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OFFICIAL REPORT
(HANSARD)

Tuesday, May 7, 2013

The Honourable NOËL A. KINSELLA
Speaker

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# THE SENATE

**Tuesday, May 7, 2013**

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

Prayers.

## SENATORS' STATEMENTS

### QUESTION OF PRIVILEGE

NOTICE

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, pursuant to rule 13-4, I give oral notice of a question of privilege I intend to raise later this day.

Late yesterday afternoon, the Standing Senate Committee on National Security and Defence met to consider Bill C-42, an act to amend the Royal Canadian Mounted Police Act and to make consequent amendments to other Acts. The committee had planned to hear from a number of witnesses, including a Corporal Roland Beaulieu. The following was reported by the CBC last night about that meeting:

> A B.C. Mountie on stress leave says the force is preventing him from travelling to a Senate committee hearing in Ottawa to testify about harassment within the force.
>
> Cpl. Roland Beaulieu was supposed to be in Ottawa on Monday, but late last week an RCMP doctor sent him an email saying if he is well enough to travel and testify at the committee then he's well enough to return to administrative work with the force.
>
> "Should you feel that you are physically and cognitively able to participate in these hearings and to travel there, I would consider you fit for administrative duties at your unit immediately," said the email sent by Dr. Isabelle Fieschi, a health services officer with the RCMP.
>
> But Beaulieu said he thinks the real reason he was sent the email was to prevent him from testifying at the hearings.

Honourable senators, if this report is accurate, which I believe is the case, what took place is a serious interference in the Senate's ability to carry out its constitutional responsibilities. Any attempt to intimidate any Canadian from appearing before a Senate committee constitutes a breach of privilege against the Senate and against everyone serving in this institution. Should the Speaker of the Senate find that a prima facie case of privilege has been established, I am prepared to move a motion to refer the matter to the Standing Committee on Rules, Procedure and the Rights of Parliament for investigation and report.

### BOSTON MARATHON TRAGEDY

**Hon. Donald H. Oliver:** Honourable senators, all were saddened by the tragic events that took place at the Boston Marathon on April 15, when two explosive devices were set off near the finish line, killing three innocent victims and injuring more than 260. Canadians from across the country expressed their grief and condolences. We parliamentarians did our part in supporting our neighbours in the United States in a number of ways, including paying tribute to the city of Boston and the American people with a moment of silence in the Senate.

Honourable senators' efforts did not go unnoticed. It is my honour today to relay a message from His Excellency, David Jacobson, Ambassador of the United States of America to Canada, to all honourable senators.

The Honourable Noël Kinsella, Speaker of the Senate, received the following letter, which, with leave, I wish to read into the record:

> Dear Mr. Speaker:
>
> I would like to express my gratitude and appreciation to you and to your fellow senators for observing a minute of silence on April 16 as a symbol of solidarity with the people of the United States following the tragedy at the Boston Marathon. This event touched both Canadians and Americans, and your gracious gesture was a true testament to a tragedy that knows no borders.
>
> The Canadian people have always been more than just neighbours, and your friendship in times such as these means more than words can convey. On behalf of Bostonians and the people of the United States, please let all the Senators know how moved I was by this simple and powerful expression of sympathy.
>
> Sincerely,
>
> David Jacobson

Honourable senators, our neighbours to the south are, indeed, our best friends and greatest allies. We stand with them through this tragedy and offer our deepest sympathies to those who have been affected.

### MENTAL HEALTH WEEK

**Hon. Catherine S. Callbeck:** Honourable senators, I rise today in recognition of the sixty-second annual Mental Health Week, a national awareness campaign that encourages people from all walks of life to learn and to talk about all issues relating to mental health and mental illness. Held from May 6 to May 12, the campaign's focus this year is youth mental health.

Mental health issues in young people are more pervasive than one might think. It is estimated that between 10 per cent and 20 per cent of Canadian youth are affected by mental illness or disorder. Research has found that among youth aged 12 to 19, about 5 per cent of males and 12 per cent of females have experienced a major depressive episode. More than 3 million young people in that age group are at risk of developing depression.

Sadly, only one out of five children receives the mental health services they require. These problems have long-term consequences: Children who have mental health problems are more likely to become adults with mental health problems and illnesses. In fact, almost 70 per cent of young adults living with mental health problems report that symptoms started in childhood.

Mental health challenges can also be a matter of life and death. Canada's youth suicide rate is the third highest in the industrial world. Suicide is one of the leading causes of death in 15- to 24-year-olds, coming second only to accidents. We lose about 4,000 people every year by suicide in this country.

There is work we could be doing to reverse the tide. A year ago, the Mental Health Commission of Canada unveiled its national mental health strategy called *Changing Directions, Changing Lives: The Mental Health Strategy for Canada*. This document is a blueprint for people to work together — governments, organizations, individuals, service providers and researchers — to improve the mental health care system in this country. However, so far I have been very disappointed that this federal government has not taken steps to implement it. I urge them to do so.

Honourable senators, mental health is an integral part of each Canadian's overall health and wellness. Please join with me in recognizing Mental Health Week and encourage Canadians to discuss openly the issue of mental health.

• (1410)

## THE LATE PERCY SEVERIGHT

**Hon. Pamela Wallin:** Honourable senators, I wish to pay tribute today to a Saskatchewan First Nations veteran of the Second World War, Percy Severight.

On April 27, at the Fishing Lake First Nation in Kylemore, near my hometown of Wadena, Mr. Severight's community, his family and friends, First Nations veterans from across Saskatchewan and local Legion members gathered to honour his memory by dedicating the community hall as the Percy Severight Memorial Hall.

Honourable senators, it was my privilege to be part of this special day. It was a celebration of life and service. The ceremony included many traditions that would have been familiar to Mr. Severight — traditions he held close to his heart. Many who were present remembered him fondly and declared he was a fitting namesake for the building.

His long-time friend, Frank Kayseas, said the sign erected at the hall will always bring back memories of the good times. He said Percy did a lot for his community and his country. "He was a good person. He deserves it."

Howard Walker, the master of ceremonies, said Percy once told him that seeing his children and grandchildren live in peace and harmony made the hard times worth it. Mr. Walker said:

> It is because of warriors like Percy that our people are still able to hear the song of the drums and communicate with the Creator in a way in which they choose. It is fitting that he has been chosen to become a pillar of this community — his beliefs and actions stand as an example for all of us.

Percy's living children were present — Elizabeth, William and Cecile — and they brought pictures of their father and mother. They said they were deeply humbled and extremely proud that their father will continue to be remembered. They remember him as a man with strong values and a great sense of humour. William said that his father's most admirable trait was how much he genuinely loved and respected people, regardless of their religious background or culture.

Percy's granddaughter, Carol, said:

> He was a loving person, always smiling and laughing. He felt very blessed to be able to help people and was very proud that he had served in the war. Every time we came home, we got to see his medals. We couldn't help but respect him.

Veterans Affairs Canada says that some 7,000 status Indians served in the First and Second World Wars and in the Korean War, and an unknown number of Metis and Inuit. Mr. Severight was one who answered his country's call, and we honour him for it. I am pleased to do so today in the Senate as well.

My dad, Bill Wallin, also a veteran of the Second World War and a legionnaire, has made it his mission to see a Maple Leaf affixed to the grave of every veteran in our area. He has been working with the chief to make sure the graves of native veterans are appropriately marked with a Maple Leaf as well.

Percy Severight was 30 when he enlisted to serve his country. He served his community as chief after the war. He passed away in 1985, at the age of 73, and he will now be remembered for generations to come as a symbol of the importance of service to country.

## NATIONAL CHILD AND YOUTH MENTAL HEALTH DAY

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, as did Senator Callbeck, I rise to draw your attention to the fact that today is National Child and Youth Mental Health Day, a day set aside for Canadians to come together to support the mental health of our children and young adults.

We all know the statistics; we have heard them many times, including in this chamber. Most mental disorders begin before a person turns 25. It is estimated that 20 per cent of Canadian youth are affected by a mental illness or disorder.

The most horrifying statistic of all: Suicide accounts for 24 per cent of all deaths among our young people aged 15 to 24. Suicide is the second-leading cause of death for Canadian youth aged 10 to 24. As Senator Ataullahjan told us last year, we have the third-highest rate of youth suicide in the industrialized world.

The good news is that there are medical and social interventions that can help. Another statistic: It is estimated that 70 per cent of childhood causes of mental health problems can be effectively addressed through early diagnosis and intervention.

There are many barriers to achieving this, and a number of senators have spoken about these in the past, but what I want to focus on today is the very first hurdle: Before a young person can get help, someone has to reach out and talk about the fact that they need help. Too many of our young people still feel there is no one to whom they can turn when the issue is mental health.

Keli Anderson, President and CEO of the Institute of Families for Child and Youth Mental Health and the co-founder of May 7 as National Child and Youth Mental Health Day, wants to help Canadian families talk about mental health. In her words:

> Approximately 2 million children and youth in Canada have mental health challenges, and many of them feel that nobody understands them or cares about them. We want to change that and we're asking people to stop on May 7 to show and tell children and youth: I care about you.

That is the theme of this year's National Child and Youth Mental Health Day: I Care About You.

The response from across the country has been overwhelming. From coast to coast to coast, there are events going on today to start people talking about mental health, where parents, young people, teachers, friends and neighbours can come together and let each other know that they belong, that there are people who care, that there are people they can talk to about mental health and concerns they may be having.

Comox Valley in British Columbia has had three suicides of young people in the last two years. Over 400 people there are coming together today, including the families of these three young people, to mark National Child and Youth Mental Health Day.

Pond Inlet in Nunavut heard about the day and got in touch with Ms. Anderson. Everyone in this tiny community — 25 adults and 50 children — will be wearing "I Care About You" stickers today.

Honourable senators, there are examples like this all across Canada. Today is just the beginning. Ms. Anderson, together with other parents and concerned Canadians, is launching a virtual Family Smart Community today at www.familysmart.ca to, in her words, "connect Canadian families to each other and to others who want to understand what is important to families for child, youth and family mental health."

The power of the Internet is to bring people together from across Canada and beyond, to help each other, to learn from each other and to discover that Canadians care about each other. This virtual community is the first of its kind — a national community of families, by families, coming together for child and youth mental health.

Honourable senators, please join with me in congratulating Ms. Anderson and her colleagues on the success of this day and extending our best wishes for success on the launch of the Family Smart Community.

[*Translation*]

## ASIAN HERITAGE MONTH

**Hon. Thanh Hai Ngo:** Honourable senators, the first of May marked the beginning of Asian Heritage Month. Every year, the important role Canadians of Asian heritage play in the cultural diversity of our great land is celebrated in the month of May.

This year, we are paying tribute to Korea. We are celebrating 50 wonderful years of diplomatic relations between our two countries and acknowledging the significant contributions of the Korean community in Canada.

Throughout Canada's history, Canadians of Asian descent have contributed significantly to the economic, social, cultural and political development of Canada. Today's Canadian society is made up of a diverse and dynamic Asian heritage that is expressed through different languages, ethnic identities and religious traditions.

[*English*]

Throughout our national history, Canadians of Asian descent have exercised an important influence in various areas of business, academia, arts, science and technology, sports, government and community. Canadians of Asian heritage have helped build this country by working with Canada's natural resources, with the construction of railways and by proudly serving in both world wars.

Canadians of Asian descent have contributed to our national heritage in many different ways. They remain an important part of the community to this day. They continue to be our predominant source of immigration. Every year, different generations of newcomers provide our country with new resources and valuable opportunities. They play an increasingly important role in advancing our democracy, promoting human rights abroad and strengthening our Canadian multicultural society.

As former senator Vivienne Poy stated in 2001, when she worked to declare May as a month of recognition, "Canadians of Asian descent are one of the hallmarks of multiculturalism that give our country its strength."

Since its inception, Asian Heritage Month has generated significant awareness. The newer generations of Canadians with Asian origins can remember and appreciate how each of their respective communities plays an important role in shaping Canada's present and future.

[*Translation*]

Honourable senators, during this month of May, I invite you to pay tribute to the invaluable contribution of Canadians of Asian heritage to the development of our country.

• (1420)

[*English*]

Honourable senators, please join me in the celebration and commemoration of Asian Heritage Month.

## HUNGER AWARENESS WEEK

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to remind us that this is Hunger Awareness Week, an initiative of Food Banks Canada. This annual event is meant to draw the attention of Canadians and us parliamentarians to the ongoing and growing problem of hunger in our country. The purpose, of course, is that, through awareness, we might find solutions to this very solvable problem. Keep in mind that food banks were created in Canada in the 1980s and were supposed to be a means of dealing with this solvable, temporary problem.

I would like to share some statistics with honourable senators, some of which are very alarming and cry out for action.

According to an Angus Reid poll recently commissioned by Food Banks Canada, 41 per cent of Canadians know someone who has used a food bank, whether they are family members, friends, colleagues or acquaintances.

Twenty-eight per cent of Canadians were worried about how they would afford food over the last year.

Nearly half of Canadian households spend between $26 and $50 a week per person on food.

One in five Canadians has skipped a meal either because they could not afford food or so their children could eat.

Thirty-six per cent of Canadians have resorted to buying less expensive and less nutritious food due to financial problems.

Twenty-six per cent of Canadians ranked the cost of living as the number one cause of hunger in Canada.

Nine hundred thousand Canadians access a food bank every month and 38 per cent of them are children. What about the social stigma that these fellow Canadians might feel upon having to resort to this food source?

The sad part about this situation, honourable senators, is that these numbers have not gone down since I spoke about this matter at this time last year.

Honourable senators, with these numbers in mind, I would urge those who are able to make the commitment tomorrow to fast for the day. In so doing, we will physically understand what it means to be hungry and how a great many Canadians feel every day.

Food Banks Canada will be convening a breakfast, for all of those who would like to participate, this Thursday morning at 7:30 a.m. in the Parliamentary Restaurant. The event will be hosted by our colleague, Senator Percy Mockler, Joe Comartin from the other place and me. We hope that you will be there to learn more about Hunger Awareness Week and to hear from those who work on the front line every day to put an end to this unfortunate situation.

## MAPLE SYRUP INDUSTRY

**Hon. Nancy Greene Raine:** Honourable senators, the International Maple Syrup Institute is holding meetings and a reception in Ottawa this week. Yvon Poitras of New Brunswick is the new president. Canada is honoured to have the institute here to promote the global advancement of the maple syrup industry.

Canada is the world's largest producer and exporter of maple syrup. We account for over three quarters of global maple syrup production, delivering this delicious product to 52 countries worldwide. In fact, our maple syrup has been everywhere, from the Oscars to the International Space Station, and it is even the latest addition to a French perfume. This success translates into real dollars for the Canadian economy and our maple syrup producers.

In 2012, Canadian maple syrup exports totalled almost $250 million out of a total of over $300 million that same year. With 90 per cent of the production coming from Quebec, we also have strong industries in Ontario and the Atlantic provinces.

The Government of Canada's goal is always to set the right conditions for farmers and processors in all of our agricultural sectors to compete and to succeed. Through the previous Growing Forward framework, we supported a number of key maple syrup industry initiatives, including traceability and international marketing to key markets, such as Japan.

Canadian maple syrup producers are benefiting from important investments in marketing and research of over $4 million to support the Canadian maple syrup industry's efforts to create new opportunities for this pure, quality product. Launched just last month, Growing Forward 2 will build on this great work by continuing to drive innovation and long-term growth for all Canadian farmers and processors. In addition to a generous suite of business risk management programs, federal, provincial and territorial governments are investing more than $3 billion, over five years, in innovative competitiveness and market development initiatives for all sectors of agriculture.

Growing Forward 2 is an exciting step forward, which will serve the maple syrup sector well and position Canadian producers for growth and prosperity in the years ahead.

Honourable senators, I believe that maple syrup can and should become an even bigger part of our food choices. I am pleased to tell you that much new research is being done on the nutritional qualities of maple syrup.

[*Translation*]

Did you know that the health benefits of real maple syrup are greater than you could imagine? Maple syrup is the only product in our diet that comes directly from the sap of a plant. It is a natural sweetener containing more than 54 antioxidants that can contribute to delaying or preventing diseases or disorders caused by free radicals, such as cancer and diabetes. Maple syrup also contains high levels of zinc and manganese, which are good for heart health and the immune system.

[*English*]

Honourable senators, all over North America and even the world, people are more and more concerned about the rising levels of obesity. There are many causes, but one is the increase in calories, especially what nutritionists call "empty calories." There is also no doubt that many people have developed a sweet tooth, so they want sweets. However, they do not need the empty calories. Honourable senators, maple syrup is the answer.

This past season was a very good one for the maple syrup producers. The season was long and the sap flowed in abundance. Honourable senators, please come to the maple syrup producers reception this evening at the Sheraton Hotel. You will meet wonderful people and taste extraordinary maple products. We all need to eat more of this great Canadian product and, honourable senators, it would be a good way to prepare for tomorrow's fast.



### VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, allow me to draw your attention to the presence in the gallery of Ms. Nancy Lang, who is the daughter of our former colleague, the late Senator Dan Lang, and a cousin of our present colleague Senator Lang. On behalf of all honourable senators, Ms. Lang, we welcome you to the Senate.

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[*Translation*]

## ROUTINE PROCEEDINGS

### CANADIAN BROADCASTING CORPORATION

TENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

**Hon. Dennis Dawson:** Honourable senators, I have the honour to table the tenth report of the Standing Senate Committee on Transport and Communications, on Radio Canada International.

[*English*]

### ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—THIRTEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE PRESENTED

**Hon. Daniel Lang,** Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Tuesday, May 7, 2013

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

THIRTEENTH REPORT

Your committee, which was referred Bill C-42, An Act to amend the Royal Canadian Mounted Police Act and to make related and consequential amendments to other Acts,

in obedience to the order of reference of Thursday, April 18, 2013, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

DANIEL LANG
*Chair*

(*For text of observations, see today's* Journals of the Senate*, p. 2225*.)

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

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

• (1430)

[*Translation*]

## L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

### MEETING OF THE PARLIAMENTARY AFFAIRS COMMITTEE, MARCH 14-16, 2013— REPORT TABLED

**Hon. Pierre De Bané:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Assemblée parlementaire de la Francophonie (APF) concerning its participation in the Parliamentary Affairs Committee of the Assemblée parlementaire de la Francophonie (APF), held in Balaclava, Mauritius, from March 14 to 16, 2013.

## TRANSPORT AND COMMUNICATIONS

### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY THE CHALLENGES FACED BY THE CANADIAN BROADCASTING CORPORATION

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

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the challenges faced by the Canadian Broadcasting Corporation in the context of the complex and changing broadcasting and communications landscape; and

That the committee report to the Senate from time to time, with a final report no later than October 31, 2014, and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

[*English*]

## MENTAL HEALTH CARE TREATMENT FOR INMATES IN FEDERAL CORRECTIONAL INSTITUTIONS

### NOTICE OF INQUIRY

**Hon. Catherine S. Callbeck:** 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 for improved mental health care treatment for inmates in federal correctional institutions, and the benefits of providing such treatment through alternative service delivery options.

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[*Translation*]

# QUESTION PERIOD

## SCIENCE AND TECHNOLOGY

### RESEARCH AND DEVELOPMENT

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, the Canadian Journalists for Free Expression mark World Press Freedom Day every year — this year it was May 3 — by publishing a report on the state of freedom of speech in Canada. This year, the report again takes a critical view of the government, which it says has a culture of secrecy.

The government prides itself on being the most open and transparent government in the history of Canada. Yet, the CJFE gave the government a D- for its pitiful performance in matters of transparency and access to information. The government can boast that it placed 55th out of 93 countries, just ahead of Angola and Thailand, according to a ranking by the Centre for Law and Democracy.

I would like to remind honourable senators that, in 2009, the Information Commissioner at the time, Robert Marleau, had already confirmed that the Conservatives had one of the worst track records in terms of government transparency. Since then, rarely a week goes by in which we do not discover new incidents of manipulation or public servants who have been muzzled.

Honourable senators, the time when the Prime Minister made transparency a key component of his election platform seems to be long past. When can Canadians expect him to keep his promises?

[*English*]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, when I read the report, I was not the least bit surprised. This is consistent with the unfair reports that have been made against our government for many years and

against previous Conservative governments. It is something that happens to governments only when the Conservatives are in government.

We have brought in many measures, including the Federal Accountability Act. We have opened up portals on the Internet for people to get information. There are a lot of erroneous reports about the availability of information that we do our best to correct. The fact of the matter is that I do not accept this report. I think it is grossly unfair to the government.

[*Translation*]

**Senator Tardif:** Honourable senators, the policies and methods used to muzzle government scientists are a prime example of this culture of secrecy. The CJFE's report is particularly hard on Fisheries and Oceans Canada because of, and I quote, "its zeal in muzzling scientists, controlling its message and keeping critical information away from the public."

A case that clearly illustrates this censorship is that of the American researchers who have been working with Fisheries and Oceans Canada in the Arctic since 2003. Earlier this year, these researchers were forced to agree to new policies prohibiting them from publishing their research without the minister's approval. They refused this form of censorship, and with good reason.

My question to the leader is this: why is the government interfering in the dissemination of scientific research?

[*English*]

**Senator LeBreton:** I have answered this question many times, honourable senators. The scientists that work for the government have participated in many speeches, media interviews and background documents for research. These scientists have not been muzzled.

As was the case with the previous government, when people are working specifically on a project for the government, the government is ultimately responsible for answering for that project or policy. However, by and large, scientists in all departments — and the numbers are quite strong and good — are absolutely free to participate in lectures, media availability and what have you.

As was the case with the previous government, with people working on specific projects for the government, obviously the minister responsible for that particular portfolio would have to answer to the public for those policies.

[*Translation*]

**Senator Tardif:** Honourable senators, even the former Clerk of the Privy Council, Mel Cappe, who served from 1999 to 2002, recently stated at a conference that he was concerned that scientists are being muzzled by recent government policies. He thinks that, instead, scientists should be encouraged to share their findings with the public. What a concept.

The government is exerting tight control over scientists, and in some cases, it is quite simply prohibiting them from sharing their findings.

Can the leader tell us how controlling information is supposed to allow our researchers to promote science and policies that are based on factual, non-partisan information?

[*English*]

**Senator LeBreton:** Again, honourable senators, I will point out that the government has invested significant amounts of money in research and development in science. Last Friday, the Prime Minister made another significant announcement along with our other colleagues around the country, including Senator Ogilvie. We are extremely proud of the world-class work our scientists and researchers do. We understand that research findings and their benefits must be effectively communicated and shared with Canadians.

Federal scientists regularly provide media interviews and publish thousands of research papers each year. For example, in 2012, in one department alone, Environment Canada published more than 700 scientific articles.

**Senator Tardif:** Yet the scientists are urging the government to get science right. James Turk, Executive Director of the Canadian Association of University Teachers, said the following:

> From the muzzling of scientists to the serious under-funding of basic research at our universities and colleges, the federal government is making dumb choices that will have serious consequences for all Canadians.

When will the government get science right?

• (1440)

**Senator LeBreton:** Honourable senators, anyone can get up and quote a particular person who does not agree with the approach of this government. That is their right. Just because one or two people say these things, it does not mean that somehow or other this is, in fact, indicative of what the government has done.

I will put this on the record. Honourable senators already have some of this information, of course, as it was provided to Senator Tardif via a delayed answer.

From 2007 to 2012, the government committed over $1.7 billion to the Canada Foundation for Innovation to support advanced research infrastructure across Canada. Economic Action Plan 2013 proposes that the $225 million in interest income of the Canada Foundation for Innovation be committed to advanced research infrastructure priorities and sustaining the foundation's long-term operations.

The National Research Council Industrial Research Assistance Program provides advisory and financial assistance to help small- and medium-sized companies build their innovation capacity and create high-paying jobs. Budget 2012 provided new resources to double the program support for companies. Economic Action

Plan 2013, which we have before us at the moment, proposes to provide $20 million over three years to help small- and medium-sized enterprises to access research and business development services at universities, colleges and other non-profit research institutions of their choice through a new pilot program to be delivered through the National Research Council's Industrial Research Assistance Program.

Since 2007, the government has provided over $440 million to Genome Canada, including $60 million through Economic Action Plan 2012. Budget 2013 proposes to provide an additional $165 million in multi-year funding beginning in 2014-15.

Since 2007, the government has provided over $415 million in new funding for scholarships and awards to Canadian students and researchers. This money was allocated to the Canada Graduate Scholarships, Vanier Canada Graduate Scholarships, Gairdner International Awards and the Banting Postdoctoral Fellowships.

Since 2007, the government has provided over $350 million in new ongoing annual funding to the Canadian granting councils, including $48 million for the Indirect Costs Programs. Economic Action Plan 2013 further strengthens Canada's advanced research capacity, providing $37 million in new annual support for research partners with industry through the granting councils.

I could go on, but obviously the person whom the honourable senator quoted overlooked all these significant investments and the seriousness with which this government treats science and research.

**Senator Tardif:** Honourable senators, let me just put this on the record: This is not the view of just one or two people I have quoted. The Canadian Association of University Teachers is the national voice of 68,000 academics and general staff at 120 universities and colleges across Canada.

[*Translation*]

## FISHERIES AND OCEANS

### COAST GUARD—RESCUE COORDINATION CENTRES

**Hon. Pierre De Bané:** Madam Leader, a few months ago, I rose in this chamber to discuss the concerns raised by the Commissioner of Official Languages regarding the closure of the marine rescue centre in Quebec City. The Commissioner's report is crystal clear. It gets right to the point. Closing the centre located in Quebec City will have a major impact on the availability of rescue services for French-speaking people in distress.

The Auditor General confirmed these fears last week. There are not enough bilingual coordinators at the centres in Halifax and Trenton, according to the Auditor General of Canada, to compensate for the closure of the Quebec City centre.

Madam Leader, will the government reverse its decision to close the centre in Quebec City and guarantee adequate rescue services for French-speaking people in distress?

[*English*]

**Hon. Marjory LeBreton (Leader of the Government):** As the honourable senator would know, on March 28, the Canadian Coast Guard actually responded to this request and announced they will delay consolidation of the eastern portion of the Quebec region until such time that it is confident that search and rescue has total, official and complete bilingual capacity. Therefore, there is actually nothing happening here until the Coast Guard can assure all Canadians that all services will operate out of the Halifax coordination centre, as it is very important that Canadians be serviced in both official languages. It is just the coordination centre. It does not mean that all the search and rescue vessels are in Halifax. This is just a coordination centre. Until such time as the coordination can operate fully and efficiently in both official languages, the situation will remain the same as it is now.

**Senator De Bané:** Honourable senators, if I understand the leader properly, the present situation is that the centre in Quebec City will continue to operate as long as the question of staffing of francophone officers, both in Halifax and Trenton, has not been resolved. Did I understand the leader correctly?

**Senator LeBreton:** That is exactly right, honourable senators. The Coast Guard announced on March 28 that they will delay consolidation until those conditions are met.

[*Translation*]

## VETERANS AFFAIRS

### SERVICES AND BENEFITS

**Hon. Roméo Antonius Dallaire:** My question is for the Leader of the Government in the Senate. We cannot help but wonder if Veterans Affairs Canada is trying to shirk its responsibilities, given that more and more offices that used to serve our veterans are closing across the country. Apparently, Service Canada will become the agency that deals with veterans' needs. I have no doubt that Service Canada is competent in many areas, but it has no experience in the military field and even less when it comes to veterans.

Why did Veterans Affairs Canada delegate this responsibility to Service Canada? With the arrival of hundreds of thousands of new veterans, how can Service Canada possibly provide adequate services to veterans when that agency did not receive any additional funds in its budget?

[*English*]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, we have actually expanded and bolstered veterans benefits and services for our veterans, unlike any government before us. Just so the honourable senator has his facts straight, we have invested in 24 Integrated Personnel Support Centres across the country to bring together a number

of important Veterans Affairs and Canadian Forces services. As the honourable senator will know, veterans fall under either Veterans Affairs or National Defence. National Defence and Veterans Affairs are working much more closely now, so closely that they have established 24 Integrated Personnel Support Centres.

**Senator Dallaire:** Honourable senators, it is correct that the government has created that. However, it is interesting with the budget, because we have to talk about real time, that personnel from Veterans Affairs in those Joint Personnel Support Units have been cut; they have been reduced. In fact, they have passed on some of the jobs to DND, to the Canadian Forces people, because Veterans Affairs has made cuts.

• (1450)

The 24 centres are across this incredibly huge country, and there are reservists all over the place. There is no service centre in Flin Flon. Veterans Affairs used to meet those requirements through their own capabilities, and now it has been given to Service Canada, where they have no capabilities at all.

How does one delegate, nearly overnight, that responsibility and not provide veterans with the guarantee that they will receive continued service? We cannot close down the quartermaster stores, do an inventory and then open up a year later. These veterans need help every day.

What is the response? If no cash is going to it and poor service is being articulated by the veterans, can the leader tell honourable senators they will resolve it?

**Senator LeBreton:** Honourable senators, many of the departments have streamlined their operations. Savings in various personnel and costs in no way impact on the services being delivered; efficiencies have simply been found.

Veterans have asked the government for many things, and we have responded in a very positive way. One of the things they have asked for is to streamline services and benefits. Specifically, veterans felt in the past there was far too much red tape. In that specific area we have certainly delivered. We have done what they have asked and what we said we would do. We have reduced the hundreds and hundreds of forms and millions of transactions between veterans and the federal government in order to expedite services.

An example of that is the VIP reimbursement program. Veterans asked for that, we delivered and they have responded very positively. Services to our veterans are increasing, not decreasing, and if we find efficiencies within the bureaucracy that is a good thing.

**Senator Dallaire:** The leader uses the very interesting example of the Veterans independence Program. They streamlined by saying that veterans are allowed so much money, $1,300 a year for the care that VIP provides, but no receipts. There is no reference to whether that meets the full requirement, part of the requirement or whether it will be guaranteed next year because, God knows, there might be a budget cut. Veterans Canada then says that $1,300 was a little heavy and they have receipts or data, so they cut it down to $1,100, because rarely will they add it to $1,400. By creating red tape, the government in many cases has destroyed the audit trail to reaffirm whether the requirement is being met.

I am referring to the face-to-face needs of veterans and their families and getting qualified people to understand the thousands of forms in that bureaucracy. This means people who know what they are talking about related to benefits and the care that veterans need and being able to respond to them in a timely fashion. That is not reflected now by Service Canada, nor do we see a training or transition program.

Could the leader query the minister responsible and provide information to guarantee that this will improve the service and not, for efficiency, reduce it?

**Senator LeBreton:** Honourable senators, the government has made a great effort to deal with veterans' issues.

I talk to many veterans as there happens to be a big Legion where I live. I run into many people, older veterans, veterans of the conflict in Afghanistan, and there are always specific cases that require specific attention.

Generally speaking, I think it is fair to say that the veterans in this country are well looked after and are satisfied with the efforts of the government.

I will do the same with the Senator Dallaire as I did with Senator Tardif in terms of setting the record straight on what we have actually done for veterans. We, of course, have listened very carefully to veterans and their concerns. We have expanded and bolstered veterans' benefits. As I mentioned, unlike any government in the past, we introduced the Veterans Bill of Rights and established the position of the Veterans Ombudsman.

As I mentioned a moment ago, we have taken action to cut red tape, such as simplifying the reimbursement process for the Veterans Independence Program. We expanded the VIP in 2008. In this budget we have before us we are enhancing the Funeral and Burial Program by simplifying it and more than doubling the current funeral service reimbursement rate.

We have created the Veterans Benefits Browser, an online one-stop shop where veterans can go to get the information they need.

Veterans have access to many online tools to apply for and get information on benefits and services they need, such as the My VAC Account.

The new Veterans Transition Action Plan will help ensure our veterans make a successful transition to civilian life.

We have partnered with the True Patriot Love Foundation and companies such as CN Rail and J.P. Morgan to open the door for veterans to explore new career opportunities. As I mentioned before, we are supporting the Helmets to Hardhats program. We

have invested in 24 Integrated Personnel Support Centres across the country to bring together the services that are available to our veterans through both the Department of Veterans Affairs and the Department of National Defence.

**Senator Dallaire:** I thank the leader for enumerating all of that information. It uses up time but also, I hope, provides us with information.

Let us not forget that all that implementation comes out of the New Veterans Charter that the former Liberal government brought in. This government is implementing our plan. All I am saying is that there are still deficiencies in that implementation. One of them is contracting out a service that should be done by Veterans Canada experts who have worked in this arena, with its complexities, in order to be the face-to-face respondent to veterans who are probably disabled, physically and/or psychologically, and need to know they are speaking with someone who knows what they are talking about. This is someone who knows the difference between a corporal and a captain and is able to talk to them with a certain amount of jargon so they have comfort that the person knows the file.

Can the leader go to the responsible minister and provide us with that plan of transition in handing over, from Veterans Affairs, all these services that Service Canada is supposed to provide to veterans? Then we will have a feel of whether the government has this one really in hand or not.

**Senator LeBreton:** The honourable senator is right: The progam was launched by the previous government. When we formed government, I remember attending one my very first meetings as a cabinet minister and hearing a litany of complaints from veterans about what was wrong with the program. We have worked diligently as a government ever since to improve it, modify it and make it more user friendly for veterans. We have come a long way from the original launch of the VIP.

Service Canada provides a service to Canadians, and the information for veterans is not its sole responsibility. Service Canada provides information. We still have, and will continue to have, a very active minister and a Department of Veterans Affairs whose sole responsibility is the health care and quality of life of our veterans.

**Hon. Percy E. Downe:** Honourable senators, I have a supplementary question. Senator LeBreton had a long list of programs that they have initiated for veterans. I have a long list of promises that have not been kept. For example, in 2005, Prime Minister Harper committed to:

> Conducting a complete review of veterans' health care services to ensure they meet the needs of our veterans.

Greg Thompson, the then Minister of Veterans Affairs, a year later, said it is " one of the most extensive health services reviews ever undertaken at Veterans Affairs." Two years later, appearing before the Subcommittee on Veterans Affairs of the Standing Senate Committee on National Security and Defence, then Minister Thompson described the review as "pretty well completed."

• (1500)

However, when you ask about it now, the government advises that the information is protected, no action, and there is no reference to it on the website of the Department of Veterans Affairs.

Could the minister inform us what happened to that promise of Prime Minister Harper for veterans?

**Senator LeBreton:** I would argue quite strenuously, honourable senators, that that promise was absolutely kept.

When the honourable senator goes back, starting with the program, which as Senator Dallaire said was announced in the latter stages of the previous government's administration, he will see what that document reported to do and what has been done since, such as the coordination between the Department of National Defence and Veterans Affairs Canada, as well as the improvement of services. It is fair to say that when dealing with veterans any government would work diligently to improve services and ensure quality of life, especially for young veterans transitioning back into civilian life. Everything that has been done has been done in good faith. I just read into the record the significant improvements that have been made with regard to Veterans Affairs Canada coordinating with the Department of National Defence.

I am very proud of our government's treatment of veterans. I talk to veterans. Generally, they are very happy and supportive of the efforts of the government.

Obviously, there are individual cases that we all know about, some that we do not discuss for privacy reasons, but the record of the government is deserving of congratulations. From the veterans that I see and that my colleagues in cabinet report on, veterans overwhelmingly are happy with the treatment that they receive at the hands of this government.

**Senator Downe:** If that is the case, could the minister table the veterans' health service review prepared by the Department of Veterans Affairs, promised by Prime Minister Harper and never implemented? It never saw the light of day, never became a public document. Maybe she could look for that.

Second, with respect to the Veterans Independence Program that she referred to, Prime Minister Harper promised that a Conservative government would extend the Veterans Independence Program service to the spouses of all Second World War and Korean War veterans, regardless of when they passed away or how long they have been receiving the benefit prior to passing away.

Many veterans have this letter that he signed. The changes in 2008, of course, did not do that. When will they implement their promise?

**Senator LeBreton:** Over 38,000 widows of Canadian veterans have benefited from the Veterans Independence Program since our government made them eligible in 2008. They were not eligible before, so that is 38,000 widows of Canadian veterans.

We have also recently eliminated the need for veterans to submit receipts to prove they have received services. We have gone a long way to assisting these veterans and their widows.

With regard to the individual health of certain veterans, there are privacy concerns and I cannot make any commitment that would breach the Privacy Act.

**Senator Downe:** What the government has done in the Veterans Independence Program is not what it promised.

**The Hon. the Speaker:** I am afraid, honourable senators, the 30 minutes for Question Period has been exhausted.

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### NOTICE OF MOTION TO AUTHORIZE THE HONOURABLE SENATOR BRAZEAU TO ATTEND MEETINGS OF THE COMMITTEE DURING ITS REVIEW OF LIVING ALLOWANCES EXPENSE CLAIMS, IF INVITED

Leave having been given to revert to Notices of Motions:

**Hon. George J. Furey:** Honourable senators, on behalf of the Honourable Senator Tkachuk, I give notice that, at the next sitting of the Senate, he will move:

> That, notwithstanding the provisions of rule 15-2(3), the Honourable Senator Brazeau be authorized to attend meetings of the Standing Committee on Internal Economy, Budgets and Administration during its review of living allowances expense claims, if invited to do so.

# ORDERS OF THE DAY

## TAX CONVENTIONS IMPLEMENTATION BILL, 2013

### THIRD READING

**Hon. Stephen Greene** moved third reading of Bill S-17, An Act to implement conventions, protocols, agreements and a supplementary convention, concluded between Canada and Namibia, Serbia, Poland, Hong Kong, Luxembourg and Switzerland, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes.

He said: Honourable senators, I have no further comments to make. I gave a speech earlier. The bill has been sent to committee. The committee has reported, and so I hope we can vote.

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

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

**Hon. Senators:** Agreed.

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

## NATIONAL DEFENCE ACT

### BILL TO AMEND—SECOND READING—DEBATE ADJOURNED

**Hon. Vernon White** moved second reading of Bill C-15, An Act to amend the National Defence Act and to make consequential amendments to other Acts.

He said: Honourable senators, I am pleased to rise in support of Bill C-15, the strengthening military justice in the defence of Canada act.

Bill C-15 proposes some important and long-awaited amendments to the National Defence Act. Namely, the bill introduces key improvements to the military justice system. Further, it strengthens the independence of the Canadian Forces Provost Marshal and enhances the efficiency of both the military police complaints process as well as the Canadian Forces grievance process.

Honourable senators, by maintaining discipline, efficiency and the morale of its members, the military justice system is designed to promote the operational effectiveness of the Canadian Armed Forces. The system deals expeditiously and fairly with service offences while respecting the Canadian Charter of Rights and Freedoms. The strength of Canada's military justice system was confirmed in two independent reviews in 2003 and 2012. It has been expressly endorsed by Parliament as well as by the Supreme Court of Canada.

Indeed, in 1992, the Supreme Court declared:

> The existence of such a system, for the purpose of enforcing discipline in the military, is deeply entrenched in our history and is supported by compelling principles.

However, at the same time, we all recognize that there is always room for improvement. In his 2003 review, former Chief Justice Lamer found that while Canada's military justice system remained sound, there were also opportunities for improvement, and he made certain recommendations in this regard.

Many of these recommendations have already been implemented through regulations, in practice, as well as in statute through Bill C-60 and, more recently, Bill C-16. Bill C-15 serves as the government's legislative response to the recommendations of the Lamer report that remain outstanding. I would note that the government made three previous attempts to pass legislation to address the outstanding recommendations of this report.

We now have an opportunity to move forward finally on these important amendments. I would like to take a moment to highlight some important aspects of Bill C-15.

In terms of the military justice system, Bill C-15 takes an important step by clearly defining the objectives, intent and principles of sentencing. In doing so, it outlines the very raison d'être of the military justice system and further enhances its transparency.

In addition, Bill C-15 introduces amendments to establish a reserve force military judge's panel. This brings flexibility to the courts martial system by providing a surge capacity to address an unforeseen increase in the number of court martial cases due to factors like large operational deployment or rapid expansion in the size of the Canadian Armed Forces.

• (1510)

At the outset, I spoke about the importance of having a distinct military justice system, but no system should exist in a vacuum, and justice for military members and for all Canadians must keep pace with our changing times. Bill C-15 does this by reflecting developments in the civilian justice system within the military justice system, where appropriate.

First, Bill C-15 improves the treatment of victims by giving them the option of presenting a victim impact statement and by giving military judges the authority to order restitution.

Second, Bill C-15 empowers the Court Martial Appeal Court of Canada to, where appropriate, suspend sentences handed down by courts martial. This provision, which implements one of the recommendations in the Lamer report, will improve the flexibility of the sentencing tool kit available to the Court Martial Appeal Court in hearing appeals, and provide it with an important additional option in crafting a sentence appropriate to the offence and the offender in the particular circumstances of each and every case.

Third, the bill expands the range of sentencing options available in the military justice system, allowing for more flexible sentencing powers, which, in turn, better ensure that sentences imposed at summary trials or courts martial are appropriate to the circumstances of the offence and the offender.

Fourth, military members would not be required to apply for a pardon for certain convictions that would not otherwise create a record within the meaning of the Criminal Records Act.

The bill also further reduces the circumstances under which a record within the meaning of the Criminal Records Act could be created.

Honourable senators, Bill C-15 also makes significant improvements to other areas, including efforts to enhance credible and effective police investigations as the prerequisite for all that follows, as cases progress through the justice system. With that in mind, and consistent with recommendations stemming from the Lamer report, Bill C-15 takes further steps to strengthen the independence and effectiveness of the military police.

Bill C-15 clarifies the position, duties and responsibilities of the Canadian Forces Provost Marshal, who commands the military police. The bill also clarifies the relationship between the Provost Marshal and the military chain of command.

There is one particular aspect of this that I wish to highlight. Section 18.5(3) clarifies that:

> The Vice Chief of the Defence Staff may issue instructions or guidelines in writing in respect of a particular investigation.

The reason that I highlight this specific section is to once again show, given the unique structure and mandate of the Canadian Armed Forces, how we need to make certain provisions. There has been apprehension that this particular amendment could be abused and that it could lead to investigative interference, but this simply could not be further from the truth. In fact, this subsection recognizes the operational realities of the Canadian Armed Forces and addresses them in a thoughtful and transparent way.

For instance, circumstances could arise where the military police may be required to conduct investigations in an area of active operations, in theatre. It is essential that there be effective communication between the chain of command and the military police in such circumstances in order to avoid potentially dangerous circumstances. By clarifying that the vice chief may issue instructions in these types of complex and fast-paced situations, it establishes one point of contact and one point of accountability, and that is the Vice Chief of the Defence Staff.

Another important component of a transparent military justice system is the process by which complaints concerning military police are handled. Measures are being proposed under Bill C-15 to enhance the timeliness and fairness of the military police complaints process. In particular, the bill will establish a time frame within which the Provost Marshal would be required to resolve conduct complaints.

Bill C-15 also introduces amendments that would enhance the timeliness of the Canadian Forces grievance process. Although the Chief of the Defence Staff remains the final authority for the resolution of all grievances, some specified types of grievances are referred to the Canadian Forces Grievance Board, which provides findings and recommendations on those grievances to the Chief of the Defence Staff.

Currently, the Chief of the Defence Staff is required to personally consider a range of grievances without regard to the dollar value or the risk involved. Former Chief Justice Lamer noted that:

> ... having the top military officer personally decide grievances involving such matters as $500 for moving expenses or the replacement of a $60 pair of boots, in addition to his primary responsibility for the command, control and administration of the Canadian Forces, is unnecessary, and in any event, unworkable.

The proposed amendments would provide the CDS with the authority to delegate his or her powers, duties and functions, where appropriate, to an officer directly responsible to the CDS, helping to resolve grievances more efficiently and quickly.

In addition, to better capture the relationship between the Canadian Forces Grievance Board and National Defence, Bill C-15 would amend the title of the organization to the "Military Grievances External Review Committee," a change that was formally requested by the Canadian Forces Grievance Board.

Honourable senators, as you can see, the amendments put forward by Bill C-15 are quite comprehensive. As many honourable senators are aware, the National Defence Act has not received a fulsome update as it relates to the military justice system since 1998. It is time, then, that we enact the outstanding recommendations of the Lamer report. The bill before us today does just that. I call upon honourable senators to support this worthy and important legislation.

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

**Senator White:** Absolutely.

**Hon. Roméo Antonius Dallaire:** Honourable senators, Senator White has enunciated in the bill a number of changes to the National Defence Act that are quite positive and are long outstanding. Chief Justice Lamer was quite correct in a number of these points brought forth.

However, if I may, I bring the honourable senator back to a bit of history, again a little further back than CNN history, which is last week, to the mid-1990s with something called the Somalia affair. Perhaps the honourable senator has a bit of information or knowledge about that affair, perchance?

**Senator White:** I think I do.

**Senator Dallaire:** Well done.

**Senator White:** I thought that was the question.

**Senator Dallaire:** One of the critical components that got the Canadian Forces into one of the most catastrophic scenarios that one could imagine in the profession, its ethos, its ethics, to the extent that we ultimately fired three Chiefs of the Defence Staff to solve it, was the interference by the chain of command in the investigation process. That specific point in an operational theatre in Mogadishu was the source of the whole debacle that subsequently came out of the Somalia affair.

I see that we are reintroducing exactly what we got rid of with Somalia, that is to say, giving the vice chief an opportunity to interfere with investigations on operational grounds.

Somalia was an operational ground. They were in a theatre of combat. That proved to be catastrophic in its implementation. Does the honourable senator not think that perhaps we should be taking a second look at that aspect?

**Senator Day:** That is a good question.



**Senator White:** Thank you very much for the question. Accountability is what I like to talk about here. In fact, as one famous lieutenant-general once said, "the disconnect that can exist between the field and those in the big headquarters" sometimes has an impact on investigations. In quoting the honourable senator, I know that the reality is that those in the field are those most likely to be able to give a perspective. The truth is that the Vice Chief of the Defence Staff will have access to those in the field, whereas the Provost Marshal may not. I think the opposite is true. I think actually the accountability will be more clear and, if there is a mistake or something is done wrong, I know who to ask.

I am not convinced that expecting the Vice Chief Provost Marshal to engage directly in theatre would always be helpful, either in the theatre of operations or the investigation. I believe this will actually increase accountability.

**Senator Dallaire:** Honourable senators, the National Defence Act and Queen's rules and regulations were created not to handle only garrison work, because much of the garrison arena is administrative, logistics and so on. The Queen's rules and regulations and the National Defence Act, the way they are written, are to meet the operational theatre exigencies, emergencies. That is to say, you move the army into a theatre of operations; it is disconnected from the normal processes. In fact, it is its own entity, with its own supplies, its own food, its own medical, its own fuel and ammunition. It operates independently from all the infrastructure. Because of operational exigencies, decisions are taken in nanoseconds that have significant impacts on life and death. That is why we want to be able to conduct disciplinary actions rapidly and to the point in the theatre of operations.

There is a great movie called *Breaker Morant* about Australian soldiers in the Boer War, where we see the debate go on between those back home and those in the theatre of operations, and who is running what.

• (1520)

The whole provost investigation capability is structured to meet operational requirements, because many of their capabilities are deployed. They are combat troops that have a police duty, and they can conduct operations wherever they are deployed. Therefore, there is no need for the vice chief to say that they cannot go in there because there is fighting. These guys are not dummies. They will not go in in the middle of a fight to rip a guy out of a platoon. They are trained to recognize those circumstances.

I find it very difficult to think of a time when the vice chief would have to call the provost marshal and tell him to wait until the fighting is over before going in.

**Senator White:** As Senator Dallaire is having difficulty thinking of an instance in which that might occur, it is very difficult for me to point out an issue. The reality is that the Vice Chief of the Defence Staff should be accountable, and I would argue that this would increase accountability. I am not suggesting that the provost marshals are without positive attributes. In fact, the opposite is true.

In each of these organizations we have tremendous leadership, particularly due to the special operations we have been doing since 1993, which have grown. The opportunity for the provost marshal not to have an understanding of what is happening in those cases is much greater than it would have been pre-1993. Today it might be more important than it would have been in the early 1990s or late 1980s. I respectfully disagree, but I look forward to further debate.

**Hon. Serge Joyal:** Would the honourable senator entertain another question?

**Senator White:** Yes.

**Senator Joyal:** The Standing Senate Committee on Legal and Constitutional Affairs has reviewed the National Defence Act in relation to military justice. One of the key documents we studied was the report released by former Justice Dickson on the principles that the military justice system should be embodying, considering the adoption of the Charter and the need to ensure that the military justice system align itself as much as possible with the civil justice system.

To what extent does Bill C-15 answer the recommendations on the justice system that were left over from previous amendments to the act?

**Senator White:** I cannot answer that. I would have to review that document, which I have not seen. If I may, I will respond later.

**Senator Joyal:** I thank the honourable senator for that response. Perhaps when Senator White is reviewing the report of former Justice Dickson he could look at the past amendments made to the National Defence Act. There were at least two former initiatives that this chamber studied and reported and voted upon, but key elements of the report, the most difficult ones in fact, were left aside.

It would be helpful for us, when we study this bill, to review those recommendations that were set aside by the military at that time because they were calling for other adjustments in the system. After more than 10 years, we should be in a position to act upon those. If the honourable senator has the opportunity to look into that, that could help us in reviewing the bill.

(On motion of Senator Dallaire, debate adjourned.)

## STUDY ON USER FEE PROPOSAL

AGRICULTURE AND AGRI-FOOD—TENTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE— DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Fortin-Duplessis, for the adoption of the tenth report of the Standing Senate Committee on Agriculture and Forestry
>
> (Canadian Food Inspection Agency's User Fee Proposal for Importer Licensing for Non-federally Registered Sector Products, without amendment), tabled in the Senate on March 21, 2013.

**Hon. Catherine S. Callbeck:** Honourable senators, I would like to say a few words about this committee's report on the Canadian Food Inspection Agency's user fee proposal for importer licensing for non-federally registered sector products, which recommends approving the proposal.

As my colleagues on the committee know, I have concerns about the process that was used to get this recommendation presented to the Senate. I feel that there was insufficient time to review the evidence.

The committee dealt with this less than 24 hours after the information was provided. There were two documents, the 16-page CFIA user fee proposal and the 12-page user fee consultation report. They were both emailed to committee members on Wednesday, March 20, at 1:26 p.m. The Senate was sitting at that time, and it adjourned at 4:48 p.m. I had another commitment at 5 p.m., and at 6:45 p.m. I had to attend the Finance Committee meeting, which continued until 9 p.m.

The next morning at eight o'clock we heard from one witness about the user fee proposal we had received the afternoon before. That was it — only one witness, and we were asked to recommend this proposal. No reason was given for why this proposal had to be approved that day, and I have not heard any reason since.

The proposal will cost importers about $3.2 million per year, no doubt added to the prices that Canadians pay for imported food products.

It is impossible to do our job well if we do not have the time to study and review proposals like this. I am putting my concerns on the record because I believe that there was not sufficient time to review the documents. I hope that in the future, practices will change in this committee.

(On motion of Senator Tardif, debate adjourned.)

[*Translation*]

## INCOME TAX ACT

BILL TO AMEND—SECOND READING

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. Jean-Claude Rivest:** Honourable senators, I would like to speak to Bill C-377 to express my surprise and opposition to a bill that seems to have come out of nowhere. It is certainly not from

the Liberals or from the social democrats. This bill imposes what I consider to be undue requirements on labour organizations in Canada, which I think is worrisome.

Honourable senators, the title of this bill is An Act to amend the Income Tax Act, but this is clearly a bill whose sole purpose is to put pressure on labour organizations.

• (1530)

What is more, it has nothing to do with income or taxes. It is rather odd to read in the bill's summary that the purpose of the bill is to require that labour organizations provide financial information to the minister, not for tax purposes, but for public disclosure.

Honourable senators, we know full well that some provisions of the Canada Labour Code, and the labour legislation of every province, require unions to make certain information public. This already exists, so why add anything more, honourable senators? It is extremely worrisome. We do not see where the government is going with this bill.

They will tell us that similar legislation might exist for community organizations, charitable organizations, religious organizations, and so forth.

Honourable senators, I think it is important to point out here and to realize that unions cannot in any way be associated with community organizations or social organizations. A union is an organization, a free association of workers that is in a power relationship with a boss, a business. In the course of its normal activities, it must develop a strategy whereby the nature of its means and resources must be kept secret because the balance of power with the employer has to be maintained.

Honourable senators, if the provisions of this bill that require unions to disclose their financial situation, loans and so forth, were really necessary — because the union is in a power relationship with another party, namely the business — then why are the businesses not also required to disclose the same type of financial information as the unions? I find that very intriguing. If there was truly a need — I do not think there is because unions are democratic organizations and members of local unions and regional unions ask questions and demand openness — then why did the government not introduce a bill that imposed a certain number of constraints on the businesses and management as well as the unions? Otherwise, with this type of bill, the union will have to work and carry out its mandate completely exposed in terms of the means and resources at its disposal, when the same is not being required of management.

That, honourable senators, is the fundamental flaw in this bill. There is a clear imbalance that is completely unacceptable. If the goal is to increase transparency in unions and businesses, it needs to happen for both groups. The issue should be addressed not through changes to the Income Tax Act, but through changes to the Labour Relations Act in order to implement a new system and increase information requirements.

Honourable senators, businesses are required to provide all sorts of information on their financial situation, loans, the value of real estate and assets as well as salaries. Unions are required to provide, for the fiscal year, all transactions and all disbursements the cumulative value of which is $5,000 and a statement of accounts receivable. It goes even further, honourable senators — and this is what I find worrisome from a political point of view — unions must disclose their lobbying, representation and political activities. What does that have to do with labour relations? Unions are not there simply for collective bargaining. Unions play a central role, an extremely important role, in the economic and social aspects of Canadian society. Why should they have to disclose to the revenue minister how much money they spend on those activities? It is completely unreasonable, in my opinion.

Honourable senators, I see two fundamental issues here: unions and businesses are not forced to be equally transparent, and these provisions use coercion and pressure to restrict the role unions play in society. Unions are more than just unions. These organizations play a leading role in society. This is a unilateral move that undermines unions and unions alone.

Honourable senators, I was also under the impression that the Conservative government was trying to cut costs. Look at the measures that are being imposed. The government is going to create a bureaucracy within the federal public service that will monitor names, addresses, balance sheets and benefits, as well as the pension plans of every union leader. The government is going to create a bureaucracy that will examine these things in every union in Canada, not just federations. That is not the only problem. The bureaucracy will also force labour organizations to cover the costs associated with keeping these records and sharing them with the government.

Can the government tell us what financial resources it intends to allocate to the administration of such a broad and unreasonable bill?

Finally, honourable senators, I would also like to point out that, as we have seen before, this bill is likely unconstitutional in that it is supposed to be a tax bill. The Supreme Court has already ruled that the title of the bill does not determine whether it is constitutional or unconstitutional. Although the government describes the bill as falling under the revenue minister's jurisdiction, the "pith and substance" of the bill, as we say in constitutional law, actually regulates the activities of businesses and unions. This bill has nothing to do with revenue.

I am convinced that this legislation is ultra vires in that it deals with labour relations since, under section 92(13) of the Constitution, with the exception of federal organizations — federal-level unions — labour relations that pertain specifically to Quebec fall under civil law. It all falls under our civil legislation. If a regulation needs to be made with regard to the property, assets or disclosure of labour organizations, under the Constitution, it is the Quebec National Assembly's responsibility, not the Parliament of Canada's.

The net result is not just that the government is going to impose considerable administrative fees on unions and create a federal bureaucracy, but that it is going to force unions — because they will certainly do it — and legislatures — the Quebec National

Assembly and other provincial legislatures — to dispute the constitutionality of this bill, and for what? Simply so that the government can have more information than what is already provided under the Canada Labour Code and provincial labour laws, particularly those of Quebec, more information than what unionized workers already require at their conventions. The government wants more information than what has already been provided simply to exert political pressure. I do not really know what the intent of this bill is.

Honourable senators, I think that this is a bad bill that is extremely unfair to unions.

• (1540)

There is no consideration of the fact that there are two parties involved in labour relations: the union and management. Any requirements concerning transparency must apply to both the union and management. Only the union is bound by this bill.

At best — or worst, I am not sure which — this bill is absolutely pointless. It may prove to be expensive, it may put unions in difficult situations and, above all, it may make unions extremely vulnerable because management will be able to discover their entire strategy, the means at their disposal — people, individuals, all available means — whereas management's books will be closed. This creates an imbalance. This goes completely against everything we know about labour relations.

Honourable senators, I hope that this bill will simply die on the Order Paper, or that it will be defeated, because it is a very bad bill.

**Hon. Pierrette Ringuette:** Honourable senators, I would definitely like to thank Senators Cowan, Tardif, Hervieux-Payette, McCoy, Mercer and Rivest for their contributions to the debate on Bill C-377.

Today, I would like to share with you my views on Bill C-377, which was introduced in the Senate by Senator Eaton and MP Russ Hiebert in the other place.

[*English*]

Bill C-377 is not just a wicked attack on labour organizations but also one against all hard-working Canadians and their families.

In her speech, Senator Eaton tried her best to sell us the PMO's weak argument that labour organizations should be subject to the same fiscal reporting onus as charities. At best, this comparison is disingenuous; at worst, it betrays a belief that anyone who actually earns an honest living through organized labour is a charity case. Maybe a few Canadians, from their pedestal, would have the same opinion, but workers around the world, particularly Canadian workers and their families, are grateful for labour organizations' continued advocacy on their behalf. I for one certainly appreciate their long and hard-fought battles for results for all Canadians, not only the unionized ones.

[*Translation*]

First of all, I would like to set the record straight with regard to Senator Eaton's arguments justifying the presence of such a bill in the Senate. She said that, for several years, charitable organizations have had to file, through the Canada Revenue Agency, a report of their revenues and expenditures, as a measure of accountability, and in order to issue tax receipts for donations. She believes that unions that receive the same benefits as charitable organizations should disclose detailed financial statements to the public through the Canada Revenue Agency.

Honourable senators, the similarities invoked by Senator Eaton are unfounded and I think show a serious bias against unionized Canadians.

Here is what the senator failed to mention:

The federal government is solely responsible for accrediting the 85,000-odd charities. This is done through Revenue Canada, which is responsible for overseeing their financial activities to maintain this accreditation. That is also why the disclosure of information regarding the finances and activities of charities is regulated by Revenue Canada, in accordance with the Income Tax Act.

Most Canadians who contribute to these charities are not members of the organizations and therefore would not have any other way of verifying this information. Furthermore, by publishing some financial information about the organizations, Revenue Canada's oversight responsibility is lessened because the public is able to comment. If not for the law that forces charities to disclose their finances and activities, donors would not have access to this information. That is not the case with labour organizations.

[*English*]

Senator Eaton says:

> ... our government supports and affirms that organizations receiving public benefit should be accountable and transparent in disclosing how they use such benefit.

The PMO's position, as conveyed by the honourable senator, reveals the true scope of Bill C-377, and I will expand on this issue later in my speech, while analyzing the new definition of labour organization within Bill C-377.

[*Translation*]

The reality is that fewer than 10 per cent of labour organizations in Canada are regulated by the federal Minister of Labour under the Canada Labour Code. Section 110 of this code states that trade unions and employers' organizations are required to make their financial statements available to their members — their contributors — as a form of accountability, and the same goes for labour organizations in most provinces.

I must point out that labour relations organizations do not have access to tax deductions. Individual workers are the ones who can deduct dues from their taxes, if applicable. Employers' organizations and employee organizations that oversee

employer-employee relations are considered not-for-profit organizations by Revenue Canada, much like associations for doctors, engineers, nurses and teachers.

Senator Eaton is also arguing that France, England, the United States and Australia have legislation similar to Bill C-377. That is also false. In those countries, the legislation on these matters is the result of their authority over labour relations, not their tax jurisdiction. Furthermore, the information collected is minimal compared to the extremes that we see in Bill C-377.

[*English*]

Honourable senators, in a nutshell, the arguments in support of Bill C-377 are fundamentally false. I shall move on to serious issues related to Bill C-377, because spending any further time addressing Senator Eaton's weak and flawed defence of this bill would be a waste of time.

[*Translation*]

The most important things — but not the only things — to remember about Bill C-377 are as follows: it violates the Canadian Constitution regarding the provinces' constitutional jurisdictions; it violates the Canadian Charter of Rights and Freedoms; it flies in the face of our international obligations under Convention 87, Freedom of Association and Right to Organize, 1948, of the United Nations International Labour Organisation, a convention that Canada ratified in 1972, with the provinces' consent; it breaches the privacy of Canadians; and finally, its definition of "labour organization" is flawed.

Honourable senators, need I remind you that our job here in the Senate is to have a critical second look at the bills passed in the other place, and to ensure that those bills are consistent with the laws of the land and respect the provinces that we each represent? The Canadian public fully expects the legislators they have elected to Parliament and to their respective legislative assemblies to at least be familiar with the legislative parameters of this country — in other words, the Constitution — as we create new legislation.

• (1550)

Section 91 of the Constitution details the areas of jurisdiction exclusive to Parliament, and section 92 details the areas of jurisdiction exclusive to the provinces. Labour relations fall exclusively under provincial jurisdiction according to the 13th class of subjects in section 92, namely Property and Civil Rights in the Province. These civil rights include contractual rights and the right to form employers' and union organizations that negotiate and sign contracts governing labour relations. Jurisprudence confirms that exclusivity.

I would like to make an aside about federal-related jurisprudence concerning labour relations. There is an exception giving the federal government jurisdiction in situations where it governs the operations of interprovincial businesses, such as Canada Post, Air Canada or interprovincial ferries. In other words, Parliament can be involved in labour relations legislation for industries, businesses and companies under its jurisdiction, depending on the nature of their operations. Parliament also has the authority to legislate within its jurisdiction if there is a state of emergency, a serious situation that is endangering lives or the state.

Honourable senators, I am certain you agree that Bill C-377 is not an emergency, and neither lives nor the state are in danger. This bill is simply an intrusion into provincial jurisdiction. Four provinces have already spoken out against the bill. Does the objective of the bill, the essential nature of Bill C-377, address labour relations, or is it using taxation to hide its scope?

While the title — Bill C-377, An Act to Amend the Income Tax Act — suggests a taxation measure, the subtitle — requirements for labour organizations — clearly indicates that it is a measure targeting only labour organizations, which fall under provincial jurisdiction exclusively.

In other words, with Bill C-377, the Harper government is trying to slip through the back door what it cannot manage to get through the front door. Bill C-377 is not entirely within the federal government's jurisdiction. Does Bill C-377 apply strictly to federally regulated labour organizations, which make up roughly 10 per cent of such organizations?

For deduction purposes, the Income Tax Act recognizes under the "dues" category, those dues that a Canadian must pay in order to receive income from his or her work, regardless of the organization that receives those dues. For deduction purposes, it is the workers who have to prove to the tax man that these dues are applicable to his or her income. I refer you to CRA's interpretation bulletin IT-158R2 and IT-103R.

For this bill to have anything to do with taxation, the Act to Amend the Income Tax Act should focus on dues as a tax-related item. Honourable senators, you can read and reread Bill C-377 and nowhere will you find the word "dues".

The content, purpose, essence and nature of this bill have nothing to do with taxation and everything to do with the financial and organizational management of labour organizations, which fall under provincial jurisdiction.

There is no fiscal measure and nothing that will have an impact on workers' income. Bill C-377 is an administrative and operational intrusion that furthers the government's political agenda.

The Canadian Bar Association wrote to the chair of the finance committee of the other place to say that it was inappropriate to amend tax law in order to impose operational restrictions. If the purpose of the bill was to introduce fiscal measures for non-profit organizations, including labour organizations, then it would address non-profit organizations as a whole under that tax category.

The specificity of Bill C-377 is not to be found in the area of taxation; just read the bill summary:

> This enactment amends the *Income Tax Act* to require that labour organizations provide financial information to the Minister for public disclosure.

Bill C-377 is disguised as a tax law, but in reality, it has more to do with internal administration that falls under provincial jurisdiction.

In 1972, when the Canadian government ratified Convention 87 of the United Nations International Labour Organization, it had to obtain the provinces' consent because labour comes under their exclusive jurisdiction. It is therefore our duty, as the only representatives of the provinces in the Parliament of Canada, to reject Bill C-377 because it interferes in an area of provincial jurisdiction.

[*English*]

The enactment in 1982 of the Canadian Constitution and the Canadian Charter of Rights and Freedoms defined our maturity as a nation and as a free and democratic society. It is a beacon of freedom for our citizens and an inspiration to many around the world. Among the fundamental freedoms of Canadians are the freedoms of association and expression. Section 32 of the Charter clearly states that the Charter applies to Parliament, the Government of Canada, and the legislature and government of each province. All legislators in Canada, when exercising their responsibility to legislate, must abide by the Charter.

Honourable senators, although the Charter provides individual rights, those rights are essentially extended to organizations as well when an individual seeks membership as a means for his or her right or aspiration, as expressed by the Honourable Mr. Justice McIntyre. Labour organizations, by extension, have the individual rights and freedoms of their members — fair-minded Canadians pursuing their freedom of association, freedom of expression and peaceful assembly with common objectives to have better lives in general and conditions of citizenship. These individual freedoms exercised collectively via an association or organization to achieve common goals may require political or non-political activities. They may require funds directed strictly to bettering one's life in various aspects, such as health care, retirement, sick leave, legal counsel, et cetera, all of which are part and parcel of one's freedoms of speech and of association to further one's cause. The excessive public disclosure listed in Bill C-377 is a direct constraint on individual rights and freedoms under the Charter and, therefore, also the collective rights of individuals in an association.

Many honourable senators will remember Senator Beaudoin. His book, *La Constitution du Canada*, which he gave to me, describes reasonable limits for a legislative body in terms of restricting rights and freedoms. He stresses that these limits must be reasonable and justifiable in a free and democratic society and that the burden of proof lies with the one who restrains rights and freedoms. Let me repeat that because it is extremely important: The burden of proof lies with the one who restrains rights and freedoms. The legislator must show a real urgency when seeking to restrain rights and freedoms and that there is a balanced approach between the importance of the issue and the measures taken through legislation.

• (1600)

The proponents of Bill C-377 have not been able to convince us that it is reasonable and justifiable or that it is an urgent issue threatening the stability of Canada.

Honourable senators, as mentioned earlier, in 1972 Canada, with the agreement of the provinces, ratified Convention 87, the Freedom of Association and Protection of the Right to Organise Convention of the International Labour Organization of the United Nations.

Article 3 of Convention 87 states:

> 3. (1) Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
>
> 3. (2) The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

I include the Canadian Charter of Rights and Freedoms and the International Convention 87 in my arguments on freedoms since I believe that, in relation to Bill C-377, they are inextricable and complementary. Convention 87 was ratified in 1972 by Canada and the provinces, before we enshrined the Charter in our Constitution in 1987. The individual right within the Charter is in addition to the collective rights under Convention 87 for all Canadians.

Notice that, within Convention 87, organizations have the right to organize their administration and activities and formulate their programs. The slate of public disclosures required in Bill C-377 is a complete breach of Article 3 of Convention 87, which we have signed at the UN.

Honourable senators should know that a few years ago the International Labour Organization started investigating complaints from three countries in regard to Convention 87, Article 3. In essence, the complaints were the same for all three countries, which was the policing, by government, of the funds of workers' organizations. These three countries are Guatemala, Pakistan and Zimbabwe.

Yes, honourable senators, Bill C-377 will add Canada to a select group of nations that includes Guatemala, Pakistan and Zimbabwe at the United Nations as countries that are unduly policing the funds of workers' organizations. That is certainly not the international recognition that Canadians are looking for. As

members of the Canadian chamber of sober second thought, senators, both individually and collectively, should not endorse any bill like Bill C-377 with such obvious and inherent flaws, the passing of which would be an embarrassment to our chamber and our country, both at home and abroad.

Honourable senators, there is also the major issue of the right to privacy in this bill. Bill C-377 requires detailed disclosure, name of person, et cetera, for any disbursement above $5,000 per year. That person can be an employee, a service provider, a retiree, et cetera.

How absurd can Bill C-377 be? How ignorant of our current Privacy Act, which covers all federal statutes, including the Income Tax Act that Bill C-377 is attempting to unduly amend? Let me enumerate the most evident ones from the Privacy Act.

Section 4:

> No personal information shall be collected by a government institution unless it relates directly to an operating program or activity of the institution.

Section 5(1):

> A government institution shall, wherever possible, collect personal information that is intended to be used for an administrative purpose directly from the individual to whom it relates except where the individual authorizes otherwise or where personal information may be disclosed to the institution under subsection 8(2).

Section 8(1):

> Personal information under the control of a government institution shall not, without the consent of the individual to whom it relates, be disclosed by the institution except in accordance with this section.

Section 8(2) then provides a list of exceptions, which include warrants, legal proceedings, et cetera.

Bill C-377 does not require individual consent to publish personal information; therefore Bill C-377 contravenes our Privacy Act.

Honourable senators, in reality there are two disclosure requirements in Bill C-377. The first one is from the organization to Revenue Canada, and the second one is from the Minister of Revenue Canada to the public via the agency's website.

The Canada Revenue Agency and its minister will have to reach every individual identified in the entire disclosure requirement of Bill C-377 from all the labour organizations to get their written consent before putting the individual's information in the public domain. That activity, on its own, would probably require contacting millions of Canadians at least once a year to receive their written consent. Since Bill C-377 clearly states that the information shall be made public by the minister, the onus to seek consent from individual Canadians to make their private information public becomes his responsibility and not that of the labour organizations.

Honourable senators, I have not witnessed a major or minor public outcry and interest that could outweigh the invasion of the private life of working Canadians.

Another unanswered question is this: What if a labour organization signs a service contract that contains a non-disclosure clause?

I will move on to the word "organization." There are so many controversies in regard to Bill C-377 that I have not yet touched on. However, one of them is extremely important; it is the word "organization."

• (1610)

Proposed section 149.01(1) says: "The following definitions apply in section 149 and in this section." It says:

> "labour organization" includes a labour society and any organization formed for purposes which include the regulation of relations between employers and employees, and includes..."

Recently the Supreme Court ruled, for example, that the RCMP Officers' Association, although not an accredited organization, had the same rights as one that was, since its purpose was to regulate relations with its employer. This precedent will be applied to all employee and employer organizations, such as the NHL and the CFL.

The definition found in this bill would apply to a broad range of organizations, in fact practically any group that performs a function considered to be labour relations. This would include professional associations like the Canadian Medical Association, the Canadian Bar Association, the NHL and the CFL, groups that, I believe, count a number of us as members.

Honourable senators, we have all heard the saying "Be careful what you wish for."

**Senator Tardif:** That is right.

**Senator Ringuette:** Well, this is it. This definition includes employers' organizations with the word "and" in the definition of this bill, i.e., in addition to, which becomes applicable not only to the new section 149.01 but to all of section 149.

That is only normal since, as they say, it takes two to tango, i.e., at least two parties. Both the employee and the employer are required for there to be a "relation." This new definition is more in line with the definition that we can find, for instance, in the following references:

Gérard Dion, author of the only Canadian dictionary in industrial relations, on page 326 defines the word "organization" in the industrial relations context as "a permanent group aiming to achieve set objectives. An enterprise is an organization, as is a union."

Furthermore, the Canada Labour Code, on page 5, defines "employers' organization" as any organization of employers, the purposes of which include the regulation of relations between employers and employees; and on page 6, "trade union" means any organization of employees, or any branch or local thereof, the purpose of which includes the regulation between employers and employees.

The New Brunswick Industrial Relations Act defines "employers' organization" as an organization of employers formed for the purposes — we have the same wording again — that include the regulation of relations between employers and employees and includes any organization of employers that has for its objects, or one of its objects, the regulation of relations between employers and employees and includes an accredited employers' organization.

The United Nations International Labour Organization, Convention 87, which I mentioned earlier, Article 10, reads:

> In this Convention, the term *organisation* means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

Honourable senators, the continued and consistent definition of both employee organization and employer organization in its purpose in labour relations legislation provincially, federally and internationally confirms that the disclosure requirements of Bill C-377 apply to employers' organizations.

I also believe that if Bill C-377 undergoes a court challenge, the court may well decide that a single enterprise is also an organization. The requirements of Bill C-377 would be extended to a single employer that has the purpose of regulating labour relations between himself and his employees.

The Canadian Bar Association has briefly highlighted this issue in a letter to the Chair of the House of Commons Standing Committee on Finance.

The explicit specification in 149.01(1) that the definitions apply to all of section 149 confirms the inclusion of employers' organizations since currently it is not defined in the exempt division of the Income Tax Act.

For example, 149.1, on page 2176 of the Income Tax Act, is the section that lists the individual or entities that are currently tax exempt. Item 149(1)(*k*) highlights a labour organization.

This new definition in Bill C-377 applicable to section 149 has a purpose, that of establishing within the exemption section of 149.01 employer organization. That is certainly necessary since they are also subject to the disclosure requirements in Bill C-377.

Honourable senators, make no mistake; this is an anti-union, special interest group that has rolled this Trojan horse of a bill before us, with their friends at PMO to thank for opening the gates of Parliament. Their goal is simple: legislatively sanctioned corporate espionage. This is state-sponsored war on labour in Canada, and the government is blatantly arming the big corporations with legislation like Bill C-377. It is reprehensible, and unworthy of this chamber.

My only consolation is that they will soon find their efforts will blow up in their faces: They will have to conform to the same disclosure measures. Never mind filing tax returns only once every three years, like its major proponent, Merit Canada.

Honourable senators, there are certainly more issues in the different clauses of Bill C-377 than those I have mentioned. However, I strongly believe that these issues are more than sufficient to no longer continue the study of this bill. The scope of Bill C-377 is not 1,000 organizations but roughly 50,000 organizations representing millions of Canadian workers and their employers.

This bill is not about a fiscal issue or a taxpayer issue, as has been claimed. The taxpayer will gain nothing from the revelation of who cleans a union's office. It is an offensive tactic wielded by special interest groups. The issue of this bill is labour relations, which is under provincial jurisdiction. The goal of this bill is policing the funds of labour organizations, as is done in Guatemala, Pakistan and Zimbabwe, and it is unacceptable. Continuing the study of this bill and its potential passage will be an embarrassment to the Senate, and to all Canadian parliamentarians, both nationally and internationally. It makes international pariahs of us all. Think twice.

**Hon. Jane Cordy:** Would the honourable senator take a question?

The sponsor of the bill has stated that he had not received any complaints from any union members that they were unable to gain access to information from their union leadership. When the honourable senator was doing research on this bill, did she find an overabundance of complaints from people who were not able to get information from unions, or does she believe this is just an anti-union bill?

• (1620)

**Senator Ringuette:** Honourable senators, my research indicates that in the last 18 months, I believe, there were a total of six complaints. When looking at 25,000 organizations representing probably anything between 15 million and 16 million working Canadians, in the grand scheme of things, it is absolutely not an issue. It is certainly not an urgent issue, and it is certainly less a state-threatening issue.

**Senator Cordy:** I read the same information, namely that there were six complaints out of the thousands of members of unions. If I am not mistaken, those six complaints were actually resolved and dealt with.

When I heard the honourable senator's speech — and I had not thought about this before — I wondered about athletic organizations, for example, the Canadian Football League Players' Association or the National Hockey League Players' Association. Do you believe that they would come under this legislation?

**Senator Ringuette:** The intent of this bill was so mean that this bill is extremely flawed in how it is written. I showed honourable senators the definition earlier.

Senator Nolin would know about the issue of the police officers association that went to the Supreme Court in order to be recognized as a negotiating group for better conditions with their employer. The Supreme Court of Canada said that, although they were not a certified group of employees — that is, they were not a union — they had the same rights and they are recognized as an employee association, as it is in this bill. When one seriously looks at that fact, the officers' association of the RCMP is now included in the disclosure measurements of this bill. Under this bill, the NHL and the CFL — all these professional sporting organizations — both employees and employers will have to disclose all the expenses that are more than $5,000.

I showed honourable senators clearly that the word "organization," with the purpose of regulating relations between employer and employee, is larger probably than the intent of the proponent of the bill. It is very poor writing. If so, there should be amendments and there should have been amendments in the other place. However, as with many other bills, we are mandated to do the sober second thought.

Honourable senators, please go to the website of the International Labour Organization of the United Nations where, in 1972, we signed for the right to organize and the right to be part of associations. Can honourable senators imagine that, with this bill before the UN — notwithstanding that we have lost a lot of ground there in the recent years, and I am sure that one labour organization in Canada will file a complaint in regard to Bill C-377 — we will be in the same labour international complaint area as Guatemala, Pakistan and Zimbabwe?

**Senator Moore:** Shameful.

**Senator Ringuette:** I do not know if any one —

**Senator Moore:** The bottom of the barrel.

**Senator Ringuette: —** of the cabinet ministers or the member who is proposing this legislation is asking honourable senators to sign urgently because they will have to stay here in July if they do not sign this international embarrassment.

It is up to honourable senators. We can say to this bill enough is enough. Down the road it is not only employee organizations that are concerned and will have to put forth those disclosures. All employer organizations will have to put forth those disclosures, perhaps even extending it before the courts to mean an organization of one employer.

Honourable senators, earlier I said, "Be careful what you wish for." Read this thing; do the research. I have been looking into this bill and its implications for the last two months, and it is incredible. I cannot believe that such a bill is before us and that it has gone through three readings in the other place without a serious look into its implications.

I hope I answered Senator Cordy's question. May I have five more minutes, while I am on my feet?

**Hon. Senators:** Agreed.

**Senator Ringuette:** However, this is certainly not only an issue of the constitution, our charter; it also has international implications that none of us should be proud of.

**Senator Cordy:** Does the honourable senator also believe this legislation would take under its umbrella associations like boards of trade within municipalities around the country? Would it take into account organizations like the Canadian convenience store business owners? Would it take into account the Canadian independent business owners? Would all of those organizations also come under the umbrella under this legislation?

**Senator Ringuette:** Bill C-377 and most labour relations legislation in our provinces say that the purpose has to be to regulate the relations between the employer and the employee.

Therefore, if an organization such as a chamber of commerce has taken as its objective to regulate relations between the local business community and their employees, then yes. There is an issue of the definition and how one is defined in the legislation. Bill C-377 defines "organization" as one that has the purpose to regulate the relations between employer and employees. Therefore, if they qualify under that objective, then yes, they would.

**Hon. JoAnne L. Buth:** Would the senator take another question?

**Senator Ringuette:** Yes.

**Senator Buth:** Has the honourable senator taken a look at whether or not there is comparable legislation in other countries, for example, in France and the United States, where it is my understanding that unions have to report this type of information already and that Canadian unions that are associated with unions in the U.S. are reporting this information already?

• (1630)

**Senator Ringuette:** I am sorry that the honourable senator was probably not here or did not understand when I reported on my research on that issue. The U.S., France and the U.K. have legislation, but it is not under the fiscal umbrella; it is under the labour relations umbrella that is within their jurisdiction. In Canada, labour relations is under provincial jurisdiction, not federal jurisdiction.

**Senator Buth:** Just to clarify, then, in terms of the type of information that is collected, it could be similar for the requirements, but, in those countries, it is under labour legislation, not financial reporting legislation. Is that right?

**Senator Ringuette:** It is absolutely not under the same style of legislation. I would also caution the honourable senator about using the word "similar," as has been used with regard to dealing with this legislation in the Senate. Just as this legislation is not similar to that found in the U.S., France, the U.K. and Australia, it is also not similar to that for charities.

**Hon. Wilfred P. Moore:** Honourable senators, I was wondering if Senator Ringuette would take another question.

**Senator Ringuette:** Yes.

**Senator Moore:** Does she have any idea what the response to this legislation is from the Fish, Food and Allied Workers of Newfoundland and their President, Mr. Earle McCurdy, and whether or not Newfoundland and Labrador senators have spoken up in favour of their province?

**Senator Ringuette:** I appreciate the honourable senator's question, but I have to admit that I have received several hundred letters from workers across the country. I have read most of them, but I could not say whether I have received a letter from that specific organization or not.

When one looks at this legislation, at EI legislation and at many other issues that have come before us, why would a government start such an offensive against the workers of Canada, against the backbone of this country? Why, in the name of God, would a government with the mandate to seek balance, peace and good government be in that state of mind?

[*Translation*]

**Hon. Ghislain Maltais:** Will the honourable senator accept a question?

**The Hon. the Speaker:** I am sorry, but the senator's time has expired.

[*English*]

Is there further debate?

**Some Hon. Senators:** Question.

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

**Hon. Senators:** Yes.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Senator Carignan:** On division.

**The Hon. the Speaker:** I will ask more formally. Those in favour of the motion to adopt second reading of this bill will please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion will please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "yeas" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators. Do the whips have advice as to length of the bell? It will be a 30-minute bell, honourable senators. The vote will take place at 5:05 p.m. Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

• (1700)

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

| | |
|---|---|
| Andreychuk | Martin |
| Ataullahjan | McInnis |
| Batters | McIntyre |
| Black | Meredith |
| Boisvenu | Mockler |
| Braley | Neufeld |
| Buth | Ngo |
| Carignan | Ogilvie |
| Champagne | Oh |
| Comeau | Oliver |
| Dagenais | Patterson |
| Demers | Plett |
| Doyle | Poirier |
| Duffy | Raine |
| Eaton | Rivard |
| Enverga | Runciman |
| Finley | Seidman |
| Fortin-Duplessis | Seth |
| Frum | Smith (Saurel) |
| Greene | Stewart Olsen |
| Housakos | Tannas |
| Johnson | Tkachuk |
| Lang | Unger |
| LeBreton | Verner |
| MacDonald | Wallace |
| Maltais | Wallin |
| Manning | Wells—55 |
| Marshall | |

NAYS
THE HONOURABLE SENATORS

| | |
|---|---|
| Baker | Hubley |
| Callbeck | Jaffer |
| Campbell | Joyal |
| Chaput | Kenny |
| Charette-Poulin | Lovelace Nicholas |
| Cools | Massicotte |
| Cordy | Mercer |
| Cowan | Merchant |
| Dallaire | Mitchell |
| Dawson | Moore |

Day
De Bané
Downe
Eggleton
Fraser
Furey
Harb
Hervieux-Payette
Munson
Ringuette
Rivest
Sibbeston
Smith (Cobourg)
Tardif
Zimmer—35

ABSTENTIONS
THE HONOURABLE SENATORS

Nancy Ruth
Nolin
Segal—3

REFERRED TO COMMITTEE

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

(On motion of Senator Carignan, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

• (1710)

## ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

**Hon. Richard Neufeld:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

> That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m. on Tuesday, May 7, 2013, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Could I ask the honourable senator the reason for this request?

**Senator Neufeld:** Honourable senators, we have some people from the Nunavut Impact Review Board who have travelled to testify and we also have the Minister of Aboriginal Affairs and Northern Development scheduled to appear.

**The Hon. the Speaker:** Permission is granted to put the motion to the house. Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

[*Translation*]

## STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY

EIGHTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Transport and Communications, entitled: *One Size Doesn't Fit All: The Future Growth and Competitiveness of Canadian Air Travel*, tabled in the Senate on April 17, 2013.

**Hon. Dennis Dawson:** Honourable senators, I move:

> That the report be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government, with the Minister of Transport, Infrastructure and Communities being identified as minister responsible for responding to the report.

(Motion agreed to and report adopted.)

[*English*]

## QUESTION OF PRIVILEGE

SPEAKER'S RULING RESERVED

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question of privilege concerns the ability of Canadians to appear before our committees as witnesses as we carry out our constitutional mandate to scrutinize legislation and government policy. The right of witnesses to appear before Parliament unobstructed and the right of parliamentarians to hear from witnesses are fundamental rights in the parliamentary process.

In the 1916 fourth edition of *Bourinot's Parliamentary Procedure and Practice,* at page 56, it states:

> It has been frequently decided that the following matters fall within the category of breaches of privilege:—... 3. Tampering with a witness in regard to the evidence given by him before the house, or any committee of the house.

In the 2011 edition of *Erskine May's Treatise on The Law, Privileges, Proceedings and Usage of Parliament*, at page 267, it states under the heading "molestation and interference" the following:

> Any conduct calculated to deter prospective witnesses from giving evidence before either House or a committee is a contempt. Such actions have included censure by an employer.

The seriousness of this principle is reflected in the Criminal Code of Canada. In section 118 of the Criminal Code, in the interpretation section, it provides as follows:

> "judicial proceeding" means a proceeding...
>
> (*b*) before the Senate or House of Commons or a committee of the Senate or House of Commons,...

• (1720)

Section 139(3) of the Criminal Code provides that

> ... every one shall be deemed willfully to attempt to obstruct, pervert or defeat the course of justice who in a judicial proceeding, existing or proposed,
>
> (*a*) dissuades or attempts to dissuade a person by threats, bribes or other corrupt means from giving evidence...

Honourable senators, these are the legal foundations upon which are built the rights of witnesses to appear before the Senate and its committees and our right to hear and learn from them.

My specific concern resolves around what has taken place with our study of Bill C-42. After that legislation was given second reading, it was referred to the Standing Senate Committee on National Security and Defence. The steering committee met to discuss witnesses, and it was unanimously agreed to invite Corporal Roland Beaulieu, a 26-year veteran of the force currently on medical leave. However, I am told that when Corporal Beaulieu was contacted and asked to appear before the committee, he declined.

Yesterday on national television news, he explained that he would have liked to appear but that late last week, Dr. Isabelle Fieschi, a health services officer with the RCMP, wrote to him saying that if he was well enough to travel to Ottawa to appear before our committee, he would be considered fit for duty and should return to his unit immediately. Needless to say, if he had reported to his unit, he would not have been able to travel to Ottawa in any event because he would have been back on active duty.

According to the news report, on Friday, May 3, 2013 — last Friday — the RCMP issued a new policy, saying that Mounties on sick leave could not travel outside their jurisdiction without approval from their commander. Corporal Beaulieu believed that the letter he received and the new policy were designed to prevent him and others from speaking with us. He said:

> I believe they did this because they don't want me to speak to the Senate about violence in the workplace because it is systemic. I would call it bullying violence. I would call it violence, psychological violence, for what they did to me in my career.

Honourable senators, Canadians should not be afraid to testify at a judicial proceeding in this country, whether it be in a court of law or before a committee of the Senate.

In 1999, while sitting on this side of the chamber, Your Honour raised a question of privilege concerning Dr. Shiv Chopra, who appeared before the Standing Senate Committee on Agriculture and Forestry during its study of the bovine growth hormone. Dr. Chopra alleged that his employer, Health Canada, had harassed him because of his testimony. In his ruling, Speaker Molgat said:

> I also do not wish to dismiss out of hand what amounts to a very serious allegation, indeed. As it stands, a witness before a Senate committee has made a claim, which, if true, may well represent a serious contempt of this place. As yet, there is little evidence offered against the claim. The chronology of events as outlined by Senator Kinsella at least suggests that the claim could be true. I therefore find that a *prima facie* question of privilege has been established...

Unfortunately in our case, Corporal Beaulieu, unlike Dr. Chopra, was not able to give evidence before our committee. Had he travelled to Ottawa to give testimony yesterday, it appears he could very well have been dismissed from the force. That was certainly his fear.

Honourable senators, this is not right. Canadians should not be fearful of telling the truth before us as we perform our legislative duties. Witnesses who wish to appear before us should not be subject to intimidation. I find it ironic that we will soon be receiving Bill C-51 for consideration. That bill deals with the witness protection program, to better protect Canadians who testify in our courts of law.

What about Canadians who wish to testify before Parliament; is there to be no protection for them? Honourable senators, *Beauchesne's Parliamentary Rules and Forms* states:

> To tamper with a witness in regard to the evidence to be given before the House or any committee or to endeavour, directly or indirectly, to deter or hinder any person from appearing or giving evidence is a breach of privilege. Corruption or intimidation is not an essential ingredient in this offence. It is equally a breach of privilege to attempt by persuasion or solicitations of any kind, to induce a witness not to attend, or to withhold evidence or to give false evidence.

Honourable senators, such actions are improper, no matter who carries them out. No one is above the law in this country.

Your Honour, in the words of Speaker Molgat, I believe that I have established that there has been made "a very serious allegation which, if true, may well represent a serious contempt of this place."

As I said earlier this afternoon, if Your Honour finds there has indeed been a prima facie case of privilege, I am prepared to move the appropriate motion.

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

**Hon. Grant Mitchell:** Honourable senators, I would simply like to add several comments to what Senator Cowan has outlined in his cogent argument. I will do so in order to emphasize the very strong likelihood that this effort on the part of the RCMP to inhibit this witness is very inappropriate.

The RCMP informed the prospective witness, Mr. Beaulieu, that he was not to be allowed to visit Ottawa to provide witness testimony on the basis of a medical assessment. In fact, he received this ruling from a doctor — Dr. Fieschi. It is very interesting that this doctor makes the point that:

> Should you feel that you are physically and cognitively able to participate in these hearings and to travel there —

— having discussed the pressures of travel earlier in the email —

> — I would consider you fit for administrative duties at your unit immediately.

Two things should make us very skeptical and suspicious of where this particular ruling is coming from. First, over the past number of years of his PTSD injury, Mr. Beaulieu had been allowed to travel on various occasions by his superior officer, and travel in those cases — going through airports, finding baggage — was not a problem.

What is more significant is that this doctor has made this ruling sound as though it is a medical ruling, yet this doctor has never spoken to Mr. Beaulieu, ever. She has not assessed him or ever been in the same room with him, and she had not ever been able in any way, shape or form to base the diagnosis in this ruling on anything, because she has never met him.

It leads one to directly question where this ruling really came from. That is compounded again by the point that Senator Cowan made, which is that this ruling was based on a health care policy that was not determined until May 3, 2013 — last Friday. This is far too much a coincidence to be anything other than related to the request by the committee to have Mr. Beaulieu come and provide testimony.

It is anything but a credible ruling based on this purported medical basis, because the doctor has never met Mr. Beaulieu but makes some pretty determined and pretty specific "assessments" of his capability. She draws the connection without ever having talked to him that somehow spending some time on a plane and then an hour before a Senate committee is tantamount to being able to go back to a full-time administrative position in a hostile work environment.

It is almost incomprehensible that this series of determinations and rulings of policy could be coincidental with the fact that Mr. Beaulieu was about to come to this particular venue to provide witness testimony, which the RCMP might have anticipated would not be particularly positive about the RCMP. I think it is a further clear indication of and strengthens the fact that there was something surreptitious and inappropriate in the way the RCMP determined to inhibit Mr. Beaulieu from providing witness testimony.

The implications of this are profoundly far reaching. I ask that Your Honour give it the due consideration I know he will and consider it to be a prima facie case of privilege.

• (1730)

[*Translation*]

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I would like to speak to the question of privilege raised by the Honourable Leader of the Opposition.

This question stems from a report on CBC's *The National* last night. The report stated that, because of an RCMP policy, a witness was kept from appearing before the Standing Senate Committee on National Security and Defence, which was studying Bill C-42.

Honourable senators, if I understand correctly, Roland Beaulieu, the subject of the CBC report, was invited as a representative of the Mounted Police Professional Association of Canada to testify before the committee as part of its study of Bill C-42. It seems that Mr. Beaulieu, after agreeing to testify along with the association's president, then indicated that it would be impossible for him to appear before the committee.

However, last night, before beginning clause-by-clause consideration of the bill, the committee heard testimony from two association members, namely Rae Banwarie, the president, and Lloyd Pinsent, British Columbia's representative on the national executive. If the committee's goal was to hear the association's point of view, it had that opportunity last night.

Mr. Beaulieu's absence did not keep the committee from doing its work and cannot be considered a prima facie question of privilege pursuant to rule 13-3(1)(b) or (c).

I would like to read rule 13-3(1)(d), which stipulates that in order to be accorded priority, a question of privilege must:

> ...[to seek] a genuine remedy that the Senate has the power to provide and for which no other parliamentary process is reasonably available.

First of all, I would like to assert that according to Rule 12-9(2)(a), the committee is empowered "to send for persons, papers and records". Had the committee, or one of its members, deemed the testimony of Mr. Beaulieu to be essential, it could have undertaken a procedure to compel him to appear in person or by videoconference, in order to prevent compromising the health of the witness, if that was the case.

But as this did not occur, I can only conclude that the committee and its members were satisfied with the evidence provided by the two representatives of the Mounted Police Professional Association.

As the committee did not exercise its authority, I do not see how the criteria of Rule 13-3(1)(d) are fulfilled, and I submit that there is no basis for a prima facie case of privilege.

Moreover, debate on Bill C-42 is still underway. The bill was reported without amendment this afternoon. Third reading of the bill could start tomorrow afternoon. If our chamber is convinced that the committee did not have the benefit of information vital to its deliberations, and that it must continue to study the text, a senator could, during third reading, move a motion to refer the bill to committee.

Thus, honorable senators, even at this stage, the Senate can remedy the situation by a means other than a question of privilege, if it deems that action is required and that the criteria of rule 13-3(1)(d) have not been fulfilled.

That is why I am asking the Hon. the Speaker to rule that there is no prima facie question of privilege.

**Hon. Roméo Antonius Dallaire:** Honourable senators, the presentation of the facts is mostly accurate, except for one thing that should not be ignored. The steering committee met and made decisions regarding the list of witnesses. When we were told that an individual was not available to appear, we were not told that it was because the person had been prevented from coming. We were simply told that the person was unavailable.

In this context, it is difficult to say that we are going to follow the process to show that there was interference with the progress of this file in committee, since it was only yesterday evening, after we had heard from the witnesses, that we learned that the person in question felt that his right to appear as planned, based on the list of witnesses established with the consent of both parties, had been violated.

Unfortunately, I do not have any references to point to which rule was violated in the process. Nevertheless, the fact remains that a witness was deliberately prevented from appearing when the committee had consented to and requested his presence, which certainly constitutes an obstruction of the committee's capacity to have access to the information that this witness could have provided.

There is no doubt that the president of the association, who was supposed to appear in any case, and his colleague answered questions. However, they are not the ones I wanted to talk to. I wanted to talk to Mr. Beaulieu because he had other answers to give. I therefore did not see the witness whom the committee agreed to summon.

What is more, there were many restrictions imposed on us to limit the time for debate so that this massive bill could be examined clause by clause and approved without delaying its progress.

However, I find it unacceptable that we are being given this answer in order to simply disregard our prerogative to hear from the person that we called to appear because we felt it was necessary.

I think that is an insult. It constitutes contempt of our prerogative and the procedures by which we exercise the prerogative to call witnesses. We wanted to hear from Mr. Beaulieu. Everyone agreed on that. We agreed to hear from his replacement when we were told that Mr. Beaulieu was not available. However, had we known that he was not available because the RCMP had prevented him from coming, we would have proceeded much differently.

[*English*]

**Hon. Larry W. Campbell:** Honourable senators, I would think that both sides of this place, and certainly the Defence Committee, should be concerned about and shocked by this action. I had no idea that this person would not show up until witnesses who were appearing before the committee said that Corporal Beaulieu had been advised that he could not come here because of doctor's orders. This has nothing to do with health — let us make that straight — nothing to do with health. This has nothing to do with essential evidence. If we did not think we needed this person, we would not have asked for him. After we accepted that he was coming, we at least should have been advised why he was not showing up.

Bill C-42, interestingly enough, deals with the culture. How do the commissioner and the RCMP deal with this quasi-military culture? How do they deal with understanding what is happening in the ranks? How do they understand how all of these problems have come to be? Certainly, this corporal could have supplied us with some of those answers.

This culture is being maintained as we speak. We are looking at Bill C-42 and the Mounties. I would love to know who the officer was that put out the directive because if it came from the commissioner, I would have serious doubts about the commitment to changing the culture of the organization. Who made the decision?

When will RCMP members have the right, as citizens, to speak about their job site, what they do and what is happening to them?

• (1740)

This will have a chilling effect on every single Mountie because the next thing is that it does not matter whether you are on sick leave, you simply will not be able to go. I dare say that, if you wanted to come and appear before our committee, you would not want to tell your boss that you are coming to Ottawa to appear on Bill C-42.

It is contemptuous. Once we have an investigation, I believe this doctor should be reported to the British Columbia Medical Association to be investigated on how she makes a decision without even seeing or talking to her patient. I certainly think that there is a prima facie case here, Your Honour.

**Hon. Joan Fraser:** At the heart of our work in Parliament is the fact that we must make judgments about legislation and about public policy. It is our duty to do so, to the extent that that is at all possible, on the basis of facts and on the basis of truth. That is why parliamentary privilege exists, so that we can, without fear, seek out the facts and the truth, and that is why that extends to the witnesses who appear before us. They must be able to assist us to find the facts and the truth.

It seems pretty clear to me that the letter that was sent to Mr. Beaulieu was a blatant form of intimidation. If I might make an analogy, suppose a Senate committee had been examining the matter of asbestosis, and somebody who suffered from asbestosis and was on sick leave as a result was invited to testify before us and got a letter from the company saying, "Well, if you are fit enough to go to a Senate committee, you have to go back to the mine."

This letter basically said, "If you are fit enough to go to a Senate committee, you have to go back to the environment that made you sick in the first place." I cannot imagine a more blatant case of intimidation and of interference with the profoundly important work of Parliament. If this is not a case of privilege, I do not know what is.

**Hon. Daniel Lang:** Honourable senators, I rise to speak to the question of privilege because I think the record of events should be clearly spelled out so that we fully understand what occurred. Before I go through that particular schedule, I would like to say this: If there is a question of privilege here, I would very much like His Honour to evaluate the question that has been put to the house. In the question put forward by Senator Cowan, he stated that he intended to raise a question of privilege today concerning the pressure being exerted on individuals not to testify before the Standing Senate Committee on National Security and Defence on its study of Bill C-42, as reported in the media yesterday evening.

Honourable senators, if pressure was being put on witnesses in this case by the employer — the RCMP — I would submit that we would have had no representation last night in our proceedings. We did have two recognized representatives from the Mounted Police Professional Association of Canada come before us last evening. It is important for the record to note that we all felt they were accredited and represented the organization.

From my perspective as chair, I want to let all honourable senators know that it was important to us and to the steering committee, Honourable Senator Dallaire and Honourable Senator Plett, that these various associations have representation. They represented the organization. They did not represent themselves. They were bringing a message from the organization.

What we heard last night was definitely a point of view from that organization, from the two representatives that were before the Senate hearings that we had last evening. Prior to that, as we went through the schedule and as the clerk was trying to contact those individuals recommended for the purpose of appearing before the committee, individuals were contacted, including the individual that the honourable senators are speaking of at the present time. Mr. Beaulieu was contacted, and, in fact, when he was contacted, I believe he asked if another individual from that particular organization could attend as well. There was agreement that he could.

After that event, the clerk — late Friday, I believe — was told that the individual in question had a medical condition and was having a difference of opinion with his employer. Subsequent to that, another name from the organization was submitted to the clerk to come in his stead. I am not sure who it was, but they were from the organization.

As chair, I agreed that we would like to see a second member from that organization appear before our committee for the purposes of our proceedings. Subsequently, that decision was taken in the affirmative, and we had, as I stated earlier, two members appear before committee.

I want to caution honourable senators here to be very careful of the area that we are treading into, the question of an employer versus an employee relationship. I do not think it is our place to make a decision when an employee and an employer are having a difference of opinion. Unless we need that individual and specifically request that individual because of the urgency of the proceedings that we are involved in, the employer and employee should settle their own differences.

If we get into a situation where, all of a sudden, we are dealing with an employer and employee who are having a difference of opinion, which obviously they were, then we are getting into a situation in which, I would submit, we will be dealing with many cases like this in this house.

Honourable senators, at the end of the day did we, as a Senate committee, hear the point of view brought forward by that organization? I submit that we did, and we heard them loud and clear.

I want to say to honourable senators, as His Honour deals with this question of privilege, I think it is important that we fully understand that there is not just one issue here. There are a number of issues involved with respect to His Honour having to make a decision. My question is, from my point of view as a senator and, I think, our point of view as a committee, in our terms, have our privileges been anywhere breached because of the fact that, in this case, Mr. Beaulieu could not appear? I submit that no, they have not been. We did have representation. We had due representation from that particular organization, and I do not think we were deprived in any way.

If the importance of this particular individual was such and if there is some question of his medical history and his ability to leave his place of employment or his place of residence —

**Senator Mercer:** Based on what?

**Senator Lang:** Could I conclude?

**Senator Mercer:** What history? You are making an accusation.

**Senator Lang:** I am not making an accusation. Your Honour, I have not finished what I was saying.

Honourable senators, I just wanted to say that, from the point of view of the urgency of hearing from any particular individual, for whatever reason, and he or she not being able attend our particular proceedings in person, I would advise members that, not unlike what we have done in the past, we do have video conferencing. If there was urgency in the evidence that this particular individual could provide to our proceedings, there was another way of presenting that information so that we could utilize it.

• (1750)

I just want to caution honourable senators. I think we had a very good hearing with good representation in respect of the Senate committee proceedings.

Your Honour, I submit there is not a question of privilege here.

**Hon. Anne C. Cools:** Honourable senators, I would like to join the debate on this question of privilege raised by Senator Cowan.

I would like to underscore, for the sake of all honourable senators, that it has been generally agreed for millennia that interference with Senate committee witnesses is a serious matter. We can all agree on that.

To that effect, I would like to record here, from Erskine May's famous treatise, 24th edition, at page 840, under the section "molestation of or interference with witnesses" that:

> It is a contempt to deter prospective witnesses from giving evidence before either House or a committee, or to molest any persons attending either House as witnesses, during their attendance in such House or committee.

On the same page, page 840, another statement from Erskine May that:

> The House resolved in 1688 that "It is the undoubted right of this House that all witnesses summoned to attend this House, or any committee appointed by it, have the privilege of this House in coming, staying and returning."

I have no disagreement that interference with witnesses is undesirable and should be roundly condemned. The house should be very severe with those who so offend.

My concerns are twofold, and I shall try to get there in a moment.

When I look at the written notice from the Honourable Senator Cowan — a very honourable human being, I would say — his notice says something which is very curious and should be noted. I will read it so that we observe this nuance:

> Pursuant to rule 13-4, this letter is to advise that I intend to raise a Question of Privilege today concerning the pressure being exerted on individuals not to testify before the Senate Standing Committee on National Defence and Security on its study of Bill C-42, as reported in the media yesterday evening.

Honourable senators, I am not convinced that media reports are sufficiently accurate and complete to found decisions of the Senate. I, for one, would be very interested in the original sources.

These are very large and important questions that have been put before us, and some of which are of a criminatory nature. I believe we should have had these original sources placed before us. I will return to that thought momentarily.

It is undoubted, again, that Cpl Beaulieu has been ill; his reported statements reflect that. If one looks at the media report that I read, the report that Senator Cowan has made reference to in his notice, the headline found on the CBC website is, "RCMP muzzling testimony at Senate committee, says officer." The sub-headline is, "Senator Roméo Dallaire outraged by move to prevent officer appearing at committee."

Honourable senators, this CBC report states most of the things that have been stated here. One really begins to wonder, and I may as well go to the heart of the matter, which is why these issues were not raised in the Senate Committee on National Defence and Security. Since the complaint emanates from this committee and is truly the committee's complaint, it is the committee which has been deprived of the testimony and services of Corporal Roland Beaulieu.

If I could just reinforce that a little bit, it is often said here, on the floor of this place, that committees are masters of their own proceedings. Obviously, there are limits to every power and every exercise of every power.

However, it has been held in this place for quite some time now, as a part of the law of Parliament, that when committees raise questions of privilege or are concerned that their privilege to hear witnesses has been breached, normally the committee makes some inquiry and attempts to separate the allegations from the facts.

As all the great writers on committees, such as Sir Reginald Palgrave, have said, at all times the purpose of a committee is to assist the house in its findings and its work.

The purpose of a committee includes that if something unjust is done to its witness, the committee ought to look into it and to speak to the house about it by means of a report. This seems to be absent in this present case. It does not mean that we have to be bound by this, but I find this question as raised is incomplete.

I would record some authority on this, Beauchesne's sixth edition, paragraph 107, tells us:

> Breaches of privilege in committee may be dealt with only by the House itself...

We know that. The quote continues:

> ... on report from the committee.

The question that comes to mind is that these are very serious charges in a very serious matter. Some senators feel very strongly about it, and that is understandable and reasonable, I believe. I do not understand why this serious matter was not discussed and raised in committee and, with the full committee's support, enter this house via a report to the Senate. Within that report, the committee would then be asking this house, the Senate, to make a determination to study the issue fully and, therein, to invoke a true question of privilege.

The powers of committee to make these determinations are really quite limited. I will just repeat paragraph 107, and there are other references elsewhere. I did not have time to research this very thoroughly and I apologize for my lack of completeness on this, but there was no time. I want to repeat this:

> Breaches of privilege in committee may be dealt with only by the House itself on report from the committee.

I am adding to the list of issues and questions to be considered. The fact is that this Senate committee had a duty to meet as a committee on this, reach some conclusions — however inadequate, however limited — and then present them to the house via a report, which is how a committee speaks to the house. A report is the means of communication to the house. The committee should have raised the level of the complaint away from a media report and more into a preliminary inquiry.

Again, I am relying on a report that is in the media from last night. I read, with some interest, the note from the doctor. This article on the CBC website quotes an email sent by Dr. Isabelle Fieschi, a health services officer with the RCMP.

• (1800)

**The Hon. the Speaker:** Honourable senators, I wish to ascertain the will of the house. It being 6 p.m., do honourable senators wish to not see the clock or to return at 8 p.m.?

**Some Hon. Senators:** Not see the clock.

**Senator Cools:** I shall read the email, as found on the CBC website:

> Should you feel that you are physically and cognitively able to participate in these hearings and to travel there, I would consider you fit for administrative duties at your unit immediately.

That is quite different from her saying, "I forbid you or the RCMP forbids you from appearing before the committee."

**An Hon. Senator:** Intimidation.

**Senator Cools:** Not as written. I am sorry, but I have done much study on intimidation. I have no doubt that anyone who receives such a letter may feel intimidated. However, that letter cited in the media report on which the Honourable Senator Cowan has relied in raising this question of privilege does not say that. There are no ifs — no "If you do this, I will do that." There are no conditionals. There are no imperatives. She wrote:

> Should you feel that you are physically and cognitively able to participate in these hearings and to travel there, I would consider you fit for administrative duties at your unit immediately.

Some can say differently and some can see differently. This statement, believe it or not, is an expression of what this medical health officer deems as readiness to return to work — that physical and cognitive ability are at a certain work level. I am not saying I agree with her.

**Senator Dallaire:** It is preposterous.

**Senator Cools:** It may very well be, but the committee should have looked at it. I am only saying that the Senate committee should approach this house because the committee holds the first-hand evidence and the committee had called upon this witness. Obviously, many committee members have been talking to the individual. The committee has a duty not to keep the Senate in the dark, as it is not a secret, and to bring all the information they have to the house through the formal system of a report. That is what I am saying. It would have done the individuals involved a great service.

**Senator Mitchell:** We would have had to do it urgently.

**Senator Cools:** Honourable senators, there has been a question of privilege pending before the Senate for three months; urgency is not a problem. That question's three hours of debate has had three months. Urgency is not a problem.

**Senator Mitchell:** Urgency is.

**Senator Cools:** Besides, Senator Mitchell has the process all wrong, with all due respect. If the committee had come to the house with a report, it would not be before the Senate as a question of privilege under rule 13. It would be under Presentation of Reports on the Order Paper.

Honourable senators, very little is new under the sun. This committee owed Cpl. Beaulieu the honour and the dignity of putting a report before us about his concerns as a witness, which are stated in this media report. The media report says clearly:

> But Beaulieu said he thinks the real reason he was sent the email was to prevent him from testifying at the hearings.

They are his thoughts; and I have no problem with them.

When a committee encounters difficulty with its invited or subpoenaed witnesses, its first action taken should be taken by the committee. The committee takes its position so that all senators will know through its report that reflects the opinion and the conclusion of the whole committee, not one or two members. Honourable senators, this is a serious matter that should be taken seriously.

We are talking about questions of privilege. I am very saddened that some of these issues have become very partisan, particularly the whole privileged debate around the Parliamentary Budget Officer. Quite frankly, honourable senators, I believe we have done the Parliamentary Budget Officer a terrible disservice by delaying the debate. Some have succeeded in ensuring that when the Parliamentary Budget Officer comes before the Senate committee, he will not come with the dignities and commission of his office as a Parliamentary Budget Officer; he will come as an ordinary resident — as a supplicant. We should not do these people a disservice; we should not dishonor them.

We have already done the PBO a disservice. We should not do Corporal Beaulieu a disservice. The committee had a duty to look at the matter and to present the house with a report of all the facts and evidence.

**Hon. Joseph A. Day:** Honourable senators, I need not speak long on this. I was at the meeting last evening and my silence here today may indicate that I do not share the concern expressed by other members of the committee. However, there are two points that I would like to clarify that may help His Honour in considering this question of prima facie.

His Honour will know the importance of tampering with witnesses. A very sad case in New Brunswick was recently decided. It illustrates the extreme importance of not getting involved in witness tampering of any sort, including preventing the witness from appearing.

The first point made by the Honourable Senator Lang, the chair of the Defence Committee, was that there were other ways that we could have heard from this person, such as a teleconference. That is absolutely true, if the committee had known last evening when we were sitting there talking about this bill that a potential witness was not appearing because he received a letter. That was not a matter of discussion. It was not a matter that I was aware of when I was influenced into accepting that we go to clause-by-clause consideration of the bill after 13 witnesses yesterday afternoon and evening. That is the other point I would like to make.

Senator Carignan made the point that the committee went ahead with clause-by-clause consideration. I am on record as objecting to clause by clause but agreeing to it because it was explained to me the pressures being brought to bear on the steering committee to get on with this matter. If we had waited and done the prudent thing by finishing with the witnesses and taking an opportunity to reflect on what we heard, this other information would have come out; and we would not be sitting in this place talking about a bill that the committee has reported back as accepted, albeit with observations. We proceeded with clause-by-clause consideration, having been convinced to do so on the undertaking that we would not do this again. As a result of that, here we are.

Honourable senators, I submit at this stage that His Honor will determine whether there is a prima facie case of question of privilege. He has heard enough, in my submission, to know that we should go further into this to determine what kind of pressure was brought to bear, if any.

• (1810)

**The Hon. the Speaker:** Honourable senators, let me thank the Honourable Senator Cowan for raising this question of privilege. It speaks to a very serious question. I also thank honourable senators for the observations made to help the Speaker deal with this matter. I will make every effort to report and give the ruling at the beginning of Orders of the Day tomorrow. I will take it under advisement until the beginning of Orders of the Day tomorrow.

## EXPERIMENTAL LAKES AREA

INQUIRY—DEBATE ADJOURNED

**Hon. Grant Mitchell** rose pursuant to notice of February 26, 2013:

> That he will call the attention of the Senate to the need for an assessment of the impacts of cutting federal funding to the Experimental Lakes Area.

He said: Honourable senators, my notes are not yet ready, and I would like to take the adjournment. (On motion of Senator Mitchell, debate adjourned.)

## CHILD, FAMILY AND ADOLESCENT MENTAL HEALTH

INQUIRY—DEBATE ADJOURNED

**Hon. Grant Mitchell** rose pursuant to notice of February 26, 2013:

> That he will call the attention of the Senate to the work of Child, Family and Adolescent Mental Health and its need for ongoing support and infrastructure.

He said: Honourable senators, I would like to take the adjournment on this item.

(On motion of Senator Mitchell, debate adjourned.)

(The Senate adjourned until Wednesday, May 8, 2013, at 1:30 p.m.)

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