SENATE SÉNAT

CANADA

DEBATES OF THE SENATE

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 154

OFFICIAL REPORT
(HANSARD)

Tuesday, April 23, 2013

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

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

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

THE SENATE

Tuesday, April 23, 2013

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

WORLD INTELLECTUAL PROPERTY DAY

Hon. Joseph A. Day: Honourable senators, April 26 marks the thirteenth annual World Intellectual Property Day to celebrate human creativity and innovation and to raise awareness of intellectual property rights in our daily lives.

Today I rise to welcome members of the Intellectual Property Institute of Canada to Parliament Hill as well as young innovators from regional science fairs who will be attending the reception this evening.

The Intellectual Property Institute of Canada is a professional association of patent agents, trademark agents and lawyers who focus on legal rights of creators and innovators. Originally founded in 1926, today the association comprises over 1,800 members here in Canada. Their work contributes to stimulating innovation and creativity in Canada through assisting in the creation, protection and licensing of intellectual property rights.

While the Intellectual Property Institute operates in Canada, the World Intellectual Property Organization operates as a specialized United Nations agency headquartered in Geneva, Switzerland. Founded in 1967, its role is to promote protection and respect of intellectual property rights globally and encourage creative activity.

The theme of World Intellectual Property Day this year is "Creativity: the next generation." That is why it is very appropriate that we will have students of local science fairs in attendance. Intellectual property refers to the works and creations that are not physical in nature, such as concepts, inventions, designs, original art, literature and music. Such original rights are protected by industrial designs patents, trademark and copyright legislation.

Property that is real or personal in nature implies objects that we can touch and see. However, the human creativity and innovation behind the creation of these objects are equally valuable assets.

The Intellectual Property Institute, as well as those of us in Parliament who are interested in this particular area, have a responsibility to inform enterprises and the general public about the importance of intellectual property. The Standing Committee on Industry, Science and Technology in the other place recently published a report highlighting the important links between intellectual property protection and innovation to improve productivity growth here in Canada.

Awareness and understanding of intellectual property ensures not only that Canadians are able to protect their original ideas and inventions, but also that these ideas may be shared and disseminated worldwide for the benefit of all.

I congratulate my colleagues in the other chamber for their committee work on this very important topic. Today we also recognize IPIC's role in protecting and promoting Canadian intellectual property, and we also highlight the continued creativity of Canadian inventers.

I hope honourable senators will be able to join me in a reception this evening celebrating World Intellectual Property Day from 5 until 7 p.m. in room 256, just next door. In attendance, as I indicated, will be guests of the Intellectual Property Institute of Canada and four student winners of science fairs who will be exhibiting their science projects. Please come out and encourage "Creativity: the next generation."

NATIONAL HOLOCAUST REMEMBRANCE DAY CEREMONY

Hon. Linda Frum: Honourable senators, this afternoon the 2013 National Holocaust Remembrance Day ceremony will be conducted at the Canadian War Museum here in Ottawa. Over 60 Holocaust survivors from across Canada are expected to attend, an incredible testament given their advanced age and, in many cases, frail health to remain true to the vow "We shall never forget."

Survivors will be joined in this solemn remembrance by members of Parliament, members of cabinet and members of this chamber, myself included.

As the Prime Minister of Canada, the Right Honourable Stephen Harper, remarked on Yom HaShoah, the International Holocaust Remembrance Day:

> Canadians stand together to remember the countless innocent people, including nearly six million Jewish men, women and children who suffered and died at the hands of the Nazis during the Holocaust.
>
> As we mark the liberation of the first Nazi concentration camp in Buchenwald, Germany... let us renew our own commitment to continue their fight against all forms of intolerance, discrimination and anti-Semitism.

Among those attending today's somber commemoration will be Dr. Mario Silva. On March 5 of this year, Dr. Silva, a former member of Parliament, became the Chair of the International Holocaust Remembrance Alliance, the IHRA. The IHRA is an organization composed of 31 member states from around the world.

The IHRA has an annual rotating chairmanship, and this year the chairmanship belongs to Canada. The mission of the IHRA focuses on three main themes: education, remembrance and research.

In October of this year, Toronto will host the IHRA's annual conference to be attended by educators, academics, museum professionals and government officials from around the globe.

I am proud to serve as co-chair of the advisory council to Dr. Silva as he undertakes the enormous responsibility of spearheading this important international organization from now until March 2014.

During Canada's chairmanship year, many events and initiatives in support of Holocaust education and remembrance will take place. Among them will be the undertaking of a national project to preserve survivor testimony, an award for excellence in Holocaust education to recognize outstanding teachers, and an international poster competition for Canadian students.

Indeed, moments ago many of us attended a ceremony organized by the Canadian friends of Yad Vashem to award certificates of recognition to survivors who remade their lives in Canada and enriched Canada in the process.

There is also the development of a new Holocaust memorial under way in the National Capital Region.

At the IHRA handover ceremony in Berlin one month ago, Minister of Immigration and Citizenship Jason Kenney remarked:

> Our government believes it is critically important to be engaged in efforts to teach future generations the lessons of the Holocaust and help prevent future acts of genocide. The Holocaust stands alone in the annals of human evil and has important lessons to teach all of us — universal lessons that must not be forgotten.

Honourable senators, today here in Ottawa and during Canada's chairmanship year of the IHRA, the lessons of the Holocaust will be honoured, respected and passed down so they will always be known to future generations.

[*English*]

• (1410)

THE RIGHT HONOURABLE LESTER B. PEARSON, P.C., O.M., C.C., O.B.E.

Hon. David P. Smith: Honourable senators, I rise today to pay tribute to Lester B. Pearson, who was sworn in 50 years ago yesterday as Prime Minister.

Some Hon. Senators: Hear, hear.

Senator D. Smith: I was very fortunate to get to know him quite well because I worked within the Liberal Party and as executive assistant to two ministers during the Pearson years, both Walter Gordon and John Turner. I came to Ottawa in the fall of 1961 to study political science at Carleton, and one of the reasons I chose Ottawa was to come down and watch the action in the Commons in those pre-TV coverage days. I was in Ottawa during the 1962, 1963 and 1965 elections. I was very young of course. I was President of the Carleton Liberals, the Ontario University Liberals, the Young Liberals of Canada, and my most dramatic year was 1964-65 when I was the full-time national youth director and the party assistant at headquarters to rainmaker Keith Davey.

I went coast to coast about every six weeks getting ready for the 1965 election, and Keith would frequently take me to meetings with Mr. Pearson when I was in my early twenties. I travelled with Mr. Pearson on several trips. I remember the 1966 Grey Cup in Vancouver. It was Ottawa versus Saskatchewan, and he told everyone he was cheering for the Roughriders.

Mr. Pearson would always point out our similar backgrounds. His father and grandfather had both been Methodist ministers, pre-United Church days. My father Campbell Bannerman Smith, who, alas, died when I was 20, was a minister. We were known as PKs, or preachers' kids. Senator Munson is a PK.

Senator Munson: Is there something wrong with that?

Senator D. Smith: He would always put his arm around me and say, "We PKs, we have to stick together."

I remember going to events at 24 Sussex and dining there and at Harrington Lake. One time he had me into his office to watch a World Series baseball game, and he would give me the batting average of every player before they would announce it; he knew them.

One time he had some of us Young Liberals up to a reception at Harrington Lake. He came over, put his arm around me and said, "You know, there are a lot of PKs, but not many double PKs." I asked, "What is a double PK?" I learned that a double PK was having both your father and grandfather as preachers. I said, "My mother's father was one; I qualify." He said, "I know exactly who your father and your grandfather were, and we double PKs really have to stick together." It meant so much to me that he knew all that back when I was a kid.

I was with him election night in 1965 when we missed a majority by three seats. He was a warm, genuine, lovely man and a great hockey player — played on an Olympic team — and loved Canada.

I can tell honourable senators 20 things about the Pearson legacy, but I will just share a few of my favourites. The first is the flag. I will never forget that vote at three o'clock in the morning. It was pretty wild. There was medicare, the Canada Pension Plan, the Royal Commission on Bilingualism and Biculturalism, the Royal Commission on the Status of Women, Canada Student Loans, and he kept Canada out of Vietnam. Finally, he never had a majority, but he made minority government work.

I thank Mr. Pearson for his legacy, and from me, personally, thanks for the memories.

ST. JOHN AMBULANCE DAY ON PARLIAMENT HILL

Hon. Don Meredith: Honourable senators, it gives me great pleasure to rise today as an Honorary Patron for St. John Ambulance to bring to the attention of honourable senators the first St. John Ambulance Day on Parliament Hill. St. John Ambulance staff and volunteers have been saving lives in Ontario for over 125 years. This not-for-profit organization has made it their mandate to bring knowledge and skills to all Canadians to equip them to handle emergency situations.

St. John Ambulance remains dedicated to developing and expanding programming and resources on behalf of all Canadians. In addition to providing medical and first aid response training, they offer many other services, including therapy dog services and disaster response programs.

As a strong advocate for youth, I am particularly proud of St. John Ambulance's efforts to engage, encourage and empower youth through their youth service programs. These structured, health-oriented programs provide young people with opportunities for personal, social and educational development. Programs are offered for youth ages 6 through 18. Programming aims to increase the leadership capacity of young people in their communities by promoting volunteerism, first aid knowledge, skills development and career options. Knowledge is fostered through a variety of activities including camping and recreational outings.

Honourable senators, St. John Ambulance is not only committed to saving lives in Canada. In April 2011, they announced a partnership with the Haitian National Police and the United Nations Stabilization Mission in Haiti to provide training and knowledge in first aid and emergency preparedness for the people of Haiti.

Since the launch of this initiative, over 4,000 police officers in Haiti have been trained in first aid and 400 have received emergency preparedness awareness training. Through a strong partnership with the Haitian National Police, St. John Ambulance not only equipped people to save lives but fostered a sense of ownership of the program among members by building a strong capacity of Haitian instructors, which will ensure sustainability of the training for generations to come.

In an effort, honourable senators, to reach even more people and save more lives, St. John Ambulance has brought their expertise to us. Today is the first ever St. John Ambulance Day on the Hill. St. John Ambulance representatives will be on hand to provide materials, answer questions and to recognize and commemorate members of the community who have saved lives or attempted to save a life by administering first aid or CPR. St. John Ambulance has generously offered to provide certified CPR training to all parliamentarians free of charge. Two training sessions will commence on April 30.

Honourable senators, there is no greater ability than the ability to save a life. Please join me in participating in this program and in attending the reception hosted by the Honourable Noël Kinsella, our Speaker of the Senate, and the Honourable Andrew Scheer, Speaker of the House of Commons, at 5:30 this evening in room 160-S, Centre Block. God bless St. John Ambulance.

NATIONAL VOLUNTEER WEEK

Hon. Terry M. Mercer: Honourable senators, this is National Volunteer Week, a time when we say thank you to the over 13 million volunteers across Canada.

Canada is a global leader in the voluntary sector, from monetary donations to volunteer hours. Indeed, over 2 billion volunteer hours are given every year, which is the equivalent to over 1 million full-time jobs.

Every Canadian from every walk of life has been touched by the work of our voluntary sector in some way. Honouring donors and volunteers is very important because these people and organizations serve as role models in their communities.

I had the honour this past November to see Bill S-201, An Act respecting National Philanthropy Day, receive Royal Assent. Many years and many people were involved in its passage, and I am proud that we were finally able to make it happen. As a long-time volunteer and advocate for the voluntary sector, this was another step in recognizing the impact that the voluntary sector has on our country.

Honourable senators, this evening, after attending Senator Day's World Intellectual Property Day reception, just continue down the hall to room 238-S where I will be hosting a reception with Volunteer Canada, which is bringing together members of the non-profit and voluntary sectors, along with corporate and government entities. We will share stories about the tremendous impact volunteers have on our communities, and more important, we will say thank you. I encourage honourable senators to drop in and see the good work these volunteer organizations are doing.

Honourable senators, one of my favourite quotes about volunteering is from Margaret Mead:

> Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

Giving of one's self to help improve our society is a goal we all should strive to achieve. I encourage honourable senators to thank all the volunteers in our communities this week. However, let us not do it one week out of the year; let us do it every day.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Mairi Arthur, Chancellor of St. John Ambulance; Mr. Alain Laurencelle, Chair of the St. John Council for Manitoba; and Mr. Brian Patterson,

President of the Ontario Safety League and long-standing member of the St. John Ambulance. They are the guests of the Honourable Senator Meredith.

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

Hon. Senators: Hear, hear.

• (1420)

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. David Schwartz, Secretary of the Council, Intellectual Property Institute of Canada. Mr. Schwartz is a guest of the Honourable Senator Day.

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

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I wish to draw your attention in the Governor General's gallery to the presence of members of the Board of Directors of the Winnipeg Police Association: Constable Cory Wiles and Detective Sergeant Mike Sutherland. They are the guests of the Honourable Senator Plett.

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

THE LATE GEORGE BEVERLY SHEA

Hon. Donald Neil Plett: Honourable senators, I rise today to pay tribute to beloved gospel singer George Beverly Shea, who passed away on April 16, 2013, at 104 years of age.

Born in 1909 in Winchester, Ontario, just south of Ottawa, he was the fourth of eight children of the late Reverend and Mrs. Adam Joseph Shea. Reverend Shea served at the Sunnyside Wesleyan Church right here in Ottawa. This is where George Beverley Shea began singing in the church choir as a young boy.

Later known for his booming baritone voice, he served as the soloist for 66 years with the Billy Graham Crusade. His final crusade was in New York City in 2005. Shea became known as America's beloved gospel singer and was best known for his trademark rendition of "How Great Thou Art" and "The Wonder of it All," which he wrote. As well, at the young age of just 23 years, he composed the music to one of his best known solos, "I'd Rather Have Jesus."

Dr. David Bruce, who offered the scripture reading and meditation during the funeral service said, "This man's life can be summed up in a few simple phrases: the twinkle in his eye, the praise on his lips, the song in his heart, the length of his days and the joy of his Lord."

Shea sang in 185 countries on every continent and holds the Guinness World Record for singing in person to the most people over his career, an incredible 220 million people. Shea was the recipient of 10 Grammy nominations. He was also a member of the Gospel Music Association Hall of Fame and the Religious Broadcasting Hall of Fame.

Just two years ago, at the age of 102, Shea was honoured with a Lifetime Achievement Award at the fifty-third Grammy Awards ceremony. Here, Shea received a standing ovation from the crowd of fellow artists and fans. Many sought him out to have their picture taken with him and congratulated him for still singing with such strength and fervor at his age, after having performed a Christmas concert just a few weeks earlier.

A gentle, humble man of integrity and grace, he lived his life as an exemplary individual in every sense of the word. He will be fondly remembered as his music lives on in the hearts and lives he inspired all over the world for so many years, a legacy of a great Canadian we can all be proud of.

NATIONAL DAY OF REMEMBRANCE AND ACTION ON MASS ATROCITIES

Hon. Roméo Antonius Dallaire: Honourable senators, I rise as the Chair of the All-Party Parliamentary Group for the Prevention of Genocide and Other Crimes Against Humanity, which includes both houses, which all honourable senators are invited to be members of and which is aimed at informing honourable senators on a regular basis electronically about conflicts and catastrophes around the world from sources that are usually not found. Honourable senators are always encouraged to come to our sessions, where we discuss and hear from people from the ambassador level to undersecretaries of the UN, who come speak to us on the matter of mass atrocities and genocide prevention.

I also stand here as a member of the Secretary-General of the United Nations' Advisory Committee on Genocide Prevention, where my colleagues Desmond Tutu and Gareth Evans are also members and have a responsibility to assist the undersecretary and to advise regarding early intervention to prevent, which is the aim, not to try to resolve but to prevent catastrophes.

I would like to draw honourable senators' attention, if I may, to this National Day of Remembrance and Action on Mass Atrocities. The national day was originally designated on April 23, 2010, having been voted on by members of Parliament, having been moved by Member of Parliament Paul Dewar and carried unanimously in the House of Commons. The date chosen was the anniversary of Lester B. Pearson's election as Prime Minister; Pearson won the Nobel Peace Prize in 1956.

The purpose of this day remains with us, to set aside a day to reflect on the extent to which we have succeeded — or not — in preventing and responding to conflicts around the world. More important, it allows us to consider how we might do so much more, effectively responding in a proactive fashion in the future.

[*Translation*]

Unfortunately, mass atrocities continue to take place. Syria is a glaring example. Last month sadly marked the second anniversary of its civil war. The international community is losing interest in the situation in Syria. Yet, according to reports, last month was the bloodiest in that conflict, with approximately 6,000 deaths.

[*English*]

Honourable senators, with that said, it is after 19 years since the Rwandan genocide that I feel I can finally stand up and not despair on a day like this, on this National Day of Remembrance and Action on Mass Atrocities. I am heartened in particular by the attention that young people under the age of 25 are paying to such situations around the world. They are empowered by the bonds of human kind that tie them to their peers around the world.

This morning, I attended a conference organized almost exclusively by students of Sir Wilfrid Laurier Secondary School and eight other high schools in the Ottawa area. The event, held at the University of Ottawa, was entitled "Face the Facts, Inspire the Change." It was attended by over 300 students who had conducted activities that earned them the right to attend this conference. It featured a number of inspiring speakers who shared stories of their personal involvement in helping those affected by conflict and mass atrocities.

The potential of these incredibly talented, intelligent and determined young people, which I am calling the "generation without borders," is global: They are working worldwide, they have the ability to coalesce worldwide, and soon they will have the ability to Skype with anyone in the world, which has given them a revolutionary tool to be able to intervene and influence as previous generations never before could.

[*Translation*]

In closing, I urge you, honourable senators, to be vigilant and never ignore the war crimes, crimes against humanity and genocides that shock the international community. We must call for measures to prevent these conflicts, measures that have been offered to the government so that it can have the capacity to intervene in a deliberate and proactive manner rather than in an ad hoc manner in crisis situations. Above all, we must invest in our young people so that they have the knowledge and abilities to carry on with our generation's work and ensure that the international community never again stands by as mass atrocities are perpetrated as frequently as they have been in the recent past.

[*English*]

VIOLENCE AGAINST WOMEN

Hon. Donald H. Oliver: Honourable senators, I rise today to address an issue that impacts more than 200,000 Canadian women and girls every year. I am referring to violence against women.

During my career in the Senate, I have made it a priority to work towards the promotion of the government's four designated groups: visible minorities, people with disabilities, Aboriginals and women.

• (1430)

I am a senator from Nova Scotia, and one pressing issue is how women are treated globally and how they, more than men, are victims of violence.

I think, for instance, of how Rehtaeh Parsons of Nova Scotia was treated by four boys two years ago when she was allegedly sexually assaulted. A photo of the alleged assault was taken and circulated via email and social media. Thereafter, Rehtaeh was relentlessly humiliated, harassed and bullied at school and online. A police investigation led to no charges. On Monday, April 11, Rehtaeh died from her self-inflicted wounds after a failed suicide attempt.

We have all read of the horrific story of a 5-year-old girl in India who was allegedly kidnapped, raped and tortured by a man and then left alone in a locked room last week.

These are only the latest cases of violence against women and girls that have attracted international attention, but how many incidents do we not read about in the press?

I feel it is time for the Senate to engage in a fulsome debate on this issue, which is why I intend to set down an inquiry on violence against women. Consider these troubling statistics from the 2011 Canadian census. The numbers we have are based on police-reported data. There are, of course, many other cases of violence against women that are not reported to the appropriate authorities.

About 176,600 women aged 15 years of age and older, 8,200 girls under the age of 12 and 27,000 female youth were victims of violent crimes in 2011. Rehtaeh Parsons was one of them. The five most common violent offences committed against women were: common assault, 49 per cent; uttering threats, 13 per cent; serious assault, 10 per cent; sexual assault level I, 7 per cent; and criminal harassment, 7 per cent. On average, every six days, a woman in Canada is murdered by her intimate partner.

On the international front, international data shows us that six out of ten women in the world will have experienced some form of physical or sexual violence in their lifetime; and one in five women will be a victim of rape or attempted rape at some point in her life.

Honourable senators, as Canadian parliamentarians we have an opportunity before us to lead the way. We can no longer look the other way and ignore this pandemic. We need to work on education and prevention, increase awareness and reaffirm that violence against women of all ages constitutes a violation of the rights and fundamental freedoms of each individual. It is my hope that the Senate can take a united stand and that honourable senators will participate in the debate.

[*Translation*]

ROUTINE PROCEEDINGS

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON QUESTIONS CONCERNING VETERANS AFFAIRS—TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. Roméo Antonius Dallaire, Deputy Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, April 23, 2013

The Standing Senate Committee on National Security and Defence has the honour to present its

TWELFTH REPORT

Your committee, which was authorized by the Senate on Wednesday, June 22, 2011, and extended on Thursday, June 14, 2012, to study issues concerning veterans' affairs, requests funds for the fiscal year ending March 31, 2014.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules,* the 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,

ROMÉO DALLAIRE
Deputy Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix A, p. 2133)*

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

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

SOCIALS AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON SOCIAL INCLUSION AND COHESION—TWENTY-FIRST REPORT OF COMMITTEE PRESENTED

Hon. Kelvin K. Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, April 23, 2013

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTY-FIRST REPORT

Your committee, which was authorized by the Senate on Tuesday, November 22, 2011, Thursday, June 21, 2012 and Wednesday, December 5, 2012 to examine and report on social inclusion and cohesion in Canada, respectfully requests funds for the fiscal year ending March 31, 2014.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the 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,

KELVIN K. OGILVIE
Chair

(For text of budget, see today's Journals of the Senate*, Appendix B, p. 2141)*

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

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

CANADA POST CORPORATION ACT

BILL TO AMEND—NINTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Dennis Dawson, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday, April 23, 2013

The Standing Senate Committee on Transport and Communications has the honour to present its

NINTH REPORT

Your committee, to which was referred Bill C-321, An Act to amend the Canada Post Corporation Act (library materials), has, in obedience to the order of reference of March 5, 2013, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

Dennis Dawson
Chair

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

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

[*English*]

AGRICULTURE AND FORESTRY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON RESEARCH AND INNOVATION EFFORTS IN AGRICULTURAL SECTOR—ELEVENTH REPORT OF COMMITTEE PRESENTED

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

Tuesday, April 23, 2013

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

ELEVENTH REPORT

Your committee, which was authorized by the Senate on Thursday, June 16, 2011 to examine and report on research and innovation efforts in the agricultural sector, respectfully requests funds for the fiscal year ending March 31, 2014, and requests, for the purpose of such study, that it be empowered to:

a) engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study; and

b) travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the 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,

PERCY MOCKLER
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix C, p. 2147*.)

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

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

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET—STUDY ON PRESCRIPTION PHARMACEUTICALS—TWENTY-SECOND REPORT OF COMMITTEE PRESENTED

Hon. Kelvin Kenneth Ogilvie, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, April 23, 2013

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TWENTY-SECOND REPORT

Your committee, which was authorized by the Senate on Tuesday, November 22, 2011 to examine and report on prescription pharmaceuticals in Canada, respectfully requests funds for the fiscal year ending March 31, 2014.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the 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,

KELVIN K. OGILVIE
Chair

(*For text of budget, see today's* Journals of the Senate*, Appendix D, p. 2155*.)

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

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

• (1440)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM AND REFER PAPERS AND EVIDENCE

Hon. Irving Gerstein: Honourable senators, tomorrow the Standing Senate Committee on Banking, Trade and Commerce, in its regular time slot, is scheduled to meet with Bank of Canada Governor Mark Carney. This will be Governor Carney's final appearance on Parliament Hill.

Moments before this sitting of the Senate, it was drawn to my attention that the Standing Senate Committee on Banking, Trade and Commerce's general order of reference had in fact expired on December 31, 2012. Honourable senators, it would be most unfortunate if we had to cancel our meeting with the governor. Therefore, I beg your indulgence in adopting the following motion.

Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;
>
> That the papers and evidence received and taken and work accomplished by the committee pursuant to the order of the Senate on Tuesday, June 21, 2011 be referred to the committee; and
>
> That the committee submit its final report to the Senate no later than June 30, 2014 and that the committee retain all powers necessary to publicize its findings until September 30, 2014.

The Hon. the Speaker: Honourable senators, is leave granted for the house to consider this motion, which is given as notice now?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CHILDREN IN CARE

NOTICE OF INQUIRY

Hon. Elizabeth Hubley: Honourable senators, pursuant to rule 5-6(2), I give notice that, two days hence:

> I will call the attention of the Senate to Canadian children in care, foster families and the child welfare system.

VIOLENCE AGAINST WOMEN

NOTICE OF INQUIRY

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 5-6(2), I give notice that, two days hence:

> I will call the attention of the Senate to the need to engage in a national conversation to call for the elimination of violence against women, of all ages, in all its forms including physical, sexual, or psychological abuse, and, in particular, on how we, as a national legislative body, can take the lead in educating, preventing, increasing national and global awareness on gender equality and reaffirming that violence against women constitutes a violation of the rights and fundamental freedoms of each individual.

[*Translation*]

QUESTION PERIOD

HUMAN RESOURCES AND SKILLS DEVELOPMENT

HEALTH AND SAFETY OF CANADIAN CHILDREN

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, UNICEF released a report on the well-being of children in the 29 richest countries in the world. According to the report, Canada ranked 17th overall and 27th out of 29 on health and safety.

Because this is about safety, the Conservatives should take an interest.

The report shows that over a 10-year period—and the Conservatives have been in power for seven of those years—the situation has not improved. At best, Canada is running in place, which is not acceptable when we ranked 27th out of 29 on health and safety. We should be ashamed.

I realize that the Conservatives regularly oppose the idea of protecting children specifically, including within their families. That is a fact. Figures show that the government has failed to protect children within their families, but it is never too late to do the right thing.

What is the government's plan to rectify this situation quickly?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I saw the report of UNICEF and the subsequent analysis of the report. Actually, as many of the analyses showed, Canada's position is consistent and is much in line with what it has been in the past, including with this government and the previous government. We have a very strong record with regard to families and children, including our initiatives with the whole issue of maternity and healthy outcomes for mothers-to-be.

The UNICEF report, as far as the government was concerned, was consistent with the reports that have been made in the past. Canada continues to work very hard with the United Nations to better the lives of children all over the world.

[*Translation*]

Senator Hervieux-Payette: I would like to ask a follow-up question. I believe that the Leader of the Government in the Senate has neither read nor reviewed the tables, because when I was talking about Canada's ranking, I meant overall. I would encourage the leader to look at all of the tables. Canada is not in the top five in any of them, and is rarely in the top ten. I do not think we should be happy about that.

The report states:

> Three of the richest nations in the developed world — Canada, the United Kingdom and the United States — are placed in the bottom third of the infant mortality league table.

This must concern you, honourable senators.

In addition, Canada ranks 14th with respect to the percentage of 11-, 13- and 15-year-olds who reported being involved in a physical fight at least once in the past 12 months. We are in 21st place when it comes to the percentage of 11-, 13- and 15-year-olds who reported being bullied at school — bullying is a hot topic — at least once in the past two months. We have seen a lot of tragedies related to this.

The report is critical of the fact that there were not enough data regarding violence against children. I quote:

> Given the known dangers of growing up in a violent environment...

Could the Leader of the Government in the Senate tell us when the government will take action to prevent violence in our society by considering children as full-fledged human beings with the right to physical integrity, including in their homes?

[*English*]

Senator LeBreton: Honourable senators, what the honourable senator failed to point out is that the UNICEF report indicated that Canada has made progress in most indicators of well-being over the last decade and that close to 84 per cent of Canadian children have a high level of life satisfaction. Obviously, there is still some work to do. While 84 per cent is a significant number, there is still work to do.

I will again put on the record — and I believe I put on the record before — that we have been acting to help Canadians and their families become independent and to help them contribute to the economy and their community. The Economic Action Plan is doing just that by helping grow the economy. Over 900,000 jobs have been created since July 2009 and over 90 per cent of them are full-time jobs. We introduced the Working Income Tax Benefit, WITB, and it helped 1.5 million Canadians in 2011. We increased the amount that families in two of the lowest personal income tax brackets can earn before paying taxes. We cut taxes, putting an average of $3,000 back in the pockets of families. Over 1 million low-income Canadians now do not pay any income taxes at all. We enhanced the National Child Benefit and Child Tax Benefit. We brought in the Universal Child Care Benefit, $100 a month to children under 6, helping 2 million children. Budget 2010 allowed single parent families to keep more of this benefit after tax.

The child tax credit, of course, is available for every child under the age of 18, which provides more money to over 3 million children and removes 180,000 low-income Canadians from paying income tax.

[*Translation*]

Senator Hervieux-Payette: I believe the leader is looking at the report with rose-coloured glasses, because what she is saying is not necessarily the case. We are not talking about the 900,000 jobs that her government has supposedly created. We are talking about the well-being of children and rich countries.

With the employment insurance policies the government is adopting and measures such as deductions for the purchase of children's skates, I do not know how people with no income even have access to these deductions her government came up with. These deductions only help people with a lot of money.

• (1450)

[*English*]

Senator LeBreton: I think it is the honourable senator who is looking through rose-coloured glasses, because the way to alleviate child poverty is to ensure their parents have good jobs.

PUBLIC SAFETY

PARLIAMENTARY OVERSIGHT OF NATIONAL SECURITY

Hon. James S. Cowan (Leader of the Opposition): I did notify my friend the Leader of the Government in the Senate that I would be asking her questions on this issue today.

National security and the security of a country's citizens are of great concern to everyone. I think Canadians look to their parliamentarians to be vigilant in every respect and in every possible way in that regard, and the unfortunate events in the U.S. and in Canada the last few days have only heightened that concern.

My questions have to do with the issue of parliamentary oversight of issues relating to national security. There are a variety of organizations and agencies in Canada that do very good work, and I am sure they cooperate to a great extent not only with other agencies within Canada but, as we have seen in the last few days, with agencies abroad, as well. That is all well and good.

However, Canada is one of the few countries that do not have an appropriate parliamentary oversight for that national security function. This issue was raised first back in 1988, 1989 and 1990. The House of Commons committee recommended that there be

a permanent parliamentary subcommittee or committee dealing with this issue. After the Anti-terrorism Act of 2001 came in, that led up to the introduction of a bill in the Thirty-eighth Parliament, Bill C-81, drafted to establish a national security committee of parliamentarians. That bill had broad support, but it died with the dissolution of the Thirty-eighth Parliament.

Since that time, other countries have moved to put in place a parliamentary oversight committee: the United Kingdom, the U.S., Australia, France and Germany. Those are countries with which we would quite properly compare ourselves as being in tier-one modern and cooperative democracies in the fields of national security issues.

Our own Special Senate Committee on Anti-terrorism published a report in March 2011. I would read into the record a portion of recommendation 16, which appears on page 45 of that report:

> That, consistent with the practices in the United Kingdom, Australia, France, the Netherlands, and the United States, the federal government constitute, through legislation, a committee composed of members from both chambers of Parliament, to execute Parliamentary oversight over the expenditures, administration and policy of federal departments and agencies in relation to national security, in order to ensure that they are effectively serving national security interests, are respecting the *Canadian Charter of Rights and Freedoms*, and are fiscally responsible and properly organized and managed.

My question is the following: When will the government give due consideration to that recommendation and hopefully introduce legislation that will bring Canada in line with its allies and partners around the world, so that there will be an appropriate parliamentary oversight mechanism in place in this country?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question, and for notice of the question. The government appreciates the extremely good work of parliamentary committees, most particularly the good work of Senate committees. It always takes into consideration all recommendations of the committees. In this case, the recommendation was, like all recommendations, looked at seriously.

Through processes like SIRC, the Security Intelligence Review Committee, and departmental audit committees, the government is extremely confident that we have the oversight necessary to ensure that law enforcement and security agencies have the resources, policies and procedures in place to keep Canadians safe and to protect the rights of Canadians.

Senator Cowan: I will ask a supplementary question, if I may. I think the point of my question was to deal with the missing link, which is the parliamentary oversight. I said in the preamble to my question that we have a variety of agencies and departments that do good work in this area. What is missing, and what our allies and colleagues around the world have, is a parliamentary oversight mechanism. That is what committees of both houses have recommended for some considerable time, under the current Conservative government and under previous Liberal governments.

A bill was introduced that died, as I said, with the Thirty-eighth Parliament. However, it is parliamentary oversight that we do not have here. I am not disparaging the work of the existing agencies, but we do not have any kind of parliamentary oversight, which our allies in the other countries I mentioned do have. That is the point. Why do we not have that, and when will the government remedy that defect?

Senator LeBreton: I thank the honourable senator. He is right; it was a recommendation of the special committee in March 2011. The government seriously considers all recommendations that committees make.

However, as I pointed out to the honourable senator, we as a government are confident that, at the moment, the necessary oversight exists to ensure that law enforcement and security agencies have all the resources, policies and procedures in place to ensure we keep Canadians safe. We are also confident that the rights of Canadians, as outlined in the Charter of Rights and Freedoms and other documents, such as the Bill of Rights, are protected.

Senator Cowan: How could it possibly be that a parliamentary oversight mechanism is necessary in the United Kingdom, the United States, Australia, France, Germany and the Netherlands but is not necessary in Canada?

Senator LeBreton: Canada is an independent, sovereign country, and we are completely within our right to make laws that are relevant to Canada. Even though the recommendation was a solid one, we believe there are proper procedures in place right now.

Hon. Serge Joyal: I have a supplementary question. With the acceptance of the honourable Leader of the Government, I want to draw her attention to one piece of troubling information in the report that was tabled in this chamber by the special committee in March 2011. The report was created while the honourable Senator Segal was committee chair, and many members on all sides sat on the committee. I want to quote from the report at page 17:

> ... the RCMP has estimated that as many as 50 terrorist organizations are present in some capacity in Canada, and, as of May 2010, CSIS was investigating over 200 individuals in Canada suspected of terrorism-related activities.

The honourable deputy leader at the time moved in the Senate to send the terms of reference to our committee based on the following wording:

> That the Special Senate Committee on Anti-terrorism be authorized to examine and report on matters relating to anti-terrorism.

Would the Leader of the Government in the Senate accept today to move a similar term of reference to a special committee so that we could update the information that I have just quoted — information that dates back almost three years — in order to ensure that as parliamentarians we exercise due diligence in oversight of security measures in Canada?

Senator LeBreton: I would suggest to the honourable senator that the work of the committee he just referred to, chaired by Senator Segal, was extremely successful in extracting valuable information with regard to the threat that Canadians face from various terrorist organizations.

I believe that we and all Canadians should be extremely proud that we now have CSIS, the RCMP, the police forces in the various provinces, municipal police forces and great cooperation across the border with the FBI and other police organizations. I believe that through the efforts of the committee in 2011, great attention was drawn to the need to have all law enforcement agencies work together on a cooperative basis. Yesterday's results prove that we now have that kind of policing in place. We should be very proud of and thankful to CSIS and all the police forces that were involved in the outcome reached yesterday, which is now a matter before the courts.

• (1500)

The committee made great strides in underscoring the problem and the need for extreme cooperation among all levels of police forces. Happily, this is now happening.

Senator Joyal: Honourable senators, the report of the committee showed that terrorist threats evolve over the years and that homegrown terrorism is a new phenomenon that we must be able to tackle. The expert witnesses that the committee heard in 2010 and 2011 were quite leery about that.

It is time for parliamentarians to look again at how the threat has evolved. I do not want to be scaremongering here by mentioning bioterrorism and so on, but those phenomena appear to be present today. It is for us to look into that and report to this chamber in order to carry out our parliamentary duty of due diligence in evaluating the threat and how it presents itself.

Does the honourable leader not recognize that it is time for the Senate committee to sit with proper terms of reference so that we can inform the chamber on the evolving threat and how to best tackle it?

Senator LeBreton: I would argue that we have such a vehicle before us right now in Bill C-42, which is currently before the Committee on National Security and Defence. As well, Bill S-7 is now before the House of Commons. It is a government bill that was tabled in the Senate. It was debated in the House of Commons yesterday. The legislation currently before Parliament gives all parliamentarians in both houses the opportunity to participate actively in this debate.

Hon. Roméo Antonius Dallaire: Honourable senators, during the Cold War the threat was very specific, very focused and geocentric. We knew who the enemy was and what their intentions were. It was a matter of monitoring the situation and ensuring that we did not reveal too many secrets.

Since the end of the Cold War in 1989 we have stumbled into a whole new era in which we are not too sure where the threat is. In fact, we are constantly being surprised by where it is. We are even more surprised that there is such a significant threat right in our country.

How does the Defence Committee, which is also responsible for security, or an anti-terrorism committee meet the challenge of ensuring that the executive branch has the necessary tools and is doing its job, and that the legislative branch has the ability to monitor and provide oversight as well as providing advice to the executive branch with regard to security, defence and anti-terrorism when it cannot even get a confidential document?

What we get, honourable senators, is fluff. What we are fiddling with is superficial. Those reports do not reflect the true nature of the threat; they reflect what the witnesses can get away with telling us.

Is it not logical, in this new era of enormous complexity and ambiguity, that certain identified parliamentarians from both houses should be given access to classified material in order to provide oversight to the government? Bill C-42 has nothing to do with that. It is a whole different exercise.

Senator LeBreton: Honourable senators, I was pointing out that there are currently two bills before Parliament to deal with the issue of threats and how police respond. Bill S-7, which passed through this place and is now before the House of Commons, will provide law enforcement and national security agencies with the tools they need to respond more effectively to terrorism. It will assist law enforcement agencies in disrupting terrorist attacks by compelling suspects to appear before court in advance of a suspected terrorist attack. It will make it easier for law enforcement agencies and the courts to gather information on past or future terrorism offences by re-enacting the power to hold investigative hearings, and it will create new offences for leaving or attempting to leave Canada for the purpose of committing a terrorism offence.

Bill S-7, a government bill that was tabled in the Senate, was given thorough study here and is now in the House of Commons receiving the same attention there. It is one of two pieces of legislation we have before Parliament to deal with this new reality.

The honourable senator is quite right: We are dealing with a situation of a very real threat. It is the foremost responsibility of any government in Canada to ensure that Canadians are safe and that we have the legislation in place and the tools necessary to protect Canadians against those who seek to harm us.

Senator Dallaire: Honourable senators, I was the critic on Bill S-7. I raised the deficiencies of it as well as the fact that we could not really get into the guts of what it would do because we did not know the scale of the requirement that had to be met. We have another bill that deals with nuclear security. All that we were getting was, "This is as much as I can tell you," and "Trust us; this will do the job."

How can we as parliamentarians accept that no group of senators and MPs is receiving that fundamental classified data to reinforce what is being given to the rest of us and to determine whether the government is doing a good job or whether there are still many gaps and the government is not going far enough in meeting the challenge? We do it with every other subject under the sun. Why can we, the committee that is supposed to deal with defence, security and anti-terrorism, not get access to that hard data in order to do our job?

Senator LeBreton: As Senator Nolin just pointed out, Bill C-42 will establish a new commission, yet another oversight body, to which that information will be available.

It is the job of members of any committee of the Senate to seek out information as they study legislation or issues before them. It is not for me, honourable senators, to determine whether the members of the committee feel that the information they receive is of assistance to them. That is for them to decide.

• (1510)

Through the good efforts of many committees in Parliament, including the consideration of the proposed legislation currently before Parliament, we will have greater oversight when the bill passes. Thanks to the testimony of witnesses and the good work of Senate committees and others, we truly have a great deal of cooperation between the provincial, municipal and federal elements of the policing community, including our friends across the border in the United States.

The situation has markedly improved over what was the case a few years ago. We can never feel totally safe, but Canadians realize that we have the proper tools in place to ferret out, address and deal with terrorist groups whose intent is to harm us.

Senator Dallaire: Honourable senators, I have a final supplementary question. I sit on those committees. In a previous life not that long ago, I had access to significant information that we never have in committee when we study these bills; and we will never have access to that information. However, legislators will be held accountable for not insisting on such oversight of how the executive handles problems and how these ministries that are so significant to our security meet the challenges.

I ask the honourable leader, as recommendations from the committee were articulated on a number of occasions, whether she would be prepared to speak to her cabinet colleagues to address the possibility of at least studying the need for this capability, which has been identified, implemented and used very effectively in the countries that are our allies.

Senator LeBreton: Honourable senators, I have followed some of the testimony before the Standing Senate Committee on National Security and Defence and have been impressed with the quality of the witnesses and officials who have appeared and the degree to which they informed the committee as much as they could given that issues of security must be considered. Honourable senators, as I said to Senator Cowan, the government believes that the various bodies in place and the ones that are to come will provide sufficient oversight to ensure that procedures are in place to keep Canadians safe and to protect people's individual rights.

CROSS-CULTURAL ROUNDTABLE ON SECURITY

Hon. Mobina S. B. Jaffer: Honourable senators, I want to take this opportunity to thank our security forces for their good work on behalf of all of us.

All honourable senators know that to be protected and to have security we must have good intelligence. One way to collect good intelligence is through outreach to affected communities. For that to happen, we set up round table meetings, which helped to reach the affected communities. I would like to ask the leader whether those round tables still exist, and if so how often they meet and what resources they receive.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I appreciate the question as it gives me an opportunity to point out that police forces, as they said yesterday at their announcement, are very grateful to the Muslim community that provided them with information.

I understand that the round tables are continuing, but I will take the question as notice to assure the honourable senator and me that that is the case.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the answer to the oral question asked by the Honourable Senator Downe on March 27, 2013, concerning the 150th anniversary of the Charlottetown Conference.

CANADIAN HERITAGE

CHARLOTTETOWN CONFERENCE—MARKING ONE HUNDRED AND FIFTIETH ANNIVERSARY

(Response to question raised by Hon. Percy E. Downe on March 27, 2013)

> In preparation for the 150th anniversary of the historic Charlottetown Conference in 2014, the Government of Canada will provide $2.1 million to Prince Edward Island 2014 Inc. (PEI 2014 Inc.) and nearly $4 million to the Confederation Centre of the Arts. This support will help Canadians enhance their knowledge of the important role the 1864 Charlottetown Conference played in the history of Canada.
>
> Investments for PEI 2014 Inc. will directly support the development and celebration of the 150th anniversary commemoration of the Charlottetown Conference in 2014.

Support for the Confederation Centre of the Arts, the only national memorial dedicated to the Fathers of Confederation, will support the development of a state-of-the-art theatre pavilion. This project will help to improve the Centre's capacity to offer performing arts and heritage programming that reflects Canada's creativity in time for the 150th celebration of the 1864 Charlottetown Conference in 2014.

[*English*]

ORDERS OF THE DAY

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Comeau, for the second reading of Bill C-43, An Act to amend the Immigration and Refugee Protection Act.

Hon. Mobina S. B. Jaffer: Honourable senators, debate on Bill C-43 has been unduly politicized using fear. Fear justifies concentrating arbitrary power in the hands of the Minister of Citizenship and Immigration. Fear justifies the one-size-fits-all approach, where offenders who commit non-violent crimes are treated in the same way as offenders who commit violent crimes. Fear justifies refusing entry to persecuted dissidents from fragile countries — refugees and advocates whose only so-called "serious crime" was to contradict power or confront oppression.

Bill C-43 makes drastic changes to the way in which the Immigration and Refugee Protection Act evaluates inadmissibility, responds to individuals found inadmissible on certain grounds, addresses individuals with an inadmissible family member and grants relief from inadmissibility. The bill also provides new regulatory authorities for immigration applications and creates a formal procedure for the renunciation of permanent resident status.

Bill C-43 gives the Minister of Citizenship and Immigration the power to prevent an individual from obtaining or renewing temporary resident status. Under these new provisions, there is no way to take into account the circumstances of an offender. For > example, how would an arbitrary process that does not allow an appeal impact innocent children who may be affected by deportation? Moreover, the definition of "serious criminality" would be broadened to such a degree that any checks and protections to ensure the proportionality of a sentence and the consequences of that sentence are lost. Combined with the increased imposition of mandatory minimum sentences in Canada, this bill creates a factory-like approach to justice.

Honourable senators, we know that in the justice system cases are rarely black and white, open and shut or absent any peculiarity or particular context. Every case is based on the circumstances of that particular individual. A provision in the bill allows for the Minister of Citizenship and Immigration to declare summarily that a certain individual may not become a temporary resident for up to three years because of "public policy considerations." This change allows serious decisions to be made on the basis of oscillating public opinion or political preference — decisions on the basis of mob rule or the rule of one. Neither is justified in a democracy.

Honourable senators, we are united in our desire for a fair, efficient and just immigration system. However, we should not confuse efficiency with expediency, or public policy considerations with considerations of electoral politics. Most important, we should not confuse justice with dogmatism.

Honourable senators, I will say a brief word about "others." Others are people we exclude and subordinate because they do not fit into our society. We construct roles for ourselves and for others — us versus them, like us and not like us, the same and different. We lean on these constructed roles to justify ignoring what is just, fair and morally right according to the principle that our mothers and fathers taught us when we were young: Treat others as one would like to be treated.

Honourable senators, please do not misunderstand me. Criminals, violent and non-violent, Canadian and non-Canadian, should be brought to justice; but justice is not expedient, political or dogmatic.

• (1520)

In his book, *Orientalism*, literary theoretician Edward Saïd quotes Nietzsche on the truth of knowledge, asking what is the truth of language, but:

> ... a mobile army of metaphors... in short, a sum of human relations, which has been enhanced, transposed and embellished poetically and rhetorically, and which after long use seem firm, canonical, and obligatory to a people: truths are illusions about which one has forgotten that this is what they are.

Like Foucault, Saïd argued that distinguishing the "other" is about power and domination to achieve a political aim. Today the question is: What is our political aim? Is it to divide and conquer or to welcome and protect? Is it to punish and seek revenge, or to preserve peace and promote understanding? In many areas, but especially in citizenship and immigration, our government finds itself in a position of power. Is it to banish or to imprison someone?

These are serious questions. The manner in which we respond to them not only defines individual lives; it defines our collective commitment to an ideal greater than any one individual. We all know Canada as a beacon of hope, a protector of the persecuted and the purveyor of justice.

Honourable senators, in our haste to expedite a very serious process, I hope that we do not lose sight of who we are and the values we hold. I respectfully ask that we very carefully study the provisions of the bill, as it changes our values as to who we are as Canadians.

(On motion of Senator Tardif, debate adjourned.)

BUDGET 2013

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Carignan, calling the attention of the Senate to the budget entitled: *Economic Action Plan 2013: Jobs Growth and Long-term prosperity*, tabled in the House of Commons on March 21, 2013 by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 25, 2013.

Hon. Hugh Segal: Honourable senators, in rising to speak to Senator Carignan's constructive inquiry on the budget, I want to indicate that, in my view, the 2013 Economic Action Plan, while not perfect, is a balanced, creative and measured approach to the mix of economic opportunities and risks that Canada faces. It has my support and I commend it to all members of this chamber for their careful and positive consideration when the ways and means motions are presented to us.

The budget speaks of a range of activities aimed at low-income Canadians, such as renewed federal support for affordable housing, tax credits for various circumstances, reducing taxes on lower-income members of the workforce and a particularly constructive focus on job creation and training for low-income young people found on our First Nations reserves. There are also initiatives aimed at seniors that are progressive and constructive, as are the measures aimed at the disabled.

While there are a myriad of budget sections on innovation, building Canadian infrastructure, the financial services sector, medical research and government management, and much constructive good news about programs, engagements and commitments going forward, there is no specific section on the issue and challenge of poverty. I regret this very much.

Why? Well, until we look at all the pieces relating to poverty, and the federal-provincial effort on income security for low-income Canadians writ large, unless we assemble the different lines of spending and programming in one place, then it is hard to get a precise feel for how well we are doing, at what cost and with what outcome.

Honourable senators, there is a tendency when talking about public sector spending to reflect on input costs, program design and federal-provincial agreements. This, of course, has little, if anything, to do with results — real results in the day-to-day lives of the 10 per cent of Canadians who live beneath the poverty line.

As HRSDC focuses on Employment Insurance, program design, skills development and the rest, it is not surprising, however disappointing, that the department has no explicit focus on poverty reduction. With the breakup of the old health and welfare department some decades ago, we have lost the core focus on poverty reduction that should really come first in our social, economic and fiscal policy priorities. Why? Poverty, aside from being avoidable and inhumane, is very expensive.

Honourable senators, it is poverty that is the most reliable predictor of poor education outcomes, early dropouts, poor literacy, substance abuse, family breakup, family violence, poor health outcomes, poor and expensive interactions with the law, incarceration, longer stays in hospital and earlier death. All of these cost taxpayers, our economy, our productivity and federal and provincial treasuries tens of billions of dollars every year — money that could be better directed elsewhere.

Not having a section on poverty reduction in any federal or provincial budget is like having a business that leaves the door open to the safe, not to mention turning one's eyes away from our most challenging problem. Ignoring the elephant in the room does not make the elephant disappear.

I give Minister Flaherty full credit for what he has done for the disabled, for low-income members of the workforce, seniors, caregivers and scientific research. None of it is enough, but it is all a step in the right direction. However, the time to move on a coherent, flexible tax-based and determined reduction of poverty, has come.

Honourable senators, I hope this government will, in its coming shuffle, create a minister of state for poverty reduction. As this is a government that has come under criticism — some fair, some unfair — for doing too much through tax credits, I would like to suggest a new tax credit for the government's consideration.

The refundable anti-poverty tax credit could operate very simply indeed. Canadians would fill out their federal tax forms annually, as they always do. If their income fell beneath the poverty line in their province, they would be automatically topped up in the same way the GST tax credit operates now or the seniors' income supplement has operated for decades. There would be no new bureaucracy, no new overhead and, as every RAPTC recipient would be ineligible for welfare after they were topped up in their province, provinces would save billions. Ottawa could, over time, reduce that part of the social transfer supporting welfare to the provinces based on the number of people who are being topped up through the federal tax system.

The provinces could redirect their own account welfare dollars to education, seniors, modernizing our health or preventive health establishment, chronic care, or economic expansion — whatever they chose. The federal tax system would begin the eradication

of poverty among something more than the seniors population alone. All the horrific disincentives to work imposed on low-income Canadians by the micromanaging, rules-based, nanny-state welfare systems of the provinces would be gone.

Reducing the tax rates on the first $5,000 of marketplace earning by recipients would be a huge incentive to work. As honourable senators will know, the vast majority of Canadians living in poverty now are working, which is why the WITB program announced by Mr. Flaherty in his first budget was such an important initiative.

Honourable senators, a permanent economic under class, denied access to the economic mainstream or, because of disability, unable to participate fully, is not in any society's interest. The cost of poverty deeply overwhelms the cost of eradicating poverty. The cost of poverty in lives and opportunities wasted or lost is simply criminal.

As a conservative, I do not believe in legislating social or economic outcomes. I leave that to my friends on the left and the far left. However, I do believe in equality of opportunity, to be promoted by all parts of society, whenever possible, in the private sector, public sector and not-for-profit sector.

That is how we built this country. It is why millions have come to our shores for centuries and are still eager to come. We must not let complacency or myopia dilute our commitment to that equality of opportunity. We must not let federal-provincial complexity bar the path to social and economic progress.

• (1530)

We must not let pettifogging bureaucrats, who are risk-averse at all costs and who inhabit all of our finance departments across Canada, use their delete buttons to dull the Canadian dream.

That dream is about many things — freedom, gender equity, hockey, education, First Nations, democracy, pluralism, the vast North, the magnificence of our geography, our remarkable men and women in uniform — but it is, at its core, about opportunity. Deny opportunity to a generation, to a new generation of immigrants or to our First Nations, and we are admitting to a strong and compelling deficiency in the fabric of Canada.

This also requires some courage on the part of our governments. Federal and provincial governments that go back and forth in the same welfare rut, digging themselves further away from the sun, from the light and from reality, are truly path-dependent in a way that is wasteful and fiscally less than rational. It is time to start a new path, to plow a new furrow. I urge that further courage upon our government, upon our distinguished and accomplished Minister of Finance, and upon his colleagues in other governments nationwide. I support this budget for the good things that it does in a measured and responsible way. I urge him and his cabinet colleagues to make poverty reduction a priority as the deficit dims and our real opportunities begin. It is the very least we owe our fellow citizens, who did not choose poverty and who, like all of us, deserve a chance to build their lives with hope and engagement and who, when doing so, make the nation, its economy and our collective prospects remarkably stronger.

(On motion of Senator Carignan, debate adjourned.)

GENETIC NON-DISCRIMINATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. James S. Cowan (Leader of the Opposition) moved second reading of Bill S-218, An Act to prohibit and prevent genetic discrimination.

He said: Honourable senators, exactly 60 years ago this week, on April 25, 1953, James Watson and Francis Crick published an article in the science journal *Nature*, in which they wrote:

> We wish to suggest a structure for the salt of deoxyribose nucleic acid (DNA). This structure has novel features, which are of considerable biological interest.

"Of considerable biological interest" ranks as one of the most modest understatements of all time. Their discovery of the DNA double helix, for which they were awarded the Nobel Prize, unleashed the genetics revolution. Today, 60 years later, it is dizzying to contemplate the speed with which genetic science has advanced.

In 1990, scientists launched what many at the time viewed as a wildly ambitious task — to map out the entire human genome. Thirteen years later, it was complete. Some 3 billion molecules, our "blueprint" as human beings, have been identified as the human map.

From the very beginning, one of the central aspects of this research, the aspect that has given hope to millions of people around the world, has been the research into genetic diseases and the tantalizing possibility of finding a treatment, a cure and, best of all, a way to prevent a disease from developing in the first place.

Canadian scientists have been front and centre in this research. One of the earliest breakthroughs was the identification of the cystic fibrosis gene in 1989. That landmark discovery was the result of research by Dr. Lap-Chee Tsui in collaboration with Dr. John Riordan, both then at Toronto's Hospital for Sick Children, and Dr. Francis Collins, then at the Howard Hughes Medical Institute at the University of Michigan.

The identification of the cystic fibrosis gene was a groundbreaking event, and it has featured prominently in timelines of genetic research. It was one of the first but by no means the last. Since then, research has advanced at an astonishing pace.

Ten years ago, there were some 100 genetic tests available for genes identified for particular diseases. Today, according to the U.S. National Institutes of Health, there are more than 2,000. To give you an idea of the speed with which these tests are being developed, when my office recently checked with the NIH website, more than 30 tests had been added just in the previous 30 days.

There are tests available for genes associated with diseases from ALS, often referred to as Lou Gehrig's Disease, to polycystic kidney disease, to certain inherited breast and ovarian cancers, to Huntington's Disease, to certain hereditary forms of colon cancer.

Some honourable senators grew moustaches during Movember to support research to combat prostate cancer. Last July, researchers at Sunnybrook Hospital in Toronto announced that they can test for a particular genetic mutation that, if found, makes a man 14 times more likely to develop prostate cancer. Dr. Robert Nam, the lead investigator and urological oncologist on the research, said:

> This new genetic test is one more tool in the arsenal to potentially identify patients who may benefit from earlier or additional screening. For men with this gene mutation, especially younger men at higher risk, our goal is to extend lives as much as possible to their expected years of living through more proactive and better informed interventions.

Normally, having a gene associated with a particular disease does not mean that someone will necessarily develop the disease. The exception is with respect to certain rare, so-called "monogenic," or single-gene, disorders like Huntington's Disease, where, if you have the gene, you will develop the disease. However, most genetic disorders are called "multifactorial," which requires a number of susceptibility genes, often combined with particular environmental factors, to result in someone actually developing the disease.

In other words, honourable senators, there might be steps that a person could take to reduce the likelihood that they will develop the disease if they know they carry a gene associated with it.

For example, a young woman who finds out that she carries one of the genes associated with breast and ovarian cancer, one of the so-called BRCA genes, might choose to have children sooner rather than later, and then to undergo surgery to reduce the chances that she will develop one of these cancers.

Even in the case of monogenic disorders, there might still be medical options available to someone who finds out that they carry a particular gene.

Honourable senators, the decision whether or not to take a genetic test is a very personal one. There are many factors that weigh upon someone faced with the choice — considerations relating to the impact on one's children, siblings and other blood relatives and generally relating to one's future health and life options.

[Senator Cowan]

Unfortunately, in Canada, people today are also forced to consider the possibility that if they have genetic testing, they might find themselves subject to genetic discrimination. There is no protection today in Canada, at either the federal or the provincial levels, against this kind of discrimination. That is the problem that I am trying to address in Bill S-218.

• (1540)

Genetic discrimination usually arises in two contexts: insurability and employment.

Genetic counsellors will tell you of their experience meeting Canadians who for various reasons are at risk of carrying particular genes but who decide not to have genetic testing because of a very real fear that it will impact their insurability or affect their employment situation. According to a 2007 study, 84 per cent of genetic counselling professionals bring up and discuss the potential for insurance discrimination as a risk of genetic testing.

A study published in 2002 in the United States found that 61.5 per cent of eligible women seeking breast cancer risk assessment decided not to be tested for the breast cancer genes, the BRCA genes, because of the threat of health insurance discrimination. As described in the study, statistically some one half of those women would have tested positive. By not having the test, they missed out on preventative or treatment opportunities that otherwise might have been available.

This is not a U.S. phenomenon, nor is the fear of discrimination without basis. In fact, a leading study on genetic discrimination was published in the *British Medical Journal* in 2009. It was actually a Canadian study, out of the University of British Columbia. It surveyed more than 200 people with a family history of Huntington's disease. The study showed that 39.9 per cent of respondents reported that they had experienced genetic discrimination. Most occurred with respect to insurance, 29.2 per cent; but there was also discrimination reported in employment, 6.9 per cent; health care, 8.6 per cent; and public sector settings, 3.9 per cent.

Honourable senators, this is wrong. Genetic testing opens the possibility of being able to take steps to avoid developing a disease. To take Huntington's as one example, clinical trials are about to begin on a certain drug to treat Huntington's, and there is promising research in progress on so-called gene-silencing techniques. To access treatments, to be able to participate in research studies, to help science find a cure, one must be tested for the gene.

As a matter of public policy, I believe we should be removing roadblocks to people's being able to access genetic testing, if they choose. It is a matter of choice, and that choice should be the individual's to make. Someone recognizing that they may be at risk of developing a genetic disease already has so many concerns to balance. Fear about insurability for themselves or their children or about how their employer will react simply should not be among them.

Many other countries have legislated on this problem. Canada is an outlier.

Five years ago, the U.S. Congress passed the Genetic Information Nondiscrimination Act, or GINA, as it is known. Honourable senators, in the highly polarized world of American politics, this bill was passed unanimously by the U.S. Senate, and it passed the House of Representatives by a vote of 414 to 1. That shows the extraordinary consensus behind this issue, from across the political spectrum.

The United Kingdom, Germany, France, Austria, Spain, Belgium, Denmark, Finland, Norway, Sweden, the Netherlands — all have taken steps to address genetic discrimination, to open up the ability of their citizens, if they choose, to have genetic testing done without fear of subsequent discrimination.

In 2003, our federal government commissioned public opinion research into genetic privacy issues. The study, by Pollara and Earnscliffe, found that 91 per cent of respondents believed that insurance companies should not have the right to access personal genetic information. Virtually the same number, 90 per cent, said that employers should not have access to genetic information of employees.

That is what Bill S-218 will ensure. Let me take you quickly through its provisions because it is quite a short bill.

The bill is in three parts. First, it creates a new statute, the genetic non-discrimination act. That act will prohibit anyone from requiring someone to take a genetic test, or to disclose the results of a genetic test, as a condition of providing goods or services to that person, entering into or continuing a contract with that person, or offering or continuing particular terms or conditions in a contract with that person.

The act sets out specific exceptions for medical personnel, such as doctors in respect of someone under their care, and it has a specific exception for medical or scientific research for someone participating in that research.

The bill also provides an exception for certain high-value insurance contracts. I will return to that point shortly.

The second part of the bill amends the Canada Labour Code to prohibit employers from requiring employees to take a genetic test or to disclose the results of a genetic test. It prohibits third parties from disclosing to an employer that an employee has had a genetic test, or disclosing the results, without the written permission of the employee in question; and it prohibits an employer from receiving or using the results of a genetic test without the employee's written permission.

The third part of the bill adds genetic characteristics as a prohibited ground of discrimination under the Canadian Human Rights Act.

That is the overview of the bill, honourable senators. I would like, however, to return briefly to the issue of insurance. Fear of repercussions for insurability is probably the single biggest concern people have about genetic testing. Conversely, I am aware that the insurance industry has strong views on this as well.

In April 2010, the Canadian Life and Health Insurance Association issued the "CLHIA Position Statement on Genetic Testing," in which it stated:

> The industry's policy is that insurers would not require an applicant for insurance to undergo genetic testing. However, if genetic testing has been done and the information is available to the applicant and/or the applicant's physician, the insurer would request access to that information just as it would for other aspects of the applicant's health history.

Honourable senators, I have some sympathy for the insurance industry's position. I can understand that there may appear to be similarities between family medical history and genetic information. However, Canadians know that there is a difference. There is something qualitatively different — more personal, more private — about one's genetic makeup than facts about one's family medical history.

This was made very clear in the Pollara-Earnscliffe research that I referred to a few moments ago, and I quote from that report:

> ... virtually everyone insists that insurance companies should not have access to genetic data. Many cling to the notion that genetic information deals primarily in predispositions not medical certainties and they argue that no one should be penalized for something they may not contract.
>
> They hold to that and reject arguments that this might be quite similar to the impact of gathering family medical histories.

Honourable senators, sometimes we have to draw a line in the interest of good public policy. Genetic testing offers the possibility that someone can obtain information that then can very concretely become informed about choices that may be able to give them a better chance at a healthy life. Of course, preventative steps can also yield significant savings in health care costs for taxpayers. These are good things, honourable senators. We know that fear of genetic discrimination, particularly in insurance, is actively working to discourage people from having testing that they should otherwise have in order to better manage their personal health. As I said before, there are many factors and concerns that weigh upon a person in deciding whether or not to take a genetic test. Insurability should not be one of them.

• (1550)

I was also encouraged by two studies prepared by the Office of the Privacy Commissioner of Canada. Genetic testing is an issue that the Privacy Commissioner has identified as one of the four "top strategic priorities" of emerging privacy issues to be addressed by her office. In this connection, the Privacy Commissioner had two studies prepared relating to the insurance industry and its need to access genetic information. One, published just a year ago, in March of 2012, was entitled *The Potential Economic Impact of a Ban on the Use of Genetic Information for Life and Health Insurance*. I commend the whole

study to honourable senators. It is a very serious and thoughtful analysis. For now, let me read from the summary:

> We conclude that for the present and near-term future, a ban on such information would likely have no significant negative implications for insurers or for the efficient operation of markets such as life insurance. Although we do not consider it our purview to make a recommendation one way or the other on such a regulation, a ban would provide comfort to individuals regarding protection of privacy and reduce concern about potential future problems with buying life insurance should a genetic test reveal "bad news". The institution of such a ban would seem not only unproblematic for the insurance market but even economically and socially desirable.

The insurance industry may fear the implications of a bill such as the one before us, but the evidence suggests that in fact it would likely have no significant negative implications for insurers.

There is one specific issue of concern to insurance companies that I want to speak briefly about. That is with respect to what is called "adverse selection." Insurers are concerned that applicants who know that they are genetically at risk of developing a particular disease may buy high-value insurance policies and make large claims — and the insurance companies cannot do anything about it if they are prohibited from asking about the results of genetic testing.

The study prepared for the Office of the Privacy Commissioner suggests that in fact this concern is not as great as insurance companies may suggest. Nevertheless, Bill S-218 contains a special provision in clause 6 to address this issue. That clause sets out an exception to the general rule so that insurance companies may require disclosure of genetic test results for certain high-value insurance contracts — the bill sets the bar at policies that pay an amount greater than $1 million, or more than $75,000 in annual benefits — if the relevant province has passed legislation allowing it.

That kind of approach — providing an exception for high-value insurance contracts — has been adopted in several countries. I believe that it could provide a workable solution that both can be used to address the concern of the insurance industry while respecting the constitutional division of powers. However, I want to emphasize that this exception would allow insurance companies to demand the disclosure of any prior genetic tests that have been done but would not allow the insurance company to require that a genetic test be taken as a precondition to entering into a contract.

Honourable senators, I have tried in this bill to address an issue that is of great concern to a number of Canadians and whose importance will only grow in the years to come as genetic science continues to advance. This issue has been recognized at one time or another by each of the three main federal political parties.

The Liberal Party of Canada promised in its 2011 platform to introduce measures, including possible legislative measures, to prevent genetic discrimination. The NDP has introduced several private members' bills in the other place, adding "genetic characteristics" as a prohibited ground of discrimination under the Canadian Human Rights Act.

In 2008, the Conservative Party's election platform said:

> We will also work toward bringing an end to discriminatory life insurance practices.

Honourable senators, this is not a partisan issue; it is an issue of enabling Canadians to benefit fully from the extraordinary advances of medical science.

Before I conclude, I want to publicly recognize the work of the Canadian Coalition for Genetic Fairness. This is an umbrella organization formed specifically to work toward a made-in-Canada strategy to eliminate genetic discrimination. Its members include the ALS Society of Canada, the Alzheimer Society of Canada, Cystic Fibrosis Canada, the Centre for Molecular Medicine at UBC, the Canadian Organization for Rare Disorders, the Foundation Fighting Blindness, the Huntington Society of Canada, the Kidney Foundation, Muscular Dystrophy Canada, NF Canada, Ovarian Cancer Canada, Osteoporosis Canada, the Parkinson Society of Canada, the Spina Bifida and Hydrocephalous Association of Canada, and the Tourette Syndrome Foundation of Canada.

The chair of the coalition, Ms. Bev Heim-Myers, has said that in the case of genetic testing "science has outperformed legislation." This should not be, honourable senators. We can fix that. Many other countries have found a way to prohibit genetic discrimination. We can and we should do the same.

I have tried to present what I believe to be a workable solution. I have been gratified to see its warm reception by Ms. Heim-Myers and others. I hope that we can move this bill to committee for study so that we can see whether the bill does indeed achieve its objectives. As always, I look forward to comments and suggestions from honourable senators for improvement.

The Hon. the Speaker *pro tempore***:** Will the honourable senator take a question?

Senator Cowan: Absolutely.

Hon. Pierre Claude Nolin: After listening to Senator Cowan's great speech, I now understand exactly where he is going.

While conducting research for this bill, did the honourable senator look into the interaction between section 7 of our Charter, the right to life and security, which seems to be in jeopardy already, and what he is describing as the reality? I am not saying what the honourable senator is proposing should not take place because section 7 is there, but I wonder if he has already looked into it.

Senator Cowan: I did, and the advice I received was that section 7 was not strong enough and we needed this additional protection. I think this point is one we should consider in committee. This is a proposal, and I am quite open to any suggestions that would improve it.

Senator Nolin: Canadians facing the choice between their security of life and a job or insurance need to know that they have that protection already. I know it could be cumbersome to use the Charter, but it is already there.

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): I would like to ask the Honourable Senator Cowan a question.

This is an extremely worthwhile bill. In the mid-1990s, I remember working on the issue of discrimination on the basis of disability. The issue was whether a genetic predisposition or disorder could constitute grounds for discrimination on the basis of disability. Because the perception of such disorders is subjective, I came to the conclusion it could constitute grounds for discrimination on the basis of disability, especially in light of the prohibitions in the Quebec and other provincial charters, which govern private parties. The Canadian Charter of Rights and Freedoms does not, because government action is required to enforce section 7.

When it comes to private parties, the provincial charters can apply. However, most charters contain prohibitions against discrimination on the basis of disability.

I have not examined this issue for several years, but I would like to know whether, during his research, the honourable senator was able to observe whether the situation has changed in terms of the case law and whether the prohibition against discrimination on the basis of disability could be invoked for genetic discrimination.

• (1600)

[*English*]

Senator Cowan: The people I have consulted do not feel that the law has evolved to the point where this kind of legislative intervention is not necessary. They feel we need a legislative intervention.

The honourable senator mentioned provincial jurisdiction. There was a bill introduced in the Ontario legislature that I think was roughly parallel to the bill Ms. Davies introduced in the federal house. However, the sense is that, first, those bills are more limited than the bill I am proposing, but there is a gap in which the common law — and probably the civil law as well — has not evolved sufficiently to provide the kind of protection needed, and that is the reason this intervention is necessary.

I think those points and the ones that Senator Nolin has raised should be addressed in committee. Those who feel this bill is necessary should come and explain to the committee why they hold those views.

I understand the point the honourable senator is making. I think our committees are well equipped to deal with this, and I would look forward to those hearings.

Hon. David Braley: Will the honourable senator take another question?

Senator Cowan: Absolutely.

Senator Braley: Did I understand him correctly that if I had been tested at 25 or 26 years of age and knew I was going to die in five years, that the insurance company would be forced or at least have to provide me with some level of insurance or disability? Is that what I heard? I was not sure whether I heard that during the honourable senator's speech.

Senator Cowan: As it is now, if one has been tested, then they are able to require the person to disclose the results of that testing, and that may affect their insurability. They may deny it or they could rate the person so that a much higher premium is applied.

This bill is intended to say one would not be required to undergo genetic testing, and if one had, one would not be required to disclose the results of that genetic testing. That is correct. That is what this bill would do.

(On motion of Senator Carignan, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

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

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak to Bill S-214, An Act to amend the Criminal Code (protection of children) as introduced by Senator Hervieux-Payette.

Bill S-214 repeals section 43 of the Criminal Code. The purpose of repealing section 43, as I understand the senator's argument, is to eliminate all forms of corporal punishment. I listened very carefully to my honourable colleague's arguments, but I do not believe that the discussion around Bill S-214 should be around corporal punishment. It is rather about the legal and social implications likely to result from the criminalization of reasonable actions by responsible parents and teachers in the course of fulfilling their duties towards children and whether it violates the Canadian Charter of Rights and Freedoms or any other international human rights legislation.

I share Senator Hervieux-Payette's concern about the use of corporal punishment and do not agree with corporal punishment as such. Various studies indicate that corporal punishment rarely

leads to positive outcomes for the child, the parent or our society, and it is increasingly understood and accepted in modern Canadian society that other forms of discipline provide the best environment for a child to grow.

Recognizing the evolutionary nature of this process, the Canadian government has, for several years, sought to support this shift through education rather than outright prohibition. This is reflected in the position of the Public Health Agency of Canada, where they state:

> All children need guidance from their parents, including on how we want them to behave. This guidance is what we call "discipline".
>
> Children need time to learn what they should do and should not do. They learn by watching their parents and others, by hearing clear instructions... and by getting praise and encouragement for their efforts.
>
> Discipline teaches children responsibility, self-control, and right from wrong. It raises the child's self-esteem, encourages the child to do better, and strengthens the parent-child bond....
>
> Spanking is not an effective form of discipline, even though some people may think it is.
>
> Spanking can lead to anger and resentment and can cause children to lose trust in their parents. Spanking teaches that hitting others is okay. In the long run, spanking makes children's behaviour worse, not better.

I concur with this position.

The Senate has expressed a similar opinion. In its April 2007 report entitled *Children: The Silenced Citizens*, the Standing Senate Committee on Human Rights indicated that it did not support corporal punishment. Reflecting the wisdom of the International Convention on the Rights of the Child, our committee stated:

> There is a clear need for further research into alternative methods of discipline, as well as the effects of corporal punishment on children. As well, the Committee believes that the federal government should launch education programs in the public sphere to foster a societal movement against corporal punishment, creating a contextual framework from which individual families can draw support.

While the Convention on the Rights of the Child establishes clear obligations, it also notes that children's rights are generally progressive. Children, that is, are maturing, and their capacity to handle their own rights increases into adulthood.

The concepts of parental guidance and responsibility are reflected in the convention's recognition of children's rights to a family, as well as their right to protection from violence.

This same logic underpins section 43 of the Canadian Criminal Code. It provides a very narrow defence for the use of force by a teacher or parent within the much broader assault provisions of the Criminal Code. Absent section 43, any touching by a parent or a teacher in the course of caring, disciplining or controlling the behaviour of a child could lead to criminal prosecution.

The definitive case, which I ask senators to take into account, is the Supreme Court of Canada in its ruling in the *Canadian Foundation for Children, Youth and the Law vs. Canada (Attorney General)* [2004] 1 S.C.R. 76, 2004 SCC 4. It established principles to guide the application of section 43.

The court indicated that section 43 cannot be used to justify the use of corrective force for any child under 2 or for any child over 12. It established that the defence does not justify actions taken in anger or frustration, or to force involving the use of any instrument or object, or to blows to the head.

Finally, section 43 only applies to "minor corrective force of a transitory and trifling nature," to quote the court.

Therefore, section 43 is so narrowly defined that its repeal would leave parents and teachers without resource to any justifiable use of physical contact by way of correction or restraint of a child or pupil.

Another way of looking at it is that the repeal of section 43 would place children in the same position as an adult under law. I believe this is what Senator Hervieux-Payette desires.

I, on the other hand, believe that children are in need of guidance. Sometimes, physical intervention is necessary to correct behaviour or to prevent a child from harming themselves or someone else. It is often argued that some countries, such as Norway, Germany and New Zealand, have prohibited corporal punishment. Less commonly understood is that these countries typically have separate measures in place to allow for physical intervention by an adult to restrain or correct a child.

In 2007, New Zealand became the first Westminster system to ban corporal punishment. In 2009, a two-year review of the ban found:

> The amendment has had minimal impact on police activity and officers have continued to apply a commonsense approach.

• (1610)

A citizen-initiated referendum that same year revealed that over 88 per cent of New Zealanders supported a repeal of the amendment criminalizing corrective force. Subsequent policy measures were taken to ensure that parents would not be investigated by Child, Youth and Family Services for lightly disciplining their child.

I therefore wish not to debate the merits of corporal punishment, but to determine the effect of the removal of section 43 from the Criminal Code without reinsertion of any other section or initiative to assist the child, the parent, the teacher and society.

The most constructive analysis on section 43 came in the majority decision of the Supreme Court of Canada to which I previously referred.

The court was asked to answer three basic questions: Does section 43 of the Criminal Code infringe on the rights of children under section 7 of the Canadian Charter of Rights and Freedoms? Does section 43 of the Criminal Code infringe on the rights of children under section 12 of the Canadian Charter of Rights and Freedoms? Does section 43 of the Criminal Code infringe on the rights of children under section 15(1) of the Canadian Charter of Rights and Freedoms?

The court determined that the answer to all three questions was that there was no infringement and that section 43 was indeed constitutional.

In the judgment's first paragraph, the Chief Justice indicated:

> The issue in this case is the constitutionality of Parliament's decision to carve out a sphere within which children's parents and teachers may use minor corrective force in some circumstances without facing criminal sanction. The assault provision of the *Criminal Code*, R.S.C. 1985, c. C-46, s. 265, prohibits intentional, non-consensual application of force to another. Section 43 of the *Criminal Code* excludes from this crime reasonable physical correction of children by their parents and teachers.

The Chief Justice stated:

> I am satisfied that the substantial social consensus on what is reasonable correction, supported by comprehensive and consistent expert evidence on what is reasonable presented in this appeal, gives clear content to s. 43. I am also satisfied, with due respect to contrary views, that exempting parents and teachers from criminal sanction for reasonable correction does not violate children's equality rights. In the end, I am satisfied that this section provides a workable, constitutional standard that protects both children and parents.

To the question of whether section 43 of the Criminal Code offends section 7 of the Charter, the Supreme Court noted:

> Section 7 of the *Charter* is breached by state action depriving someone of life, liberty, or security of the person contrary to a principle of fundamental justice. The burden is on the applicant to prove both the deprivation and the breach of fundamental justice. In this case the Crown concedes that s. 43 adversely affects children's security of the person, fulfilling the first requirement....
>
> This leaves the question of whether s. 43 offends a principle of fundamental justice.

The Supreme Court deliberated on this, and the majority view addressed the issue put forward by the plaintiff, which was that the "implication is that for s. 43 to be constitutional, it would be necessary to provide for separate representation of the child's interests."

The Chief Justice found that the "child's interests are represented at the trial by the Crown" and gave reasons as to why that was adequate and desirable.

The Foundation, the plaintiff in the Supreme Court case, stated "that it is a principle of fundamental justice that laws affecting children must be in their best interests, and that s. 43's exemption of reasonable corrective force from criminal sanction is not in the best interests of the child." Therefore, the Foundation argued, section 43 violates section 7 of the Charter.

The Chief Justice respectfully disagreed and stated:

> While "the best interests of the child" is a recognized legal principle, this legal principle is not a principle of fundamental justice.

Cases were cited to prove the point. In fact, the Supreme Court noted that Article 3(1) of the Convention on the Rights of the Child describes the "best interests of the child" as "'a primary consideration,' rather than 'the primary consideration'."

The Supreme Court drew on the wording in *Baker v. Canada (Minister of Citizenship and Immigration)* [1999] 2 S.C.R. 817, at paragraph 75. In this judgment, Madam Justice L'Heureux-Dubé stated that

> ... the decision-maker should consider children's best interests as an important factor, give them substantial weight, and be alert, alive and sensitive to them. That is not to say that children's best interests must always outweigh other considerations, or that there will not be other reasons for denying an H & C claim even when children's interests are given this consideration.

The Supreme Court therefore found that "the legal principle of the 'best interests of the child' may be subordinated to other concerns in appropriate contexts."

The Foundation also argued that section 43 was unconstitutional because of "vagueness and overbreadth."

The Supreme Court responded that the standard for "vagueness" states that:

> A law is unconstitutionally vague if it "does not provide an adequate basis for legal debate" and "analysis"; "does not sufficiently delineate any area of risk"; or "is not intelligible".

The law must offer a grasp to the judiciary, but they noted that certainty is not required.

In determining whether section 43 delineates a risk zone for criminal sanctions, the court stated:

> The purpose of s. 43 is to delineate a sphere of non-criminal conduct within the larger realm of common assault. It must, as we have seen, do this in a way that permits people to know when they are entering a zone of risk of criminal

> sanction and that avoids *ad hoc* discretionary decision making by law enforcement officials. People must be able to assess when conduct approaches the boundaries of the sphere that s. 43 provides.

Applying this principle, the court indicated that section 43 "delineates who may access its sphere with considerable precision." It therefore found that there was no violation of the Charter in this case.

Considering the requirement that the force be "by way of correction," the Chief Justice concluded:

> These words, considered in conjunction with the cases, yield two limitations on the content of the protected sphere of conduct.
>
> First, the person applying the force must have intended it to be for educative or corrective purposes...
>
> Second, the child must be capable of benefiting from the correction.

This led, of course, to all the exceptions that the Supreme Court has noted where force can be used.

The court explored cases in which the term "reasonableness" has been defined and found:

> Section 43 does not exempt from criminal sanction conduct that causes harm or raises a reasonable prospect of harm. It can be invoked only in cases of non-consensual application of force that results neither in harm nor in the prospect of bodily harm. This limits its operation to the mildest forms of assault. People must know that if their conduct raises an apprehension of bodily harm they cannot rely on s. 43. Similarly, police officers and judges must know that the defence cannot be raised in such circumstances.

The court then went on to say:

> Within this limited area of application, further precision on what is reasonable under the circumstances may be derived from international treaty obligations. Statutes should be construed to comply with Canada's international obligations: *Ordon Estate v. Grail*, [1998] 3 S.C.R. 437, at para. 137. Canada's international commitments confirm that physical correction that either harms or degrades a child is unreasonable.

• (1620)

Canada is a party to the United Nations Convention on the Rights of the Child. Therefore, Article 5, Article 19(1) and Article 37(*a*) must be taken into account. Similar language to Article 37(*a*) of the international convention is also found in the International Covenant on Civil and Political Rights, Can. T.S. 1976 No. 47, to which Canada is a party.

The court found that:

> The preamble to the *International Covenant on Civil and Political Rights* makes it clear that its provisions apply to "all members of the human family". From these international obligations, it follows that what is "reasonable under the circumstances" will seek to avoid harm to the child and will never include cruel, inhuman or degrading treatment.
>
> Neither the *Convention on the Rights of the Child* nor the *International Covenant on Civil and Political Rights* explicitly require state parties to ban all corporal punishment of children.

This may be why the debate with the United Nations Human Rights Committee has been the focal point of those who desire a complete repeal of section 43 of the Criminal Code without replacing it with some other legislation covering restraint.

The United Nations Human Rights Committee has indicated they wish to see section 43 deleted. I find it curious that neither the Government of Canada, in its submissions, nor the advocates for a complete ban on corporal punishment have correctly addressed this issue from a Canadian context.

As I have noted, those countries having banned corporal punishment have other measures allowing for restraint. A proper study of section 43 in the Canadian context would therefore not simply focus on its deletion but on how we might help children when some restraint is necessary for their benefit and for those with whom they come in contact.

Returning to the issue of reasonableness, the Supreme Court indicated that corporal punishment that allows slaps or blows to the head is harmful and should not be concluded to be reasonable. However, the court went on to say:

> Contemporary social consensus is that, while teachers may sometimes use corrective force to remove children from classrooms or secure compliance with instructions, the use of corporal punishment by teachers is not acceptable.... Section 43 will protect a teacher who uses reasonable, corrective force to restrain or remove a child in appropriate circumstances. Substantial societal consensus, supported by expert evidence and Canada's treaty obligations, indicates that corporal punishment by teachers is unreasonable.

The court noted throughout its judgment that the standard of reasonableness is a standard that evolves. Therefore, the court found that section 43 was not vague. It stated:

> It sets real boundaries and delineates a risk zone for criminal sanction. The prudent parent or teacher will refrain from conduct that approaches those boundaries, while law enforcement officers and judges will proceed with them in mind. It does not violate the principle of fundamental justice that laws must not be vague or arbitrary.

One other issue of note is that were section 43 removed, it has been argued that the defences of necessity and *de minimis* would be available. The Supreme Court Chief Justice addressed this assumption, noting that the defence of necessity "is available, but only in situations where corrective force is not in issue, like saving a child from imminent danger. As for the defence of *de minimis*, it is equally or more vague and difficult in application than the reasonableness defence offered by s. 43."

In its decision, the Supreme Court also addressed whether section 43 offends section 12 of the Charter. The court found that it did not, and I commend senators to read the section on that. The Supreme Court went on to consider whether section 43 offends section 15 of the Charter, which provides that every individual is equal before and under the law without discrimination. It stated:

> Section 43 permits conduct toward children that would be criminal in the case of adult victims.

Citing precedents, the Supreme Court noted:

> The difficulty with this argument, as we shall see, is that it equates equal treatment with identical treatment, a proposition which our jurisprudence has consistently rejected. In fact, declining to bring the blunt hand of the criminal law down on minor disciplinary contacts... reflects the resultant impact this would have on the interests of the child and on family and school relationships. Parliament's choice not to criminalize this conduct does not devalue or discriminate against children, but responds to the reality of their lives by addressing their need for safety and security in an age-appropriate manner.

The court went on to say:

> Section 43 makes a distinction on the basis of age, which s. 15(1) lists as a prohibited ground of discrimination. The only question is whether this distinction is discriminatory under s. 15(1) of the *Charter*.

The Supreme Court concluded:

> Children need to be protected from abusive treatment. They are vulnerable members of Canadian society and Parliament and the Executive act admirably when they shield children from psychological and physical harm. In so acting, the government responds to the critical need of all children for a safe environment. Yet this is not the only need of children. Children also depend on parents and teachers for guidance and discipline, to protect them from harm and to promote their healthy development within society. A stable and secure family and school setting is essential to this growth process.
>
> Section 43 is Parliament's attempt to accommodate both of these needs. It provides parents and teachers with the ability to carry out the reasonable education of the child without the threat of sanction by the criminal law. But s. 43 also ensures the criminal law will not be used where the force is part of a genuine effort to educate the child, poses no reasonable risk of harm that is more than transitory and trifling, and is reasonable under the circumstances. Introducing the criminal law into children's families and educational environments in such circumstances would harm children more than help them. So Parliament has decided not to do so, preferring the approach of educating parents against physical discipline.
>
> This decision, far from ignoring the reality of children's lives, is grounded in their lived experience. The criminal law is the most powerful tool at Parliament's disposal. Yet it is a blunt instrument whose power can also be destructive of family and educational relationships.
>
> The reality is that without s. 43, Canada's broad assault law would criminalize force falling far short of what we think of as corporal punishment, like placing an unwilling child in a chair for a five-minute "time-out". The decision not to criminalize such conduct is not grounded in devaluation of the child, but in a concern that to do so risks ruining lives and breaking up families — a burden that in large part would be borne by children and outweigh any benefit derived from applying the criminal process.

Without stating all of the reasons here, the Chief Justice therefore concluded:

> I am satisfied that a reasonable person acting on behalf of a child, apprised of the harms of criminalization that s. 43 avoids, the presence of other governmental initiatives to reduce the use of corporal punishment, and the fact that abusive and harmful conduct is still prohibited by the criminal law, would not conclude that the child's dignity has been offended in the manner contemplated by s. 15(1). Children often feel a sense of disempowerment and vulnerability; this reality must be considered when assessing the impact of s. 43 on a child's sense of dignity. Yet, as emphasized, the force permitted is limited and must be set against the reality of a child's mother or father being charged and pulled into the criminal justice system, with its attendant rupture of the family setting, or a teacher being detained pending bail, with the inevitable harm to the child's crucial educative setting. Section 43 is not arbitrarily demeaning. It does not discriminate. Rather, it is firmly grounded in the actual needs and circumstances of children. I conclude that s. 43 does not offend s. 15(1) of the *Charter*.

• (1630)

Therefore, section 43 of the Canadian Criminal Code poses no legal, constitutional or violation of the Canadian Charter of Rights and Freedoms.

Having worked with children for many years, having studied the UN Convention on the Rights of the Child, having participated in the debates about corporal punishment and the deletion of section 43, and, in particular, noting the Supreme Court's extensively cited remarks in this context, I cannot support Bill S-214. The Standing Senate Committee on Human Rights has encouraged the Government of Canada to study the consequences

of removing section 43, to look into means of encouraging the continued evolution away from the use of physical discipline and to consider alternative legal and policy approaches for achieving the objectives currently subsumed by section 43 of the Criminal Code.

Suffice it to say, no child should suffer harm. The approach in Canada has been to educate and assist parents to use proper techniques to help their children grow and develop and to help them assume their full maturity and responsibility, as contemplated in the UN Convention on the Rights of the Child. Each responsible state has taken a different approach toward this objective. More education is still needed and should be intensified to help parents in this modern world.

Based on my experience as a family court judge, the influences on children at the time when I was a judge were the community, the school and the parents. Today, however, with the onslaught of information technologies, the impacts on children are yet to be fully understood. We need to renew our efforts to confront these challenges. I believe we must do what we can to keep families together, while ensuring children's protection. I believe education is at the forefront of this movement.

In the absence of a complete and perfect set of tools with which to support the maturation of children, some reasonable restraint or corrective capability is necessary. Until such time as an alternative provision or provisions are available to protect and uphold the special relationship between children, parents and teachers, section 43 remains necessary and is in the interest of children and our society.

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

Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker *pro tempore***:** It has been moved by the Honourable Senator Hervieux-Payette, seconded by the Honourable Senator Robichaud, that this bill be read the second time.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

(Motion agreed to, on division, and bill read second time, on division.)

REFERRED TO COMMITTEE

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

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

INCOME TAX ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Rivard, for the second reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today with the permission of Senator Ringuette, who has adjourned this motion in her name and who is the second speaker on this bill.

I wish to add my voice to those who strongly oppose Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

This is a private member's bill, but it is the latest in a string of private bills to be aggressively pushed forward by the government itself.

In my remarks today, I will address several aspects of this bill: its constitutionality, its privacy concerns, its costs to the Government of Canada, its potential to affect the well-being of Canadian workers and its overall lack of justification.

Honourable senators will be familiar with the content of the bill, having heard the remarks of its sponsor, the Honourable Senator Eaton, as well as the thorough and critical examinations of this bill by Senators Cowan and Segal. This legislation seeks to require labour organizations to disclose their financial information, including the salaries and benefits of some employees, to the Canadian public.

Human Resources and Skills Development Canada states that as of January 2012 more than 4.6 million Canadian workers are covered by collective agreements. Millions more were union members during their working lives and are now retired. We know that this bill, if passed, will affect, directly or indirectly, a huge segment of the Canadian population.

I will start by addressing what may be the primary area of concern regarding Bill C-377: its constitutionality. There are various questions about whether this bill will stand up to a constitutional challenge. First, the bill infringes on Canadians' constitutionally protected rights to freedom of expression and freedom of association.

Second, there is a jurisdictional issue. Honourable senators will know that the division of legislative powers is set out in sections 91 and 92 of the Constitution Act, 1867. Subsection 92(13) of the Constitution specifies that Property and Civil Rights is an area that is under the exclusive jurisdiction of the provinces.

It is clear to me that when the Member of Parliament for South Surrey—White Rock—Cloverdale drafted this bill, he did not fully understand the limits that the Canadian Constitution puts on the federal parliament's legislative powers.

Tax legislation is a federal jurisdiction, but it is erroneous to claim that Bill C-377 is simply tax legislation that might, incidentally, touch the sphere of organized labour. There is no connection between the regulations proposed in this bill and the enforcement of tax requirements. There is simply no income tax enforcement basis for the disclosures required by Bill C-377. This is evidenced by the fact that the same requirements could have easily been enacted by a bill that made no amendment to the Income Tax Act. Further, there is no structural connection between the measures in Bill C-377 and the tax exemptions provided to unions in the Income Tax Act.

The sole purpose of this bill is to regulate the operation of labour organizations. As such, the Canadian Constitution invalidates it.

The Canadian Bar Association concurs with this analysis. They stated: "In our view, it is inappropriate for operational restrictions to be brought forward as amendments to taxation legislation."

Honourable senators, calling something "tax policy" does not make it so any more than calling a 700-page omnibus bill a "budget" makes it a budget.

[*Translation*]

Bill C-377 also raises serious concerns about privacy. The Privacy Commissioner of Canada, an officer of Parliament who acts at arm's length and is mandated to defend Canadians' right to privacy, publicly expressed her concerns regarding this bill as follows:

> Transparency and accountability are essential features of good governance and critical elements of an effective and robust democracy.
>
> However, as the Privacy Commissioner of Canada, it is my mission to protect and promote the privacy rights of individuals....Bill C-377 raises serious privacy concerns.

• (1640)

In the other place, amendments were made to this bill in order to take into account certain privacy concerns. The commissioner felt that the bill still went too far, even after amendments were made to improve certain aspects of it. Her main argument was that the loss of privacy was not proportional to the need for disclosure.

By way of clarification, the commissioner pointed out that there are instances in Canada where salaries are publicly disclosed when funded directly by the public. "However, these exceptional cases of public disclosure do not create a clear precedent for labour organizations given that their accountability is to their members, not the general public."

So-called "sunshine laws" exist for some governments and Crown corporations. However, these organizations are funded from the public purse. The commissioner is of the opinion that the intrusion on privacy seems highly disproportionate.

[*English*]

We need an appropriate balance between legitimate public interest goals and the respect for privacy interests protected by our laws and by the Canadian Charter of Rights and Freedoms. I do not believe that this bill achieves that appropriate balance.

Last year, the government launched a website, reduceredtape.gc.ca, and a national commission to find ways to reduce red tape, which they call "irritants" in government regulations and processes. On this website, one will find pages of government talking points about how cutting red tape is the most effective way to keep spending down and make government work for people. Yet, Bill C-377, by definition, is red tape. It certainly sends a confusing message to the Canadian public when members of the government push to pass a bill such as this.

Even after cost-reduction amendments were made to this bill, the Parliamentary Budget Officer estimated that approximately 18,000 records are likely to be filed per year, leading to an estimated cost of $36 million to the Canadian taxpayer for the first two years and $14.4 million per year after that.

Where does the public interest lie in this bill? What is the value to be derived from the millions that will be spent by the Canada Revenue Agency? The proponents of this bill have failed to demonstrate that there is a need for this legislation proportionate to these costs.

I am deeply troubled by this bill because I am convinced that it will be detrimental to the effective functioning of unions and to the well-being of Canadian workers. For example, the detailed financial disclosures required by the bill would place unions and labour organizations at a disadvantage, given that management would know details about the union's finances, such as the balance in a strike pay fund and, consequently, a union's ability to sustain a strike.

I have specific concerns about clause 149.01(3)(*b*)(xx), "any other prescribed statements," which serves as a basket clause for the financial disclosure requirements, meaning that any additional disclosure requirement could be imposed at any time by this government by regulation. This means effectively that if we allow this bill to pass, then we are granting the government permission to increase at any time the financial disclosure requirements of labour organizations. This is not a responsible way to proceed.

We often hear from the Harper government that they are focused, above all else, on jobs and the economy. In evaluating this bill in terms of those metrics, I can only conclude that it would be an encumbrance to our country's continued economic development. It runs counter to the interests of the public, and especially of the workers, to legislate workers' organizations to devote their time, energy and resources to red tape rather than to

improving working conditions and accessibility. Labour organizations have a positive role to play in our economic growth, but that contribution is impeded when an antagonistic government clogs their functioning with red tape.

Honourable senators, I believe it is important to have a meaningful discussion in this chamber about the justification — or rather, lack thereof — for this proposed legislation. The case for this bill hinges on one misguided principle: Labour organizations are subsidized by the public purse through the Income Tax Act and, therefore, are particularly obligated to disclose their financial information to the Canadian public.

Honourable senators, that is simply not the case. In addition to the fact that they are not required to pay income tax, labour organizations do not receive any special subsidies or public funding. Their members are the ones who can deduct their union dues on their annual income tax returns.

This brings me to a key point: with regard to this case, we must remember that there are no established or accepted principles that make these groups accountable to the Canadian public. Like any other organization, unions must be accountable to their members.

The members, the people who pay union dues, are the ones who need to know how the unions are spending their money. The Canadian Bar Association made a good argument that bears repeating. I quote:

> Labour organizations operate for the benefit of their membership and in this way more closely resemble that of a closed corporation. The governance and transparency of the organization should be a matter of general concern to its membership, not the public at large.

Unions must be accountable to their members. Just because these organizations are given tax breaks, that does not mean that they should have to disclose information that would infringe on privacy.

As honourable senators know, corporations also receive numerous tax breaks.

Unions are not shrouded in secrecy, as some honourable senators on the other side would have us believe. In most union locals, expenditures must be ratified by the membership and the executive board. Their financial officers are elected and the vast majority of union constitutions require that consolidated financial statements be given and made available to every single member of that union.

We also know that legal measures are already in place. Section 110 of the Canada Labour Code states:

> (1) Every trade union and every employers' organization shall, forthwith on the request of any of its members, provide the member, free of charge, with a copy of a financial statement of its affairs to the end of the last fiscal year,...

It continues:

> (2)... shall contain information in sufficient detail to disclose accurately the financial condition and operations of the trade union or employers' organization for the fiscal year for which it was prepared.

In respect of a complaint to the Canada Industrial Relations Board, section 110 states:

> (3) The Board, on the complaint of any member of a trade union or employers' organization that it has failed to comply with subsection (1), may make an order requiring the trade union or employers' organization to file with the Board,...

In 2011, a total of 6 of 4.6 million workers filed complaints about transparency or access to information. It is clear to me that union members have sufficient and satisfactory avenues through which to access their labour organization's financial information. Bill C-377 is trying to solve a problem that does not exist.

Setting aside for a moment the established existing infrastructure that ensures appropriate transparency, I am also concerned about the inconsistent application of the principle that Bill C-377 purports to champion. Why is it that unions are singled out for this hyper disclosure? Professional member-based organizations, such as law societies, to which practising lawyers must belong and whose dues are also tax-deductible, receive preferential tax treatment but are not included in Bill C-377. My colleague in the other place, the Member of Parliament for Cape Breton—Canso, introduced amendments to include these professional associations, which, for the purposes of this bill, are no different than other labour organizations. The government voted them down. This sends a clear message that they support imposing these disclosure requirements for unions only but not for anyone else. It is a difficult position to defend.

• (1650)

What about private companies? Many tax breaks are offered to these organizations, and the principle behind this bill would require that they be subject to this transparency model as well. Preferential tax treatments for private companies, which account for millions in reduced public revenue, include the Youth Employment Strategy, the Scientific Research and Experimental Development Tax Incentive and the Canadian Innovation Commercialization Program.

Many provincial governments' labour ministries have privately and publicly expressed concern about Bill C-377. Canada's two largest provinces — Ontario and Quebec — which together account for 62 per cent of Canadian workers, have both spoken publicly in opposition to this bill. Manitoba and Nova Scotia have also voiced their concerns.

I received a letter from the Minister of Labour for Ontario, in which she wrote:

> I believe the purpose of this bill substantively interferes with and impedes the internal administration and operations of unions and is not grounded on defensible labour relations practice or policy.

The minister called the bill "unnecessarily provocative" and expressed concern that "in these tough economic times we need governments, organized labour, and management to work together, and this bill as passed through the House needlessly intervenes in that process."

The minister from Ontario speaks from experience. Ontario once had a similar law to Bill C-377 provincially. However, the province found it to be time-consuming and expensive to handle the disclosure and discovered that little benefit was derived. They repealed the law. Could I ask for five minutes, please?

The Hon. the Speaker *pro tempore***:** Honourable senators, is more time granted?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** Five minutes, Senator Tardif.

Senator Tardif: Thank you.

The minister states that, "These disclosure requirements failed to promote productive labour relations and did not provide any value-added accountability to union members."

In Alberta, countless groups of citizens whom I represent here in this place have voiced their opposition to Bill C-377. Among them are the Alberta Regional Council of Carpenters and Allied Workers, the Alberta Federation of Labour, the Alberta Teachers' Association, the United Nurses of Alberta and the Alberta Union of Provincial Employees.

The Alberta carpenters decry the fact that the bill "commands unions to report on the percentage of time its officers, employees and contractors spend on political and lobbying activities," which "represents a stunning invasion of privacy into the legitimate daily work of unions in pursuit of their members' best interests."

The Alberta Federation of Labour's president, Gil McGowan, states:

> This is a political bill. In the same way that they have cut funding to environmental and women's groups, they are trying to weaken and muzzle a strong progressive voice.

The Alberta Teachers' Association indicates that:

> Since women make up 70 per cent of the teachers in Canada, they will be significantly impacted by Bill C-377 both as union members and as taxpayers because of the loss of services paid for by union resources that are now diverted to this unnecessary accounting exercise as well as the implementation cost that must now be borne by taxpayers.

Alberta nurses, 25,000 strong, point out that their union executive, like the majority of others, is "directly accountable to the United Nurses of Alberta's members for the union's actions and its spending." They say:

> Our member nurses directly control how UNA's finances are spent through well-established transparent democratic processes... We disclose audited financial statements to our directors, all UNA locals and to delegates at meetings...

The nurses see this bill as completely unnecessary and politically motivated.

The Alberta Union of Public Employees' president, Guy Smith, stated:

> The provisions of the proposed legislation would create a large administrative and financial burden on our union, effectively reducing the cost-effectiveness and efficiency of our organization due to the onerous reporting requirements the bill would create if proclaimed into law. I am frankly surprised that a government which aspires to reduce regulatory red tape and create a country that is more efficiently managed would endorse such legislation.

When our colleague Senator Segal spoke on this bill on February 14, he summed up the bill thusly:

> This bill is about a nanny state; it has an anti-labour bias running rampant; and it diminishes the imperative of free speech, freedom of assembly and free elective bargaining.

[*Translation*]

Honourable senators, I have presented the flaws in this bill with respect to privacy, administrative costs, the negative impact on workers and the lack of justification for Bill C-377. None of the evidence presented supports the basis for this bill. As senators, it is our responsibility to exercise caution before passing it. We know that this is a private member's bill that has the enthusiastic support of the government. Nevertheless, five members of government in the other place were so convinced that the bill was bad public policy that they voted against it. One of them is a fellow Albertan, the member for Edmonton—St. Albert.

In this place of second sober thought, I would hope that honourable senators will carefully study this bill and its harmful consequences and vote against Bill C-377.

Hon. Pierre Claude Nolin: Would the senator accept a question? Senator Tardif told us that subsection 92(13) of the Constitution Act, 1867, which gives the provinces jurisdiction over private law — and a contractual labour relationship is part of that responsibility — would prevent the Parliament of Canada from enacting legislation concerning a provincial labour organization.

However, if the bill focused only on federal labour relations and were amended, for example, to eliminate all provincial labour organizations in order to concentrate only on federal labour organizations, does the senator believe that it would pass the constitutional test?

Senator Tardif: Honourable senators, I would say that, on the basis of the Constitution, that could perhaps allay this criticism. However, there are quite a few other aspects of this bill that are problematic.

Senator Nolin: Honourable senators, Senator Tardif has understood that I restricted my question to the constitutional issue, which was her first argument.

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

• (1700)

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—MOTION TO REFER TO COMMITTEE OF THE WHOLE—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;
>
> And on the motion of the Honourable Senator Tardif, seconded by the Honourable Senator Cowan, that the question be referred to a Committee of the Whole for consideration.

Hon. Serge Joyal: Honourable senators, I have read Motion No. 144 on the Order Paper. I would like to inform honourable senators that yesterday, the Federal Court ruled in the case of Kevin Page against the Leader of the Opposition, the Speaker of the Senate and the Speaker of the House of Commons.

[*English*]

Honourable senators, it is a very important fact that this house should be aware of, taking into consideration that our Speaker was one of the petitioners in that case and that the judge, when he rendered judgment yesterday, clearly addressed the issue of privileges raised by our honourable Speaker. It is important that, for the purpose of future debate in relation to that motion, it be on the record that at paragraph 30 of the decision, it states:

> The Speakers have not discharged the burden upon them to establish that it is necessary to deny the Parliamentary Budget Officer access to the courts on the grounds that such access as would render the Houses of Parliament unable to discharge their functions.

Furthermore, paragraph 31 states:

> I shall now turn to whether this is a matter entirely internal to Parliament, and conclude that it is not.

Finally, at paragraph 63, the judge concluded:

> Mr. Page's application shall be dismissed, not on the grounds of parliamentary privilege, not on the grounds of statutory interpretation, but on the grounds of non-justiciability. There shall be no order as to costs.

In other words, the court has set aside the pretension of our Speaker and of the Speaker of the House of Commons that our privileges were at stake in relation to the petition of Mr. Page to the Federal Court. It is very important for us, as parliamentarians, to be aware of this because privileges are enjoyed by each of us individually and by the institution as a whole.

I commend this decision to my honourable colleagues because it refers to the *Vaid* case. I am looking at Senator Jaffer, who intervened with me in that case in the Supreme Court. Honourable senators will remember that in the *Vaid* case, Mr. Vaid did not succeed in the court, but the Supreme Court of Canada pronounced on the privileges that were claimed by the Speaker of the House of Commons that the labour relationship between him and Mr. Vaid, who was his chauffeur, and the labour relations system under which Mr. Vaid was working, was privileged. The court decided contrary to that pretension also.

Honourable senators, I see Senator David Smith, who happens to be chair of the Rules Committee, and Senator Braley, who is the deputy chair of that committee. I think this chamber should consider the issue of privileges, because we have two major decisions here rebutting the position of our Speaker and the Speaker of the other place in the *Page* case and in the *Vaid* case. It would be appropriate for us to review the issue of privileges.

There have been many decisions in the Canadian courts — I think more than 10 of them in the last 20 years — and it would be helpful to honourable senators individually if our Standing Committee on Rules, Procedures and the Rights of Parliament could be seized of that issue and report to the chamber on where our privileges stand and how we should tackle the issue of privileges. It remains, as I said, a difficult concept in parliamentary legislation and it would be fair for us, if we want to better understand our status and the privileges we enjoy, to rely on a study report that our committee could produce.

I submit that to the chamber. I know, of course, that it is not up to us on this side only to decide upon those matters, but I submit that to senators in this place, especially those on the other side. Senator Comeau has been part of those discussions previously, and I think it would be helpful for us to reflect generally.

I will leave my proposal at this level today, but I thought it was appropriate to raise it since the decision was made public yesterday. Thank you, honourable senators.

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

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cowan, calling the attention of the Senate to the many contributions of Canadian universities and other post-secondary institutions, as well as research institutes, to Canadian innovation and research, and in particular, to those activities they undertake in partnership with the private and not-for-profit sectors, with financial support from domestic and international sources, for the benefit of Canadians and others the world over.

Hon. Mobina S. B. Jaffer: Honourable senators, Senator Dawson has given me permission to speak at this time.

[*Translation*]

Honourable senators, I am pleased to speak to this inquiry regarding the contributions to innovation and research made by universities and other post-secondary institutions in Canada. As Senator Cowan pointed out in his inquiry, the partnerships that many universities and other post-secondary institutions in Canada form with the private and not-for-profit sectors are very successful in Canada and around the world.

[*English*]

I want to thank Senator Cowan for highlighting Canadian research and innovation in the Senate and I commend Senator Cowan and Senator Segal for their collaborative approach to this issue.

Today I want to recognize and celebrate certain aspects of Canadian research that contribute to long-term development and sustainability in poorer nations.

In 2009, Canadian filmmaker Richard Phinney travelled back to Afghanistan after several years away. Instead of finding poppies, as he did in previous visits; and the guns and violence he remembered, Phinney found new facilities training midwives and community health workers, social audits demonstrating democracy at its best, and young girls dreaming of becoming doctors and teachers.

Phinney discovered and exposed through film the difference made by research of Canadian institutions sponsored by the work of the Aga Khan Foundation and the generosity of so many Canadians. Canadian contributions in early childhood development, democratic process, health systems, and strengthening international trade, economics and microfinance have all paved the way for a brighter future in Afghanistan.

[*Translation*]

With the support of the Aga Khan Foundation, Canadian institutions, students and researchers are doing a great deal to promote innovation, prosperity and peace in the world.

The Aga Khan Foundation Canada, established in 1980, is a non-profit international development agency that works in Asia and Africa to find sustainable solutions to the complex problems causing global poverty.

• (1710)

The foundation is a Canadian charity and an Aga Khan Development Network agency.

[*English*]

To quote from Aga Khan Foundation Canada's website:

> In addition to supporting overseas programming, AKFC has several educational programs aimed at improving the quality of Canada's development assistance and showing Canadians how they can contribute to the solution to world poverty. Our international management training fellowships are shaping the next generation of global leaders by annually sending dozens of young Canadians abroad to learn about the challenges of development from our in-country partners. AKFC invites students from developing countries to study in Canada where they can begin to form life-long professional relationships. The Foundation also sends Canadian specialists overseas to share knowledge and expertise with their colleagues in the developing world.

The Aga Khan Foundation Canada has a history of collaborating with many Canadian institutions, including the University of Alberta, McMaster University, the University of Guelph, the University of Toronto, Carleton University and the University of British Columbia, among others.

Honourable senators, partnerships with organizations such as the Aga Khan Foundation Canada have played a critical role in supporting research and innovation at Canadian institutions, both locally and globally. While many Canadian universities are advancing partnerships globally, working with international development organizations that have a proven track record in the developing world, such as the Aga Khan Foundation, ensures that Canadian expertise is more effectively deployed and leads to sustained improvements in quality of life in poorer countries and poorer communities.

[*Translation*]

By facilitating Canada's involvement in developing countries, the Aga Khan Foundation helps promote the Canadian values of pluralism, cooperation and compassion, while allowing Canadians to acquire knowledge, conduct research, innovate and apply the results of their work.

Canada's involvement does more than simply increase Canada's prosperity through innovation and cooperation. It also helps improve growth, stability and the quality of life in countries where material goods are in short supply and peace is a work in progress. These countries stand out because of their creativity and the new opportunities they offer, but more than anything, they can benefit from the research and knowledge of Canadian students, academics and practitioners and add value to it.

[*English*]

Honourable senators, in November 2008, McMaster University signed a memorandum of understanding with the Aga Khan University, another step forward in a 25-year collaboration to develop nursing practices and policy work worldwide. The two universities have partnered to support national nursing initiatives in Africa and Asia, where the nursing profession has often been neglected.

McMaster University's School of Nursing has played an essential role in the partnership between the two universities, supporting research on how to improve nursing education practice and regulation worldwide. For example, Canadian investment has enabled Aga Khan University to make critical contributions to the development of national curricula for the training of nurses and midwives in Afghanistan.

[*Translation*]

Last year, as part of the Regional Cooperation and Confidence Building project launched with the support of the Aga Khan Foundation Canada and the Canadian Department of Foreign Affairs and International Trade, the University of Central Asia established a partnership with the Norman Paterson School of International Affairs at Carleton University. Together, they created an intensive program to help civil servants in Afghanistan, Tajikistan, Kazakhstan and Kyrgyzstan enhance their commercial trade skills and knowledge.

[*English*]

As Norman Paterson School of International Affairs Director Dane Rowlands notes, there are comparisons to be made between economies in those countries and the Canadian economy, which makes collaboration all the more valuable. He said:

> They have a large natural resource base, and their economy is shaped by big neighbours. So there is a natural appeal to working with Canada.

Carleton University's Centre for Trade Policy and Law worked hand in hand with the University of Central Asia's Institute of Public Policy and Administration to adapt and deliver a curriculum targeting specific skills grounded in the realities of regional and international trade. The training scored high marks among participants. The unanimous conclusion was that the training was directly applicable to their work.

For example, Kyrgyzstan's Secretary of the Ministry of Economy credits the training with preparations for new bilateral negotiations to enhance that country's trade with Afghanistan. Blending Canadian strengths in trade negotiation with the University of Central Asia's regional connections and insights, this benchmark setting collaboration stands as an important example of well-targeted, effective deployment of Canadian expertise.

Importantly, this initial collaboration is developing into a longer-term partnership. Speaking from the perspective of the University of Central Asia, Dr. Bohdan Krawchenko said:

> With help from Carleton, we hope to develop a curriculum for an undergraduate program in international economics and trade — the first of its kind in Central Asia.

In June 2009, the University of Alberta and the Aga Khan University signed a memorandum of understanding to advance global engagement, human advancement and social justice throughout the world. This partnership has allowed research and innovation at the University of Alberta to improve quality of life in developing nations through collaboration with the Aga Khan Development Network.

During the signing of the memorandum, then Premier of Alberta, Ed Stelmach, remarked:

> The expansion of this partnership puts the University of Alberta on the forefront of international capacity building. AKDN's extensive reputation in economic, social and cultural development allows the university to harness Alberta's research and teaching innovation to benefit communities not only in Alberta, but also in East Africa, and Central and South Asia.

Through programs such as the international internship program offered to the University of Alberta through the Aga Khan University, many Canadian students and researchers in communications, human resources, information technology, management, teaching and nursing have had the opportunity to contribute their skills, advance their research and network with their institutions from around the world.

University of Alberta Chancellor Samarasekera added:

> The University of Alberta, along with the Aga Khan Development Network, is deeply committed to providing globally engaged higher education and research. Through our partnership, the university will move much closer to fulfilling one of our most important goals — to reach out to the developing world in Africa, the Middle East and parts of Asia, and engage in meaningful and effective dialogue and exchange.

Firoz Rasul, President of the Aga Khan University, praised the University of Alberta, especially in its research in Canada's North, and he said:

> Their innovative approach to research, teaching and service in healthcare, education, and sustainable economic and environmental development in northern Canadian communities could greatly benefit the developing countries in which AKU, UCA and the Aga Khan Trust for Culture currently work.

[*Translation*]

Honourable senators, as well as facilitating partnerships, the Aga Khan Foundation works on the ground, which allows Canadians coming out of universities and other post-secondary institutions to share their knowledge and the results of their research with local populations.

Founded in 1989, the Aga Khan Foundation Canada's International Fellowship Program is a professional development program for young Canadians seeking hands-on experience in international development. The fellowship includes three unique streams: international development management; international microfinance and microenterprise; and young professionals in media.

• (1720)

This unique program allows Canadian students to participate in research and development in developing countries and to create new opportunities.

[*English*]

International development management programs give post-secondary students the opportunity to work with an Aga Khan Development Network field partner to support the planning and implementation of programs such as early childhood development programs, natural resource management programs and health programs.

In service to communities abroad, young Canadians make valuable contributions to their fields, and support host organizations in research and development of programs. For example, program fellows have helped to develop effective management reporting and documentation practices at early childhood development programs, helping young children in Asia and Africa to get the best education possible.

One of the most prestigious media fellowships in Canada, the Aga Khan Foundation's Young Professionals in Media program partners with Nation Media Group in Kenya and Uganda. Young Canadians gain experience in print, television, online and other forms of media in East Africa. Through the exchange of ideas, experience and training, our young Canadian journalists receive opportunities to enhance their knowledge and exposure to the complex issues facing developing countries. Canadians continue to advance the dynamic and ever-changing field of journalism.

[*Translation*]

Honourable senators, in addition to promoting research abroad, the Aga Khan Foundation promotes discussion between Canadian students and academics on national and international issues. The Aga Khan Foundation provides seminars and workshops that teach Canadians about the role that research and innovation play in international development.

[*English*]

Recently, the Aga Khan Foundation held an event as part of their seminar series on the importance of the first 1,000 days. Recent research from both global and Canadian resources suggests that the first few years of a child's life are critical for a bright future.

The Hon. the Speaker *pro tempore***:** I regret to inform the honourable senator that her time for speaking has expired. Is she asking for more time?

Senator Jaffer: May I have five more minutes?

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

Hon. Senators: Agreed.

Senator Jaffer: Dr. Stephen Lye, the Executive Director of the Fraser Mustard Institute for Human Development at the University of Toronto, highlighted the importance of the first 1,000 days in a child's life in establishing trajectories in health, learning and social functioning as an adult. Dr. Lye gave an overview of the important research in early childhood development conducted in Canada, including by the Fraser Mustard Institute at the University of Toronto and at the Institute for Early Childhood Education and Research at the University of British Columbia.

Canadian research in this important field is being directly applied to efforts in the developing world. For example, among the Aga Khan Foundation's recent undertakings, a project called "Strengthening Communities, Saving Lives" applies Canadian research expertise to reduce child mortality rates worldwide. Dr. Zulfiqar Bhutta of the Aga Khan University suggests:

> Child mortality can be significantly reduced by focusing interventions on the poorest of the poor, particularly in rural areas.

Discussions among experts from both Canadian institutions and NGOs brought innovative ideas and solutions to the table. The importance of collaboration and education in improving the lives of Canadians and others around the world cannot be overstated.

Honourable senators, whether it is finding ways to improve nursing practices worldwide, to provide education for young girls in Afghanistan, to advance economic cooperation between Afghanistan and its neighbours, or to help young children

in Canada and abroad to develop in their first 1,000 days, among many other projects, the Aga Khan Foundation plays a huge role in supporting the research and service of Canadian students and scholars.

As Canadians, we are blessed and privileged. We also share a responsibility to help those who are not so fortunate.

Honourable senators, I hope that you will join me in congratulating the Aga Khan Foundation on its remarkable work, in collaboration with Canadian universities and post-secondary institutions. I also ask you to join me in congratulating Senator Cowan for launching this inquiry. Thank you very much.

(On motion of Senator Dawson, debate adjourned.)

FOOD BANKS

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the importance of food banks to families and the working poor.

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have been working on this important topic. I do wish to speak on it, but I have not completed my work. I would like to request the adjournment for the balance of my time.

(On motion of Senator Tardif, debate adjourned.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO FOREIGN RELATIONS AND INTERNATIONAL TRADE GENERALLY

Hon. A. Raynell Andreychuk, pursuant to notice of April 17, 2013, moved:

> That the Standing Senate Committee on Foreign Affairs and International Trade, in accordance with rule 12-7(4), be authorized to examine such issues as may arise from time to time relating to foreign relations and international trade generally; and
>
> That the committee report to the Senate no later than March 31, 2014.

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 Wednesday, April 24, 2013 at 1:30 p.m.)

CONTENTS

Tuesday, April 23, 2013

Published by the Senate

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