Does it have a significance under Canadian Heritage? Why would we want this particular designation?

Senator Frum: This is a designation, as I understand it, that applies to other cultural institutions in this country. It is really just our way, in Parliament, of expressing our appreciation and approval of certain significant cultural institutions, and that is all it means. It just means that we, in Parliament, recognize the importance of the institution.

Senator Day: Honourable senators, as a follow-up question, I am looking to know if there is any funding under Canadian Heritage or any protection that would flow from this designation that we should be aware of before we vote for it.

Senator Frum: I thank the honourable senator for the question. It is a good question, and the answer is no. It is really more of a statement of appreciation.

Hon. Jim Munson: Would the honourable senator take another question?

Senator Frum: Sure.

Senator Munson: I just have to have this on the record. This is the same museum that was opened up by Prime Minister Jean Chrétien and the initiative led by Peter Adams at that particular time. That is the first part of the question.

Being from northern New Brunswick, I know that there is an even more famous canoe, the Restigouche canoe, just to have that on the record. We do have a lot of canoes in New Brunswick. I just thought I would throw that out for the debate.

Senator Frum: I think the impulse behind Senator Munson's question is a desire to declare that the canoe is a symbol of importance to all Canadians. This is very much a non-partisan motion. This is a symbol that belongs to everyone, and I would really appreciate the support of all honourable senators in the chamber for this motion.

Hon. Claudette Tardif (Deputy Leader of the Opposition): This sounds like a wonderful motion, honourable senators, but we do have colleagues who might want to engage in debate on this issue, so I take the adjournment.

(On motion of Senator Tardif, debate adjourned.)

Foreign Affairs and International Trade

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ECONOMIC AND POLITICAL DEVELOPMENTS IN THE REPUBLIC OF TURKEY

Hon. A. Raynell Andreychuk, pursuant to notice of March 6, 2013, moved:

> That, notwithstanding the order of the Senate adopted on Wednesday, November 7, 2012, the date for the final report of the Standing Senate Committee on Foreign Affairs and International Trade in relation to its examination of the economic and political developments in the Republic of Turkey be extended from March 31, 2013 to June 30, 2013; and

That the committee retain all powers necessary to publicize its findings until July 31, 2013.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[*Translation*]

ADJOURNMENT

MOTION ADOPTED

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

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

> That when the Senate adjourns today, it do stand adjourned until Tuesday, March 19, 2013, at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, March 19, 2013, at 2 p.m.)

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