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Wednesday, January 29, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Wednesday, January 29, 2014

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

Prayers.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding to Senators' Statements, there is some house business to deal with. As Speaker, I have received a letter from Mr. Justin Trudeau, M.P., Leader of the Liberal Party of Canada, which reads as follows:

January 29, 2014

Dear Speaker Kinsella:

I am writing to inform you that I have taken the decision as Leader of the Liberal Party of Canada, that Senators, who were previously members of the Liberal National Parliamentary Caucus, are no longer members of this Caucus, and as such, are independent Senators. I have informed these Senators of this decision today.

This decision is about ensuring that Canadians have a Parliament that works better for them. I believe that this is best achieved through a reformed Senate without partisanship and patronage.

Thank you for your attention to this matter.

Sincerely,

Justin Trudeau

Leader of the Liberal Party of Canada

Honourable senators, I have asked that copies of this letter be circulated. I also ask for your permission to table this correspondence. Is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: Agreed.

Comments? The Honourable Leader of the Opposition.

Hon. James S. Cowan (Leader of the Opposition): Colleagues —

An Hon. Senator: Oh, oh!

Senator Cowan: Something has changed in here today.

Colleagues, today the Senate enters a new era. This morning —

[*Translation*]

Hon. Claude Carignan (Leader of the Government): I would like some clarification on this. You recognized Senator Cowan as the opposition leader, but we just received a letter from the leader of the Liberal Party of Canada indicating that the senators will now sit as independents.

This causes considerable confusion, since you gave Senator Cowan the right to speak first and recognized him as the Leader of the Opposition. As honourable senators know, we have rules governing our proceedings. With regard to statements, it is customary to start with a speaker on the government side and then move on to the opposition.

First, we need to know whether there is an opposition party on the other side. Second, according to the Senate Rules, the recognized party must be made up of at least five members, meaning that there must be at least five senators who are members of the Liberal Party of Canada or another recognized party.

I would now like to read from the letter, which states the following:

[Liberal senators] are no longer members of this Caucus, and as such, are independent Senators. I have informed these Senators of this decision today.

Therefore, we need to know how many senators opposite are members of the Liberal Party of Canada to determine whether we have a recognized party, since the party leader is suggesting that these senators are no longer members of the Liberal Party of Canada.

This clarification is also important for determining speaking time. As you know, Mr. Speaker, the Leader of the Opposition has unlimited time to speak. If he is no longer the opposition leader, he has only 15 minutes. In a sitting where the whip may have a role to play, we have to know who the whip is. We also need to know the number of senators. We can wait a little while and we can figure out how many senators are still members of the party over the next few hours. We need to know not just whether there are more than five party members, but how many there are in total.

As you know, honourable senators, committee membership and budget distribution also depend on the number of members there are in a party. If there are seven or eight members left, there can be an opposition leader for those seven or eight people, but we would have to review committee membership and budget distribution.

I would therefore like to know who on the other side of the chamber is a member of the opposition. Is there an opposition? Do they have a leader?

[English]

Senator Cowan: First, let me reassure the Leader of the Government in the Senate that he has an opposition, and it's going to be a very vigorous opposition. Before he stood, I was about to explain exactly what went on this morning and how we see events unfolding. With your permission, Your Honour, I would do so.

I would perhaps refer to two sections in the Appendices to our Rules. The first is on page 123: "Recognized party" is "A caucus consisting of at least five Senators who are members of the same political party." You can rest assured that there are many more than five members of the Liberal Party of Canada in good standing on this side.

Second, it says that the "Leader of the Opposition" is "The Senator recognized as the head of the party, other than the Government party, with the most Senators."

• (1410)

As I'll explain, after Mr. Trudeau's statement this morning we met as a group and we made certain decisions, which I was going to impart to the Senate in my statement this afternoon. If I may, I will proceed with it now, and I hope that this will answer the questions that the Leader of the Government in the Senate has raised.

Colleagues, today the Senate enters a new era. This morning Mr. Trudeau announced to Canadians that beginning immediately, only elected members of the House of Commons, or "the other place," as we call it here, will serve as members of the national Liberal caucus. Those of us who are members of the Liberal Party of Canada who sit in this chamber are now officially independent of that national Liberal caucus.

As we here all know, the Senate has been facing one of the greatest crises of public confidence in its 150-year history. One of the strongest criticisms has been that senators are not in fact independent and therefore are not able to exercise the sober second thought that Canadians expect and deserve. The perception has been that senators are unduly influenced by our respective caucus colleagues in the other place.

That has not been my experience. I can honestly say that in my experience, my colleagues in the House of Commons have not dictated to those of us on this side how we should vote on particular measures.

The decision today by Mr. Trudeau decisively removes any shadow of this perception.

[Senator Carignan]

Another widely held view of the Senate is that it has become too partisan. With his action today, Mr. Trudeau has swept away all grounds for that criticism — at least for this side.

This is an historic day for the Senate, colleagues. We are entering uncharted waters, and while I will not pretend that we knew this was coming, my colleagues and I are excited and invigorated by its possibilities.

Mr. Trudeau has challenged Prime Minister Harper to join with him in this historic reform and renewal of the Senate. We will have to wait and see. I know that a number of senators on both sides of the chamber have supported this approach for some time as the way for the Senate to best fulfill its role and serve Canadians.

I am proud to tell you that when we met this morning following Mr. Trudeau's announcement, my colleagues voted to confirm our leadership team. Accordingly, I will continue to serve as Leader of the Opposition in the Senate. Senator Fraser was similarly elected to serve as deputy leader, Senator Munson as our caucus whip and Senator Hubley as deputy whip. As well, Senator Mitchell will continue as chair of our caucus.

I am a proud member of the Liberal Party of Canada and I am proud of our leader, Mr. Trudeau. This was not an easy decision for him, but it is the right decision for the Senate and most especially for Canadians whom we serve. Mr. Trudeau has liberated those of us who sit on this side of the chamber from the perception many Canadians have that we are controlled in our actions by the leader of our party or by its members in the other place.

As I have repeated in every session since I first became Leader of the Opposition here, we will do our best to fulfill our constitutional role as members of an active, thoughtful, dedicated opposition, exercising our mandated role of sober second thought. We will carefully scrutinize the government's legislative program and will propose legislative measures of our own. Where we find fault with legislation, we will propose amendments to improve it. Where we find favour with the government's proposals, we will support them. Always, our guide will be the public good.

As we approach our one hundred and fiftieth anniversary as a country, I believe this change will allow the Senate to better realize the potential envisaged by the Fathers of Confederation — a truly independent chamber of sober second thought.

Some Hon. Senators: Hear, hear!

[Translation]

Senator Carignan: Honourable senators, Mr. Speaker, the messages we are getting this afternoon are very confusing, especially the message from the leader of the Liberal Party of Canada, who wrote us a letter to tell us that today, he informed his senators of his decision that they would no longer be members of his caucus, but would be independent senators from now on.

Senator Cowan said that the senators met as a group and that they form the opposition party, that they are proud Liberals, and that they will continue to be and to believe in the party. That is contradictory. Some senators raised this point earlier, saying that they are members.

People have to follow a procedure when they are appointed to the Senate. They meet with the Clerk and sign a form stating which party they belong to, under which party banner they will sit in the Senate. As it happens, all the senators appointed in recent years have chosen to sit as members of the Conservative Party of Canada. It was a popular and purely coincidental choice.

Because of our Rules, the attribution of public funds, particularly to the opposition, and the need for justification, it is important that each senator who claims to be a Liberal senator and who wants Senator Cowan to be the party leader write to the Clerk stating that he or she wants to sit in the Senate as a member of the Liberal Party of Canada and supports the decision to designate Senator Cowan as the party's opposition leader. That will help clarify how the rules apply and tell us who they are. Any who do not sign may choose to sit as members of another party, such as the NDP. It is important that we clarify this situation. I would ask that they sign a new letter and send it to the Clerk.

[English]

Senator Cowan: The leader is correct that when we come to the Senate, we sign a designation. We self-designate or self-describe ourselves.

If any of my colleagues wish to withdraw from the Senate Liberal caucus and identify themselves by some other name, they are willing and able to go and do that, and maybe some of them will. As far as I know, some of our colleagues were not at caucus this morning, and they're free to make up their own minds. If they want to become members and remain members of the Senate Liberal caucus, they are free to do so. If they want to go to the Clerk and sign another designation, they are free to do that. But I certainly wouldn't ask that colleagues of yours on your side be asked to go to the Clerk's office and reaffirm their loyalty to you as leader of their party. They can do that if they want to.

If you would like to apply to join, we would consider your application, Senator Tkachuk. I can't promise you a positive result, but we would be pleased to look at it.

In any event, I think our situation is clear. If anybody wishes to change the designation they filed with the Clerk, they are free to do so.

[Translation]

Senator Carignan: Honourable senators, obtaining that designation is important because we need to avoid contradiction. The letter from the leader of the Liberal Party of Canada clearly stated that they are independent senators. Contradictory information is coming from the other side. They have to resubmit their designations. If they don't, we will have to sit down and decide when we determine committee membership and the budgets allocated to each party.

[English]

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, I would observe that what the Leader of the Liberal Party of Canada did today was say that we will no longer be members of the national caucus of the Liberal Party of Canada.

• (1420)

That is what he said.

He also said, very explicitly, that of course we remain — those of us who wish to remain, and I think we all do — members of the Liberal Party of Canada. And we are members of that party. I have the documentation to prove it.

It is not, may I say, for the leader or for any member of the House of Commons to determine how the Senate orders its affairs. The Senate says that the Leader of the Opposition is the leader of the largest group — other than the government party — of members of a given party which is or has been recognized under the Canada Elections Act. That is what we are. We are members of the second largest party represented in this chamber.

You may choose to say that we are independent, although I notice that even in his letter Mr. Trudeau uses a small "i," not a capital "I," but the fact is we make our own decisions in this place —

An Hon. Senator: On this side.

Senator Fraser: Oh, yes, on this side. Forgive me; I forgot for a moment. We, on this side, have decided that we remain Liberals together in united caucus. It's very simple.

Some Hon. Senators: Hear, hear.

Hon. Anne C. Cools: Honourable senators, I am having a little difficulty grasping what is happening here, and I should like to appeal for some help.

I said earlier in interviews that I thought all senators should be allowed a few minutes or a day to think things through to try to understand what is really occurring here. As colleagues know, I am not one to act hastily. What is happening here is so unusual and without any precedent that I know of. I think that these events should be approached with caution. Some time should be taken to make these decisions and to communicate them. It would do us all well to take some time to reflect.

Honourable senators I have always understood the importance of party systems in the day-to-day functioning of Parliament. I have always understood that the word "caucus" in the instance of the two houses of Parliament means the members of a known, established party who are members of the Senate. In other words, members of the Liberal Party who are members of the Senate are the Liberal caucus.

Something is being turned on its head. The leader of the third party in the House of Commons, Mr. Justin Trudeau, has taken the freedom unto himself and, I would conclude from that, the authority, and the power as leader of the Liberal Party of Canada, to write to the Speaker to inform him that he has taken a decision as Leader of the Liberal Party of Canada.

This is very important. He uses the words "... who were previously members of the Liberal National Parliamentary Caucus...." Well, they are not really "previously".

There is something very wrong here, colleagues, because if the Liberals here are saying that because they are members of the Liberal Party of Canada they can continue to be as this new Liberal caucus that is in conflict with the letter from Mr. Trudeau.

I am not sure what the rubric is that we are operating under right now. Does anybody know? Where are we on the Order Paper?

We are on a point of order? I'm glad.

Your Honour, you have been asked to resolve and rule on this matter. Well, good luck. Your Honour, I have always understood that, as Speaker, you should steer a wide berth around party matters. I will encourage you to do that.

Even if we have here the formation of a new party happening before our very eyes, I am tempted to argue that this is not a point of order. But I shall not go there.

Honourable senators, very clearly, party caucuses rely on the leadership of the national party, whether it is the Conservative Party or the Liberal Party. The only solution that I can see to this problem, Your Honour, is that perhaps we should invite Mr. Justin Trudeau here to come and explain what he meant as the Leader of the Liberal Party. We have a claim before us for continuing and continued membership of the Liberal Party. It is very interesting. I don't know how this will be sorted out, and I didn't expect that Senator Cowan would proceed so quickly. I wonder what the reason is for the haste.

Mr. Justin Trudeau says here "Liberal National Parliamentary Caucus," so he has widened his scope from the House of Commons to both houses. I think we have to find out if Mr. Justin Trudeau speaks for the Liberal Party of Canada in this letter.

Honourable senators, anything that is produced so hastily cannot be well thought through, unless perhaps this was a plan hatched and incubated for a considerable period of time unknown to me. I don't get the impression that has happened, because every Liberal caucus member here was taken by surprise earlier today. I think every member of the Senate was, too.

I do not know if Mr. Trudeau's whole letter has been read into the record, but it is clearly on the letterhead of the Liberal Party of Canada. It is very clear, and is dated January 29, which is today. It says "Leader of the Liberal Party of Canada"; so the

Leader of the Liberal Party of Canada has spoken and has said there are no Liberal party members of the Senate. This is what he seems to be saying.

He says here Liberal senators "... are no longer members of this Caucus, and... are independent senators." He is clear that they are not members of the Liberal parliamentary caucus, not House of Commons caucus, but of the two houses.

I think we should slow this down a bit, colleagues —

An Hon. Senator: Oh, oh!

Senator Cools: I beg your pardon? You're welcome to speak, Senator Dawson; any time you want, you can speak once I yield the floor.

Colleagues, this whole matter is disturbing. I think it should be approached in a much more measured way than it is being approached. I don't understand the rush. From what I can see, no one here has put the members here. As matter of fact, I felt a lot of sympathy and a high degree of pain and concern for these individuals today. It's a terrible thing for human beings to dedicate their life to the service of a political party and from one moment to the other to find that rug pulled out from under them.

• (1430)

I am very respectful of that because I have had the undoubted privilege of serving in caucuses, and I know a lot about that process.

I don't see anywhere to resolve this issue other than through the mouth of Mr. Trudeau.

Hon. Wilfred P. Moore: Briefly, speaking to the point of order, I wish all in attendance here today to know that I am a member of the Liberal Party of Canada, and I wish to be a member of the Senate Liberal caucus.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I would like to speak to the point of order raised by the Honourable Leader of the Government. I too want to declare that I am a member of the Liberal Party of Canada and that I wish to be a member of the Senate Liberal caucus.

[English]

Hon. Serge Joyal: I seldom rise on points of order, but today I will rise, because I feel personally called upon to take a stand.

Honourable senators, I remember very well when a similar question was raised some years ago during the discussion of the merger between the former Progressive Conservative Party and

the Alliance Reform Party, and a certain number of members of the previous Progressive Conservative Party took a stand of remaining sitting on their own. There were very eminent senators among them. I will mention one, former Senator Lowell Murray, who commanded respect on all sides of the house, as did former Senator St. Germain, whom I admire personally, with his commitment to the support and enhancement of the rights of the Native people. I could go on about the eminent qualities of those senators.

Following that, the Standing Committee on Rules, Procedures and the Rights of Parliament was called upon to review the rules pertaining to the recognition of parties in the Senate. It is following discussion issuing from that situation that we came about — and you will find it in your *Rules of the Senate* under Appendix I: Terminology. If you go to the terminology section of the *Rules of the Senate*, I ask the honourable senators to look at the words “Recognized party.” For the sake of this institution, and I repeat, for the sake of this institution only, a “Recognized party,” and I read, honourable senators, is:

“A caucus consisting of at least five Senators who are members of the same political party. The party must have initially been registered under the *Canada Elections Act* to qualify for this status and have never fallen subsequently below five Senators. Each recognized party has a leader in the Senate.”

Then you can go on to the other items of the terminology to know who the Leader of the Opposition in the Senate is, who qualifies, and so on.

The issue here today is “party.” I repeat:

“The party must have initially been registered under the *Canada Elections Act*...”

That is the situation of the Liberal Party of Canada, and a caucus consists of at least five senators who are members of the same political party.

I hold a membership card with the Liberal Party of Canada, and there is a procedure in that party to expel me from that party. There are conditions; there is a procedure. Unless this procedure is initiated against me personally in the case that I have broken the rules or the conditions for my membership in that party, I claim that under section 2 of the Canadian Charter of Rights and Freedoms, which is the right of association, I have the right to be a member of the association if I fulfill all the conditions, I pay my dues, I recognize the leaders, and so on. You can go into the constitution of the party.

So I claim, Your Honour, that as long as my status as a card-carrying member of the Liberal Party of Canada is in good standing with that party, I can stand here and claim that I am a member of that party, and if five of us have that status, then we can claim that we will be a recognized party under the present *Rules of the Senate*.

Senator Moore: We need two more.

Hon. Terry M. Mercer: Mr. Speaker, I want you to know that I have been a member of the Liberal Party since 1968, and I remain a member of the Liberal Party, a member in good standing. I am a proud supporter of the Liberal Party and a proud supporter of our leader, Justin Trudeau, but I am also a very proud member of the Senate Liberal caucus, and I want that on the record.

[Translation]

Senator Carignan: Senator Joyal raised a good point when he said they must be members in good standing of the Liberal Party of Canada and that there must be at least five of them.

Mr. Trudeau’s letter clearly stipulates that they will no longer be members of the national Liberal caucus and that they will henceforth be independent senators. The President of the Liberal Party of Canada was copied on the letter.

I am not familiar with the constitution of the Liberal Party of Canada, but when the leader says that these people will no longer be Liberals —

[English]

Senator Cowan: He doesn’t say that.

Senator Fraser: He does not say that.

Senator Mercer: Vote where you sit then.

[Translation]

Senator Carignan: — and he even sends a copy of the letter to the President of the Liberal Party of Canada... He sent it to the President of the Liberal Party of Canada!

To ensure that everything is in good order, over the next few hours I would like to ensure that the senators have chosen a designation, to determine whether the party has at least five members in order to be a recognized party. Then I would like to know how many are members — some senators may have changed their minds — because if they are sitting as independent senators —

[English]

Senator Mitchell: Did your caucus vote for you?

[Translation]

Senator Carignan: — there will also be financial consequences and consequences with regard to the rules and committee membership. I am not asking that membership cards be submitted at this very moment, but over the next few hours, I would like to have that information and present the Clerk with confirmation as to which senators wish to sit as a Liberal in the Senate, for the sake of clarity.

Senator Joyal: Honourable senators, I will do my best to answer the question from the Leader of the Government in the Senate based on the information that I have.

I understand why the leader of the Liberal Party of Canada, Justin Trudeau, sent that letter to the president of the party, given that in the Liberal Party constitution, there is a body called the parliamentary caucus.

Accordingly, senators who are no longer members of the parliamentary caucus are no longer governed by the provisions of the party constitution that pertain to the status of the parliamentary caucus in the party's decision-making bodies. However, this does not prevent an individual from being a member of the Liberal Party of Canada. We are no longer members of a party body called the "parliamentary caucus," but we remain supporters of the party like everyone else, because the leader does not have the power to expel a member from the party without a formal procedure and without cause.

One does not remain a member of the Liberal Party of Canada at the leader's whim. We have the right to be a member of the Liberal Party of Canada if we pay our dues, meet all of the eligibility requirements and continue to meet them. Certain tribunals have already ruled on this matter. That is why I referred to section 2 of the Canadian Charter of Rights and Freedoms.

Insofar as senators were members of the parliamentary caucus, they will no longer be members from now on and, accordingly, the status that they had in that regard in the party constitution will no longer apply. The leader alone decides on the membership of the parliamentary caucus, and he alone determines who is a member and under what conditions one can be a member of the parliamentary caucus or be expelled from it.

• (1440)

Therefore, there is a difference in terms of the level of participation in party activities, and I have not recently read the *Conservative Party of Canada Constitution*, but I am sure that it also recognizes the parliamentary caucus for Conservative members of Parliament and senators. These parties have obviously been involved in government and parliamentary affairs for a long time and these institutions are reflected in the party structure.

[English]

Hon. David P. Smith: I rise today to also put on the record that as of today I am an independent senator who also is a card-carrying member of the Liberal Party of Canada and has been for over 50 years. I was very young when I joined. I want it on the record that from my perspective — and I believe the perspective of most of my colleagues here — we want to ensure that we carry out the Constitution of Canada with regard to this chamber, that Parliament and democracy work and function, and that we play the role of the opposition. We understand that we are outnumbered by two to one by the other side, but to have a proper, functioning, democratic Parliament, you have to have an opposition. We have been doing that and we will continue to do that.

I am kind of disappointed if some of our parliamentary colleagues from the other side want to do something that somehow undermines the legitimacy of an opposition functioning as an opposition.

An Hon. Senator: We don't.

Senator D. Smith: I am glad to hear you don't. It's good to hear that. You can speak to this, brother, in due course.

An Hon. Senator: I will.

Senator D. Smith: I want to be on the record saying that I am not losing sleep over this at all. There are lots of reasons I could give you as to why I am not, but, having said that, we are going to work hard to ensure that parliamentary democracy works in Canada and we are going to play the role of the opposition. We have been doing that and we will continue to do it.

Senator Cowan: I am happy to confirm to the house that I am a member in good standing of the Liberal Party of Canada — a proud member, as I said in my statement.

Senator D. Smith: For 50 years, too!

Senator Cowan: I am also proud to be a member of, and leader of, the Senate Liberal caucus.

Senator Cools: Honourable senators, I am very well acquainted with the recognized party definition as contained in our Senate rule book. I also would like to share with colleagues that some years back we had a senator who came here — a very fine senator, as a matter of fact — and she chose her party designation as NDP.

Senator Dyck: I am still here.

Senator Cools: Yes. I believe that designation was rejected and repudiated by the then Leader of the NDP, Jack Layton, on the grounds that he had no role in the choice.

An Hon. Senator: Shame!

Senator Cools: Colleagues, this is a matter that touches how political parties function, and maybe there are some differences between them, but I have always understood that the choice of a member's party designation in either house of Parliament — in either the Commons or the Senate — involves a decision of the leader of the national party.

An Hon. Senator: No.

Senator Cools: Honourable senators, I have always understood that. I would be happy to admit I am wrong if I am so proved, but I have always understood that the national party leader has that say. As leader of the national party in the House of Commons, the national party leader must sign the nomination papers for

candidates who wish to run under the designation of that party. In the Senate, that party leader has to agree to any member of the Senate calling himself or herself a member of the Liberal Party.

Colleagues, perhaps things have changed overnight or maybe there is something strange going on, but I have always understood that the national party leader is the leader for both houses in Parliament, not one or the other, but both. The national leader has the power, and if we don't want him to have that power, we should debate it. The national party leader is empowered in the choice of the party membership in either and both houses. Honourable senators, I have always understood that. I have a suspicion I am not wrong. But, then, when we are into the business of political parties. We are on very slippery ground because parties are informal processes that are not acknowledged or recognized in the Constitution or in formal legal situations. These events are on ground that is so new and untrodden that we should study this in a very serious way.

I have always understood that the national leader of the party, if he forms a majority in the House of Commons, is entitled to go to Her Majesty's representative to say that he has the confidence of the house. I have also understood that the leader of the national party also has the power to determine the members of that party who shall sit in the Senate. I have seen no evidence put here before me that addresses that question.

Honourable senators, Senator Joyal, who knows how highly I respect him, raised the instance of the members who continued to sit as Progressive Conservative Party members. The difference in that situation is that their party ceased to exist and they chose to continue their designation here. That precedent, if it is a precedent, does not apply here because the national Liberal Party of Canada, of which I was a member for donkey's years — and I will tell you that I know a lot about that party; I know it very well. I say to you that the national party leader has a say. To say that the leader does not have a say, is to make a fundamental change in political party systems and their historical right, duty or ability to control the houses. We are breaking new ground here. We should be proceeding very cautiously.

Colleagues, it is quite true, as Senator Joyal has said, that there is a constitutional right of association and for people to associate. That is true to a point. A new group simply cannot spring up and call themselves the Liberal Party of Canada or the Conservative Party of Canada.

The question comes back to the point of party designations here in the Senate. Is it a self-choice to decide that a senator sits in the caucus of the Liberal Party of Canada in the Senate, or is the leader involved in that choice? Mr. Pierre Elliott Trudeau chose me to sit as a Liberal senator here.

Unfortunately, Mr. Trudeau's letter is not clear in this dark area, but there is no doubt that he says that the Liberal senators are now independent senators. So he has disowned them. He has written: "Dear Speaker Kinsella... They are independent senators."

I do not know how this will be resolved.

[Translation]

Hon. Dennis Dawson: Honourable senators, first I would like to congratulate the senator who was appointed as a Liberal senator 30 years ago this month, in January 1984.

• (1450)

Twenty years later, also in January, she decided that she wanted to sit on the other side. After two or three years, the other side realized that she was not necessarily a welcome addition, and she became an independent senator — but still considered herself a Conservative.

That is why I am shocked today that she is so surprised that we would consider ourselves Liberals. She herself took advantage of the opportunity to choose to sit on either side — and she is probably the only one — so I am a bit surprised to see her raising this issue.

I would also like to pull out my membership card and tell you that I am and will remain a member of the Liberal Party of Canada. I am proud to serve and work for this party, in whatever capacity the party would deem appropriate.

[English]

Hon. Lillian Eva Dyck: Honourable senators, since Senator Cools brought up the issue of NDP senators, I thought I should set the record straight.

When I was appointed in April 2005 —

Senator Nancy Ruth: March.

Senator Dyck: March? Thank you, Senator Ruth.

I got a call from former Prime Minister Paul Martin, who said to me I had a choice: I could be a Liberal senator, or I could be an independent senator. He did not appoint me as an NDP senator, so I mulled over my choices.

I called the Clerk of the Senate and I said, "Really, what are my choices? Can I only be Liberal or independent?" The clerk said, "No. If you come on board, you can be whatever you want to be." So I chose to be an NDP and I was then instantly rejected by Mr. Jack Layton because they knew nothing about me because I was not a very politically involved person.

However, I had earned my way to the Senate. I stayed with the NDP for a number of years because the women in the NDP welcomed me and said, "Please come." However, when they voted in the whole caucus, they rejected me because a diehard said, "Over my dead body."

Then I changed my designation, as referred to by Senator Carignan. It was my decision then to change to "Independent NDP." And then four years ago this month, I thought, okay, it's time to join a team.

Some Hon. Senators: Hear, hear!

Senator Moore: Bravo!

Senator Dyck: Working as an independent you can do some things, but working in a team you can do much more, so I chose. I know the Conservatives tried to buy me dinners, but it didn't work.

Senator Tkachuk, you just didn't have the right remedy.

Some Hon. Senators: Oh, oh.

Senator Dyck: I chose to join the Liberals. I have a membership in the Liberal Party. I still have that membership today. I have no intention of designating myself now as an NDP senator. I remain a Liberal senator.

Some Hon. Senators: Hear, hear!

Senator Dyck: I just wanted to put that on the record straight because, in the news media today, Mr. Mulcair is referring to me as "Ms. Dike." Well, the name is Dyck. It's Dr. Lillian Dyck, thank you.

Some Hon. Senators: Hear, hear!

Senator Dyck: Mr. Mulcair, for some reason, is still saying that, implying that Paul Martin appointed me as an NDP senator. That is not true. And that gets to the issue of the Prime Minister; he or she is not our boss. It's not up to him to say what we can be.

An Hon. Senator: I think he's their boss.

Senator Dyck: Well, he might be, but I wanted to put that on the record. I have the story on my personal website and I wish Mulcair would get it straight.

Hon. Jim Munson: Mr. Speaker, I don't know how to match that lovely statement, but 12 years ago, when I walked into the Prime Minister's Office, Mr. Chrétien said to me, "Jimmy, you're a Liberal." I said, "Fine, I'm a Liberal."

I can't have a conversation like some of these older guys here who talk about 50 years and 60 years ago, but I have been a proud member of the Liberal Party of Canada for the last 12 years and I am a proud member of the Senate Liberal caucus. Thank you.

Some Hon. Senators: Hear, hear!

Hon. Leo Housakos: I've been listening very carefully to the members opposite, honourable senators, and I find it incredible. At the beginning of this whole debate this afternoon, Senator Cowan — for whom I have the utmost respect — got up in the chamber and pointed out how this is all about making sure that we eliminate partisanship politics from this place. That is how he started the discussion; that we should not be taking orders from the Prime Minister's Office and we shouldn't be taking orders

from the leaders of the other side. Meanwhile, we have been engaged in debate here for the last hour and a half because of a letter written by the leader of the third party on the other side.

It's clear in the letter, the way I read it, that the leader of the third party on the other side states that he no longer recognizes Liberal senators in the national caucus. He goes on to state and he unilaterally decided as such, "They are independent senators."

When I was summoned to this place, it was clear that I had a choice to designate myself — to designate myself based on my political affiliation.

Senator Robichaud: Who said that?

Senator Mercer: "Choice" is such a strong word.

Senator Housakos: Let's not pretend, depending on the moment of the day, when we want to be partisan and when we don't. We're all partisan in this place on both sides of this chamber. We're partisan within every wall of this Parliament. Every time we engage in political discourse, we're partisan because we have an opinion. If you don't have an opinion, then you're not partisan and you shouldn't be engaging in the political discourse of the country.

It's shameful when people get up, hide behind a charade and pretend for any given moment, well, we're going to get out of partisan politics. There's a leader on the other side that decided today to play a charade by having a press conference and saying, "You know what, on the other side there are no more Liberal senators. We're taking away partisanship from politics." Three minutes later you rise in this chamber and you say, "We're Liberals; we're good standing members of the party. This is the party we stand for."

That's partisanship and there's nothing wrong with it. Kudos to you, but why are we wasting our time in this chamber, and taxpayers' money, discussing something —

Some Hon. Senators: Oh, oh!

Senator Housakos: No, this debate was initiated by your leader and it has no place in this chamber.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, it was clearly important under this unusual circumstance that, prior to calling for Senators' Statements, we should have engaged in discussion on this matter so we could bring some clarity.

There are a couple of issues I will note, as a member of the chamber but also as Speaker. I took note of the fact that a carbon copy of this letter was sent to my colleague the distinguished Speaker of the House of Commons. I can't understand why because we are a separate house. Honourable senators, it is important for the purpose of getting on with our business to note that the *Rules of the Senate*, as has been indicated by several honourable senators, do provide a definition of a recognized

party, which is “A caucus consisting of at least five Senators who are members of the same party political party. The party must have initially been registered under the *Canada Elections Act* to qualify for this status and have never fallen subsequently below five Senators. Each recognized party has a leader in the Senate.”

I think all the conditions of that provision have been met. We’ve heard from our honourable colleagues who have stated that they are a member of a party that has been duly registered under the *Canada Elections Act*.

As to the position of the Leader of the Opposition, it is defined in our Rules as “The Senator recognized as the head of the party, other than the Government party, with the most Senators. The full title of the Opposition Leader is ‘Leader of the Opposition in the Senate’.”

As has been indicated by Senator Cowan, he has been elected by his colleagues and, therefore, meets the definition of the Leader of the Opposition in the Senate.

We should now proceed to the calling of Senators’ Statements.

• (1500)

[Translation]

SENATORS’ STATEMENTS

THE LATE MRS. FLORA THIBODEAU

Hon. Rose-May Poirier: Honourable senators, each year for the past three years, I have had the privilege of sharing with you the story of an extraordinary woman from my home province on the occasion of her birthday. It is with great sadness that I rise today to tell you that Flora Thibodeau passed away on January 22, 2014, at the age of 112 years and 69 days. She was the oldest person in Canada. Born in Canada, she was the 17th oldest person in the world.

Until recently, she lived at home, and a dozen people would stop by every day to help her. Her health had deteriorated in recent months, but she was sharp until the end.

[English]

Born on March 20, 1901, during the worst storm of the year, in Rogersville, New Brunswick, Madame Thibodeau was the eldest of a family of six children. She had one sister, four brothers and three half-sisters. Madame Thibodeau had seven children, five of whom are still with us. She had 17 grandchildren, 24 great-grandchildren and 8 great-great grandchildren.

Having lost her husband at an early age and with her seven children aged between one and thirteen, Madame Thibodeau is an inspiration for all of us. She was determined to provide for her family. At first, she supported her family with a small farm and only received a monthly pension of \$5 per child to support her

family. Later on, she became a teacher and was the first woman manager of the local *caisse populaire* branch, just to name a few of her accomplishments.

In times when women struggled to find their place, she was an exceptional mother, while striving with her career.

[Translation]

Ms. Thibodeau witnessed all of the significant moments and the inventions of the past century: the telephone, two world wars, the first car, the Titanic tragedy and so on. What is most remarkable is that at the age of 112 she still clearly remembered many events, such as the arrival of the first car in Rogersville. When she shared that story, the emotion she felt that day was evident and she was transported back in time. She welcomed every visitor with a smile and loved to talk about history and politics.

[English]

As her grandchildren described her two years ago, at the age of 110:

Her abundance of knowledge, sharp wit, dry sense of humour and zest for life allows her to be a contributing member of her community, with young and old alike. Even though the distance is great between us, she is held near and dear to our hearts. It is an honour to call her our grandmother, and we cherish the time we’ve been given with her.

Madame Thibodeau will be deeply missed by her family but also by her community.

[Translation]

I had met with her a number of times at her home since her 100th birthday. It was an honour and a privilege to speak with her, hear her story and see that even at the age of 112, she was filled with *joie de vivre* and had a warm heart.

Honourable senators, join me in expressing our sympathy to the family of Flora Thibodeau, a very special woman, but most of all a remarkable mother who was loved by all. Thank you.

[English]

THE LATE CECIL MCEACHERN

Hon. Elizabeth Hubley: Honourable senators, it is with great sadness that I rise today to remember Cecil McEachern, who passed away on January 13, 2014, in Charlottetown, P.E.I., at the age of 88. Mr. McEachern, a native of Canavoy, P.E.I., and a lifelong musician, was the last surviving member of the iconic Canadian fiddle band Don Messer and His Islanders.

Growing up in a musical family, Mr. McEachern had the talent to listen to a tune and instantly play it back. While he played a multitude of instruments, like the guitar, the fiddle was his passion, which he learned to play at a very early age.

Following the completion of his military service during the Second World War, he took formal music lessons and in 1948 joined Don Messer's band while Messer was host of a particular radio show on Charlottetown's CFCY.

Mr. McEachern was with Don Messer and His Islanders all through the years of the popular television show *Don Messer's Jubilee*, which aired on CBC from 1957 to 1969. Mr. McEachern wrote many of the pieces that could be heard on the show and that continue to be played and recorded by other musicians here in Canada and the United States. Lucky for us, his music will also live forever on YouTube for future generations to enjoy.

Following his music career, "Cec," as we all knew him, worked for the provincial government in the area of health services. While he played less and less in later years, he never lost his passion for the music.

Mr. McEachern was awarded the Commemorative Medal for the 125th Anniversary of Confederation in recognition of his significant contributions to compatriots, to community and to Canada.

Thank you, Cec, for sharing your musical talents with us. Our sincere condolences to your family, and we will certainly not be forgetting you.

[Translation]

MR. DANY LAFERRIÈRE

CONGRATULATIONS ON ELECTION TO L'ACADÉMIE FRANÇAISE

Hon. Jean-Guy Dagenais: Honourable senators, my first statement of 2014 is a tribute to an individual who was recently given one of the most prestigious honours in the whole of the Francophonie: membership in l'Académie française.

I am talking about Dany Laferrière.

On December 12, Mr. Laferrière was chosen to occupy a seat in the prestigious Académie, which was founded in 1635 by Cardinal Richelieu, a man of both religion and politics who played a significant role in establishing the French language in Canada.

The Académie française has 40 members, but never in its 375-year history has a North American been given a seat. Now, Dany Laferrière will take his seat in the pre-eminent body governing the French language.

This is a tremendous honour for our country, which was co-founded by a French-speaking people. This is a tremendous honour for Quebec, the francophone seat of our country. It is also a tremendous honour for Haiti, Mr. Laferrière's birthplace.

[Senator Hubley]

I would like to briefly relate the career of the newest member of the Académie. Dany Laferrière was born into a politically involved Haitian family. His father opposed the Duvalier regime. He was a radio journalist in Haiti until he fled the country in 1976 when one of his colleagues was assassinated by Duvalier's Tonton Macoutes. It was a matter of survival.

Mr. Laferrière arrived in Montreal at the age of 23 and eventually became a Canadian citizen. He started out as a factory worker before getting a job with Montreal's TQS television network as a reporter and weatherman. But Dany Laferrière had another goal: writing.

Mr. Laferrière was determined to succeed and got a big break in 1985 with his first novel, *How to Make Love to a Negro Without Getting Tired*. Only he could get away with such a title. The book was translated into several languages and adapted into a screenplay. Dany Laferrière had entered the literary world.

The titles of Dany Laferrière's books are rather bold, to say the least. In his bibliography we find: *Why Must a Black Writer Write About Sex?*, *L'Art presque perdu de ne rien faire* or the almost lost art of doing nothing, published in 2011, and his latest novel, *Journal d'un écrivain en pyjama* or the journal of a writer in his pyjamas, which was published last year.

Whether he is in Haiti, New York or Miami, when he is not in Montreal, he draws his inspiration from everyday life. Through his family, his three daughters and his life on the road he has witnessed joy and also great misfortune, like the earthquake that struck his native country in 2010. He was there when that happened.

Over the years, Mr. Laferrière received a number of literary awards including the Governor General's Literary Award for Children's Literature in 2006, and the Prix Médicis de la littérature française in 2009 for his book *The Return*. Mr. Laferrière's art had just gained international acclaim.

Today, French-Canadians and indeed all Canadians should be proud to know that one of their own has been admitted to the Académie française. His election was unequivocal and he will take chair no. 2, which was once held by Montesquieu and Alexandre Dumas Jr. He will be surrounded by the likes of Simone Weil, Alain Decaux and former French president Valéry Giscard d'Estaing. Traditionally, all those who become members of the Académie française are known as Immortals.

It is with great emotion today that I commend the Académie for choosing Mr. Laferrière.

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the Governor General's gallery of the Honourable Linda Reid, Speaker of the British Columbia

Legislative Assembly. Madam Speaker Reid is the guest of the Honourable Senator Jaffer.

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

Hon. Senators: Hear, hear!

• (1510)

BRITISH COLUMBIA

THE HONOURABLE LINDA REID

Hon. Jane Cordy: Honourable senators, on behalf of Senator Jaffer, I rise to honour the public service of the Speaker of the Legislative Assembly of British Columbia, the Honourable Linda Reid. In 1991, when Speaker Reid first ran for the Richmond East riding, no one expected her to win. Adding to that, there were not many women in British Columbia politics at the time. The odds were stacked against her. However, she won handily, and she emerged as an example to the many women in British Columbia who hope to enter politics. Since then, she has been re-elected five times consecutively, making her the longest serving MLA in British Columbia and the first MLA to serve 23 consecutive years. I am sure that she is the envy of many politicians.

In the 23 years that she has served, Speaker Reid has seen six British Columbia premiers come and go. She has served in government and in opposition. Yet in that time, she has never forgotten why she ran for public office in the first place. She has remained consistent in championing the causes that mean so much to her. She is passionate about the well-being of children and has been a leader in encouraging women's participation in politics.

Having once been a school teacher, Speaker Reid knows that women's ambitions to enter politics should be nurtured from a young age. For almost 30 years she has been a very strong supporter of British Columbia's Youth Parliament. She was awarded the first Outstanding Leadership Award by the British Columbia Youth Parliament for her work. She serves as honorary co-chair of the annual Women's Campaign School, which aims to get more women involved in the democratic process. More recently, she was elected Vice-Chair of the Canadian Region of the Commonwealth Women Parliamentarians.

Speaker Reid also made history when she became the first woman in British Columbia to give birth to two children while in office. She set a standard for parenting within the legislature — a significant contribution in her ongoing work to bring more gender balance into British Columbia politics.

Speaker Reid has had an extraordinary career in politics. I know that she will continue to do great work. Her role as Speaker of the British Columbia Legislature is a testament to her great judgment and extensive experience.

Thank you, on behalf of the Senate of Canada, for serving British Columbians for the last 23 years; and welcome, Linda Reid, to the Senate of Canada.

[Translation]

ROUTINE PROCEEDINGS

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

BILATERAL MEETINGS AND THE EUROPE REGIONAL
ASSEMBLY, NOVEMBER 13-21, 2013—
REPORT TABLED

Hon. Andrée Champagne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation of the Assemblée parlementaire de la Francophonie (APF), respecting its participation at bilateral meetings and the XXVI Session of the Europe Regional Assembly of the APF, held in Paris, France, and Chisinau, Moldova, from November 13 to 21, 2013.

[English]

QUESTION PERIOD

VETERANS AFFAIRS

TREATMENT OF VETERANS

Hon. Jane Cordy: Veterans, one from each community across Canada affected by the closure of their local Veterans Affairs office, traveled to Ottawa this week for a scheduled meeting with Veterans Affairs Minister Julian Fantino to express their concerns about the closures. The meeting with the minister was set for 5 p.m. yesterday. The veterans went to the scheduled meeting and waited, and waited and waited. The minister did not show up. The veterans were told that the minister was busy and couldn't meet with them as he had been called away on business.

Please tell me what, what could have been more important for the Veterans Affairs Minister than to meet with veterans from across Canada? Those veterans had traveled from across the country to meet with the minister, but Mr. Fantino couldn't be bothered to walk down the hall to show up and meet with them, and instead he sent three MPs in his place.

Is this how the Government of Canada believes our veterans should be treated?

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senators, Minister Fantino released a statement today, which I would like to read:

Yesterday, due to a Cabinet meeting that ran long, I was very late in meeting a group of Veterans that had come to Ottawa to discuss their concerns. I sincerely apologize for how this was handled.

Today, I am reaching out to those Veterans to reiterate that apology personally.

I have been committed to having an open dialogue with the men and women who served Canada in uniform, but I realize that yesterday's regrettable delay has brought that into question. Veterans across Canada should know that I remain deeply committed to meeting with them and listening to the issues that matter to them and their families, and to continue to do what's right to support those who have stood up for Canada.

Our country's Veterans deserve no less.

Honourable senators, I think this statement from Minister Fantino explains why he was late. He also offers a full and sincere apology. I think this answers Senator Cordy's question.

[English]

CLOSURE OF REGIONAL OFFICES

Hon. Jane Cordy: Thank you very much. Minister Fantino did apologize; however, the veterans have not accepted his apology. They don't believe it was truly meant; they believe he did it just for political reasons. All these veterans want is for the offices across the country scheduled to close at the end of this week to remain open. Senator Nancy Ruth, I agree that they probably won't stay open and that these veterans have been asking for this for a long time.

I was in Cape Breton at a rally to keep the office in Sydney, Nova Scotia, open. At that time, veteran Ron Clarke, who was in Ottawa yesterday, and others asked only that Minister Fantino meet with them. That was before Christmas, in November. The minister had lots of time to meet with them, but instead he arranged a meeting for yesterday and didn't even show up.

Even more offensive was that just before the veterans were scheduled to give a press conference, which was to be held after the meeting with Minister Fantino, the minister walked by to say hello to the veterans. However, when they started to ask the minister questions, he was dismissive and left in a huff. That's unbelievable and unacceptable and shameful. It appears that it was a case of another Conservative looking for a photo-op, but heavens don't let the veterans ask any questions.

These veterans fought in Afghanistan, Bosnia, Korea and World War II. They served as peacekeepers around the world on behalf of all Canadians. Unfortunately, they are being treated with no respect by this minister and by this Conservative government.

Will the government go ahead with the planned closure of nine Veterans Affairs offices across the country that is scheduled for the end of this week?

• (1520)

[Translation]

Hon. Claude Carignan (Leader of the Government): Honourable senators, I am a bit surprised that you are questioning the sincerity of Minister Fantino's apology. He is an honest, sensitive man of integrity, and he admitted that he made a mistake and apologized publicly. I am surprised that you do not accept his apology, especially since this is such a big day for your caucus and you are supposed to be less partisan. Your questions sound rather partisan to me.

Must I remind you that our government has made record investments to support Canadian veterans? We have increased funding for veterans by nearly \$5 billion since we came to power. This is a measure that you, the Liberals, voted against. You also voted against increasing funding for veterans. I will not mention some statements made by your Liberal colleagues regarding the money received by veterans, which, according to them, was inappropriate and served other purposes. I want to keep this polite.

[English]

Senator Cordy: Senator, I'm not questioning the apology. The veterans of Canada are questioning this apology; they have refused to accept the apology given by Minister Fantino.

I'm supposed to be representing my region here in the Senate. I'm a senator from Nova Scotia. Minister Fantino and your government are closing a Veterans Affairs Canada office in my province of Nova Scotia, and I will stand in this chamber and fight for the people in my province, for the veterans in my province. And if you don't like the tone, I am very sorry, but when I'm fighting for the people in my region, I believe in having passion and doing what's right for them.

Some Hon. Senators: Hear, hear.

Senator Cordy: In the press conference yesterday, one of the veterans with post-traumatic stress disorder was from Ontario. He spoke about this government's policy towards veterans, and he called it the "three-D policy": deny, delay and die. He also said that if you are told "no" enough times, you will go away. That's a pretty sad commentary on the way the veterans of this country are being treated.

Will Minister Fantino remain as the Veterans Affairs Minister when he has no interest in meeting with veterans or no interest in speaking with veterans who have done so much for Canadians? They have done so much for peace and for freedom around the world.

Will Minister Fantino resign?

[Translation]

Senator Carignan: I think that you are still part of the Liberal caucus, because they have the same kinds of questions on the other side, so I assume that you still spoke to each other this morning.

We are offering more services to veterans in more locations. As of February, veterans will be able to obtain Government of Canada services in person at more than 650 locations across Canada, which is 16 times more locations than there were in 2006. In addition, as of February, a full-time client service agent from Veterans Affairs Canada will be posted in the Service Canada office closest to the eight offices that are to close.

Senator, I completely disagree with you about how they have been treated, particularly in terms of office closures. I believe that it will be easier for veterans to access Service Canada, with 650 service points, and staff trained to address their needs.

[English]

Senator Cordy: Will Veterans Affairs offices be closing at the end of this week?

[Translation]

Senator Carignan: That is what I said. At the beginning of February, services will be available at the 650 Service Canada offices.

[English]

Hon. Catherine S. Callbeck: My question is on the same subject, which is the closing of the Veterans Affairs offices.

In Charlottetown, the office will close at the end of this month.

An Hon. Senator: He just said it's not.

Senator Callbeck: It's going to close — the Veterans Affairs district office in Charlottetown. Most of them already have been moved to Saint John, and we've already seen some of the effects of the closure.

Alban LeClair was on the Hill yesterday with the veterans. He works with the veterans of Prince Edward Island as a Royal Canadian Legion service volunteer. Here is what he said:

Well, I can tell you now, that before they started shutting down Charlottetown district office, a veteran could get a home visit within a couple of days. Now it takes up to six weeks to contact the veteran. And six weeks is a long time for a 93-year-old veteran, and even young veterans suffering with PTSD.

This is completely unacceptable. This shows that the government has no respect whatsoever for veterans.

Why is this government leaving Island veterans without the timely service they deserve?

[Translation]

Senator Carignan: As I said, in the eight districts where offices are closing, a client service agent from the Department of Veterans Affairs will be posted in the closest Service Canada office. Need I remind you that in eight budgets, our government has allocated nearly \$5 billion in new funding to improve benefits and services for veterans and their families? However, the Liberals even though they are hesitant and we don't know how many of them over there are Liberals anymore voted against increasing funding for veterans.

[English]

Senator Callbeck: You said there is going to be an agent of Veterans Affairs at the service centre. I don't know where that person is. I can tell you that I recently worked with a 95-year-old Island veteran, and everything was done out of the district office in Saint John. There was no one on Prince Edward Island who I could find to deal with that file. This man and his family had to navigate the 1-800 number and talk to people in another province. Our veterans deserve better than that.

How will this government ensure that this situation doesn't happen again?

[Translation]

Senator Carignan: As I explained, as of February, information officers will be posted in Service Canada offices. For each district, the closest Service Canada office will be available to address veterans' needs.

[English]

Senator Callbeck: There is one other point I would like to make about these service centres. You talk about 600-some across the country. On Prince Edward Island, there were 113 Service Canada

employees in 2012. By 2015, the number will be slashed to 61. That's down from 113 to 61. And you say the veterans will be able to access the same level of service. There is absolutely no way.

As I just said, I dealt with a 95-year-old veteran — in fact I'm still dealing with the file — and I couldn't find anyone on Prince Edward Island to talk to. That file is in Saint John, New Brunswick, and that's where the people you have to talk to are and that's who the veteran and his family have to deal with.

[Translation]

Senator Carignan: As I have already explained about the positions and information, it is also important to note that significant investments have been made to put information services online in order to offer more services and share information more quickly.

• (1530)

Since you are talking specifically about services for veterans, I would like to reiterate that, for the eight offices that are closing, a full-time information officer will be available at the closest Service Canada office.

Hon. Roméo Antonius Dallaire: Honourable senators, I was not here yesterday, but I would like to wish my colleague a Happy New Year. I mean that sincerely, but I don't necessarily intend to help make the year a happy one for him. He has his responsibilities and I have mine.

That being said, it is all well and good to say that there are 600 locations where people can get information. However, 600 offices without employees who know what they are talking about are about as useful as 600 Tim Hortons without any coffee.

These employees get very little training. Although Veterans Affairs Canada has enacted reforms and reduced red tape, the complex bureaucracy that still exists within the department means that the information is quite difficult to understand. It is difficult for everyone, so imagine how much more difficult it is for someone with a psychological injury.

The Armed Forces, recognizing that most people who are injured have sustained a psychological injury, created a separate system to meet those individuals' needs and to provide a more detailed explanation of all of the complicated rules that the Department of National Defence has.

Now, imagine someone without the proper training who has been sent from the Department of National Defence to another organization and who is trying to answer an information request and telling the person to find the answers on the Internet. That is not all. You are saying that \$5 billion has been invested. However, that amount is spread over 40 years. It is an economic estimate. For heaven's sake, stop talking about \$5 billion over 40 years. I want to know how much will be allocated this year, next year and the year after, given the negative impact budget cuts are having on operational efficiency.

[Senator Callbeck]

Our Prime Minister says that there may be budget cuts because there are fewer veterans. Veterans of the Korean War and the Second World War are no longer there. However, in Quebec, there are more modern-day veterans than ever before. The government is closing the centre in Sainte-Anne-de-Bellevue and locations that provide the services that these people need.

[English]

For example, the Joint Personnel Support Unit is where they were to be integrating Veterans Affairs and DND in order to have one-stop shopping and help these veterans, before they even take their uniform off, to be able to go through their files. Well, Veterans Affairs has ripped all their people out. There's only an embryo of that trying to handle it. As an example, the Valcartier Garrison is over 8,000 strong and they easily have 1,500 veterans who are injured.

Why are you pulling the capacity of that department, whose only role in life is to take care of veterans, particularly injured veterans, and their families? Why are you pulling your capabilities out of the front lines and hiding behind bulletproof glass in some places, not even being on the face of the Earth in others, and pushing these people who are injured — and not even able to handle the frictions, stresses and pressures of today — to use the Internet where often they cannot even get to first base?

Why are you cutting the front-line capabilities for providing that service at a time when the number of injured veterans is increasing exponentially? The war is over, but the injured are now coming out of the woodwork in significant numbers. Can you explain?

[Translation]

Senator Carignan: Honourable senators, I do not share your opinion about budget cuts. Our government has invested billions of dollars. I know that investing in defence, in equipment and materiel, is important to you. When our government came to power, we had to repair the damage caused during the decade of darkness, when your Liberal government was in power. We still do.

[English]

Senator Moore: Brought on by the \$46 billion deficit. Give me a break. Do you think we forget that?

Senator Mercer: Go talk to your friend Brian Mulroney.

[Translation]

Senator Carignan: You may feel rejected by your party today, but it was your government that contributed to this decade of darkness, and we have to repair the damage.

[English]

Senator Mercer: We provided nine balanced budgets; nine.

[Translation]

Senator Carignan: Since coming to power, we have invested \$5 billion in new money. I don't know what one dollar or a thousand dollars means to you, but that is a lot of money to me. Sometimes we lose our frame of reference when it comes to money. Nevertheless, we cannot dismiss a \$5 billion investment.

We have made massive investments since 2006. We are talking about over 650 locations. That is 16 times more than we had in 2006. I am not sure what budget cuts you are talking about because there will be 16 times more service locations than there were in 2006. I am having a hard time understanding your criticisms, Senator Dallaire.

Senator Dallaire: First of all, since we are going back in time, I should point out that, since coming to power, you have not moved forward on a single project — except tanks — that had not already been under way for several years under the previous government. Those projects had been under way for years.

Incidentally, it took a war for parliamentarians to wake up and invest money. Who did that? The minister of the day, Gord O'Connor. How many projects have been approved since then?

[English]

How many brand new major Crown projects have been approved since Gordon O'Connor was Minister of National Defence and who was minister when we were at war? What the hell are you supposed to do? Not buy equipment when you are at war? Yes, buy the equipment they need that is already well into the system and then you just accelerate it. You had to because it would have been horribly irresponsible at the time not to do that. So, fine; you did that.

What about when they are coming back? Right now we have a whole bunch of money going into the maintenance of vehicles. We have all kinds of money going into infrastructure and potentially someday we may buy some new equipment instead of spending a lot of money on development. But, in so doing, the veterans' call cannot be limited by your \$5 billion. I am not pooh-poohing \$5 billion; who do you think I am? But what if you need more than that, if it has to go other places and if the people can't have access to it?

George Hees — one of yours, or a PC, at least — discovered there were all kinds of advantages for veterans and their families that they never knew of. He put little slips in with the cheques every month to ask if they were aware they could get this or that. It took decades to give people what they wanted and what they were allowed.

I don't see anything like that; I see that stupid *Salute!* that comes out of Veterans Affairs and that is absolutely useless.

[Translation]

My dear friend, don't talk to me about history in the context of a war that forced us to do what had to be done. Nothing has been purchased since. All we have are promises and projects that have

been delayed and reduced in scope. Just because you have invested \$5 billion does not mean you have solved the problem.

• (1540)

The fundamental question is this: Why are experts being pulled out of the front lines, where they can communicate with wounded veterans and explain these complex issues to them, to prevent them from having to beg for support?

[English]

For the people in those centres, I have information that the young corporal gets there and has to beg for the person to take his file. They keep telling him, "No, go on this website." The guy is injured. He lost a leg. He is psychologically affected. "Go on the website." He has to beg to get the support.

Senator Mercer: Shame!

Senator Dallaire: If you watched Obama last night and his state of the union address, look what they did for that veteran last night.

[Translation]

Senator Carignan: Was that a question?

Senator Dallaire: This is my question: Why are the experts being pulled out of the front lines, where they can help wounded veterans?

Senator Carignan: First of all, I want to respond to your accusations about the provision of equipment. We committed to rebuilding — yes, rebuilding — our Armed Forces by giving them the materiel they need at the best possible price for Canadians. We acquired key capabilities that made a difference in the Philippines, Afghanistan, Libya and Haiti, such as C-17s, new C-130Js and Leopard 2 tanks. We have also made unprecedented investments in the navy, through the National Shipbuilding Procurement Strategy.

Senator Dallaire, with all due respect, you are taking some liberties when you say that nothing has been delivered with these investments.

As for veterans' services, I will not remind you about the Veterans Charter that was brought in by our government to fix your government's mistakes. I hesitate to say "your government" after you were rejected this morning.

We cannot forget this and, as I said, the services will be offered at more than 650 locations, which is 16 times more locations than in 2006. The resources are there to ensure that veterans' rights are protected, that they receive services and that, if they are entitled to programs or recourse, they have access to all the information they need.

[English]

Hon. Wilfred P. Moore: Leader, Senator Cordy asked you whether you could assure her that these regional offices would be open at the end of this week. You said yes. Then, in response to Senator Callbeck's question, I think you said no, at least to the one on Prince Edward Island. Can you clarify that, please?

[Translation]

Senator Carignan: I did not understand that Senator Cordy was asking if the offices would be open on the weekend.

Senator Hervieux-Payette: No, at the end of the week.

Senator Carignan: I'm sorry. I said: beginning in February.

[English]

Senator Moore: Could you advise the Senate if these offices are going to close and when? I have a supplementary after that, please.

[Translation]

Senator Carignan: Listen, I understand that eight offices will be closed and one full-time employee will be assigned to the Service Canada office closest to each of the eight closed offices, in order to serve veterans. That is what I understand at this time.

[English]

DELAYED ANSWER TO ORAL QUESTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour of tabling the response to the oral question raised in the Senate on November 26, 2013, by the Honourable Wilfred P. Moore regarding Public Safety, the DNA data bank and RCMP laboratories.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— NATIONAL DNA DATA BANK

(Response to question raised by Hon. Wilfred P. Moore on November 26, 2013)

The National DNA Data Bank (NDDDB) is mandated by Parliament to produce an annual report, which contains performance indicators for the NDDDB. These include the number of DNA profiles contained in the NDDDB, the

number of Offender Hits (Convicted Offender to Crime Scene matches) and Forensic Hits (Crime Scene to Crime Scene matches). The focus of the report is on these key statistics and not on related forensic services offered by the three Canadian public forensic laboratories who receive, analyze, and report back to police for submitted DNA samples.

The Royal Canadian Mounted Police (RCMP) Forensic Laboratory Services are responsible for providing forensic DNA analysis of crime scene evidence to all Canadian law enforcement agencies outside Ontario and Quebec. Information regarding Forensic Laboratory Services performance is included in the annual RCMP Departmental Performance Report tabled in Parliament each fall by the President of the Treasury Board.

Turnaround times are dependent on whether a service request has been identified as a "priority" or "routine". This is determined by the RCMP Forensic Laboratory Services in collaboration with investigators and clients, taking into consideration the level of risk to public safety, whether a suspect is still at large, whether the suspect poses a significant flight risk, the level of violence, the likelihood of the suspect re-offending, and/or how the results of the forensic analysis will be used in the investigation (e.g. to identify a suspect).

For homicides, in fiscal year 2012-2013, the average turnaround time for priority DNA service requests was 21 days and the average turnaround time for routine DNA service requests was 60 days. In general, homicide cases are more complex and require greater work effort than other cases.

For fiscal year 2012-2013, the average turnaround for DNA priority service requests originating from the province of Nova Scotia was 17 days, and the average turnaround time for routine service requests was 48 days.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

VETERANS AFFAIRS—ENHANCED NEW VETERANS CHARTER ACT

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 7 on the Order Paper by Senator Downe.

VETERANS AFFAIRS—COMPENSATION RELATED TO SPRAYING OF AGENT ORANGE

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 8 on the Order Paper by Senator Downe.

ORDERS OF THE DAY

FIRST NATIONS ELECTIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Scott Tannas moved second reading of Bill C-9, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

He said: Honourable senators, it is an honour to stand today in this chamber as the sponsor of Bill C-9, the First Nations Elections Bill.

We have heard from First Nations who have told us that the Indian Act election system is simply not working for them. They have described how the Indian Act is holding them back from achieving the political stability that they need to put into place long-term projects, improve governance and increase economic opportunities that are vital to the long-term prosperity of these communities.

Bill C-9, the First Nations Elections Bill, would finally address the failings of the Indian Act by putting in place a strong legislative alternative to the outdated Indian Act election system — something that First Nations have been calling for.

Indeed, the reason Bill C-9 is before us today is largely because of the vision of two First Nations organizations — the Assembly of Manitoba Chiefs, led by then Grand Chief Ron Evans, and the Atlantic Policy Congress of First Nations Chiefs — both who saw the need for electoral reform.

They had good ideas for improvement. They talked it over with the leaders of their local communities and with the people who live in those communities, and presented their recommendations to the Minister of Aboriginal Affairs and Northern Development.

At the request of the minister, the two organizations subsequently conducted a national engagement process with First Nations organizations and leaders in other provinces to discuss their recommendations for a better election system than the one that was offered in the Indian Act. It was these recommendations that formed the basis of the bill that you see before you today. The bill we have before us today is a result of their efforts over the past five years to identify a strong, viable and modern alternative to the current Indian Act system.

The support of the Atlantic Policy Congress of First Nations Chiefs remains steadfast, making it all the more pressing for this chamber to pass this bill into law so that First Nations can take advantage of the benefits it has to offer. In fact, recently,

John Paul, the Executive Director for the Atlantic Policy Congress, wrote to the Minister of Affairs and Northern Development, reiterating their strong support for the bill:

As you are aware, for years, many First Nations members have been critical of the Indian Act election system, which they believe sets out an electoral regime that is antiquated and paternalistic. Terms of office that are much shorter than municipal, provincial and federal counterparts, a loose nominations process and an absence of penalties for offences related to the electoral process are just some of the key concerns we seek to have addressed through this legislation.

The minister also received a letter from former Grand Chief of the Assembly of Manitoba Chiefs Ron Evans who described the benefits of the First Nations Elections Act and noted:

... when enacted, Bill C-9 will change the way first nations are governed, create stability and credibility, strengthen self-governance and allow first nations to move forward.

• (1550)

Even before the Manitoba chiefs and the Atlantic Policy Congress undertook the development of a broad resolution of these inadequacies, more than 75 First Nation communities had taken matters into their own hands, moving beyond the Indian Act to design and implement their own electoral systems, reflecting the needs and the realities of their individual communities by implementing their own community custom election codes.

However, we heard from First Nations during these consultations that transitioning to a community election code or to a self-government agreement is not always a viable option for them and that they wanted a strong, viable legislative alternative to the Indian Act.

As many of my colleagues are aware, there are currently three ways in which First Nations can select their leadership in Canada: 343 first Nations conduct elections under their own community custom election codes; 238 First Nations conduct elections under the Indian Act; and 36 conduct elections under specific self-government agreement provisions.

In other words, approximately 40 per cent of First Nations continue to hold their elections under the outdated and paternalistic provisions of the Indian Act. That's a large number of First Nations in this country that continue to be held back by the Indian Act.

Many of my honourable colleagues in this chamber are already quite familiar with the failings of the current Indian Act election system. In fact, many of my honourable colleagues on the Standing Senate Committee on Aboriginal Peoples first studied the limitations of the Indian Act system in 2009 and concluded then that electoral reform was needed. One of the recommendations in the committee's final report was for the

government to work with First Nations to guide legislative development in the area of elections, the result of which is this bill that you see before you today.

My colleague, the honourable senator from Nunavut, first spoke to this bill, which was then known as Bill S-6, in December 2011. The bill was subsequently examined by the Standing Senate Committee on Aboriginal Peoples and referred back to the chamber without amendment.

I would like to point out that nothing in this bill has changed from Bill S-6 and neither have the merits for this legislation. I want to urge all honourable senators to join me in supporting the legislation and in helping to bring this bill swiftly into law. As I have already outlined, the First Nations have been asking for this legislation, and I believe they have waited long enough.

Further, I should remind honourable senators that the adoption of the proposed electoral system described in this bill is voluntary. It is intended to provide an option for First Nations that may not have the capacity to develop their own community election code or that simply have too many other high-priority issues that must take precedence. Indeed, some First Nations may choose to stay and hold their elections under the Indian Act. Some have been able to make that act work for them. For others, that is simply not the case.

Let's examine, for a moment, the shortcomings that this bill will address. For example, the Indian Act specifies that officials are elected to a two-year term. That is hardly conducive to the design and execution of the long-term strategies needed to achieve key priorities. It also means that First Nations communities are in almost constant election mode. By the time a First Nation council has been elected, sworn in, gotten a handle on its responsibilities and started the actual process of governing, it is time to start campaigning for the next election.

Bill C-9 will enable First Nation communities to fix that by implementing four-year terms for elected officials, bringing them into line with the norm for most other jurisdictions in Canada and allowing time not only to learn the job but also to actually do the job.

In addition, this bill will enable different First Nations to hold their elections on the same day. This innovative idea came from the Assembly of Manitoba Chiefs, and it is a good one. With terms of office beginning and ending at the same time, common election days would make it easier for groups of First Nations to collaborate and present a common front in business development endeavours and other shared priorities.

Longer terms in office and the potential to set common election dates are important improvements, but any elected official's term is too long if the legitimacy of the electoral process is in question. This is perhaps the most damaging impact of the electoral system currently under the Indian Act.

The checks and balances that allow most Canadians to take for granted the results of an election as an accurate reflection of the will of the people are virtually non-existent in the Indian Act. We

have all heard cases of vote-buying and other irregularities — irregularities that, even if they do not affect the legitimacy of an election, can cause it to be perceived as such. There is little in the Indian Act to discourage these practices. They can be carried on with few or no consequences. This not only undermines confidence in government but also leads to paralyzing appeals of election results.

Under the Indian Act, anyone who does not like the way an election turned out can simply appeal the results by providing a sworn affidavit to the minister. In addition, the appeal system in the Indian Act is slow and administratively cumbersome. Many months can go by before a decision is rendered. In the majority of cases, the appeals are dismissed, but, in the meantime, with its legitimacy in question, a First Nation government comes to a virtual standstill. Projects and initiatives that can benefit a community may be stalled. To add insult to injury, the Indian Act includes the paternalistic provision that appeals are decided by the minister.

Similar to the provisions of the Canada Elections Act, Bill C-9 contains provisions that will minimize the likelihood of corrupt election practices by setting out specific offences and specific penalties for those convicted of committing those offences. Then local law enforcement could lay charges for corrupt activity in connection with First Nation elections, and they would have the backing of the courts to impose fines and jail sentences on those convicted.

Instead of appealing to a minister, an elector would file an appeal in provincial or federal court. These appeals would be addressed by the courts, just as they are for federal, provincial and municipal elections. This provision would minimize the potential for frivolous appeals and, at the same time, remove the minister from the process.

Again, these are the kinds of protections that most Canadians take for granted, that help to ensure that electoral processes are reliable, consistent, effective and less open to abuse and that help to provide the political stability that is essential for economic growth, job creation and higher standards of living.

The First Nations election act would also encourage greater citizen engagement in the political process by eliminating anomalies and other peculiarities that the Indian Act's lack of clarity has allowed to happen.

The nomination process is perhaps the most glaring example. Under the Indian Act, the same person can run for chief and for counsellor in the same election. Not only can the same person run for both positions, but the same person can also be elected to serve in both positions. That would change under Bill C-9.

In addition, the Indian Act provides little guidance on other aspects of the nomination process. If they wish, for example, one person can nominate dozens or more candidates for any position, and it is not unheard of for a First Nation voter to be handed a ballot with more than a hundred candidates listed on it. That hardly encourages citizen engagement.

Under Bill C-9, the First Nations would also have authority to require all candidates nominated to accept their nomination in writing so that the names of people with no desire or interest in running for election do not appear on the ballot.

Other provisions in the bill would enable the development of regulations to address frequently expressed concerns about the potential for abuse in the distribution of mail-in ballots.

In conclusion, I would point out that none of the provisions I have presented, nor anything else in this bill, goes beyond what is the norm for most Canadians. This bill is an option, an option that First Nations themselves have asked us to provide.

Honourable senators, I am confident that this chamber understands and supports the belief that a strong and robust electoral system ensures that elections are free and fair and encourages citizen engagement, as well as promoting good governance.

Our task is simple, honourable senators. We only need to step out of the way.

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

Senator Tannas: Yes.

• (1600)

Senator Dyck: In your speech, you said that the bill has come to us unchanged. You also said that the bill provides an option for First Nations to come under the provisions of the bill. We examined the bill when it was here previously and, as I recall, there was a provision such that the minister could order a First Nation to come under its provisions. In other words, although some could opt in some could also be ordered to come under the provision. Could I have your comments on that, please?

Senator Tannas: The minister has always had the ability to order elections — fresh elections. That's in the Indian Act. This provides for the minister, in the capacity that he has within the

Indian Act already that I think three times in the last 10 years he has used this process instead of the Indian Act. Essentially, the minister is opting in. In any case, where he needs to order an election, this process is used rather than the Indian Act process.

Senator Dyck: Thank you. For further clarification, the minister can do that but my impression was that the minister could not order a First Nation under a community-designed elections code because they have opted out of the Indian Act. However, with this bill, from what we understood previously, the minister could order those 343 First Nations to come under its provisions, which he couldn't do before.

Senator Tannas: That's true. In the case where the minister has determined the governance has broken down within the community, the only way in which they can be elected is through this particular mechanism.

Now, there is nothing stopping the community from having elected and clarified who is in charge and then opting back in for subsequent elections; that would be entirely proper. In the case, rare but it has happened, where the minister has determined that he or she needs to step in and get clarity about who is actually elected and in charge, this process would be used.

Senator Dyck: I don't believe there is anything in the bill that defines how the minister determines whether to order a First Nation to come under this piece of legislation. There isn't anything there, like regulations, to say under what circumstances the minister can do this. It's sort of wide open. Is that true?

Senator Tannas: I would like to take that question back and perhaps we can provide a written response to folks here. I believe there is some latitude but there is also some language around some of the circumstances that need to be present in order for that to happen. I would like to provide an answer to that in writing.

(On motion of Senator Fraser, debate adjourned.)

(The Senate adjourned until tomorrow at 2 p.m.)

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