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(HANSARD)

Tuesday, June 25, 2013

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Tuesday, June 25, 2013

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

FLOODING IN ALBERTA

EXEMPLARY ROLE OF CALGARY MAYOR NAHEED NENSHI

Hon. Mobina S. B. Jaffer: Honourable senators, I want to associate myself with the statement that Senator Black made on Friday regarding floods in southern Alberta and the heroic efforts of so many public servants and volunteers.

Today I also want to recognize and celebrate the exemplary leadership that Mayor Naheed Nenshi of Calgary has demonstrated in response to this crisis.

In an editorial published on Monday the *Calgary Herald* writes:

When disaster struck, Mayor Naheed Nenshi flew home from a trip he had been on to Ottawa and Toronto.

Nenshi took the helm the moment of his arrival back in the city, dealing coolly and calmly with everything from keeping citizens apprised of the safety of Calgary's drinking water and the fate of animals at the Calgary Zoo, to touring the flooded areas with Prime Minister Harper and Premier Redford, to taking time out to send out his thanks to city workers, and updating Calgarians when they could safely return to their homes.

The Globe and Mail, in its editorial, writes:

Mr. Nenshi has been such a superbly effective leader during the flood... that he appears on his way to folk-hero status. On Twitter, a movement started to demand that he take a nap. He has been up around the clock, and given news conferences in the middle of the night to make sure Calgarians are kept informed....

But it is not his commitment to imparting information that has been so impressive. He has been such a warm and engaging presence. You can't help but be cheered up by him. And if you're watching him on national television anywhere in the country, you feel what it must be like to be living in Calgary during the floods.

As author and Calgarian Leanne Shirliffe writes in the *Huffington Post*, Mayor Nenshi "works hard and responds to people personally." He is "gracious" and "intelligent." He finds ways to inject humour, to inspire his constituents, and to celebrate

the arts, even in the face of a disaster. He listens and engages others in decision making and harnesses the power of family and community volunteers.

Most of all, honourable senators, he demonstrates how government can be a powerful force for good — a vehicle to ensure that no one is left behind or excluded.

I am constantly impressed at how clearly Mayor Nenshi focuses on the need to ensure the safety and well-being of his constituents. As Mayor Nenshi has said, "We can fix stuff. We can replace stuff. We can't fix people."

Honourable senators, I believe we can all learn from Mayor Nenshi's example. Please join me in thanking him for his continued service to Calgarians and to Canadians.

RED BAY BASQUE WHALING STATION

DESIGNATION AS UNESCO WORLD HERITAGE SITE

Hon. Elizabeth (Beth) Marshall: Honourable senators, last Saturday, June 22, the Red Bay Basque Whaling Station in Newfoundland and Labrador was officially recognized as a World Heritage Site by the United Nations Educational, Scientific, and Cultural Organization, otherwise known as UNESCO, at its annual meeting held this year in Cambodia.

Out of the 981 properties that form part of the cultural and natural heritage that the UNESCO World Heritage Committee considers as having outstanding universal value, the 16th century Red Bay Whaling Station archaeological site in Newfoundland and Labrador has been recognized as the seventeenth UNESCO-designated treasure in Canada.

Located on the Strait of Belle Isle in Labrador, Red Bay is the third UNESCO-designated site in the province of Newfoundland and Labrador. The other two sites are the 1,000-year-old Viking settlement at L'Anse aux Meadows and the Gros Morne National Park. Red Bay provides the earliest, most complete, and best preserved testimony of the European whaling tradition that has ever been found.

Including its buffer zone, the Red Bay Basque Whaling Station site takes in some 600 hectares of terrestrial and submerged resources. Through archival and archaeological research, it was discovered that every year from the 1540s to the early 1600s, about 1,000 Basque men and boys would leave their families in Southern France and Northern Spain to voyage over 4,000 kilometers across the North Atlantic Ocean in search of North Atlantic and Greenland Right whales. The whalers converted whale fat into oil, which was a valuable commodity during that time.

Dr. Selma Barkham's archaeological research at Red Bay helped to piece together an amazing chapter of Canada's history that before the 1970s had not been told. From 1977 to 1992, the

terrestrial archaeology was carried out by experts from Memorial University and the Province of Newfoundland and Labrador. The underwater archaeology was conducted by Parks Canada.

Honourable senators, the people of Newfoundland and Labrador and the people of Canada are honoured that this important part of our history will be protected and preserved under the UNESCO heritage designation.

DR. CHRISTOPHER GODDARD

GREAT LAKES FISHERY COMMISSION

Hon. Grant Mitchell: Honourable senators, I rise to provide a statement of recognition of Dr. Christopher Goddard.

Established in 1955, the Great Lakes Fishery Commission is an international body that brings together the best and brightest minds for the sole purpose of protecting and enhancing the Great Lakes, a tremendous natural resource that belongs to all of us.

More specifically, the Great Lakes Fishery Commission has two major responsibilities: to develop coordinated programs of research on the Great Lakes, and, on the basis of the findings, to recommend measures which will permit the maximum sustained productivity of stocks of fish of common concern; and to formulate and implement a program to eradicate or minimize sea lamprey populations in the Great Lakes.

In order to fulfill this mandate during the past six decades, the Great Lakes Fishery Commission has combatted invasive species such as the sea lamprey, Asian carp and zebra mussels, researched the impacts of increased ship traffic in the seaway, and fought tirelessly to protect the habitat and water quality of the more than 750,000 square kilometres of Great Lakes Basin, an area that is one of the most biologically diverse regions in Canada.

This task is daunting but the small team of experts at the Great Lakes Fishery Commission is one of the best.

Today I rise to pay tribute to a specific member of that team as he prepares to retire. Later this summer, Dr. Christopher Goddard will retire after 18 years as Executive Secretary to the Great Lakes Fishery Commission.

• (1810)

Earning his Bachelor of Science in chemistry, Master of Science, and PhD from York University, he launched his career with the Ontario Ministry of Natural Resources, where he oversaw fisheries, liaised with other countries over shared resources and worked to protect Canadian natural resources. From those early days, Dr. Goddard touched off a distinguished career that earned him both accolades and awards, including the American Fisheries Society Meritorious Service Award.

In addition to his work with the Great Lakes Fishery Commission, he also holds faculty positions at both Michigan State University and the University of Michigan, as he recognizes

the value of passing his passion and expertise on to young scholars and future generations.

His service to the Great Lakes Fishery Commission and to the people of Canada will stand as a formidable testament to his character and as an extraordinary example to Canadians of passionate and patriotic service. For a lifetime of dedication and for his contributions to Canada, we thank Dr. Goddard and wish him the best in his well-deserved retirement.

[*Translation*]

THE LATE HONOURABLE ANDY SCOTT, P.C.

Hon. Pierrette Ringuette: Honourable senators, I hope you will forgive me for making my statement without any notes. I am still a bit shocked at the news of the death of a former federal Liberal minister from New Brunswick, the Honourable Andy Scott. Early this morning, Andy passed away after battling cancer.

It seems we have been affected by cancer a great deal lately, almost weekly.

I met Andy when I started getting involved in the Liberal Party of New Brunswick in 1986. As a young man, Andy was involved in his community. As a francophone, I quickly realized that he was devoted to Acadians and francophones from New Brunswick. He cared about minorities. He cared about anything that was perceived as an injustice.

During the 15 years that he sat in the House of Commons as the Member of Parliament for Fredericton, he worked hard for the people of Fredericton and for all Canadians. On any issue from education to Aboriginal peoples, Andy was always open to comments and suggestions from everyone in order to ensure that we could have better social policies in Canada.

When Andy was Minister of Indian Affairs and Northern Development, he was heavily involved in developing the Kelowna Accord.

Andy was exceptional. It was not his nature to be a partisan politician. He was a man who worked in politics in order to implement measures for the common good. We all know that not all politicians are of that calibre.

I was blessed to meet and know Andy.

He left politics in 2008 to spend more time with his new wife and their son, Noah, whom they were extremely proud of.

We will miss Andy, and Denise and Noah will need our support.

Thank you, honourable senators, for listening to my words of remembrance and my outpouring of emotion.

Hon. Percy Mockler: Honourable senators, I would like to join Senator Ringuette in expressing my grief.

[Senator Marshall]

[English]

THE HONOURABLE VERNON WHITE

CONGRATULATIONS ON PROFESSIONAL DOCTORATE IN POLICE LEADERSHIP

Hon. Percy Mockler: Honourable senators, it is a great honour for me this evening to rise to pay tribute to one of our colleagues, Senator Vernon White.

Honourable senators, Senator White undertook a professional doctorate with the Charles Sturt University, which required him to undertake coursework and to complete a research project with a dissertation. His dissertation was entitled *Tenure in a Police Environment: Its Impact on Morale*.

Honourable senators, this policy was introduced to the Ottawa Police Service during Senator White's tenure as Chief of Police and was aimed at improving the movement of police officers between roles and increasing the skills and experience of police at the front line. As a result of this research, recommendations were made regarding human resource management, succession planning and leadership in policing.

[Translation]

Senator White studied part-time for four years to receive his doctorate from Charles Sturt University. Today we can address him as Dr. White.

[English]

As I conclude, it is fair to say that Vernon White was an extraordinary chief, and he is an extraordinary senator.

Honourable senators, the difference between ordinary and extraordinary is that little word "extra" — five letters. None can deny the fact. From his humble beginnings, Dr. White has learned that falling down does not make one a failure, but staying down does. No doubt, as a role model, he never stayed down.

Thank you, Senator White, for your Canadian leadership in policing from coast to coast to coast — a remarkable career. You have made your mark. Thank you very much for a job well done. We are proud of you. May God bless you and your family.

ORDER OF PRINCE EDWARD ISLAND

CONGRATULATIONS TO 2013 RECIPIENTS

Hon. Catherine S. Callbeck: Honourable senators, I would like to congratulate three exceptional Islanders who have been named as the 2013 recipients of the Order of Prince Edward Island. Ms. Vera Elizabeth Dewar, the Honourable Alex B. Campbell, and Dr. Joyce Madigane have all made outstanding contributions in my home province.

Ms. Vera Dewar has been involved in the nursing profession for nearly fifty years, holding various positions in the province. She was a strong advocate for a provincial school of nursing, and in

1982 her work was rewarded with the UPEI School of Nursing. She has received many awards, including the Order of Canada in 2011, for her contributions in nursing. An avid genealogist, she also published *Perthshire to Three Rivers*, a genealogy of the descendants of the Scottish pioneers in the Brudenell area.

The Honourable Alex Campbell is the longest serving Premier of P.E.I., serving from 1966 until 1978. During his term in office, he presided over some of the most major reforms ever undertaken and is widely credited with establishing the foundations for the modernization of the province. As premier, he was immensely popular, and his decisive leadership earned him the respect and admiration of his fellow citizens. After serving as premier, Mr. Campbell was appointed to the Supreme Court of Prince Edward Island, where he served until 1994.

Dr. Joyce Madigane has served the people of Tyne Valley and Lennox Island for four decades. She arrived in 1974 from Rhodesia and quickly established herself as an integral part of her community. Over the years, she unfailingly demonstrated a deep commitment to the well-being of her patients, and they can attest to her tireless work. She received the Queen Elizabeth II Golden Jubilee Medal in 2002, was awarded Tyne Valley Citizen of the Year in 2005, and was named Elder of the Year by the Lennox Island First Nation in 2010.

• (1820)

Honourable senators, the Order of Prince Edward Island is the highest honour that can be bestowed by the province. Since its establishment in 1996, more than 45 Islanders from all walks of life have been recognized for their tremendous contributions to their communities.

Without a doubt, these three newest recipients are most deserving of this honour, which will be bestowed at a special investiture ceremony in October. Please join with me in congratulating Ms. Vera Elizabeth Dewar, the Honourable Alex B. Campbell, and Dr. Joyce Madigane on their upcoming induction into the Order of Prince Edward Island.

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, before proceeding to Tabling of Documents, I would like to take the opportunity to salute two of our departing pages.

Adriana Da Silva Bellini was born and raised in Montreal. She will be undertaking her third year in civil law at the University of Ottawa and is planning to go on an exchange to Rio de Janeiro to complete her degree. She hopes to complete her studies in law with the year-long national program for common law at Dalhousie University before articling with the Montreal office of a national law firm that has selected her.

[Translation]

On my left is Geneviève Beebe, who was born in Laval and raised in Montreal. In July, she will be leaving for Cadiz, Spain, to complete her studies in Spanish in order to obtain her bachelor's

degree in international studies and modern languages from the University of Ottawa. In September 2013, Geneviève will be pursuing her studies at McGill University in the civil law and common law joint degree program.

[English]

On behalf of all honourable senators, thank you for your service.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATED TO INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

THIRTEENTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. Mobina S. B. Jaffer: Honourable senators, I have the honour to table, in both official languages, the thirteenth report of the Standing Senate Committee on Human Rights, which deals with issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations.

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

[Translation]

THE SENATE

NOTICE OF MOTION TO EXTEND WEDNESDAY SITTING AND AUTHORIZE COMMITTEES TO MEET DURING SITTING OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order adopted by the Senate on October 18, 2011, when the Senate sits on Wednesday, June 26, 2013, it continue its proceedings beyond 4 p.m. and follow the normal adjournment procedure according to rule 3-4;

[The Hon. the Speaker]

That committees of the Senate scheduled to meet on Wednesday, June 26, 2013, be authorized to sit even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto; and

That rule 3-3(1) be suspended for the sitting of Wednesday, June 26, 2013.

[English]

QUESTION PERIOD

PUBLIC SAFETY

FLOODING IN ALBERTA—DISASTER FINANCIAL ASSISTANCE ARRANGEMENTS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, as an Albertan, I am saddened and shocked by the level of destruction caused by the unprecedented floods in Alberta, and concerned about the well-being and safety of the people affected by those troubling events, as I know all honourable senators are.

I would like to praise the efforts of the brave emergency workers and all those volunteering to help their neighbours in these difficult times. I would also like to thank the government for the sympathy it has expressed and for the support it has provided. I know that the Prime Minister, a Calgarian himself, appreciates the magnitude of the destruction.

Southern Alberta is on track to set a new Canadian record for flood damage, in terms of both the cost and the number of people forced from their homes. In terms of property damage, the flooding appears to be without precedent. Unfortunately, home insurance policies generally do not include coverage for damage caused by overland flooding. Premier Redford has committed \$1 billion to begin the recovery efforts.

Could the Leader of the Government in the Senate tell us what level of assistance the Government of Canada will provide to Albertans? Will any funds be provided under the Disaster Financial Assistance Arrangements?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Tardif for the question. I am sure that we were all horrified by the magnitude of the problem due to the very serious flooding of many wonderful communities throughout Southern Alberta, with which most of us are very familiar. Our colleague Senator Tannas is from High River, and he was evacuated.

The Prime Minister flew to Alberta on Friday where he met with the Mayor of Calgary, the Premier of Alberta, first responders and other officials in the Alberta and Calgary governments.

It is true that in many cases insurance will not cover the damages caused by this disaster and that is where the disaster assistance program will kick in.

Through the Disaster Financial Assistance Arrangements, the Government of Canada supports the provinces and territories by cost sharing their eligible disaster response and recovery expenses which exceed what they might reasonably be expected to bear on their own. Eligible expenses include, but are not limited to, evacuation operations, restoring public works and infrastructure to the pre-disaster condition, as well as replacing or repairing basic, essential personal property of individuals, small businesses and farms.

There is a proven process in place, based on existing guidelines and a cost-sharing formula, for the provision of financial assistance to provinces and territories under the Disaster Financial Assistance Arrangements. As the Prime Minister and other ministers of the government have indicated, the Canadian government will fully participate and share the burden with the Province of Alberta and the municipalities for the horrendous circumstance in which they find themselves.

ENVIRONMENT

CLIMATE CHANGE RESEARCH

Hon. Claudette Tardif (Deputy Leader of the Opposition): I thank the minister for that response and I thank the government for the assistance.

I heard Minister of State Ted Menzies say on the radio this morning that extreme weather events like the Alberta floods are becoming more common. He said there is no doubt that the climate is changing all around the world. However, in the last years, the government has cut weather monitoring programs; notably, the Canadian Foundation for Climate and Atmospheric Sciences, which provided grants to scientists studying weather. The ripple effect has been the closure of weather monitoring stations and the elimination of research on climate science.

In view of these troubling events, in the face of warnings from scientists that we should expect more unpredictable, extreme weather events, and in view of Minister Menzies' comments, does the government still think that cutting weather monitoring programs and shutting down research stations such as the PEARL research station and the Kluane Lake Research Station, was a good idea?

Hon. Marjory LeBreton (Leader of the Government): First, honourable senators, this is an unmitigated disaster in Alberta.

• (1830)

I was watching a scientist on one of the television networks explaining the unique circumstances that caused this severe flooding: a huge snow cap in the Rockies; a very cold spring, where the ground had not properly thawed and therefore could not absorb a lot of moisture; an unprecedented rainfall within 24 to 30 hours; and the creeks and the rivers were unable to handle the rush of water. These were all unique circumstances.

I think there is a debate to be had in the future, perhaps, about climate change, but in this particular incident — There was a serious flood of much the same magnitude as this over 100 years ago, the difference being that 100 years ago, a lot of the lands that flooded were not occupied by human beings.

PUBLIC SAFETY

FLOODING IN ALBERTA—DISASTER FINANCIAL ASSISTANCE ARRANGEMENTS

Hon. Grant Mitchell: Honourable senators, I would like to pursue this question a bit further.

I wonder whether the leader could clarify something. She specified clearly that there will be infrastructure assistance and assistance for businesses and personal homes within certain parameters. Will anyone who falls within those parameters get funding, regardless of how high the tally goes, or is there some level at which the federal government will say, "We will not spend any more money, regardless of whether or not there are still some people left over"?

Hon. Marjory LeBreton (Leader of the Government): Thank you, Senator Mitchell. I stated the policy. The magnitude of this disaster is profound. The government has fully committed to the disaster assistance program.

With regard to the amounts of money that will be required, obviously it will be substantial. However, I think it is a little premature until we actually know the extent of what assistance homeowners, farmers, municipalities and the provincial government will need.

In terms of infrastructure, I think it is a bit premature at this point in time because quite frankly, Senator Mitchell, we just do not know what the tally will be until all levels of government have had a chance to fully assess the situation.

Senator Mitchell: Thank you. Premier Redford has said quite clearly that Alberta's money will begin to flow within 10 days to two weeks, which is reassuring to the many people whose lives have been so deeply disrupted, and more generally to communities that have suffered great infrastructure disruptions.

I wonder whether the program works in this way: The province will begin to put the money out and eventually the federal government compensates their portion, or is it the fact that the federal government could also make a commitment that its money will start to flow within 10 days to two weeks?

Senator LeBreton: Thank you, Senator Mitchell. The way it works is that the percentage of eligible costs reimbursed under the Disaster Financial Assistance Arrangements is determined by a cost-sharing formula that is clearly outlined; there is a clear policy. All eligible expenditures are fully audited before payment.

To make it very clear, honourable senators, there is no cap on Disaster Financial Assistance Arrangements payments.

ENVIRONMENT

CLIMATE CHANGE RESEARCH

Hon. Grant Mitchell: The leader gave us an interesting discourse on her impressions of the science of climate change. I wonder whether she might at least acknowledge that when the planet warms, air warms and it can hold water, more moisture, and that in fact one of the consequences of that likely is — or it is one of the reasons for many more and much more extreme storms.

Would the leader at least contemplate that it is that kind of mechanism that was operating here, is operating elsewhere across Canada and might well be operating in the future in a way that budget demands need to be considered now for the future?

Hon. Marjory LeBreton (Leader of the Government): Senator Mitchell, I was not giving you my own discourse; I was simply stating that now is not the time to play climate change politics with this very serious issue. I was simply pointing out that, in our past, there have been similar disasters. When the conditions on the planet — There were not as many cars over 100 years ago.

I only said that, Senator Mitchell, because I think it is premature for anyone at this point in time to definitively state all of the reasons for this particular flood.

[Translation]

VETERANS AFFAIRS

STAFFING LEVELS AND CLIENT SERVICES—HIRING POLICY

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the Department of Veterans Affairs.

We are well aware that transformation basically comes down to “cuts.” “Make more with less” is another way of saying “cuts.” More job cuts at the Department of Veterans Affairs have been announced just as the volume of departmental business is rising and cases are becoming increasingly complex. This requires much greater provincial involvement in cases with a family component.

The problem is growing, but the ability to provide services is being reduced. Front-line services to clients are particularly affected—and these are essential services. People are being laid off so that contract workers can be hired. A \$318 million contract was awarded to a private sector company that now provides these services to veterans.

Does the chosen company have a policy to hire veterans?

[English]

Hon. Marjory LeBreton (Leader of the Government): First of all, Senator Dallaire, close to 700 employees are eligible to retire from Veterans Affairs Canada in the next two years. The government is confident that with the new work procedures and the new technologies in place, the bulk of these reductions can be achieved

through effective human resource management. All of these changes in personnel through attrition and retirement will not affect the services provided to veterans.

With regard to the private sector organization referred to, I will have to take that question as notice. I have no information on that organization.

Senator Dallaire: Thank you, Madam Leader. We are talking here not only about people leaving but also about positions on the front lines, out where the veterans are, being reduced, and we are telling the veterans to go online to find a lot of answers. These are veterans who are injured, the bulk of them psychologically, which means they are simply not in a position to do that. They need a face-to-face exchange with a case officer, and they often demand even more time than was historically the case because of the complexities of the problems they face.

This ministry is already being held accountable for very poor face-to-face service with veterans, and now not only are we reducing the staff, but we are also contracting out to whoever this outfit is. On top of that, we are telling veterans to go to Service Canada, which does not have a clue what goes on in Veterans Affairs Canada.

Can you tell me if there is a fundamental shift on the part of Veterans Affairs Canada to pull away from giving the human dimension of the absolutely essential services to these veterans who are injured and their families in order to hide behind rules and regulations and such and thus not necessarily have to face maybe the ire of those veterans regarding some of the decisions?

Senator LeBreton: The exact opposite happens to be the case, Senator Dallaire.

• (1840)

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 because, as we know, we have a new cohort of veterans now, a younger cohort. That is why we have not cut. We have added 24 of these integrated personnel support offices.

Again, as I pointed out, any changes in the personnel at Veterans Affairs is as a result of people retiring. In Charlottetown, we are committed to maintaining an over 1,000-person strong workforce in Prince Edward Island. Again, obviously we have some people eligible to retire in Charlottetown, as well.

The fact is we have an outstanding record when it comes to working with our veterans and, of course, also working more closely with the Department of National Defence.

Senator Dallaire: Honourable senators, on a supplementary question, I would request if the leader would ask the Minister of Veterans Affairs to give her the actual facts about the members of Veterans Affairs working in those 24 joint support units. They were created with National Defence and with Veterans Affairs and I can tell honourable senators, for a fact, that they have been cutting back their personnel in those centres and handing over some of the administrative duties that they used to do for the

[Senator LeBreton]

veterans to the people at National Defence who have to fill in all those forms without necessarily having that technical background.

Could the leader come back to us with a confirmation that the minister is really increasing, or has he not decreased the front lines and passed that on to both Service Canada and also to National Defence?

Senator LeBreton: I think the important thing here, honourable senators, is that the veterans are properly serviced by whomever, whether it is National Defence or Veterans Affairs. That is not the issue. The issue is: Are we doing everything possible to assist and support our veterans? The answer to that is, clearly, yes.

Senator Dallaire: If I may, honourable senators, on another supplementary question, the answer is yes, as the leader stated. However, in the field, the people who are already working in those joint support units are overwhelmed by the increasing number and, particularly, the complexity of all these dossiers. As such, they are not able to handle the veterans as they should, ensuring that the link with Veterans Canada is to the best benefit of the individual and his family, and that the individual does not sort of fall through the cracks.

I ask the leader again: Would she go to the minister and ask him to give her an answer to this question: Is the service continuing to be effective? Is he reducing people in his front lines? Is DND being overwhelmed?

By the by, it was a neat trick to say we are not going to duplicate what DND is doing, so we will pass on the work to DND and they are picking up the tab.

Senator LeBreton: Again, I wish to assure honourable senators that we do have the right people in the right places in the right locations to assist our veterans and their families. They are already working.

The honourable senator seems to think that this is not working and that people are stressed out and are not able to handle the files. I have information that is the opposite. Not only that—not only are they working in these integrated offices, but they are also working closely with Service Canada to offer services to veterans across the country that they were not able to access heretofore.

Senator Dallaire: Honourable senators, I do not want to pull rank here, although I am the Chair of the Subcommittee on Veterans Affairs in this fine institution, and I can tell the Leader of the Government in the Senate that what she just stated is, I am afraid, erroneous. That is why I am asking her to seek specific information from her minister in order to, yes, prove me wrong and prove her statements right, if that be the case.

Senator LeBreton: All I can say to the Honourable Senator Dallaire is at the present time there are 600 access points for veterans across the country. I would suggest to him that that is an extremely good record.

Obviously, we are very thankful to our veterans. We work very hard to ensure that they are properly treated by the government, properly looked after and that those younger veterans have access

to meaningful employment. There are a whole host of programs that we brought in in support of veterans.

I can only speak from personal experience. I cannot, of course, match the honourable senator in rank. I can only speak of the veterans whom I speak to at the various legions that I have occasion to be at. They, by and large, are very complimentary about the many services provided by the government.

Senator Dallaire: This will be my last point, honourable senators.

First, can the leader confirm that Service Canada has established a policy of hiring veterans to fill those 600 positions that are being used—in fact it is 600 sites where there are more positions than one—so that people understand what the problem is and can provide that service? Minister Blaney himself has said he is looking for more ex-military personnel inside his ministry because he realizes there is a lack of depth of knowledge of the military structure and its ethos and, as such, is making it difficult for people to give answers.

Can the leader confirm that Service Canada is hiring, on a priority basis for those specific jobs, veterans in order to give that service that she is saying they are doing so well?

Senator LeBreton: Honourable senators, I am quite certain that Minister Blaney and the government seek out veterans to fill positions that are available, but we go further than that.

Under the new Veterans Transition Action Plan, we have partnered with the True Patriot Love Foundation and companies such as CN Rail and J.P. Morgan to open doors and provide more opportunities for our veterans to pursue new career opportunities.

I can well imagine, but I will find out for the honourable senator, what type of program Minister Blaney has to ensure that positions that are available in the Department of Veterans Affairs are also available to veterans. I cannot imagine that they would not be.

TREASURY BOARD

PUBLIC SERVICE JOB CUTS IN PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. It is also about Veterans Affairs.

Last week, it was announced that 224 positions are going to be cut across the country. Once again, my province is getting hit the hardest—143 of those positions will be in Charlottetown, Prince Edward Island. That is roughly 64 per cent of the job cuts. That is devastating news to a province like mine which has already faced a disproportionate share of the government's job cuts.

Last May, McInnes Cooper, a very reliable Atlantic firm, released a report and estimated future cutbacks in the federal workforce could account for between 10 and 12 per cent of the

current permanent federal workforce in the province by 2015, whereas in the rest of Canada it is going to be 5 per cent.

My question is: Why is this government cutting jobs in Prince Edward Island at a rate higher than in other parts of the country?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I already answered that question when I was answering Senator Dallaire. As the government promised, we will maintain an over 1,000-person strong workforce in Prince Edward Island. Bear in mind that over 200 Charlottetown employees are eligible to retire in the next two years, however, we have committed to the over 1,000-person strong workforce. Obviously, there will be some openings there.

The government is confident that not only in Prince Edward Island, but also across the country, the reductions can be achieved through good human resources management. Again, I would suggest to the honourable senator that maintaining an over 1,000-person workforce in Veterans Affairs in Charlottetown is a very solid commitment on the part of the government.

• (1850)

Senator Callbeck: That really does not answer my question. The fact is that Prince Edward Island is being hit the hardest, and the economic impact of these job losses could be devastating.

The McInnis Cooper report estimated that public and private sector losses could take between \$50 million and \$61 million out of the province's economy, or more than 1 per cent of our GDP.

We have already seen tremendous job losses in the province. The government is closing the Employment Insurance processing centre in Montague and the Veterans Affairs district office in Charlottetown. It has already closed the Citizenship and Immigration office and the counter services at Canada Revenue Agency. These office closures and job cuts are extremely bad news to a province where the unemployment rate is generally higher than the national average. In fact, right now it is 11 per cent. Why is my province bearing the brunt of these job losses?

Senator LeBreton: Honourable senators, I would argue strenuously just the opposite. I would argue strenuously that a commitment by the government to keep an over 1,000-person-strong workforce in the Charlottetown office of the Department of Veterans Affairs is a very strong commitment, bearing in mind that 200 of those people are due to retire within the next year or so. Therefore, there will be 200 potential positions opening up. I would not for a moment accept what the honourable senator says. I think the commitment to keep that strong, large workforce at Veterans Affairs is a very firm commitment on the part of the government and we are pleased with the work that is done by the good citizens of Prince Edward Island on behalf of Veterans Affairs Canada.

Senator Callbeck: On a supplementary question, if the leader will not accept what I say, will she accept what McInnis Cooper says in their study, that it will be 10 per cent to 12 per cent of the current federal workforce by the year 2015, whereas in other parts of the country it is 5 per cent?

[Senator Callbeck]

Senator LeBreton: I could spend my whole life responding to independent reports that often turn out not to be accurate. I will simply stand on what the government is committed to and not comment on an independent study by an organization that I am not familiar with.

Hon. Percy E. Downe: Honourable senators, I have a supplementary question.

March 2010 — I am quoting an answer tabled in the Senate to a question that I asked: "Veterans Affairs Canada head office, including term, part-time students, casual, had a total employment in Charlottetown of 1,509 positions." Is the leader indicating today that Charlottetown will lose 509 positions because its commitment is to maintain 1,000 positions?

Senator LeBreton: My answer was that we will maintain a workforce of over 1,000 persons.

Senator Downe: To follow up on Senator Callbeck's question, does the government realize that the announcement of the 143 positions last week means a reduction in salary input in the province of \$10 million in that one announcement alone?

There is tremendous concern. The overall plan of the government to reduce employment is well understood in the federal public service. There is concern that Atlantic Canada is being hit on a disproportionate basis. If one looks at the numbers over the years from the Public Service Commission employment, Atlantic Canada seems to be paying a higher price than the National Capital Region.

Does the minister have any updated figures?

Senator LeBreton: Actually, I hear the same argument as I go around the National Capital Region. Again, all departments in government, working with the Treasury Board, are looking at their workforce. We are trying to make the workforce more modern, updated and efficient. I do not have comparative numbers, but I would say to the honourable senator that all departments went through the exercise of finding savings. In all cases the commitment was made that they would not affect front-line services but rather would look for efficiencies, whether it was through technology or redeploying human resources.

Again, none of this will cut the services to veterans. Each department has made commitments to cut back on their expenditures. I do not think any particular region of the country is disproportionately affected, but I will see if there are any updated numbers for the honourable senator.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PUBLIC SAFETY—SOCIAL SUPPORT PROGRAM

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 69 on the Order Paper by Senator Mitchell.

PUBLIC SAFETY—MEDICAL SERVICES
FOR RCMP OFFICERS

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 73 on the Order Paper by Senator Mitchell.

PUBLIC SAFETY—SUPERVISORS AND MANAGERS
DEVELOPMENT PROGRAM

Hon. Claude Carignan (Deputy Leader of the Government) tabled the answer to Question No. 74 on the Order Paper by Senator Mitchell.

DELAYED ANSWER TO ORAL QUESTION

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table in this house a response to a question raised in the Senate on April 24, 2013, by Senator Dawson regarding the International Civil Aviation Organization.

FOREIGN AFFAIRS

UNITED NATIONS—INTERNATIONAL
CIVIL AVIATION ORGANIZATION

(Response to questions raised by Hon. Dennis Dawson on April 24, 2013)

Montréal has proudly hosted the International Civil Aviation Organization (ICAO) since its inception in 1947. As a major international hub for aviation excellence and as a cosmopolitan, world-class metropolis, Montréal is ICAO's natural home. Canada has one of the largest civil aviation systems in the world, with flights to many international destinations. Montréal and its surrounding region hosts world-class airline research companies, manufacturers and innovators, and the second-largest density of aerospace jobs in the world. The province of Quebec has more than 13,000 aerospace engineers and scientists. As a result, ICAO benefits directly from working with the world's leading aerospace industry experts located in Montréal and elsewhere in the province of Quebec.

On May 27, 2013, the Government of Canada, Province of Quebec and City of Montréal welcomed the signature of the ICAO Secretary General with Canada on a Supplementary Headquarters Agreement that will keep its headquarters in Montréal for an additional 20 years beyond 2016.

The Government of Canada takes its host country responsibilities seriously and is actively involved at ICAO to make sure Canada's aviation interests and positions are represented on the international stage. All three governments have listened carefully to ICAO's membership about their needs and about how, as hosts, we can best support the effectiveness of this organization.

Team Montréal successfully brought together political leaders and officials from all three levels of government in Canada, along with other stakeholders, to work in common

cause to ensure that ICAO remained in Montréal. With the Supplementary Agreement now signed, ICAO can get back to the business at hand: making a practical difference in the lives of billions of air passengers by improving the safety and security of air travel and helping international aviation link communities open new markets and spur economic growth.

[English]

ORDERS OF THE DAY

ECONOMIC ACTION PLAN 2013 BILL, NO. 1

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Buth, seconded by the Honourable Senator Marshall, for the third reading of Bill C-60, An Act to implement certain provisions of the budget tabled in Parliament on March 21, 2013 and other measures.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Carried, on division.

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

INCOME TAX ACT
EXCISE TAX ACT
FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT
FIRST NATIONS GOODS AND SERVICES TAX ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Black, seconded by the Honourable Senator Bellemare, for the third reading of Bill C-48, An Act to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation.

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

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

INCOME TAX ACT

BILL TO AMEND—THIRD READING—MOTIONS IN AMENDMENT AND SUB-AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall, for the third reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations);

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator Jaffer, that Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 2, by replacing line 30 with the following:

“the period is greater than an amount that is equal to the maximum total annual monetary income that could be paid to a Deputy Minister, shown as”; and

(b) on page 3, by replacing line 13 with the following:

“ees with compensation that is greater than the maximum total annual monetary income that could be paid to a Deputy Minister and disbursements”; and

And on the motion in amendment of the Honourable Senator Segal, seconded by the Honourable Senator Nancy Ruth, that Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 2,

(i) by replacing line 1 with the following:

“(2) Subject to subsection 149.01(6), every labour organization and every”, and

(ii) by replacing line 30 with the following:

“the period is greater than \$150,000, shown as”; and

(b) on page 3, by replacing line 13 with the following:

“ees with annual compensation of \$444,661 or more and”; and

(c) on page 5, by replacing lines 34 to 35 with the following:

“poration;

(b) a branch or local of a labour organization;

(c) a labour organization with fewer than 50,000 members;

(d) a labour trust in respect of one or more labour organizations that, in total, have fewer than 50,000 members; and

(e) a labour trust the activities and operations”; and

(d) on page 6,

(i) by replacing line 6 with the following:

“described in paragraph (6)(e)), that is limited”,

(ii) by replacing line 10 with the following:

“(6)(e);”, and

(iii) by adding after line 16 the following:

“(8) For greater certainty, nothing in this section shall be interpreted as affecting solicitor-client privilege.”.

And on the subamendment of the Honourable Senator Cowan, seconded by the Honourable Senator Tardif, that the motion in amendment be amended as follows:

That Bill C-377 be not now read a third time, but that it be amended in clause 1, on page 2,

(a) by replacing line 23 with the following:

“(b) a set of the following statements for the fiscal period”; and

(b) by replacing line 36 with the following:

“that is to be paid or received, namely,”.

And on the motion in amendment of the Honourable Senator Chaput, seconded by the Honourable Senator Mercer, that Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 4,

(i) by replacing line 12, in the French version, with the following:

“sés relatifs aux activités de recrutement,” and

(ii) by replacing line 22, in the French version, with the following:

“liés aux activités juridiques, sauf s’ils ont trait à des”; and

(b) on page 5, by replacing line 36 with the following:

“of which are limited to the”.

Hon. Joseph A. Day: Honourable senators, this matter is currently adjourned in the name of Senator Cools. I would ask that it be returned to her name following the various speakers on this matter.

Honourable senators, Bill C-377 was introduced as a private member’s bill in the other place some time ago. We are now seeing it before us at third reading. We have heard many fine speeches on this proposed legislation — speeches that pointed out the inconsistencies with respect to this bill as well as possible constitutional matters or battles that may ensue.

Honourable senators, this bill is a test of our being in this chamber of sober second thought. At a time when the Canadian public is increasingly skeptical of our role and the work we do here, this bill will provide us with an opportunity to demonstrate the meaningful role that we do have to play in the parliamentary process.

I have followed the hearings in relation to this particular matter and I have seen the observations that were reported back from the committee. I put a lot of weight into the observations that came from honourable senators who had a chance to participate in the extensive hearings that took place and who reviewed all of the material before sitting down to determine what to do with this particular bill.

• (1900)

Honourable senators, my office has received close to 500 emails on this bill from individuals and groups raising their various concerns. I felt it incumbent upon me to put on the record my position as a result of having received those many letters and submissions.

I was holding off speaking on this legislation so that I could hear from some of the proponents of the bill, to better understand the legislation and why it is necessary. However, all I have heard and all I have read are problems with this legislation, including the observations, honourable senators. I think it worthwhile that we take a look at the observations that were attached to Bill C-377 when it was returned to this chamber.

While the Banking Committee, ably chaired by Senator Gerstein, is reporting Bill C-377 without amendment, it wishes to observe that after three weeks of study, hearing from 44 witnesses and receiving numerous submissions from government, labour unions, academics, professional associations and others, the vast majority of testimony and submissions raised serious concerns about this legislation. Principal among those concerns was the constitutional validity of the legislation, with respect to both the division of power and the Charter. Other issues raised

include the protection of personal information, the cost and need for greater transparency and the vagueness regarding whom this legislation would apply to. The committee shares these concerns. The committee did not offer any amendments because these substantial issues are best debated by the Senate as a whole.

How nice it would have been if we could have had more debate on this, honourable senators, from the potential proponents and supporters of this legislation.

When explaining the purpose of the bill, which is what we as senators do when we study bills, we go back to whatever we can find from those offering a comment as to the purpose of the bill. I went back to second reading, and Senator Eaton spoke. At her second reading speech, she explained that there is substantial benefit to unions and union membership through tax exemptions and tax deductions and that workers have a right to know how their union dues are being spent.

However, when Senator Eaton and, in the other place, Mr. Hiebert, who was the sponsor of the bill, talk about the bill, they go further and talk about public disclosure, not only disclosure just to the workers and the union about where their money is going, but public disclosure. This raises some issues, honourable senators.

The first issue is a question of the Income Tax Act. This proposed legislation is intended to flow from the Income Tax Act. Another issue is the one I just touched on, and that is the question of public disclosure. The Privacy Commissioner was before the committee and talked about the strong reservations she had regarding privacy considerations because of the public disclosure.

There is a lack of supporters who spoke on the bill. Since Senator Eaton spoke at second reading, I think we have seen overwhelming opposition both at the committee stage and at third reading in this chamber.

Given that the fundamental purpose is stated to be accountability and transparency, with which no one objects — no one here objects to those lofty terms — if we look at how the bill purports to achieve that goal, that is where a considerable amount of the opposition arises.

First, there is the vehicle of the Income Tax Act. I will share how some of the constitutional experts who appeared or provided submissions to the Banking Committee couched this idea of using the Income Tax Act to achieve a disclosure of private information, which is totally contrary to any concept we have with respect to the Income Tax Act previously.

Alain Barré from the University of Laval said:

I arrived at the conclusion that this was backdoor legislation. The legislator is attempting to use an appropriate legal structure in order to increase the chances of obtaining a favourable decision, were there to be a constitutional challenge.

Professor Ryder, another professor who appeared before the committee, said the bill is “using the Income Tax Act as a Trojan horse” in an unconstitutional attempt “to regulate union.”

That is how witnesses before the Banking Committee couched this use of the Income Tax Act to achieve this legislation.

Honourable senators, labour relations were determined by the Privy Council in 1925 to primarily be a matter of provincial jurisdiction. Five provinces and several witnesses appeared or provided written comments to the committee, including Quebec, Ontario, Manitoba, Nova Scotia and la belle province du Nouveau Brunswick. All spoke against this legislation.

Minister Soucy, a Conservative minister in the New Brunswick government, stated: "... it is my strong recommendation that this Bill not proceed."

The *Snider* case in 1925 determined that the constitutional issue is criminal law jurisdiction or taxing legislation for the federal government and property and civil rights for the provincial government. Labour relations were determined to be primarily property and civil rights.

Let us look briefly at this bill and see if we can determine some other issues that might have arisen from various commentators as they looked at the legislation. We will get a bit of a flavour for this particular bill.

At clause 1, the Income Tax Act is amended by adding the following after section 149. The first is a definition of "labour organizations" with the word "includes," which in legal terms means there could be other things besides what is actually written here. Then it lists everything except the kitchen sink. Then the term "includes" appears further down in the same definition. "Include" is used twice in the definition.

Honourable senators, as we go on, you will find the term "including" or "includes" in five other places in this four-page piece of legislation. From a drafting point of view, it is highly undesirable to not have the definitive definition of various items.

Honourable senators, the bill then talks about labour organizations and labour trusts. They shall file information on an annual basis, and the information return referred to "shall include," which is at subsection (3), and it lists financial statements "including," and it goes on to list balance sheets, et cetera. Further down, it says "including a statement of accounts receivable." Including what else? What else is always the question.

There are 20 different headings under what should be in the financial returns. If that is not enough, at the end it indicates that such other items as may be required will be included. Everything plus everything else is to be reported.

• (1910)

It goes on to say that what is to be reported to the government must be put on the website so the public can see all this information.

Honourable senators, this is what you are being asked to vote on. It is so imprecise that it is almost impossible to know what we are voting on.

I would like to highlight some of the issues that have been raised in opposition by various organizations.

The Canada Revenue Agency talked about the workload and the millions and tens of millions of dollars it will cost to implement this. The Privacy Commissioner raised privacy considerations.

There are the costs not only to the Canada Revenue Agency, which will be collecting and publishing this information, but also to the unions and to the trusts. They are companies that invest money for pension plans and retirement plans. Those companies are caught up in the trust. They are not unions, as you would expect.

There is the Canadian Bar Association and solicitor-client privilege. You saw Senator Cowan's attempt to help them by proposing an amendment to protect solicitor-client privilege.

There are Charter concerns: freedom of association, freedom of expression and the right to political activity.

These issues were dealt with by witnesses and in speeches by honourable senators in this chamber. Any one of these I found compelling, and I found the speeches very helpful. Any one of the arguments, honourable senators, could form the basis for a legal challenge.

Undoubtedly, if we pass this legislation, there will be legal challenges on some or all of these grounds. Surely this is not the approach that we in the Senate wish to follow — passing overenthusiastic and overreaching legislation and just waiting for the courts to do the Senate's job.

That is not why we gave up doing other things prior to being appointed here, to come and rubber-stamp something that is going on in the other place and let the courts be the sober second thought. That is surely not what is intended, and I know that is not the reason honourable senators gave up what they were doing before.

Honourable senators, the facts are as communicated by the provincial representatives who insist this proposed federal legislation is not wanted and not necessary. Labour relations are a matter of provincial purview, and that is precisely where the Senate should be leaving the labour relations matters.

Honourable senators, I wonder if I might ask for five minutes.

The Hon. the Speaker: Agreed.

Senator Day: I want to mention a few of the 500 different entities from which my office has heard:

The International Association of Machinists and Aerospace Workers from Winnipeg, Local 1953 referred to "the Harper government's unfair and unconstitutional attack on Canadian workers." We have the International Brotherhood of Electrical Workers, Local 37, from New Brunswick; and the Canadian Auto Workers, Local 444. RCMP members have written to me, honourable senators. We have the International Association of Machinists and Aerospace Workers, Local Lodge 1975; the Canadian Union of Public Employees, from New Brunswick; the Healthcare of Ontario Pension Plan, because, as I mentioned to you, the trust is caught up in this; Nova Scotia Health Employees'

[Senator Day]

Pension Plan; the Saskatchewan Healthcare Employees' Pension Plan, with 348,000 working and retired health care employees who will be impacted adversely by this legislation, from the labour trust point of view. They were also concerned about the privacy issues, and the publication of their names going out there.

We have the Canadian Medical Association. All provinces and territories are part of the Canadian Medical Association.

We have the Canadian Teachers' Federation.

The Association of Justice Counsel wrote to us; they are the federal lawyers who have an association.

Canada Revenue Agency said that it will cost them anywhere from a million to tens of millions of dollars to gear up to handle this extra work. If they have to take that from their budget, what do they have to give up in exchange?

The Parliamentary Budget Officer said that this bill is so nebulous — and that includes the stuff I talked about earlier — that the costs cannot be guessed and that the Canada Revenue Agency has seriously underestimated the cost of implementing this legislation.

The Canadian Labour Congress wrote to us, as did the Canadian Union of Public Employees.

Honourable senators, as you can see from the comments from many different unions — and this is just a small sampling of the 500 — if we passed this legislation, we would be unbalancing a system that has worked very well in balance between management and organized labour.

To me, this is the most compelling argument. There is no need for legislation that will upset the marketplace, especially at this time of economic downturn.

There are four sets of amendments that honourable senators will be asked to consider, and I will do likewise. However, honourable senators, in the short time we have to deal with this, I am not convinced that through those four sets of amendments we can make right this legislation and put it in such a form that we would want to vote for it.

I do not believe the facts presented consider the objectives enunciated by the sponsor of this bill, or that any objections to this bill can be cured.

Hopefully, honourable senators, after you have considered the stated objective and the fact that there has been an attempt to use the Income Tax Act to deal with labour relations, it will convince you, as it has convinced me that things are better left alone. We should vote against this legislation.

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

Some Hon. Senators: Hear, hear.

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

Senator Day: Yes, I would be pleased to.

Senator Mercer: It seems, honourable senators, this draconian piece of legislation has such a dramatic effect on labour relations in this country that it would be wise to call on the Department of Labour for their opinion.

Was the minister or department officials called to appear?

Senator Day: I did not attend all of the meetings. I would like to have been able to do so, but I was preoccupied with some other financial matters for the Senate.

However, I reviewed all of the evidence; I did not see that the Minister of Labour appeared. Whether he was called, I cannot say.

The Hon. the Speaker: Is there further debate?

Hon. Art Eggleton: Honourable senators, Bill C-377 is an appalling bill. It is a witch hunt against unions that targets their operations and relations. It raises many privacy concerns, is likely unconstitutional, has excessive red tape and will be expensive not only to unions but also to the taxpayer. The bill probably violates the International Labour Organisation's Convention 87, which was ratified by Canada.

[Translation]

Finally, the people at Quebec's Fonds de solidarité are not pleased either.

• (1920)

Honourable senators, if this bill's only purpose is to increase transparency, then why does it only apply to unions? It excludes other professional organizations, such as legal, accounting and medical associations, whose members are also able to deduct professional fees from their taxes as employment expenses.

Under section 110 of the Canada Labour Code, unions are already required to make their financial statements available to their members. In other words, unions are already accountable to their membership. If members want information, they can get it, by law. There is no evidence that the current system of laws and practices requiring union financial disclosure is broken. The number of complaints from union workers represents less than 1 per cent of over 4 million union members in Canada.

Honourable senators, this bill will violate provincial jurisdiction. Labour relations fall mainly under provincial jurisdiction. Five provinces, representing a majority of the Canadian population, have already spoken out against the bill because they see it as encroaching on their rights.

The Canadian Bar Association says that Bill C-377 is "problematic from a constitutional and a privacy perspective," and that it has "the potential to invite constitutional challenge and litigation." Why pass legislation, honourable senators, which Canada's leading legal experts already believe may be overturned by the courts?

More specifically on privacy concerns, at the Banking Committee, Jennifer Stoddart, Canada's Privacy Commissioner, said:

... I should underscore that transparency and accountability need to be appropriately balanced with the protection of individuals' privacy...

... the names of individuals will still have to be disclosed for certain disbursements.... These disclosures clearly involve personal information and, in many cases, sensitive personal information.

Ms. Stoddart has said that it:

...in my respectful opinion, oversteps what is needed to achieve its stated objective.

Honourable senators, this bill would also create unnecessary bureaucratic red tape not only for unions, but for government and business, costing millions and hampering efficiency. For instance, businesses that administer pension plans would have significant additional reporting, some of it duplicating existing regulatory requirements they must already comply with. In a single year, investment managers typically conduct 11,000 transactions on behalf of a small pension plan with over \$200 million in financial transactions. Under Bill C-377, they would have to compile and report to the government literally thousands of payments in excess of \$5,000 to beneficiaries.

The Multi-Employer Benefit Plan Council of Canada and pension actuaries have warned that the additional audit and administrative costs of complying with Bill C-377 could lead to a reduction in the pension and benefit payments available to plan members. It would cause the cost of administering these plans to increase, which would reduce the net funds available for paying out pension benefits. This is completely counterproductive.

For the federal government, Bill C-377 would be very expensive to administer and costs will fall on the taxpayer. With over 25,000 unions and labour organizations, representing over 4 million Canadians, the set-up and administration costs would be millions of dollars.

I thought the government was supposed to be against bureaucratic red tape.

Furthermore, Bill C-377 flies in the face of our international obligations under Article 3 of the International Labour Organization's Convention 87, which Canada ratified in 1972. Under this article, unions have the full freedom to organize their administrative activities and public authorities should refrain from any interference that restricts this right. This bill will put Canada in a grouping of countries that unduly police unions, which are currently being investigated, by the way, by the ILO. Does the government really want to be grouped with Zimbabwe, Pakistan and Guatemala on this issue?

Honourable senators, this chamber must think hard about this bill. It desperately needs sober second thought.

Honourable senators, I also want to mention some underlying consequences of the legislation. As I have mentioned previously in this chamber — in fact just last week — income inequality in

Canada is a real threat to our social fabric and social cohesion. Statistics Canada reports that from 1980 to 2005, the income of the richest 20 per cent of Canadians grew by over 16 per cent, while the poorest 20 per cent declined by 21 per cent. For those in the middle, earnings were essentially stagnant.

This widening gap between the rich and the rest is a looming crisis. The society in which a small group is benefiting unfairly can lead to dissension, increases in crime, and loss of participation and isolation.

Honourable senators, the erosion of unions over the last three decades has been a significant factor in rising income inequality and depressing wages for middle-class Canadians. Since the 1980s, there has been a steady decline in the rate of employed Canadians in unions. This is particularly evident in the private sector, where unionization rates have declined by 20 per cent over that time.

As Timothy Noah, author of *The Great Divergence* said:

Draw one line on a graph charting the decline in union membership, then superimpose a second line charting the decline in middle-class income share... and you will find that the two lines are nearly identical.

He was specifically noting, of course, the U.S. experience, however it is similar here in Canada.

Further hindering unions, which this bill does, should be troublesome for all Canadians. By further dismantling unions, we are promoting a race to the bottom in wages for Canadians. Unions are a fundamental force for greater income equality at the national and local level. A union uses its collective bargaining powers to secure decent-wage jobs which can sustain a good standard of living. This is essential for building a strong middle class.

Unions are also good for the economy. Based on more than a thousand studies, a report by the World Bank found that countries fare better economically if large numbers of workers belong to trade unions. More specifically, the study shows that high unionization rates are associated with lower unemployment, lower inflation, higher productivity and speedier adjustments to economic shocks. In simple terms, people who have good wages can buy stuff without over-leveraging themselves in debt. That is good for the household and essential to business growth.

We should not support this bill that further hurts unions, hurts business and hurts our economy.

Some Hon. Senators: Hear, hear.

Hon. Jim Munson: Honourable senators, for weeks now we have been hearing strong evidence, and a staggering amount of it, that we should kill Bill C-377.

Some Hon. Senators: Hear, hear.

Senator Munson: The sponsor of this private member's bill, MP Russ Hiebert, positions it as being about accountability and transparency, similar to other actions by the Conservative government.

His bill sets out, as we have heard, requirements for labour organizations to publicly disclose reams and reams of financial information, and all of it to be posted on the Canada Revenue Agency site. Here is his justification for imposing such a burden on Canada's labour organizations:

If Canadians, both unionized and non-unionized, feel that their investment in these labour organizations, to the tune of about \$500 million a year, is reciprocated with accountability and transparency, then their confidence will increase as well.

That is what he said. Here in the chamber, Senator Eaton has also argued that unions should be accountable to their members.

Both the honourable senator and Mr. Hiebert are correct. In fact, that is why the Canada Labour Code ensures that trade unions and employers' organizations provide members with financial statements. There are similar requirements in most provinces, as well. In other words, the supposed purpose of Bill C-377 is already covered, and quite effectively at that.

Reliable sources have pointed to the extremely low number of complaints about the process currently in place for ensuring accountability of labour organizations.

Mr. Kenneth Georgetti, President of the Canadian Labour Congress, has said this:

- (1930)

In the six provinces and federally where there is legislation governing the provision of financial information to union members, there were, in 2010-2011 a grand total of 6 complaints filed with labour boards, all of which were resolved.

This represents 6 complaints out of 4.2 million union members in Canada.

Honourable senators, Bill C-377 is unnecessary. It has no purpose in the public interest. As we have heard before, "this bill is a solution in search of a problem." It is a great comment that sums it all up, save one fact — Bill C-377 itself is a serious problem.

The Canadian Bar Association, Le Barreau du Québec, the Federation of Law Societies of Canada — we have had the privilege of hearing testimony from groups essentially representing every lawyer in this country. They tell us that the bill violates Charter guarantees for freedom of association and expression, that it violates privacy law and that it encroaches on provincial jurisdiction.

Reporting requirements of this bill are excessive. They expose what should be confidential matters and jeopardize the outcomes of political activities, lobbying activities, organizing activities and collective bargaining activities; in other words, activities at the heart of what unions are and what they do.

Labour lawyers are typically involved in activities like these, which means the bill will infringe on solicitor-client privilege, a principle of fundamental justice. According to Mr. Michael Mazzuca, of the Bar Association:

Any client — whether it's a trade union or an employer — should be confident that the information and the documents and the discussions that they have with their lawyer are protected.

Even in the face of these and other criticisms, Mr. Hiebert insists that he has received assurance from the legal community of the constitutionality of this bill.

Our colleague Senator Ringuette is quite rightly skeptical. She has specifically requested proof of this, but Mr. Hiebert has yet to come through with any.

On a question such as this, you would think that there would be some concrete evidence — even a letter — and that, as the bill's sponsor, you would keep it handy in case someone asks for it.

As Senator Ringuette recently told the *Toronto Star*:

That tells me this is purely a political bill in the first place, and in the second place there is no doubt in my mind that if the Tory majority in the Senate pass this bill that it's going to cost hundreds of millions of dollars to the taxpayer and it's going to end up before the Supreme Court of Canada.

The Canada Revenue Agency estimates it will cost \$10.6 million over the first two years to implement this bill, followed by "ongoing" — whatever that means — costs of \$2.1 million.

If the legal experts we have talked to are correct — and I can only assume they are — the courts will eventually throw out the legislation as unconstitutional.

To repeat what Senator Ringuette has said, this bill will cost taxpayers millions, and for what? A waste.

Senator Segal has expressed his disapproval of this bill on several points, among them that it flies in the face of the Conservative belief in less, not more, government. He has drawn linkages between the impact of this bill and dictatorships, where tax law is used to crush independence and freedom of expression. This bill is at odds with his broader vision for Canada, for society. He is very clear in these remarks. Here is what Senator Segal has said:

As a Tory, I believe that society prospers when different views about the public agenda, on the left and right, are advanced by different groups, individuals and interests. Debate between opposing groups in this chamber, in the other place and in broader society is the essence of democracy. Limiting that debate as to scope and breadth is never in the long-term interest of a free and orderly society.

I am grateful for Senator Segal's methods of bringing our thoughts around to the dynamics of labour relations — the relationship among unionized men and women and businesses, and the necessity for discussions and planning to happen freely.

Honourable senators, Senator Moore posed this question at a recent hearing on this bill by the Standing Senate Committee on Banking, Trade and Commerce. He said:

Do you think that it is right that a union should divulge its tactics and its thinking to the public and, obviously, to management? Where is the spirit of collective agreements negotiating — two parties, each finding their own way and working to a solution?

When I contemplate the minute and truly mind-deadening details that will have to be attended to under this bill, I can actually feel the restraints, the interruption and hindering of creativity and innovation.

The disclosure level of this bill is \$5,000 for anyone doing business with a labour organization — employees, employers, creditors. They must all be named and the amounts owed disclosed on public record. This exposure will most certainly produce yet further collateral damage, a disincentive for anyone to work for a labour organization. In the words of Senator Massicotte in committee:

They do not want to see their name disclosed with an amount. Their competitor will take that information. It is not in the public interest.

Honourable senators, Bill C-377 is also discriminatory. According to Professor David Doorey of Toronto's York University:

... it singles out only one type of association that the government would like to silence — trade unions — for an extensive array of time consuming and costly administrative measures, while leaving alone all other associations that have dues paying members who receive tax benefits.

Mr. Hiebert has likened the disclosure requirements in this bill to those that charitable organizations must respect, but the similarities are superficial at best. Unions are distinct in their purpose and the way they fulfil that purpose. The CLC's Mr. Georgetti explains:

Other than the fact that we are called unions, we are private organizations owned by our members, who happen to get a tax benefit from their contributions. They have a right to make their own determinations, and they don't have to be scrutinized by anyone else.

Mr. Hiebert defends his bill by comparing it to other legislative models in other countries like the United States.

Dr. John Logan, Director of Labour and Employment Studies at San Francisco State University, provided testimony on the American experience last fall to the House of Commons Standing Committee on Finance. His statements were certainly enlightening, but not in the way Mr. Hiebert and other supporters of this bill would appreciate. He stated that U.S.

legislation for labour organizations, which is actually narrower in scope than Bill C-377, is very expensive and that there is no evidence that detailed financial statements from labour organizations have provided any useful service to ordinary union members. In his words:

I think the only groups that have used them were the very groups that were pushing for them in the first place, and those have been groups that have a political agenda to weaken unions and to use this information against unions, albeit often in a misleading and distorted way.

Mr. Robert Blakely, Chief Operating Officer of the American Federation of Labour and Congress of Industrialized Organizations, also attended the committee hearings with Dr. Logan. He estimated that the bill adds 20 per cent to the cost of administering the AFL-CIO. To illustrate, he explained that the pension fund alone would have to have filed a report the size of a large city's phone book.

Speaking in terms of the immediate personal interests of his union members, he described the bill's impact like this:

It will take money away from our ability to service people, take money away from our ability to provide pensions, take money away from our ability to look after kids' teeth.

What Mr. Blakely describes as a worry and a threat, most of us instantly understand. I mean, of course, those very basic concerns that impact us as individuals with responsibilities to ourselves and to our families, to loved ones.

It is worrisome, honourable senators. Our country seems to be drifting from the beliefs and values that for generations have defined what is great about this country. Approximately 30 per cent of workers in Canada belong to a union. In the 1980s, almost 40 per cent of Canadian workers held unionized jobs. With membership shrinking and new pressures, such as recessions and the demand of protecting workers within a global economy, unions are definitely more vulnerable than I have ever known them to be.

• (1940)

Unions also have their flaws. Members might disagree with the causes and political parties their dues are used to support. The bargaining and grievance processes can be cumbersome and lengthy, but these and other shortcomings are eclipsed by the contributions of unions historically and to come.

Honourable senators, whether or not we have been members of or had direct dealings with a labour organization, we know Canada's history. In an article entitled "Why Unions Matter," the Canadian Centre for Policy Alternatives highlights key outcomes of union activities. It states:

... No country has ever achieved widespread prosperity and created a large middle class without strong unions.

Generations of hard-fought union struggles brought Canadians the eight-hour day and the weekend; workplace health and safety legislation and employment standards;

income supports for new parents and training for unemployed workers; public pensions and minimum wages; protection for injured workers and equal pay for equal work.

Honourable senators, it seems to me that we are receiving an excellent rate of return from our investment, as Mr. Hiebert calls it, in this country's labour organizations.

In April, the Broadbent Institute issued a report entitled "Union Communities, Healthy Communities," with ample evidence of the positive correlation between stable economic growth and union strength within industrial countries. Here is one very pertinent conclusion from the report:

All evidence suggests that unions have been, and remain, an important defender of human rights and greater economic equality, and a major reason why extreme income inequality is less pronounced in Canada than in the United States.

If we want to pursue a Canadian society of greater equality, social justice, and social democracy, we would be better served by strengthening, not weakening, our unions.

Honourable senators, Bill C-377 is horrendous, shoddy homework. These are some of the ways it has been described here in Parliament. Virtually every lawyer in the country has expressed concern that it violates the Charter. In addition, no one with any credibility has yet confirmed its constitutionality.

The Privacy Commissioner says the bill goes too far in requiring the public release of names of individuals receiving monies from unions. She sees it as a significant invasion of privacy.

The Hon. the Speaker *pro tempore*: I regret to inform the honourable senator that his time has expired. Would the Honourable Senator Munson be prepared to ask for more time?

Senator Munson: Yes.

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

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Five minutes.

Senator Munson: Implementing Bill C-377 will cost the Government of Canada tens of millions of dollars. Contrary to how it has been promoted, this is far from a cost-neutral proposal. The immediate and collateral damage that will result from passing and implementing this bill will essentially cut off our unions at the knees — this at a time when the number of workers in insecure and precarious work arrangements is rising; this at a time when we could really use inspired, unencumbered discussions and activities to generate new ideas to strengthen our economy.

The only context in which this bill fits is the Conservatives' agenda to silence voices of dissension. Senator Cowan has described at length, and in a very persuasive way, how the

government has systematically muzzled and squashed organizations like those dedicated to women's issues, international development and the environment, and labour organizations are next in line. Government does not fund labour organizations, so what we are seeing is a different line of attack. I advise senators to keep their eyes open because there must be more coming down the pike.

Honourable senators, our quality of life is very much a measure of the state of our economy. If it is stable and functioning within a true democracy, the contributions and interests of all participants matter.

In conclusion, it really comes down to things like fair wages, decent benefits and pensions, and protection from discrimination and unfair treatment in the workplace. We have to protect the very forces that protect what Canadian workers need. These are our unions.

Honourable senators, I would like to thank Senator Ringuette for what she has done, as well.

Some Hon. Senators: Hear, hear!

Senator Munson: We only have evidence of problems within and that will result from the passage of Bill C-377. A decision to support this bill is a mistake.

Honourable senators, I urge you to vote with wisdom and reason, and give yourselves and all of us within this chamber reason to feel we have reached a decision in the best interests of Canadians. Cast your vote against Bill C-377.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: With the Honourable Senator Munson accept a question?

Senator Munson: Yes.

Hon. Pierrette Ringuette: I thank Senator Munson for his opinion with regard to Bill C-377.

When Revenue Canada estimated it would cost \$10 million a year, it was with regard to 5,000 units that would have to report. There are 25,000 union units that will have to report, notwithstanding all the mutual funds that will have to report. On a yearly basis, we are looking at taxpayers spending \$60 million to put forward private information of between 9 million and 11 million Canadians.

Honourable senators, I have heard Senator Munson speak so many times in this chamber about autism and the need to have a national action plan for autism. Does he think that \$60 million a year would be a wiser investment in a national autism strategy than having anywhere from 9 million to 11 million hard-working Canadian workers' information on a government website?

Senator Munson: I thank the honourable senator for that question. There is a simple response: Leave the unions alone.

In response to the other part of the question about autism, a cause that is close to many of our hearts, \$60 million would be a start.

Senator Ringuette: Every year.

Senator Munson: I do not like to use the word “I,” because many individuals are now involved in dealing with autism. A national autism spectrum disorder strategy would probably be one of the most socially progressive and justified things that any government could do, beginning now. All of us know someone who has autism. As a society, I think the money would be well spent on a national autism spectrum disorder strategy and it would be a very good start.

Hon. Jane Cordy: Honourable senators, as Senator Day stated earlier today, the debate is adjourned in the name of Senator Cools, so I ask that it return to her name after those of us who wish to speak this evening do so.

Like Senator Ringuette and others who have done such an excellent job this evening, I wish to speak against Bill C-377. I would also like to thank Senator Ringuette for the tremendous work she has done in standing up for Canadian workers and as the Liberal critic for Bill C-377.

The committee dealing with the bill received letters and presentations from the governments of Quebec, Manitoba, Nova Scotia, New Brunswick and Ontario, who all took a stand that labour relations are a provincial jurisdiction.

Honourable senators, under the Constitution Act, the regulation of labour unions falls exclusively under provincial jurisdiction, so I am puzzled as to why we would vote for a bill that would intrude on provincial matters.

• (1950)

[English]

I would also this evening like to read parts of letters and emails that I have received from hundreds of Canadians. They represent people from around the country, and I feel it is very important that their voices be heard in the Senate, the chamber of sober second thought.

From Vinay I heard, as I am sure everyone in the chamber heard:

As a Canadian taxpayer, I am concerned about the **outrageous costs** (estimates vary between \$10.6 million and \$150 million for the establishment of the registry) and **bureaucratic red tape** (approximately 25,000 organizations must submit details of ALL financial transactions over \$5,000.)

He also said that it is the role of Canada's Senate to take a sober second look at proposed legislation passed by the House of Commons and to put a check on the power of the house when necessary.

[Senator Munson]

Ian said:

While Bill C-377 claims to address the accountability and transparency of labour unions, we know the real motivation for the bill is to silence unions and their members.

The bill singles-out labour organizations and does not apply to any other dues-deducting professional organizations.

Danny Cavanagh, from Nova Scotia, said:

Bill C-377 aims to force labour organizations to disclose a significant amount of financial and sensitive information. This bill does not mention that unions are democratic organizations and already disclose their financial statements to members who request it. This bill will create a mountain of bureaucratic red tape and approximately 25,000 organizations must submit details of ALL financial transactions over \$5,000.... This bill is extremely expensive, estimates vary between \$10.6 million and \$150 million for the establishment of the registry.

Tom Lee said:

I am writing to thank you for your principled opposition to Bill C-377, the Harper government's unfair and unconstitutional attack on Canadian workers.

Richard said:

The transparency argument for the need of this Bill is simply a red herring. Unions report all spending to their respective members who make the decisions democratically on how their dues are to be spent. Any member who complains that they are not informed has little else to do but pick up the phone or email their Local or National and will have all expenditures made available to them.... Unions must maintain records, do audits and have trustees go over the books on a regular basis.

Mark said:

I urge you to oppose this bill as it is presented to you with malicious intent. Am I naive to believe that this country stands for rights and for justice, and those elected or appointed into leadership roles are there to speak for fairness? This bill was created to attack labour unions and workers who built this great country. It asks for transparency, for our unions to show our members where their dues are going. As local president, I can say I do that every month at our local meetings.

From Marcel:

I am the President of a small Local of the IATSE (International Alliance of Theatrical Stage Employees) in Nova Scotia....

I am writing to you today to encourage you to do everything in your power to defeat Bill C-377. My Local does not have any full time staff. We are a volunteer board. The burden this bill places on us is quite simply unmanageable.

The idea that this reporting is a benefit to the members, because it forces transparency is nothing but misdirection on the part of the Conservatives. The Trade Union Act of Nova Scotia already deals with financial transparency....

Truly, besides being an obvious attack on Labour, I am concerned with the privacy of members or their spouses accessing our medical/life insurance.

From Todd:

I write to express my opposition to Bill C-377 and to ask that you openly and on record reject this attack on unions and workers. I am asking that you vote against this bill and show it for what it truly is; a heavy handed attempt to muzzle or control real debate and openness in politics across this country.

From Mary:

I am a Retired Worker and I write to you today to ask you to speak and vote against Bill C-377.

... This is a distinct invasion of privacy and an unsafe practice because information posted on the CRA website could be used for unfair business practices e.g. contract bidding etc....

This bill is nothing more than a vicious attack on over 4 million hard working Canadians and I urge you to vote against it.

From Des:

I am writing today to express the appreciation of the Federal Government Dockyards Trades and Labour Council (Esquimalt) and all 11 of our Constituent Unions, for your solid opposition to this regressive and draconian legislation, the Harper government's attack on the Canadian worker and their workplace representatives.

From Angelo:

As you may well imagine Bill C-377, an Act to amend the Income Tax Act, is more about bogging down unions with forms and expenses and a myriad of unnecessary disclosures than it is about fairness and transparency in the labour sector.

From Sandy:

Please add my name to those who strongly urge you to defeat this anti-labour Bill C-377. The attack on organized labour must be curtailed.

Tom said:

I am writing to thank you for your principled opposition to Bill C-377.

Gary said:

I am writing you to urge you to do everything in your power to derail the Harper government's despicable attack on the financial future of Canada's labour unions — Bill C-377.

I am the Business Agent for a small local of film industry technicians here in Atlantic Canada. Our members live the precarious life of a freelancer, never knowing from year to the next what productions will set up shop on the East Coast. Because they can't count on continuous work, they rely on their union to coordinate their retirement funds, their medical plan and their training. Our elected union executive does everything it can to ensure that our members' dues, retirement, training and medical funds are spent as judiciously as we can. We resent the Harper government suggesting that our hard-working volunteer board members are doing anything untoward. Our books are audited regularly, and are presented to our members at regular member meetings. I would suggest that our books undergo more scrutiny than those of the PMO.

From Dan:

The passage of this bill will result in costing Canadian taxpayers yet undetermined sums of money to fix a problem that does not exist.

From Ken Georgetti:

This bill is a solution in search of a problem....

The Certified General Accountants of Canada stated that the bill relates not to the tax authority of the federal Parliament but the regulation of trade unions or labour relations....

Five provinces have advised the Minister of Labour or the Committee that the bill is outside of Parliament's jurisdiction and intrudes on provincial jurisdiction. These are Manitoba, Ontario, Quebec, New Brunswick, and Nova Scotia.

Honourable senators, I also have several emails from Joan Jessome. Those of us from Nova Scotia would know her well. In reply to an email from me, Joan said:

Thank you for your reply. I have been leading my union for 15 years and cannot believe the targeted hatred that is directed at us by this Federal Government.

Honourable senators, Canadians expect openness and transparency. Unions provide transparency to their members. However, this bill is not about transparency. It is simply an attack against unions by the Harper government. It is an attack against the hard-working Canadians who are members of unions.

Last week, a Conservative senator commented outside the chamber that Bill C-377 is overwhelmingly bad but they will vote overwhelmingly in favour of it.

Honourable senators, when we pass bills in this place, we have to remember the human faces of Canadians who are affected by what we do. This is bad legislation and it is unconstitutional. We are supposed to be the chamber of sober second thought. I ask honourable senators to vote against Bill C-377. That is what I am doing. I also ask why honourable senators would vote for a bill that is overwhelmingly bad.

• (2000)

Senator Ringuette: Would the honourable senator accept a question?

Senator Cordy: Yes.

Senator Ringuette: I thank the honourable senator for her speech. She has indicated many times that five provinces have written to the committee expressing their opposition to this bill. Each of us here represents a province. There are 6 senators here from Manitoba, 24 from Ontario, 24 from Quebec, 10 from New Brunswick and 10 from Nova Scotia. Therefore, there are 74 senators in this place representing those five provinces. Does the honourable senator think it is proper that those 74 senators from those five provinces would vote in support of this bill?

Senator Cordy: That is an excellent question. I thank the honourable senator very much for it.

The Senate was set up to represent our regions. I represent Nova Scotia, and Nova Scotia is one of the provinces the honourable senator mentioned. The labour minister from Nova Scotia appeared before the committee and said that this bill deals with Nova Scotia's provincial jurisdiction.

We have a responsibility to represent the people from our provinces. I believe that if the government of a province has told the Senate committee that this bill would usurp its authority, we have a responsibility to vote against it.

Hon. Catherine S. Callbeck: Honourable senators, many senators have spoken eloquently about this legislation and summarized the very serious problems and consequences of this bill. I want to thank Senator Ringuette in particular for all the work that she has done on this legislation.

Members of the Senate Committee on Banking, Trade and Commerce have studied this legislation and I will read a paragraph from committee's final report:

While the Committee is reporting Bill C-377 without amendment, it wishes to observe that after three weeks of study - hearing from forty-four witnesses and receiving numerous submissions from governments, labour unions, academics, professional associations and others - the vast majority of testimony and submissions raised serious concerns about this legislation....

The Committee shares these concerns.

Even the provinces have ventured into the fray. Five of them have already expressed opposition to the bill — Ontario, Quebec, Manitoba, New Brunswick and Nova Scotia. I have received hundreds of emails from concerned Canadians, including Islanders, about the cost, the unfairness and the scope of this legislation.

I would like take a moment to voice my opposition to Bill C-377 and to share some my reasons for standing against this intrusive legislation. First, I believe that the bill is absolutely unnecessary. Unions are governed by their members, who hold democratic elections to choose their executive. As such, unions are responsible and accountable to their members.

Under the Canada Labour Code, unions are already required to provide their members, on request and free of charge, with financial statements. Seven out of ten provinces also already require unions to provide financial information to their members upon a formal request.

The government is preaching belt-tightening and restraint, but this legislation is adding more costs to a department that is ill-equipped to deal with it. As Senator Cowan pointed out in his thoughtful and well-researched speech on April 16, the Canada Revenue Agency is cutting about \$250 million over the next few years and is losing approximately 3,000 full-time positions.

In the shadow of such cuts, it will be a challenge for CRA to implement this legislation. Mr. Russ Hiebert, the Conservative member of Parliament who introduced Bill C-377, told the Senate Banking Committee that the estimated start-up costs will be \$1.2 million per year for the first two years and about \$800,000 annually after set-up.

That is a far cry from the estimates that the Canada Revenue Agency provided to the Parliamentary Budget Officer. The department itself estimates that start-up costs will run almost \$11 million over the first two years and more than \$2 million every year after that for operating and maintenance expenses. This is a huge amount of money for a department that has seen such intense budget reductions. It seems unwise to burden this department further with unnecessary work.

The costs will be even more pronounced for the unions that must meet the new requirements. Ken Georgetti, President of the Canadian Labour Congress, testified before the Banking Committee about the costs to labour organizations. He said:

When we saw this legislation, I asked our accounting department to give us a cost. Our budget is about \$20 million per year, and the cost to set up a database to collect this information would be \$400,000. Our ongoing cost to collect this information — to be able to segregate it and collect it in a way that would be presentable — would be \$400,000 annually. If you extrapolate that across our system, you are talking in the tens if not hundreds of millions of dollars to our union movement....

I would like to point out how this legislation will affect a small local in Atlantic Canada. I received a letter, as I am sure all senators did, from Mr. Gary Vermeir who is the business agent

for a small local of film industry technicians in Atlantic Canada. Members of the board are volunteers. Mr. Vermeir said:

The burden of reporting that this bill will put on our small local will crush us, without a doubt. The insane penalties for late filing will bankrupt us. This is a bill designed to do nothing but destroy our local — and to what end? To drive the skilled and talented motion picture technicians out of the country, thereby killing the film and television industry in Canada?

As other senators have noted, the impact for small locals may be disastrous.

In addition, we have also heard that the legislation is unconstitutional. Professor Bruce Ryder of Osgoode Hall Law School, who appeared before the Senate Banking Committee, stated it very clearly:

I am here to share the bad news that Bill C-377 is beyond the legislative jurisdiction of the Parliament of Canada. Its dominant characteristic is the regulation of the activities of labour organizations, a matter that falls predominantly within provincial jurisdiction to pass laws in relation to property and civil rights pursuant to section 92.13 of the Constitution Act, 1867. If Bill C-377 is passed by Parliament, it will be declared unconstitutional and of no force and effect by the courts.

That is to say, this bill will most certainly be challenged in the courts, and the government, unions and others may have to go through the time and expense of defending an unconstitutional law. It makes far more sense to stop this legislation before it comes to that.

• (2010)

I also have privacy concerns about Bill C-377. This bill will require unions to publicly disclose a vast number of expense categories for all transactions and disbursements over \$5,000. In doing so, any business that is paid more than \$5,000 a year must be publicly named, and the amounts will be publicly disclosed by CRA. Anyone and everyone who does more than \$5,000 worth of business with a union will be thrown into the public forum.

No doubt this will affect the willingness of some individuals and businesses to work with labour organizations. The Privacy Commissioner, Jennifer Stoddart, told the Banking Committee that this was her main concern.

Overall, this legislation is clearly unfair. The government is singling out unions precisely to make it more difficult for them to operate. Government members like to say that this is not the case, but no other similar tax-exempt entities, except charities, have any such disclosure requirements under the Income Tax Act. Even then, charities do not have anything close to the public disclosure requirements that this bill proposes for unions.

I simply cannot accept this legislation. I will be voting against it, and I urge honourable senators to do the same.

Senator Ringuette: Would the honourable senator take a question?

Senator Callbeck: Yes, I would be pleased to.

Senator Ringuette: Senator Callbeck is a unique senator in the Senate right now because of the fact that she has been a provincial premier, although I know some here have been territorial premiers. She has served P.E.I. very well.

This country has been built on compromise and cooperation, and since 2006 the federal government has not yet had a federal-provincial meeting. Whether one looks at economics, training, foreign trade, energy or health issues, there has been no cooperation coming from the federal government with regard to provincial premiers.

We have received five letters from provincial premiers to not pass this bill.

From the honourable senator's experience as a provincial premier of P.E.I., what does she make of this issue of no cooperation and not understanding the requests of provincial premiers directed to the federal government?

Senator Callbeck: I thank the honourable senator for the question. Certainly she is right; this country has been built on compromise and cooperation. I find it unbelievable that the Prime Minister has not called the provincial premiers together on many issues.

As the honourable senator knows, one of the big issues we will be facing is the health accord, which has to be renewed soon. It seems as though the federal government is just walking away from it and saying to the provinces, "We will give you some money; you handle it."

It is really a complete lack of leadership, and the country is losing as a whole, because it needs that federal leadership in so many areas.

As I say, I just find the attitude of the federal government unbelievable.

Some Hon. Senators: Hear, hear.

Senator Ringuette: I agree with the honourable senator.

In the letters from the provincial premiers, they talked about the jurisdiction that was provincial jurisdiction. In French we say *tes bébelles et dans ta cour*.

The provincial premiers have to ensure that there is peace and prosperity in their province, and a big portion of peace and prosperity is having balanced legislation. The fact that unions and employers are legislated under the different provincial codes of labour — all of them have expressed their big concern with regard to the imbalance that such legislation would create in their province. Could the honourable senator also comment on that particular issue?

Senator Callbeck: I think that is true; it will provide imbalance. I can see where the premiers are coming from. It is unbelievable, but it is unfortunate for this country that the federal government is not showing leadership in getting the premiers together on so many areas.

I mentioned health. Back in 2006, we were making headway on a catastrophic drug plan, which was one of the recommendations from the health study that was done here in the Senate. A group of health ministers and the federal minister were co-chairing that committee. After 2006, the feds would not even come to the table and talk about it, so any plans for the catastrophic drug plan went down the tubes.

That is just one area, but I think that here again we have another area where the feds just are not showing any leadership, and it is very unfortunate for this country.

The Hon. the Speaker *pro tempore*: Further debate, honourable senators? If no other senator wishes to debate at this time, it has been agreed that this matter will stand adjourned in the name of Honourable Senator Cools.

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

Hon. Senators: Agreed.

(On motion of Senator Callbeck, for Senator Cools, debate adjourned.)

[Translation]

LANGUAGE SKILLS BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Carignan, seconded by the Honourable Senator Poirier, for the third reading of Bill C-419, An Act respecting language skills.

Hon. Paul E. McIntyre: Honourable senators, I am pleased to rise today to speak to Bill C-419 at third reading.

As you know, Bill C-419, the language skills act, was introduced in the House of Commons on May 1, 2012, and passed at third reading on June 5, 2013. It was referred to the Senate that same day. On June 11, 2013, the bill was read the second time in the Senate and sent to the Standing Senate Committee on Official Languages.

As a member of that committee, I had the opportunity to study this bill in detail, so I can attest to the fact that it is well-founded and necessary. I am proud to support this bill.

This worthwhile bill is designed to ensure that bilingualism is one of the hiring criteria for officers of Parliament. It states that the 10 officers of Parliament must be able to speak and understand clearly both official languages without the help of

an interpreter at the time of their appointment. In other words, if Bill C-419 is passed by Parliament, bilingualism would become a selection criterion for the 10 officers of Parliament.

Officers of Parliament must be able to understand and communicate with members of the Senate and the House of Commons as well as Canadians in the official language of their choice.

For better understanding, it is important to list the 10 officers that are affected by this law. The list is as follows: the Auditor General, the Chief Electoral Officer, the Commissioner of Official Languages, the Privacy Commissioner, the Information Commissioner, the Senate Ethics Officer, the Conflict of Interest and Ethics Commissioner, the Commissioner of Lobbying, the Public Sector Integrity Commissioner, and the President of the Public Service Commission.

• (2020)

It is clear that this bill addresses linguistic duality. It comes at a good time because this year marks the 50th anniversary of the Laurendeau-Dunton Commission. As we all know, this commission laid the foundation for Canada's policy on bilingualism.

In closing, I hope that this bill will encourage our universities to do more to offer second language learning programs to their students. The Commissioner of Official Languages, Graham Fraser, made a recommendation to that effect in his 2011-12 annual report.

Honourable senators, I am confident that you will join me in supporting Bill C-419, which is an excellent bill.

(On motion of Senator Tardif, debate adjourned.)

[English]

EMPLOYMENT INSURANCE ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Braley, for the third reading of Bill C-316, An Act to amend the Employment Insurance Act (incarceration).

Hon. Jane Cordy: Honourable senators, I rise today to speak to Bill C-316, An Act to amend the Employment Insurance Act. Bill C-316 sets out to remove sections of the Employment Insurance Act to deny benefits to those who could not work because they were incarcerated. Currently, subsection 8(2) of the EI Act stipulates the criteria for which the EI qualifying period member may be extended. Subsection 8(2) states:

A qualifying period mentioned in paragraph (1)(a) is extended by the aggregate of any weeks during the qualifying period for which the person proves, in such

manner as the Commission may direct, that throughout the week the person was not employed in insurable employment because the person was

(a) incapable of work because of a prescribed illness, injury, quarantine or pregnancy;

(b) confined in a jail, penitentiary or other similar institution;

(c) receiving assistance under employment benefits; or

(d) receiving payments under a provincial law...

This, by the way, was brought in by the Diefenbaker government.

Bill C-316 seeks to repeal part (b) of this section, "confined in a jail, penitentiary or other similar institution."

We learned that the motivation behind this private member's bill was a case where a young mother decided to leave her job for a year to go back to school to upgrade her skills. After completing her schooling, she was back to work for only three months before she was diagnosed with cancer and was forced to leave her job once again to start treatment. She did not qualify for EI benefits as she was only back to work for 12 weeks.

The sponsor of the bill was approached to help with her case for EI benefits. As a result of the case and careful study of the EI Act, the sponsor perceived that unfairness existed within the system — that being the clause which allowed a person who was convicted of a crime, served a sentence of less than two years and qualified to receive EI benefits, to apply for an extension of benefits to cover the time they were incarcerated.

It should be noted that only those who have paid into the EI system and meet the criteria can collect EI benefits. Employment Insurance benefits cannot be collected by any person who is incarcerated. During this time, benefit payments are suspended. No one collects benefits while in jail.

I also want to make clear that the EI system is not a government handout. Employment Insurance is an insurance program that both employees and employers pay into as a security policy in case an employee loses his or her job involuntarily.

Perhaps this system is unfair. No system is perfect. However, I think the unfairness lies in the fact that the working mom was unable to qualify for benefits when she became ill and needed help the most, not that the EI system allows those eligible Canadians who served their time to extend their qualifying period so they can continue to receive EI benefits upon their release.

The Employment Insurance system as it currently stands provides for minor support to help those reintegrate successfully back into society. This is no small task for many, as they are mainly marginalized within their communities. Finding an apartment and finding work becomes that much more difficult. These hurdles contribute significantly toward recidivism, and this bill throws one more hurdle at them. The goal in these cases

should be to reduce recidivism rates as much as possible. This leads to less crime, fewer victims and a more productive society. This bill is regressive and simply bad governance.

The sponsor of the bill argues that any Canadian who serves their time and completes their sentence should rely on charity for assistance. When I asked witnesses at the committee about the sponsor's comment that these Canadians should turn to charity for assistance, both the John Howard Society and the Elizabeth Fry Society, two community charities, essentially said this is an unrealistic expectation.

Catherine Latimer, Executive Director, John Howard Society of Canada, said:

As for the capacity of the John Howard Society, I think this is very interesting. It is a charity. We do what we can, but our resources are certainly limited. We cannot, though we would love to, compensate for a lot of the tough-on-crime measures that are having a detrimental and harsh effect on people across the country. Our phones are constantly ringing. The demand for assistance is increasing. I wish we could answer all of the requests for assistance, but we cannot.

Kim Pate, Executive Director, Canadian Association of Elizabeth Fry Societies, said:

I wish we could meet the demand. We are probably not meeting hardly any of the demand that is out there right now. We are doing the best we can. We have thousands and thousands of volunteers, community members who contribute of their time to try and assist and who donate resources, but unfortunately the demand is increasing astronomically.

Honourable senators, Bill C-316 is designed to do nothing more than punish and further marginalize those in society at a time when they require our help.

Justin Piché, Member, Policy Review Committee, Canadian Criminal Justice Association testified before the committee. He said:

Employment Insurance in Canada is a contribution-based scheme, thus it stands to reason that should someone contribute to this fund they should have to derive a benefit from it when the need arises. Once individuals have been sentenced we do not agree that additional punishment in the form of limiting their ability to collect Employment Insurance after they have served a custodial sentence ought to be pursued....

This legislative initiative has been touted as a measure to support the rights of victims of crime, but it is unclear how removing benefits or services from the criminalized improves the situation of victims.

He went on to say:

Should this legislation pass, there is a risk that additional victims will be created by extending the punishment of criminalized people to families. Every household has bills

and expenses to pay. In cases where a former prisoner has a household, the loss of income that would result, where applicable, from the elimination of their ability to access Employment Insurance benefits upon their release from prison could result in financial hardship for the loved ones they are rejoining.

We heard time and time again about fairness and preferential treatment from the sponsor of the bill, but what truly would have been fair would be to lobby the government to instigate changes to the EI system to be more inclusive, rather than punishment.

To take away a support structure for one class of Canadians because another class is denied access is petty and damaging to communities.

• (2030)

Addressing the sponsor's perception of preferential treatment, Ms. Latimer of the John Howard Society said:

I do not think anyone who has experienced a period in pretrial detention or in the provincial custody facilities would consider that to be preferential treatment.... They are overcrowded; they are dangerous; they are violent. They are not places people want to be.

When questioned at committee regarding the amount of research that went into forming this piece of legislation, we learned that in fact no research had been done. The bill was conceived without any careful thought. Many questions were left unanswered at the committee.

The sponsor of the bill was unable to give us research about the bill other than he had talked to some people in his area. He could not tell us the types of crimes committed by those in jail for less than two years. I believe that if we are going to make changes to our laws, then these changes should be based on research and data.

As Justin Piché of the Canadian Criminal Justice Association testified:

... the bill before the Senate should be abandoned. If the legislation is passed without adequately considering the collateral consequences, it is possible that more victimization and harm to families will be the result. Legislators should not pass laws where research exploring the potential impact of proposed measures has not taken place.

We learned from witnesses from the United Way, the John Howard Society and the Elizabeth Fry Society that in fact this bill will have a negative effect on the most desperate in society: First Nations people, women and the poor.

We have all heard the saying, "Do the crime, do the time." I think we all certainly believe that if you commit a crime, you should be incarcerated or penalized. However, should someone who is put in prison because they are poor or unable to pay a fine be penalized on top of that?

We heard testimony at committee from the John Howard Society that 40 per cent of the people in prisons in Nova Scotia who were there for less than two years were there because they were unable to pay a fine, because they were poor.

Should we be penalizing the poor twice — once because they are jailed or penalized criminally, and then again, removing a support structure to which they have paid into?

I say again, Employment Insurance is not a government handout; it is an insurance plan for those who have lost their job. No one collects Employment Insurance while they are in jail.

What this bill does is remove the criteria to allow the EI benefit qualifying period to be extended. The law as it stands allows the eligibility period to be extended for those who are in jail for up to two years less a day.

This bill will disproportionately affect the poor. Should we be penalizing the poor? They are the ones most affected. They are the ones who are unable to pay the fines. They are the ones unable to post bail. They are the ones who are imprisoned for not having money. They are being penalized twice.

The Minister of Labour in the Diefenbaker government understood this when he enacted this provision. At the time, Minister Michael Starr said:

Ordinarily a person who had spent up to two years in a penitentiary, would lose the benefit of unemployment insurance contributions, which would impose a further punishment in addition to those levied by the court. This disability is now removed and it will help a great deal in the rehabilitation of those who have been unfortunate enough to have punishment imposed upon them by the courts.

I do not think times have changed that much.

Honourable senators, during the committee's study of Bill C-316, many concerns about the detrimental effect this bill would have on society's most vulnerable have been raised. Representatives of the Native Women's Association, the Canadian Criminal Justice Association, the John Howard Society of Canada, the Canadian Association of Elizabeth Fry Societies and the United Way of Calgary have all testified against this bill.

There was much discussion about the victims of crime, and there is no question that the government should be doing more to assist those directly affected by crime. Many people have gone through horrendous things. When I questioned Heidi Illingworth, Executive Director of the Canadian Centre for Victims of Crime, regarding Bill C-316 and how it fits into the government's strategy to provide assistance to victims of crime, she said:

I guess specifically this bill is not about victims...

Aside from the sponsor of the bill, there was little testimony in support of it and absolutely no data, and it appears there was little research conducted prior to drafting this piece of legislation.

Honourable senators, I do not support a bill that heaps more hurdles onto Canada's most vulnerable and does nothing more than punish Canadians a second time.

• (2100)

Motion agreed to on the following division, and bill read third time and passed:

The Hon. the Speaker *pro tempore*: Is there further debate?

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker *pro tempore*: It was moved by Honourable Senator Boisvenu, seconded by Honourable Senator Braley, that Bill C-316, An Act to amend the Employment Insurance Act (incarceration), be now read the third time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore*: All those in favour of the motion say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those contrary say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: The "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: I see two senators standing.

Have the whips determined the time for the bell?

Is it agreed, honourable senators, that the bell will be 30 minutes?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Honourable senators, the vote will be 30 minutes hence.

Andreychuk	Manning
Ataullahjan	Marshall
Batters	Martin
Bellemare	McInnis
Beyak	McIntyre
Black	Meredith
Boisvenu	Mockler
Braley	Neufeld
Buth	Ngo
Carignan	Nolin
Champagne	Ogilvie
Comeau	Oh
Dagenais	Oliver
Demers	Patterson
Doyle	Plett
Eaton	Poirier
Enverga	Rivard
Fortin-Duplessis	Runciman
Frum	Seidman
Gerstein	Seth
Greene	Smith (Saurel)
Housakos	Stewart Olsen
Johnson	Unger
Lang	Verner
LeBreton	Wallace
MacDonald	Wells
Maltais	White—54

YEAS THE HONOURABLE SENATORS

Callbeck	Lovelace Nicholas
Campbell	McCoy
Cordy	Mercer
Cowan	Merchant
Dallaire	Mitchell
Dawson	Moore
Day	Munson
Downe	Ringuette
Dyck	Rivest
Eggleton	Robichaud
Fraser	Smith (Cobourg)
Hervieux-Payette	Tardif
Hubley	Watt
Jaffer	Zimmer—29
Joyal	

ABSTENTIONS THE HONOURABLE SENATORS

Nil.

• (2110)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

EIGHTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Braley, seconded by the Honourable Senator Martin, for the adoption of the eighth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Report on a case of privilege respecting the appearance of a witness before a committee), presented in the Senate on June 20, 2013.

Hon. Roméo Antonius Dallaire: Honourable senators, I intend to speak to this item, but I have been seeking counsel to assess it again. I would like to adjourn debate until tomorrow.

Hon. Elaine McCoy: Honourable senators, with the concurrence of Senator Dallaire, I will speak and then adjourn this matter in his name.

To be very brief, and to speak to the good work that the committee has done, I wanted to speak to the context in which we were operating. Part of the reason for doing that is because we are often working with what are truly long-standing and evolving pillars of our democracy. How they have evolved over time helps to inform what we do today that continues to keep the health of our democracy fresh and vibrant and for the benefit of all Canadian citizens.

One of the terms of parliamentary language is “a privilege.” In the vernacular, and in contemporary speech these days, the word “privilege” denotes entitlement; it is something that only a person of some elite status would receive, whereas most people would not.

However, that is not the meaning of the word in parliamentary language. It is worth taking a few moments to remind ourselves and to help others understand why it is that we put such importance on any proceeding that encroaches on or is said to encroach on what we more typically call a right of Parliament today.

When I use the word “privilege,” or one of the rights of Parliament, I want to go back in history and take a moment to talk about how this arose.

In fact, it goes back a long, long time; to 1689, in fact, the Bill of Rights in England. It came up in the context of William and Mary. Honourable senators will all remember, especially those with an Irish background, William of Orange and his wife Mary. They were invited to become joint monarchs of England. This is after decades of unrest; of kings who believed they had a divine right to rule — the Stuart kings. Also the civil war in England was led, as we all know, by Oliver Cromwell.

Interestingly, Oliver Cromwell started out as a man of the people, but by the time he had completed his tenure, he was known as the Lord Protector of England. In fact, he was

addressed as “Your Royal Highness.” He did everything except wear a Crown. He sat on a throne-like chair and was given the right to nominate his own successor without question. If that is not getting close to the divine right of kings, I do not know what is. Even commoners were subject to the allure of absolute monarchy.

For an absolute monarch, of course, Parliament is not something one really wants to encourage; it is more of a hindrance than a help and something to be avoided, if possible. In fact, Charles I was very good at avoiding Parliament. He managed to go 11 years without calling Parliament at all.

• (2120)

Senator Mercer: Do not tell these people that!

Senator McCoy: Fortunately, that was from 1629 to 1640, and memories tend to be a bit short. That was called, by many at the time, the Eleven Years’ Tyranny.

Senator Ringuette: That sounds familiar.

Senator McCoy: What he did was raise money without the consent of the people’s representatives, which got many people fairly upset.

The Bill of Rights was part of a deal that the Britons wrote out. It was agreed to by William and Mary that they would live by this constitution, and it is in fact the start of the constitutional monarchy as we know it now. It basically said that the monarch will only conduct the powers of government with and upon the advice and approval of the people’s representatives.

For example, it was decreed that Parliament must be convened on a regular basis. That is one of the articles of agreement in the Bill of Rights. That guaranteed that there would be frequent elections, one of the fundamentals of democracy. The Bill of Rights also stated that no laws would be suspended or made without parliamentary consent and, of course, that no taxes would be levied without parliamentary approval.

It also declared that freedom of speech and debates and proceedings in Parliament would not be impeached or questioned in any court or place out of Parliament. It is that clause that underpins the rights of Parliament, which we now talk about as rights of Parliament but are also known as privilege, because it ensures that citizens rather than absolute rulers have the final say on how they are governed.

The Bill of Rights ultimately became part of the law of Canada, as we say in our report. First we were a colony and later we became a nation in our own right. The historic privileges that Parliament relies upon to conduct its business independently and without interference from any place out of Parliament have continued to evolve. We say that in our report.

They may continue to evolve in response to modern realities. In the 20th and 21st centuries, the importance of maintaining an ongoing dialogue with the public and hearing a diversity of views, opinions and perspectives on any item of business before Parliament has become enshrined, as we say in our report. It

has become enshrined largely because we call witnesses before us in our committees. That is one of the ways we are upholding democracy and the right of the people to participate in it.

The right to appear before committees also is guaranteed as an individual right in Canada, largely through the Charter of Rights and Freedoms. That gives Canadians the guarantee, one could say, that they are enabled to exercise their democratic rights in various forms. One of them is the right to participate in democratic processes. Another is the right to express their views and opinions freely and without reasonable restrictions. As we have grown in maturity and practice with our democratic and constitutional monarchy, we have also shored up the rights of the citizens to continue to ensure it is they who have the last say.

That is the context we were operating in.

One of the things that bothered me most about the evidence that was before us was that there was no indication that the RCMP understood the rights of Parliament. It is not because they are the rights of Parliament; it is because they did not understand the context that plays in upholding our democracy. I do not think that they are alone in that oversight. I think many of us are so used to the guarantees that we have and the privileges of democracy that we have, that we tend to take them for granted without thinking twice about them.

The importance of the exercise that we conducted and I think resolved, in a way that is respectful of everyone's rights, is that it is also a learning experience. It was a learning experience for us; it can be a learning experience for our whole chamber in reiterating the basis for the rights of Parliament, which is to guarantee the democratic rights of Canadians. It is a learning experience for the witness, who was able to appear later, and a learning experience for the RCMP.

I hope, by putting this on the record this evening and for those who come to read our debates over time, it will be a learning experience for all Canadians, because it is not just us. It is not just parliamentarians that we need to reach out to defend these democratic rights: It is all Canadians.

Hon. Pierre Claude Nolin: Would the honourable senator accept a question?

Senator McCoy: Yes.

Senator Nolin: I understand Senator McCoy's argument, but let us transpose that to the Canadian Medical Association. To parallel with the CMA what the honourable senator has just said about the RCMP, let us assume that the president of the CMA is not aware of our privilege as an institution of Canadian Parliament.

Am I to understand that if the president, or someone on the board of the CMA, is not aware of our privilege, it means that if the CMA tells one of its doctors to not appear there, saying "we do not want you there" or for other reasons, they cannot respect our privileges because they do not have the *mens rea* or they do not know that they are encroaching on our rights as an institution?

Senator McCoy: That is a point of great debate amongst scholars.

Personally, I believe that there is no more fundamental right than the right to participate in debates on how we are governed. That, for a citizen, mostly in our institution, is through the participation in committees.

The Canadian Medical Association would be an example of a private interest. There is no private interest that should be put before a public interest of that magnitude.

I will also say that the consequences of that action are to be considered very carefully and to be modulated in such a fashion that we do not just fall into that culture of naming and blaming, but we fall into a culture of encouraging a learning experience using the opportunity, as it was in this case, to bolster our pillars of democracy.

There would be other circumstances. One might imagine that one would perhaps turn to a more punitive approach, but as the committee was unanimous in saying, we do not think that this is one of those cases, none of us wanted to take on any colour of censure or any kind of punitive approach. I think that also is appropriate. One must proceed with judicious thought and look mostly to the outcome that one wishes, which is that we have a fully participatory democracy.

Senator Nolin: Is the honourable senator not afraid of the precedent that it is basically establishing that even the RCMP, who are supposed to know the law and the institution, and because they did not know they can go away with respect for the Senate?

• (2130)

I can understand that we do not want to move into coercion of not ill-intended action from the RCMP. Nevertheless, they did respect our institution, and at least the committee should have said, "You were wrong." To decide not to impose a penalty on the RCMP is another thing than to say, "Nevertheless, you were wrong." Now, we have a precedent.

I use the CMA as an example, but it could be anyone else basically arguing, "Well, I did not know that. I was not aware that you had such a privilege. I was not ill-intentioned by not showing up before the committee."

I do not understand why the idea of a precedent was not part of the reasoning.

Senator McCoy: May I have just a few moments to answer the honourable senator's question?

We did not say that. My interpretation of our report does not go as far as the honourable senator suggests. We did not say that there was no wrong doing. The precedent that the honourable senator is putting forward, I believe, has not been set.

Senator Dallaire: Honourable senators, I have a supplementary question. We do not have the CMA in this case. We have a paramilitary organization in which all the officers swear an

oath to the Queen and to apply judiciously the rules and regulations of an institution that has an ethos and culture with more depth to it than simply wearing that serge and that hat.

If they did not get it, if that senior leadership was not conscious of the impact of their decision with regard to privilege — and you did not get the most senior person there — the honourable senator did indicate, in response to queries previously, that they would do their best to be conscious of it, pass on this information and rectify the situation.

How does the honourable senator think they will do that? I am not looking for a pound of flesh, but nearly. How will an institution that has been there and has all that background all of a sudden be able to shift gears and bring this into its cultural framework among its staff? Did they go into that detail with the committee?

Senator McCoy: No, and we did not invite them to lay out a plan of action to change their procedures around granting travel permission while members are on sick leave. However, there is sufficient evidence to indicate that they will rethink their procedures.

Even more importantly, I would say that it is important for this discussion, which is on public record in Hansard, and I am fully assured in my own mind that many of the members of the RCMP will be reading what Senator Dallaire and other colleagues have said here and will insist that they have the right to appear before parliamentary committees. They will not hesitate to ensure that their rights are not encroached upon.

Hon. David P. Smith: Honourable senators, I intend to speak to this tomorrow. I was not here on Friday, and the Deputy Chair, Senator Braley, did speak to it. I was away. I was in France this morning. I am getting a little punchy, but I will be ready to have a go at it tomorrow. Hopefully, we can address these issues.

(On motion of Senator Dallaire, debate adjourned.)

STUDY ON ECONOMIC AND POLITICAL DEVELOPMENTS IN THE REPUBLIC OF TURKEY

THIRTEENTH REPORT OF FOREIGN AFFAIRS AND
INTERNATIONAL TRADE COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled: *Building Bridges: Canada-Turkey Relations and Beyond*, tabled in the Senate on June 20, 2013.

Hon. A. Raynell Andreychuk moved the adoption of the report.

She said: Honourable senators, I rise this evening to speak to what I think is an important report from a committee of the Senate. I will speak about the potential for renewing Canada's bilateral relations with Turkey, the necessity of improving mutual

awareness and understanding between our two countries, and the benefits, in doing so, to Canadian, international and commercial priorities.

These are the conclusions of the report of the Standing Senate Committee on Foreign Affairs and International Trade, entitled *Building Bridges: Canada-Turkey Relations and Beyond*.

This report emphasizes commercial diplomacy as essential for renewing our relations, but it is insufficient in and of itself. Canada's engagement needs to be sustained and consistent to offer real value for every dimension of the bilateral relationship. This message has figured throughout the committee's study of emerging countries in a world of rapidly changing dynamics, whether with respect to Brazil, China, India, Russia or Turkey. A truly coordinated foreign policy requires creative thinking. It requires multi-level approaches involving expertise from Canada's private, public and civil-society sectors.

During our studies of the BRIC countries, interlocutors frequently referred to the dramatic economic and political developments in the Republic of Turkey. The committee decided to investigate these developments more closely. We found a country that has changed significantly from a generation, and even a decade, ago. The new Turkey is endowed with a large, young, enterprising and increasingly educated population, rising incomes, high consumption rates and a growing middle class. Turkey's economy now ranks seventeenth in the world. It is also one of the fastest growing economies.

Turkey registered above annual growth of 5.1 per cent over the past 10 years. Between 2002 and 2012, its GDP per capita soared from \$3,500 to over \$10,000. Turkey aims to become one of the world's top 10 economies by 2023, the one hundredth anniversary of the founding of modern Turkey.

Equally impressive is how Turkey has leveraged its commercial advantages toward this end. These include its geographic proximity to Europe, Asia, the Middle East and Africa and its well-developed economic links with the European Union, its most important trade and investment partner.

Turkish interests are multiplying in some of the world's fastest growing and also some of its riskiest economies. Turkish construction companies, for example, are involved in some 95 per cent of the Iraqi construction market. Turkey's interest in Africa recently expanded with the opening of 23 new embassies and consulates across the continent.

Turkey's presence in Asia and Latin America is also growing. Turkish Airlines is helping Istanbul become the global transit hub. If completed, it will be the world's largest airport. Turkish official development assistance is being mobilized to foster international goodwill.

Our study found that it is not too late for Canada to capitalize on the opportunities that this new Turkey presents. Further, Canada's strategic priorities and commercial strengths complement Turkey's foreign policy and trade objectives, as well as its commodity and import needs.

The foundations for a stronger bilateral relationship are currently being laid by government officials, businesses and educational institutions, and through bilateral agreements on air transport, double taxation, social security, agriculture and peaceful uses of nuclear energy. Moreover, since 2009, an increasing number of bilateral visits have brought high-level Canadian political and business delegations to Turkey.

However, there is substantial room for improvement. The value of Canada-Turkey merchandise trade was \$2.3 billion in 2012. This is up 48 per cent from 2010, but it is a slight decrease from the \$2.4 billion of total trade in 2011.

• (2140)

In 2012, Turkey was Canada's twenty-fifth largest merchandise export market, thirty-second largest source of merchandise imports and its thirty-fourth largest overall trading partner. Canadian exports to Turkey were valued at \$850 million in 2012. Canadian imports from Turkey were valued at \$1.5 billion.

Canadian foreign direct investment in Turkey was \$909 million in 2012. This makes it Canada's thirty-fourth largest foreign investment destination, representing 0.1 per cent of Canadian foreign direct investment abroad.

Some people pointed to Canada's longstanding collaboration with Turkey in NATO and other organizations, or our more recent cooperation in fora such as the G20, to argue that our relations are already about what matters to us. This perspective misses the point of the committee's report that the bilateral dimension of our relationship is lacking and that multilateralism has not translated into stronger bilateralism.

The committee identified a need for greater mutual understanding and knowledge between Canada and Turkey. Our two countries today are poised to move past differences of opinion and to renew our relationship for our mutual benefit.

Having heard from over fifty witnesses and interlocutors both here in Ottawa and during our fact-finding mission to Istanbul and Ankara in March, we offer six recommendations and a number of suggestions to the Government of Canada.

The committee believes that Canada and Turkey should pursue deeper commercial partnerships. Trade and investment growth should be predicated on sectors where Canadian companies' expertise complements Turkey's economic priorities.

Sectors offering the greatest opportunities for Canadian businesses in Turkey include agriculture, mining, energy, infrastructure, transportation, and education. Our report underlines that a deeper political engagement must underpin Canada's commercial diplomacy.

We recommend that the Government of Canada maintain consistent engagement with the Government of the Republic of Turkey at the highest political levels. A positive and constructive high-level dialogue can be critical in building the Canada-Turkey relationship, increasing Canada's visibility and helping Canadian businesses to position themselves for success in Turkey.

Turkey, like Canada, is a trading nation. The committee believes that the two governments should work together to determine if they can find common ground on a bilateral free trade agreement. The initial process and preliminary discussions had not previously met with the necessary level of ambition on the Turkish part to make such an initiative worthwhile. However, we were pleased to hear from the Turkish Minister of Trade and Customs during our meeting in Ankara that today there is both a willingness and an urgency to restart these discussions. Accordingly, the committee recommends that the Government of Canada identify Turkey as a strategic commercial priority and accelerate negotiations with the Government of the Republic of Turkey for a free trade agreement.

Another area the committee identified for building bridges with Turkey involves increased partnerships both in Turkey and in third countries. Partnerships are critical for realizing commercial opportunities, accessing valuable market intelligence and navigating the Turkish business culture.

The committee strongly encourages the Government of Canada to enhance the capacity of Export Development Canada in Turkey and to promote partnerships between Canadian businesses and Turkish business associations.

The committee also believes there is potential for Canadian businesses to partner with Turkish counterparts in third countries — in Africa, the Middle East and Asia — in order to maximize compatible commercial strengths. For example, the less risk-averse nature of Turkish enterprises would complement Canada's know-how and leadership in many sectors. Such joint initiatives would be especially beneficial in situations where financing is the issue for each country. Partnering would allow them to pool their resources for maximum advantage.

The committee recommends that the Government of Canada facilitate such partnerships and innovative financing collaborations between Turkish and Canadian businesses in third countries.

Opportunities also exist for Canada to work with Turkey on its education and training priorities. An arrangement allowing Turkish youth to work and study in Canada for up to one year would expose Turkish as well as Canadian youth to invaluable educational and employment experiences, and strengthen their capacity to contribute to their country's economy. Accordingly, the committee recommends that the Government of Canada undertake to enter into a youth mobility agreement with the Turkish government. This could include young professional and international co-op experiences.

Recognizing that Canada's youth are themselves facing significant employment challenges, the committee recommends that the agreement set quotas for each category according to our domestic labour market conditions. Education can be a key driver in deepening engagement between Canada and Turkey, from which trade and investment opportunities will flow. In fact, it was the committee's feeling that we know too little about each other and youth need to know more if this venture is to succeed. However, we understand that the market for international students is very competitive. The committee believes that Canada needs to be proactive in marketing itself as the destination of choice and in developing relationships with educational stakeholders in Turkey.

The committee strongly believes that building and promoting a “Canada brand” would raise Canada’s profile in Turkey. Defining the best that Canada has to offer and differentiating Canada from its competitors in all sectors is necessary. A “Canada brand” would help promote the Canadian advantage in such sectors as innovation and technology.

Turkey has sought to enhance its research and development capacity and its information and communication technology, but its needs are not being met as quickly as necessary to facilitate the country’s economic agenda. Accordingly, opportunities exist for Canada-Turkey partnerships to transfer knowledge and strengthen Turkey’s technological capacity in sectors where Canada is a world leader.

In order to facilitate such transfers, the committee recommends that the Government of Canada consider memoranda of understanding with the Government of the Republic of Turkey in the areas of science and technology.

Finally, Canada and Turkey share many overlapping interests in the region: resolving the conflict in Syria; encouraging the normalization of relations with Israel; persuading Iran’s cooperation with the International Atomic Energy Agency; promoting Egypt’s economic development through youth employment and job training projects. Moreover, common engagement concerning Iraq may soon be facilitated with the opening of Canada’s mission in Baghdad. We encourage the Government of Canada to find opportunities such as these, whereby Canada and Turkey can intensify their joint pursuit of common interests amid changing regional dynamics.

The committee completed its study and report in early June. Questions have naturally been raised about the relevance of our report and its findings given recent events in Turkey. These events concern the large-scale demonstrations in Istanbul and other cities throughout Turkey, and the government’s response to these manifestations. Consistent with the protests, our report notes the internal challenges and issues Turkey must address as it continues its democratic and economic modernization. For example, our report notes the troubling signs that the freedom of expression and the media are being repressed and that the government has become increasing intolerant of criticism and dissent.

Our report also addresses concerns about Prime Minister Erdogan’s dominance of Turkey’s political and business spheres. Time will tell what the long-term impact of these recent events will be on Turkey’s relative domestic stability and its often-cited role as a model of secular democracy for the region.

• (2150)

As one witness commented, “Which way Turkey will go remains very undecided.”

Our committee believes that the contents of our report remain an accurate assessment of the evolving Canada-Turkey relationship. They reflect a genuine willingness on the part of our interlocutors from the Turkish government and business leaders to deepen bilateral engagement.

Just as Turkey is evolving, the current events must be taken against the backdrop of Turkey’s significant domestic and foreign policy achievements over the last two decades. These include the

subordination of the Turkish military to civilian rule and oversight, reflecting NATO and EU standards. Another is the progress made in ending the 30-year conflict with the Kurdistan Worker’s Party.

It is no coincidence that many of our report’s messages echo those found in our reports on China, India, Russia and Brazil. These include the focus on key sectors, such as agriculture, mining, energy, infrastructure and transportation, as well as education. We have also repeated the necessity of developing a “Canada Brand” in order to raise Canada’s profile.

Our reports are collectively and simply drawing attention to what are emerging as consistent needs if Canada is to seek new opportunities in a changing world.

The Standing Senate Committee on Foreign Affairs and International Trade has developed, over the years, a reputation, I am proud to say today, that precedes its every output. Our decision to study Turkey brought fresh attention to that country within the Government of Canada before this report was even tabled. I hope the insights and recommendations therein contribute to efforts by the Canadian government, business, educational institutions and civil society to develop the Canada-Turkey partnership to its full potential.

Honourable senators, I believe that the work of the committee is driven by changing attitudes in Canada by raising awareness of the potential that is yet to be leveraged in the Canadian society for a maximum advantage in a very changing world.

(On motion of Senator Fortin-Duplessis, debate adjourned.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SEVENTH REPORT OF COMMITTEE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C. (Cobourg), seconded by the Honourable Senator Comeau, for the adoption of the seventh report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Amendments to the *Rules of the Senate*), presented in the Senate on March 19, 2013.

Hon. David P. Smith: Senator Carignan, on a matter of house business, and I could quote from Hansard from about three weeks ago when you said you would give us an answer.

Our members have adopted four reports from the Rules Committee unanimously. They are all being held up by you and Senator Cools. You are holding up three and she is holding up one. They go back six months for the first one, and the other three were in March.

You told us three weeks ago that you would give us an answer. Can you give us an honest answer? Are you stalling these so they will wither on the vine, which is what some of us regrettably

believe, or will you deal with them tomorrow or before we rise for the summer? Will you give us an honest answer, for once?

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I am not ready to take a position on the report. I will address the matter as soon as I am ready.

[*English*]

Senator Smith: Senator Carignan?

Senator Carignan: I am sorry; I did not understand the question.

Senator Smith: You understand it.

(Order stands.)

THE SENATE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the cornerstone place of the Senate of Canada in the building and maintenance of the strong edifice of freedom and equality that is Canada.

Hon. Elaine McCoy: Honourable senators, I would like to speak to this inquiry before we rise for the summer and adjourn it in the name of Senator Joyal.

I must say that I was inspired by Senator Kinsella, the Speaker of the Senate, who brought forward this inquiry to bring our attention to the cornerstone place that the Senate of Canada has in building and maintaining the strong edifice of freedom and equality that is Canada. We should be constantly reminding ourselves of that particular role and not taking it for granted.

I was also inspired by Senator De Bané's speech the other day about his long tenure as a senator and how proud he was to be a senator and he continues to be proud to be a senator.

Of course, we have recently suffered quite a blow to our reputation that has affected many of us very deeply, and we puzzle over how to withstand blows of that nature. I have even had some senators say to me that they do not know whether they can recover on a personal basis and whether they should resign because they are being brought into ill repute in their home communities. That is how deeply the blow has gone.

I was in an office not long ago of one of the administrative staff members and I asked her in the middle of all of this how things are going. I said, "It is very hectic and quite a strain for you." She said, "It is worse when I go home or over to a friend's house, because they keep saying to me, 'You are working for whom, for what, for that institution?'" I said to her, quite frankly, "Listen, the next time they ask you that, say, 'It is not my fault. It is the senators who have got us into this position.'"

Frequently, I find that people are very polite and do not raise the questions with me, but they raise them with staff, which puts a strain on the staff. However, the truth of the matter is, as we all know, we have suffered a blow to our reputation.

We will recover from that in two ways. First, we will continue to perform our role with the same integrity and excellence as we have always done. The report that Senator Andreychuk presented to us this evening is just one of many examples of the excellent work we have done.

Second, of course, is how we govern ourselves. I want to take this opportunity to congratulate the Standing Committee on Internal Economy, Budgets and Administration, because they have taken a very important step. They have appointed an internal audit committee, a subcommittee of Internal Economy that is separate and apart from the steering committee. It is chaired by Senator Marshall, for whom I have great respect. She was an auditor general in her home province of Newfoundland and Labrador for 10 years, so I know she has the required capacity. I put that on the public record to show that this institution is evolving and we are taking steps to improve our self-governance.

• (2200)

However, I encourage us to go one step further. Best practices in this field are to have an independent audit committee. At the very least, it should be chaired, as is National Finance, by a member of the non-governing party. Better yet would be to have it chaired by an internal independent member or, best of all, an external independent member. I encourage us to continue to walk along the path to excellence and to introduce these best practices in the way we govern ourselves.

I hope that consideration will be given to creating a culture of best practices here, rather than naming and blaming and throwing people under the bus, to use the contemporary phrase, which I think is very unproductive. I hope that something like a practice adviser is introduced, as we have in the Law Society. I believe they have them in the chartered accountants' association as well. We could use that experience here.

In the meantime, I would like to congratulate His Honour and our Clerk for holding an event this morning to remind staff that the Senate, the senior chamber, is well regarded, that it is our continued intention to reach for excellence and that they have a part in that. We need to make it possible for them to achieve that excellence, and part of that will be removing the naming and blaming culture that inhibits their best efforts.

Getting back to helping people understand what we do here at the Senate, which is a way of reinforcing the good work we do here, four years ago a group of six senators, including myself, retained Nanos Research to do some work finding out what Canadians think about the Senate.

One element of that was the importance they put on different aspects of keeping democracy in Canada strong. People were asked how important they thought certain elements were in keeping democracy strong. One aspect was giving voice to Canada's regions, and 87 per cent said either "yes," "very yes" or "very, very yes." Eighty-one per cent were very positive about allowing more free votes. On having government legislation and policies independently reviewed, 81 per cent were very positive.

On having reasonable representation of women and minorities in Parliament, 81 per cent were very positive.

Those four characteristics describe the Senate. People were not asked if they thought the Senate should do these things; they were asked what they thought of those four characteristics in keeping democracy in Canada strong.

We are the living embodiment of those characteristics, and that is why it is so important that we continue to hold our heads up and conduct ourselves in an honourable fashion, as we normally do. As I look around this chamber I know that everyone I see here this evening, and some others who are not, have done that. I can say that I am proud to be a member of this chamber; I am proud to be a colleague of yours.

Some Hon. Senators: Hear, hear!

Senator McCoy: We had two focus groups done. We asked people what they thought the perfect senator looks like, and here are the characteristics. The perfect senator has a diverse background, is experienced, has a long-term view of policy, has the ability to explain choices, uses common sense, is non-partisan, shows up for work — I like that one — and is accountable to someone.

When I look around this chamber, I see those characteristics in operation every day. What the Rules Committee did with the exercise on the rights of Parliament was a perfect example. It was the perfect senators at work. I was proud to be a member of that committee and to work with those people on that.

As we all go home this summer, I hope that we all choose to stand up and be proud — be proud of the institution and be proud of our mission, which is to keep democracy strong.

I often get tongue tied when someone asks, “What do you do?” I made myself a cue card that lists several things that the Senate does, and I put at the top of it, “Yes, proud to be a senator,” just to remind myself to keep my chin up.

The Senate originates independent, in-depth studies, chooses subjects close to every Canadian, gives Canadians a voice in their future, invites all Canadians to share their expertise, is Canada’s best and original think tank, is a microcosm of Canada’s regions and peoples, and strengthens Canadian democracy by elevating the quality of government legislation.

That is what we do, honourable senators, on a regular basis. On the back of the cue card I put three of the Senate’s achievements. I have a section on my Senate website called “Savvy Senate.” One section of that is called “Brains Trust” where I have highlighted many of the reports and debates of the Senate that have made a difference over the years. In 1973 we put out the Lamontagne report, which is still referred to as the essence of Canadian science and technology policy. In 2006 we published the Kirby mental health report. I have also listed *Now or Never: Canada Must Act Urgently to Seize its Place in the New Energy World Order*. That was the report of the Standing Senate Committee on Energy, the

Environment and Natural Resources last summer, which put us squarely in the current debate over a pan-Canadian energy strategy.

Senators could choose examples to put on their own cue cards, if they wish. I will share these cue cards with all of you. Tomorrow you will find yourself with a couple of cue cards in hand. My apologies to my francophone colleagues — I am from Alberta — the cards are in the process of being translated. We have the template for these and I would be very pleased to email that to senators so that they can customize their own cue cards. I have found this very helpful, and I hope that others will, too.

I look forward to meeting all senators again after the summer recess. I am sure that you will all have played a major role in helping to restore our reputation.

Hon. Lillian Eva Dyck: Would the honourable senator accept a question?

Senator McCoy: Yes.

Senator Dyck: The honourable senator is always very clear in her comments and has a great deal of common sense. She has accurately described our current situation.

• (2210)

My first question was going to be if I can borrow the honourable senator’s cue cards, but she has already offered to give them to us. I actually have a PowerPoint on what a senator does, and I would be willing to share that, as well.

The question I have, though, is that, with the current scenario, does the honourable senator not think that the general public is confusing the Senate itself — that is, the parliamentary function of the Senate — with senators? What is happening with some individual senators is different than the parliamentary function, so the general public is not distinguishing the actions of individual senators, which might be termed administrative as opposed to our parliamentary function.

In those discussions, we should indicate that the Senate itself serves an important function. Sometimes individual senators may behave in a way that detracts from that, but the value of the Senate itself is still there and important.

Senator McCoy: Yes, I think that is an important distinction. As well, I thank you, Senator Dyck, for your behaviour, your standing in your community, holding your head up high, disagreeing with behaviour of that nature and saying that you and your colleagues are taking steps to improve our governance. We will be forever rolling forward to ensure that we catch such defalcations; that will make the difference.

It happens in all organizations. It happens in large organizations. We must adopt the best practices as they have been evolving; indeed, they have been evolving in the last 10 or 15 years, and I think we are just catching up on that score.

The Hon. the Speaker: Honourable senators, is it agreed that this item remain standing in the name of Senator Joyal?

Hon. Senators: Agreed.

(On motion of Senator Joyal, debate adjourned.)

UNIVERSITIES AND POST-SECONDARY INSTITUTIONS

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Nancy Greene Raine: Honourable senators, today I wish to share my thoughts on the importance of research in Canadian universities. I welcome the opportunity, especially the training opportunities and knowledge that research provides. Although there are over 100 institutions that participate in research across our nation, most of my knowledge on the subject comes from my time spent as Chancellor of Thompson Rivers University, so I will be using TRU as an example.

Before I talk about the research, however, I want to give a brief overview of what one of Canada's newest universities is all about. I was proud to have been invited to be the first chancellor when the former University College of the Caribou attained university status. Thompson Rivers University has roots that include vocational, technical and academic training. When TRU became a university, the decision was made to keep these all together. This makes for a unique, multi-faceted educational institution where students can take diploma courses, trades training, advanced technical programs and full academic programs, including degrees in the arts and sciences, education, nursing and business. Last year, Canada's newest law school opened at TRU.

Located on a beautiful campus overlooking the junction of two of British Columbia's major rivers, TRU is proud to be well integrated into the City of Kamloops, sharing international-calibre sports facilities and offering many opportunities for the citizens to take part in university activities.

Thompson Rivers University's spectacular setting, as well as its quality of course offerings, has made it a university of choice for international students. This internationalization benefits all TRU students. Extensive opportunities for building intercultural understanding, both in the classroom and through international exchange and field school activities, have led to the development of a global competency credential at TRU. As a result, many TRU alumni become leaders in facilitating business and trade both at home and abroad.

The university has also been an international leader in the development of prior learning assessment recognition; that is, finding a way to give credit for learning that has taken place at other education institutions in the workplace or through other life experiences. TRU holds a provincial mandate to provide accessible, recognized and quality post-secondary education through flexible learning methods. TRU's online and distance courses reach students of all ages, both rural and urban, in B.C. and across Canada. Some 3,000 students are enrolled in the Open Learning Institute.

Honourable senators, TRU is located on the traditional territory of the Secwepemc people and the local First Nation has been a strong supporter of the university since the early days. The Tk'emlups Indian Band has worked with archeologists and traced their settlements back more than 10,000 years. Today, Thompson Rivers University is a leader in serving Aboriginal students, with 10 per cent of TRU's students coming from First Nations across B.C. and beyond.

The university's Director of Aboriginal Learning, Nathan Mathews, is recognized nationally for the work he has done with the B.C. First Nations Education Steering Committee, a unique partnership between federal, provincial and First Nations to develop comprehensive education programs. Education is the key to the success of Aboriginal people, and this is well recognized throughout British Columbia.

The Honourable Len Marchand, one of the first Aboriginal members of Parliament and later senator, was also one of the first Aboriginals to graduate from the University of British Columbia. With a degree in agriculture, Senator Marchand worked in research at Agriculture and Agri-Food Canada's research station in Kamloops.

The recent announcement of the closure of that same research station in Kamloops may well prove to be a long-term opportunity for research programs at Thompson Rivers University. The station had recently changed its focus from animal research to grasslands research, which is also an area of expertise at the university. The facility is in excellent condition, and the research station lands include a mix of grasslands at different elevation levels, a unique setting for ecosystem research.

Local MP Cathy McLeod is bringing together interested stakeholders, including the BC Cattlemen's Association, local ranchers, First Nations, provincial officials, and Thompson Rivers University to look at solutions and opportunities for the station.

Honourable senators, I have digressed a bit from the focus on research, but I wanted to set the stage for the kind of research that is going on at Thompson Rivers University.

Today, TRU houses several research centres that act as hubs for a range of research activities. The TRU faculty includes nationally renowned investigators working on problems that have the potential to shape the future and improve our everyday lives: improving medicines; understanding ecosystems; forging links between arts and science; mapping the frontiers of electronic learning; and providing fresh, collaborative ways to support communities.

Graduate students at Thompson Rivers University are able to conduct research under the supervision of leading experts in their fields, from education, to social work, to nursing, to natural resources sciences. In addition to supporting graduate student research, TRU is developing a national reputation for training undergraduate researchers and hosts an annual undergraduate student innovation and research conference. TRU has embraced student research as a method of inquiry-based and creative learning.

Canadian students face an ever more complicated world with many challenges. Through leading-edge research, they have the opportunity to become active participants in the quest for new knowledge — knowledge that leads to new discoveries, new technologies and new ways of understanding our increasingly complex social and economic issues.

At TRU, undergraduate students are benefiting from research opportunities once reserved only for graduate students and post-doctoral fellows. They are working closely with their professors, engaging in new ways of learning that will change our world.

Honourable senators, here are a few specific examples of the research taking place at Thompson Rivers University.

Dr. Lauchlan Fraser is Canada's Research Chair in Community and Ecosystem Ecology. With a focus on grasslands, he works alongside other researchers with expertise in range management, grassland biodiversity and wildlife. They all work in collaboration to address the issue of sustainable grassland ecosystems.

Honourable senators, another example of research at TRU is the work being done by Dr. Karl Larsen and his team, who are working with industrial partners in the mining sector to understand how reclamation efforts enable plant and animal species to reestablish themselves on disturbed landscapes.

• (2220)

Many of Dr. Larsen's labs focus on the conservation of species associated with the dry arid grasslands of central British Columbia. These grasslands constitute a unique ecosystem in Canada and support a wild array of animals, including many species found nowhere else in the nation. Environmental sustainability is an important part of today's mining methodology, and practical research will make a big difference in the ability of industry to develop the mineral resources that are so important to our economy.

Dr. John Church, British Columbia Regional Innovation Chair in Cattle Industry Sustainability, is providing leadership in ranching, range management and meat products. Dr. Church and his research team at TRU are engaged in a unique meat analysis project, providing vital information to the beef and bison industry on the nutritional profile of beef and bison meat and the health benefits of grass versus grain-finished meat.

Mathematics professor Dr. Roger Yu heads the Centre for Optimization and Decision Science, working to expand our understanding of optimization and decision making through interdisciplinary research, development and innovation of quantitative approaches applied to complex systems — in other words, providing simple answers to complex questions.

Dr. Yu and his team at TRU work with private sector business partnerships. For instance, they have helped Pelesys Learning Systems to build an automatic system that assists in the scheduling of training for airline pilots, effectively compensating for the industry's shortage of flight simulators. In the past, they worked on data mining, helping to develop an award-winning health care resource management system to efficiently utilize physical space, people and equipment. The team is currently working with area manufacturers to improve robotic engineering tools with Teck's Kamloops-area Highland Valley Copper operation to develop a key performance index.

Honourable senators, researchers at TRU and other Canadian research institutions are engaging in research that impacts communities across Canada and around the world. By creating learning environments that excite young people, and by giving them opportunities to work with world-class researchers, Canadian universities are inspiring a commitment to research in the next generation. TRU and indeed other universities provide similar opportunities and foster responsible growth, innovation and an improved understanding of our increasingly interconnected world.

Honourable senators, our universities are a source of new knowledge, innovation and real-life experience for our learners. We must maintain and increase our investment in this process to keep Canada and Canadians at the leading edge of research.

The Hon. the Speaker *pro tempore*: Further debate? Honourable senators, is it agreed this matter stand adjourned in the name of Honourable Senator Fraser?

Hon. Senators: Agreed.

(On motion of Senator Fraser, debate adjourned.)

CHILD, FAMILY AND ADOLESCENT MENTAL HEALTH

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell, calling the attention of the Senate to the work of Child, Family and Adolescent Mental Health and its need for ongoing support and infrastructure.

Hon. Grant Mitchell: Honourable senators, I know it is late, and after many late nights, we are all tired. I appreciate honourable senators' patience and attention to what I believe to be a very compelling and important topic.

Tonight I am speaking about the valiant and persistent efforts, often against great odds, of CASA, a northern Alberta not-for-profit organization that has been providing services to children and adolescents with mental health and learning problems for more than three decades. By extension, CASA works with and supports the families of these children, who suffer deeply along with them.

CASA has served our community — northern Alberta, based in Edmonton — and many children and families within this community with great distinction for these many years.

I speak today specifically to draw attention to the desperate state of their facilities and their need for a capital infusion to replace a collapsing building with a modern educational and treatment facility. I speak to draw attention to the fact that despite tireless efforts, CASA has been unable to secure the funding they need to do their important work at the high level at which they want to do it, and we need them to do it.

It is suggested by the experience of CASA in this regard, I believe, that support for children's mental health services, including federal support, is inadequate across the country and in need of attention.

This neglect of children's mental health services can and does have serious rebound effects that harm children's lives and incur untold costs on society more generally. Untreated childhood and adolescent mental illness and disability, including learning disabilities, result in adults whose lives and the lives of their families are diminished by sustained and worsening mental illness; who cannot find or perform productive and fulfilling work; whose continuing problems will bear on social support networks in their futures; and whose behaviour trajectory can often bring them into intense conflict with the law.

Research further shows that those with lifelong mental illnesses are as much as four times more likely to be victims of crime. For three decades, CASA has stood between so many vulnerable northern Alberta children and these outcomes. CASA has helped and helped, and now CASA needs our help.

CASA is the most remarkable of institutions. It is a non-profit that is run, as so many are, by a voluntary board. Since 1978, it has provided educational and mental health services to some of the most vulnerable and disadvantaged children and adolescents in our northern Alberta communities. CASA's staff is literally state of the art. It is filled with multidisciplinary professionals, including psychiatrists, nurses, social workers, teachers and therapists. Their services include academic support, social skills training, psychotherapy and a variety of other therapies including trauma and attachment therapies. They provide specialized programs like Headstart and outreach for Aboriginal children.

From their recent newsletter, I would like to select some lines for honourable senators' consideration to provide some insight into the kinds of issues that CASA deals with:

Start with a real live child, the one you know who is near and dear to your heart. Mix in a double helping of depression or anxiety disorder, a splash of Attention Deficit Hyperactivity Disorder and, to top it off, a learning disability and perhaps developmental delay. These multiple issues often cluster together in a number of combinations that make a child's life very stressful at home, at school and in the community. The child's pain is further complicated by the impact of loving but worried, stressed-out adults in their lives. All of this, when unaddressed, has serious long-term impact on the child's emotional well-being, and social and educational development.... and if a child was one of these conditions, there is a very increased chance of one or more of these other conditions also occurring, each with its own degree of intensity.

Testimonials from CASA include the heart-wrenching story of a four-year-old who claims he wants to stab himself with a knife, a nine-year-old girl who contemplates suicide, a 14-year-old girl who sets fires to her school following the trauma of a violent assault.

Of particular importance in the context of crime prevention, CASA provides day treatment programs for children and youth suffering from oppositional defiance disorder, ODD; conduct disorder, CD; and antisocial personality disorder. ODD occurs in about 10 per cent of all children. It presents as a very bad case of a very bad temper and is characterized by blaming one's mistakes on others, being spiteful and vindictive, being cruel and deceitful. If left untreated, in a typical and reasonably stable home environment, about half the children grow out of it. The other half, perhaps not lucky enough to have stable homes and consistent parental attention and discipline, will often go on to develop conduct disorder and even antisocial personality disorder.

• (2230)

Those suffering from these kinds of conditions are typified by their engagement in criminal behaviour — setting fires, theft and assault. This is not just kids being kids; these are serious crimes spurred by mental illness that far too often goes untreated.

To focus on the importance of CASA's work for the greater good, honourable senators, consider a study conducted in 2006 by the U.S. Department of Justice, which found that up to 87 per cent of the youth incarcerated in juvenile detention centres at any given time across the U.S. had been diagnosed with conduct disorder. These numbers are consistent with the Canadian experience, where the vast majority of youth in juvenile detention centres suffer from conduct disorder, learning disabilities and/or similar conditions.

It is not just crime that is at stake here. A 1997 study of teen suicide in a large metropolitan centre in Canada concluded that 89 per cent of teens' suicide notes contained spelling errors and handwriting consistent with learning disabilities. Another study, conducted in 2009, found that people with reported learning disabilities were twice as likely to report high levels of distress, depression, anxiety disorders and suicidal thoughts, and all of these things seem to get worse with age.

These conditions are what the children and adolescents helped by CASA suffer and confront every day of their lives. CASA treats these children with compassion, dignity and respect, and with state-of-the-art mental health and other related professionals.

CASA serves about 3,000 infants, children and youth at any given time. They see about 200 per day in one program or another, and fully 13 per cent of the children enrolled in CASA are Aboriginal.

What is the cost to all of us in not adequately treating these children and youth? Alberta has just built a \$600-million remand centre in Edmonton. Eighty per cent of the inmates there will have some form of childhood psychological trauma, learning disability

or any number of mental health issues. There is credible evidence that for every dollar we put into child and youth mental health treatment, we avert \$7 of cost in future public support, and that in no way anticipates the cost of their lost productivity to our economy and to our society throughout their lives.

Ninety-eight per cent of the parents of children treated by CASA will say that the care they have received is excellent. We can imagine one can see in their eyes the profound gratitude for what CASA has done for their children and for their families. Compare that with the evidence that 87 per cent of incarcerated youth have mental health disorders like ODD and CD, and we can see a good part of the value of CASA's remarkable work.

It often takes many years for a young brain to be damaged, through the accumulated trauma of a dysfunctional home life or often no real home life at all. For genetic mental health conditions, it can take many years, or they can worsen significantly over the years as well.

The science of mental illness and behavioural problems is such that we can now predict with a good deal of accuracy what will become of a very young child displaying given kinds of behaviour if he or she is not treated. Often it is all too easy to predict that they can end up in the criminal justice system and we would have known that it was going to happen.

Among the many tragedies in all of this is that there are not enough resources available for the kinds of treatment that are required, even though so much of this mental illness is actually treatable. The science and understanding that can now predict outcomes can also change them, and it takes many years of specialized care and treatment to fix these illnesses, or at least to diminish their most corrosive effects.

It requires continuity, persistence, people and facilities. It requires the kind of care and treatment provided by CASA, but while CASA is capable of providing the continuity, the persistence and the people — and it at least has been to this point — it is the facility that eludes them.

The problem is that CASA does much of its work out of a 62-year-old former school. It is crumbling, with gaping fissures that go from inside to outside. I have seen them. You can literally see through the walls in some places. It is impossible to heat this facility adequately in the winter and impossible to cool it adequately in the summer. There is not enough room in it for all that CASA has to do and for all the good that CASA can do. It is a school without a state-of-the-art mental health treatment facility. It is a school. It is not the kind of full-service treatment facility that CASA really needs.

They need \$18 million for a new facility and they cannot get it. They cannot get help from the province and they cannot get help from the federal government.

The remand centre cost \$600 million, and recently the Stollery Children's Hospital in Edmonton received \$55 million. The Stollery is also a remarkable and wonderful institution, and it deserves and needs that \$55 million. Consider that every bit as profound as the health problems that the Stollery deals with, with

so many children, and deals with so well, are the mental health problems that CASA deals with as well. Every bit as profound as the problems that Stollery deals with are the mental health problems that CASA deals with. However, the health problems that CASA deals with have that stigma that is attached to mental health issues, unfortunately, and they seem to get forgotten.

To compound the stigma of these afflictions is a facility that is so old and decrepit that it is an unfortunate analogy for that stigma and only reinforces what every child who goes there must feel already every day of their lives. Eighteen million dollars is what is required.

In 2011, it cost up to \$250,000 to house an inmate in prison for one year, not to mention the cost of building the cell, and yet we seem to focus on imprisoning as the priority way for dealing with crime. If the work of CASA averted just 72 of the 3,000 clients they have right now from ending up in prison, we would break even on CASA's \$18-million facility requirement in just one year. The savings? Compare \$250,000 for a year in prison with CASA's average cost per client, which is \$3,500 per year.

We are an enlightened society. Canada is a remarkably giving and compassionate place. There is so much money in our society today, more than ever before, and so few seem to have any of it, or so often it seems not to be where it needs to be to make lives significantly better.

I know the argument that says we are all responsible for ourselves, and there is a certain romantic appeal to that idea of rugged individualism, but neither of these concepts applies to these troubled children and their struggling families. They lack the capacity to fix these problems, to confront this pain by themselves. They need our help; the families need our help; and CASA needs our help. Somehow the federal government has to address this case and cases that I am sure exist all across Canada just like it.

It can be argued that this is not federal jurisdiction, and in fact the federal government argues that, but the supports that these young people will need as adults often fall within federal jurisdiction and cost the federal taxpayer.

The federal government needs to break this impasse. It is the right thing to do. We will all be stronger and better for having done it and so will these children and families who so desperately rely on all that CASA can give them.

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

Senator Mitchell: Yes.

Senator Cordy: Thank you very much for an excellent inquiry. I made a request to the Social Affairs Committee that we do a study on the mental health of children and youth. I hope the steering committee will look favourably on that. I agree with the honourable senator; it is so important.

In fact, former Senator Michael Kirby, who as honourable senators know chaired the Mental Health Commission, has suggested that indeed we have to do a lot of work on children and youth mental health because children with mental health problems are falling through the cracks.

The honourable senator certainly indicated indirectly in his speech the effect early intervention would have in helping children and youth. Many of the adults who have mental health problems have said the first time they recognized it was when they were teenagers. Does the honourable senator believe that early intervention would be beneficial to children and youth?

Senator Mitchell: Could I have five more minutes?

Hon. Senators: Agreed.

Senator Mitchell: Honourable senators, there are several points there I would like to address.

First, I am happy to hear that consideration has been given to the possibility of the Social Affairs Committee doing a study. If that is to be the case, I would encourage that CASA be called to witness and that perhaps the facility in Edmonton be the object or target of a visit by the committee. It would be revealing and powerful. I was moved deeply and profoundly when I visited.

• (2240)

I want to emphasize the importance of early intervention. In fact, Stan Kutcher from Nova Scotia is a well-known psychiatrist who has done a great deal of work. I was at a presentation he made where he makes the point that young brains — very young brains, almost from birth sometimes — can be damaged and are damaged by the environment within which they live, such as dysfunctional homes, or other kinds of pressures and stresses that youth can be subjected to. Over time, that can mount and compound the illness that they may be genetically predisposed to having or that may be inflicted upon them because of these circumstances.

He makes it very clear, and the research and studies beyond even what Dr. Kutcher does make it clear that early intervention at any stage, even later in life, but the earlier the intervention, the more likely it will be successful. It needs to be comprehensive and all-encompassing because often these children have been in a comprehensive and all-encompassing very negative environment. Therefore, they need to have a facility like the one imagined by CASA where they can come and spend day after day in a defined, compassionate environment where they can receive the mental

health and learning disability kinds of support that they need and that will really make their lives better and make them better contributing members of society in the longer term.

(On motion of Senator Cordy, debate adjourned.)

VOLUNTEERISM IN CANADA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer calling the attention of the Senate to Canada's current level of volunteerism, the impact it has on society, and the future of volunteerism in Canada.

Hon. Hugh Segal: Honourable senators, Senator Robichaud has allowed me to speak for 60 seconds on this matter, and I will not exceed that.

This inquiry talks about the importance of volunteerism, and I have two reports in both official languages on the volunteer efforts of community groups to reduce poverty in Kingston. This is not about government. This is not about calling on government to do things. It is about people like the United Way, organizations working with kids, church organizations and others who worked for two years across our great community to find solutions that they themselves could put in place to make the lives of those who live in poverty easier and more constructive. If I had the indulgence of the chamber and unanimous consent in both official languages, I would table these reports so that all honourable senators could benefit from the content.

I would hope that honourable senators might consider sharing information from their own parts of Canada where similar work is being done in a fashion that contributes to our understanding of the dynamics of this issue.

(On motion of Senator Robichaud, debate adjourned.)

(The Senate adjourned until Wednesday, June 26, 2013, at 10 a.m.)

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