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(HANSARD)

Tuesday, February 11, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Tuesday, February 11, 2014

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

Prayers.

BUDGET SPEECH

ACCOMMODATION FOR SENATORS
IN COMMONS GALLERY

The Hon. the Speaker: Honourable senators, I would remind you that the budget speech will be delivered in the other place at four o'clock today. As has been the practice in the past, the section of the gallery in the House of Commons that is reserved for the Senate will be reserved for senators only, on a first-come, first-served basis. As space is limited, this is the only way we can ensure that the senators who wish to attend can do so. Unfortunately, any guests of senators will not be seated.

SENATORS' STATEMENTS

BIODIESEL FUELS

Hon. JoAnne L. Buth: Honourable senators, I rise today to draw attention to developments in our country's biofuels sector. The first large-scale biodiesel plants in Western Canada are officially up and running. Facilities in Lethbridge and Lloydminster are using canola oil as their primary feedstock for conversion into biodiesel. The advanced facility in Lethbridge, run by Kyoto Fuels Corp., is also equipped to process other crops, as well as animal tallow, into biodiesel fuel.

Biodiesel is a cleaner, more sustainable form of energy than other non-renewable resources. Compared to petroleum diesel, the use of biodiesel can reduce greenhouse gas emissions by up to 99 per cent.

[*Translation*]

The biofuels produced by those facilities will be sold on the North American market, including by Canadian oil and gas companies.

[*English*]

While both facilities in Alberta have a major impact on the biofuels sector, the plant in Lloydminster, run by Archer Daniels Midland Company, better known as ADM, has the capacity to produce a substantial 265 million litres of biodiesel per year. This makes it the largest biodiesel plant in Canada. Nearly all biodiesel demand was previously met by imports. Canada has a 2 per cent renewable diesel mandate. That mandate requires that over 500 million litres of biofuel be blended into the national fuel pool. These new facilities in Alberta will be able to produce enough fuel to meet over half of our mandated requirement and, in doing so, lower our dependence on imported biodiesel from the United States.

On a national scale, the entire renewable fuels industry contributes $3.5 billion to the economy. These facilities provide vast economic benefits to Western Canada specifically, which can be seen all throughout the production chain. The facilities require canola seed from hundreds of thousands of acres of farmland, making available a larger and more diverse market for growers. Ultimately, the enhanced biofuels sector has created thousands of jobs and serves as a driver of economic activity in Western Canada.

Honourable senators, with these new facilities up and running, we can expect additional economic and environmental benefits from our agricultural sector for years to come. Thank you.

BLACK HISTORY MONTH

THE HONOURABLE ANNE C. COOLS
THE HONOURABLE DON MEREDITH

Hon. Mobina S. B. Jaffer: Honourable senators, when I was appointed to the Senate of Canada in 2001, I remember the moment I first stood in this chamber and looked around at my colleagues. I was surrounded by former lawyers, judges, activists, ex-military professionals and distinguished journalists. Many of these individuals had given their lives to their professions, and now they were in this chamber ready to try to make a positive difference in the lives of Canadians.

Today, 13 years later, the Senate has been going through one of the worst periods of scrutiny since its inception. Yet, through all of this, or perhaps despite it, you all still continue to serve Canadians. I want to thank all of you for your work.

During this Black History Month, I would like to recognize Senator Don Meredith and Senator Anne Cools, who have done a lot of work for equality rights in Canada.

This past month, Senator Cools achieved a milestone by reaching 30 years as a sitting senator. She was appointed by Prime Minister Trudeau as the first Afro-Canadian senator to grace the Red Chamber. Through her experience working with Afro-Canadian women and youth, and as the founder of Canada's first women's shelter, Senator Cools has been an effective champion for the rights of women and children. She has also been a strong advocate for due process and thoughtful debate.

Senator Meredith has been passionate about the causes of justice and equality. He was appointed to the Senate three years ago. Yet, in that short time, he has been steadfast in his pursuit of equality for all Canadians. Senator Meredith knows all too well what pressures affect impoverished youth in the community. As a member of the Standing Senate Committee on Human Rights, Senator Meredith's experience working with underprivileged

youth has brought an essential perspective to the table. He has been outspoken about creating a national strategy to reduce violence amongst youth. He has also been very effective in ensuring that the World War heroes of colour, who have long since passed away, are given adequate observance today.

Senator Meredith has used his faith not as a wedge between communities but as a point of common ground. In a world that is exceptionally divided, whether through race, religion, income or ideology, Senator Meredith has been sure to give everyone an equal voice, both in his work as a senator and as a private citizen.

During this year's Black History Month, I want to recognize Senator Meredith and Senator Cools for their work toward the betterment of our communities.

• (1410)

DR. KATHLEEN GALLAGHER

NOVA SCOTIA FAMILY PHYSICIAN OF THE YEAR 2013

Hon. Michael L. MacDonald: Honourable senators, when the College of Family Physicians held its annual medicine forum this past November in Vancouver, they recognized and honoured the provincial recipients of their Canadian Family Physician of the Year Awards. The Nova Scotian honoured as Family Physician of the Year was Dr. Kathleen Gallagher of Bedford, Nova Scotia.

It is difficult for me to envision a more deserving recipient. Making meaningful connections with people is at the heart of Dr. Kathy Gallagher's practice. Throughout her career, Dr. Gallagher's dedication and loyalty to her patients has guided her achievements in family medicine. All one has to do is go online and read some of the comments of patients who rate their doctors.

The comments Dr. Gallagher receives are universally positive: her patience, compassion, kindness, diagnostic abilities and professionalism are common themes among those who describe their dealings with Dr. Gallagher and her practice.

A graduate of Dalhousie University, Dr. Gallagher spent her first year of practice as an emergency-room physician in Saint John, New Brunswick. The following year she committed herself to family medicine, returned to Nova Scotia and established a practice in Bedford, where she works and lives until this day.

The flexibility of family medicine is part of the appeal for Dr. Gallagher. She has had the opportunity of experiencing many different roles during her career. Currently she is involved in clinical work, and making house calls is part of her regular schedule. Over the years she has provided obstetrical care, emergency room work, hospital care and nursing home care in addition to her office practice.

Dr. Gallagher is known as a doctor who really takes the time to listen. It is this combination of compassion and curiosity that aids her in identifying particularly challenging diagnoses.

A member of the College of Family Physicians of Canada for more than 20 years, Dr. Gallagher has also been involved in numerous committees and boards, as she constantly strives to improve the delivery of medicine to the public of Nova Scotia. Her involvement has helped her learn about comprehensive care, chronic disease management and has helped her shape medical policies. She was President of the Nova Scotia College of Family Physicians from 2004 to 2006.

Dr. Gallagher has been married to her husband Doug for 20 years, and together they are the proud parents of Laura, 17, and Sarah, 15. Dr. Gallagher is actively involved in CrossFit, plays ringette in the winter, softball in the summer and soccer all year round. She is also a hockey mom, as both of her girls are great little hockey players, and Kathy spends a lot of time at the rink with both of them.

I have known Kathy Gallagher all of my life. She was pleasant, kind and intelligent as a child, and those characteristics remain fully part of her makeup to this very day. On the two occasions when I ran provincially in Dartmouth—Cole Harbour in 1993 and 1998, and when I ran federally in 2004, she would always find time to go out campaigning with me and would insist on doing so, in spite of her very busy schedule. We never won, but we always had so much fun when we would go out campaigning together.

Kathy is an admirable person, and there are so many things I have always loved about her. What I love most of all is that, although she is now 50 years of age and quite accomplished in her own right, she still calls me what she has always called me since first learning how to speak: Uncle Michael.

Kathy is the oldest of three children of my sister Betty and her husband Fred Gallagher. On behalf of her friends and family and grateful patients, I want to thank the College of Family Physicians in recognizing Dr. Gallagher for the quality of her work and the significance of her contributions.

THE LATE DR. JOYCE MADIGANE, O.P.E.I.

Hon. Catherine S. Callbeck: Honourable senators, late last week the people of my home province lost an exceptional Islander, Dr. Joyce Madigane, who passed away after a second battle with cancer.

Dr. Madigane was a native of Rhodesia, now Zimbabwe, and came to Tyne Valley, Prince Edward Island, in 1974, where she practised medicine for nearly 40 years.

To say that Dr. Madigane devoted her life to medicine would be an understatement. Everyone in the region can attest to her unwavering dedication to her patients. She regularly spent long hours in the office and on call at Stewart Memorial Hospital. She travelled back and forth to check on her patients at Prince County Hospital and made weekly visits to Lennox Island to see Aboriginal patients living on reserve. She was a fierce advocate for the needs of Islanders living in rural areas, especially in West Prince, and for the rights of First Nation Islanders.

She never forgot her homeland, Zimbabwe, and returned there to assist in mission clinics. She helped members of her extended family and others with educational funding, and even supported resistance and freedom movements in Africa.

Last year, Dr. Madigane was inducted into the Order of Prince Edward Island, the highest honour an Island resident can receive. The biography that accompanied the announcement described her in this way:

> Dr. Joyce Madigane lives up to the values laid out in the Order of Prince Edward Island through, literally, her life-giving contribution to the Island, her devotion to her occupation, and her long public service.

Over the years, she has also received the Queen Elizabeth II Golden Jubilee Medal and the Tyne Valley Citizen of the Year Award. In 2010, she was named the Elder of the Year by the Lennox Island First Nation, as well as one of the top 25 immigrants by *Canadian Immigrant* magazine.

In the interview that accompanied the magazine award, Dr. Madigane explained why she worked so hard:

> When people trust you, you don't want to let them down. And that is what drives me. And I can't afford to let Tyne Valley down.

Honourable senators, there's no doubt that Dr. Madigane will be missed by her patients, by the people of Tyne Valley and Lennox Island, and the province as a whole. She was simply outstanding, and made a lasting and positive impact on the lives of others wherever she went. At this time, please join with me in offering our deepest condolences to the family.

MONTREAL MOSAIC

Hon. Judith Seidman: Honourable senators, like most Canadian cities, Montreal has a list of epithets: the Metropolis of Quebec, la belle ville, and the City of Festivals. We nickname our cities because we are convinced each has a distinct character and, in the case of Montreal, a distinct energy: cosmopolitan and multi-ethnic, a place of diverse cultures and backgrounds. But how does a city like Montreal capture its colourful and often complicated history?

Collaboration among the Quebec Anglophone Heritage Network, the Greater Montreal Community Development Initiative, the Quebec Community Groups Network and the English Language Arts Network has produced a truly wonderful initiative.

Montreal Mosaic, a web magazine, and Mapping the Mosaic combine to create a people's history, an online, community-driven chronicle of cultural identity and place.

The project takes two forms. First, *Montreal Mosaic* web magazine collects stories, anecdotes and perspectives on life in English-speaking Montreal. Submissions range from articles and photographs to video and audio clips.

Second, Mapping the Mosaic encourages users to pinpoint a memory or a piece of history on a map of the greater Montreal area. Participants create a map pin in one of two categories: memory — meaning a personal anecdote, reflection or story — or history — a person, place or event that has shaped Montreal over time.

The result, honourable senators, is a map that conveys the cultural and historical richness of a city. Whether it is the account of Jackie Robinson's first game as a Montreal Royal, or a personal recollection of springtime ice shoves on the St. Lawrence, this website locates historical moments and memories on familiar streets and neighbourhoods. In this format, users can share and explore the diverse history and cultural memory of English-speaking people in Montreal.

Ultimately, Mapping the Mosaic and *Montreal Mosaic* web magazine combine to create an invaluable learning apparatus: a resource for schools, historical societies, cultural associations and any curious individual with an interest in the history of English-speaking Montreal and its diverse neighbourhoods.

I encourage you to visit both of these websites and experience the project for yourself.

THE SENATE

ROLE OF INDEPENDENT SENATORS

Hon. Nick G. Sibbeston: Honourable senators, two weeks ago Justin Trudeau surprised the country by announcing that he was removing senators from the Liberal parliamentary caucus. I, for one, welcome this change. There has been a lot of talk of Senate reform over the last few years, but this decision, in my view, is the most concrete action by anyone to make the Senate a freer and more effective body.

Just think: There will be no more party pressure to vote a certain way, despite your own judgment as to what you think is right, never again to be relegated to a back row seat or to be rejected by caucus colleagues for going against party lines.

Coming from the Northwest Territories, which has a consensus form of government and no political parties in the legislative assembly, I'm happy that there will be less partisanship in the Senate. I look forward to continuing to deal with issues on merit and on a common-sense basis, with the main consideration being what is right and good for the North.

• (1420)

While the CBC in the North was recording my support for Trudeau's action, they also referred to an NDP report that said I missed a lot of votes. In fact, they put me in the category of Senator Brazeau, as being irresponsible and non-attentive to serious business.

When standing votes occur in the Senate, it is often during the most partisan debates, usually at the end of a session. Many procedural votes are due to party wrangling or, as in the case of

disciplining of senators this fall, to protect party interests. I make no apologies for not attending those kinds of partisan debates, even if it means missing votes.

I understand one time during this period there was something like eight votes in a day that just dealt with procedural matters. I would rather be in the North attending to more useful business.

I hope the change announced by Mr. Trudeau will significantly reduce partisanship here and that, more and more, senators will be less concerned with what the party thinks and more concerned in engaging in the sober second thought for which this body was created.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a group of participates in our Parliamentary Officers' Study Program.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

SPEAKER OF THE SENATE

PARLIAMENTARY DELEGATION TO LONDON, OCTOBER 18-19, 2013—REPORT TABLED

The Hon. the Speaker: Honourable senators, with leave of the Senate, I would like to table a document entitled: "Visit of the Honourable Noël A. Kinsella, Speaker of the Senate, and a Parliamentary Delegation, London, United Kingdom, October 18-19, 2013."

Is leave granted, honourable senators?

Hon. Senators: Agreed

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Vernon White, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, February 11, 2014

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

SECOND REPORT

Following the entry into force of the revised *Rules of the Senate* on September 17, 2012, your committee has, pursuant to rule 12-7(2)(a), continued to consider the Rules and now recommends as follows:

1. That rule 13-2 be deleted and current rules 13-3 to 13-7 renumbered as 13-2 to 13-6 respectively;

2. That:

(a) rule 16-1 be amended by the addition of the new subsection (8) as follows:

"Message on Royal Assent

16-1. (8) At any time after the completion of Orders of the Day, the Leader or Deputy Leader of the Government may, if there are any bills awaiting Royal Assent, state that a message from the Crown concerning Royal Assent is expected. After this announcement no motion to adjourn the Senate shall be received and the rules regarding the ordinary time of adjournment or suspension, or any prior order regarding adjournment shall be suspended until the message has been received or either the Leader or Deputy Leader of the Government indicates the message is no longer expected. If the Senate completes the business for the day before the message is received, the sitting shall be suspended to the call of the Speaker, with the bells to ring for five minutes before the sitting resumes.**"; and**

(b) rule 16-1(8) be added to the lists of exceptions for rules 3-3(1), 3-4 and 5-13(1); and

3. That all cross references in the Rules, including the lists of exceptions, be updated accordingly.

Respectfully submitted,

VERNON WHITE
Chair

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

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

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Vernon White, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, February 11, 2014

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

THIRD REPORT

Following the entry into force of the revised *Rules of the Senate* on September 17, 2012, your committee has, pursuant to rule 12-7(2)(a), continued to consider the Rules and now recommends as follows:

1. That rule 4-15 be amended by the addition of the new subsection (3) as follows:

"Limit on adjourning debate in own name after speech started

4-15. (3) If a Senator has started to speak on an item of Other Business on the Order Paper or any motion or inquiry on the Notice Paper, that debate can be adjourned only once in that Senator's name for the balance of time remaining.**"; and**

2. That all cross references in the Rules, including the lists of exceptions, be updated accordingly.

Respectfully submitted,

VERNON WHITE
Chair

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

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

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Vernon White, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following report:

Tuesday, February 11, 2014

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

FOURTH REPORT

Following the entry into force of the revised *Rules of the Senate* on September 17, 2012, your committee has, pursuant to rule 12-7(2)(a), continued to consider the Rules and now recommends as follows:

1. That:

(a) rule 6-3 be amended by replacing subsection (1) by the following:

"Time limits for speakers

6-3. (1) Except as otherwise provided:

Leaders

(a) the Leader of the Government and the Leader of the Opposition shall be allowed unlimited time for debate; and the leader of any other recognized party shall be permitted up to 45 minutes for debate;

Sponsor of bill

(b) the sponsor of a bill, if not the Leader of the Government or the Leader of the Opposition, shall be allowed up to 45 minutes for debate at second and third reading;

Critic of bill

(c) the critic of a bill, if not the Leader of the Government or the Leader of the Opposition, shall be allowed up to 45 minutes for debate at second and third reading;

Others

(d) other Senators shall speak for no more than 15 minutes in debate.

EXCEPTIONS

Rule 2-5(1): Arguments

Rule 4-2(3): Senators' Statements limited to three minutes each

Rule 4-3(2): Tributes limited to three minutes each

Rule 4-3(4): Acknowledgements of tributes

Rule 6-2(2): Clarification in case of misunderstanding

Rule 6-5(1): Yielding to another Senator for debate

Rule 7-1(3): Question on agreement to allocate time put immediately

Rule 7-3(1)(f): Procedure for debate on motion to allocate time

Rule 8-3(3): Time limit for request for emergency debate

Rule 8-4(3): Speaking times

Rule 12-22(6): Debate on a tabled report

Rule 12-32(3)(d): Procedure in Committee of the Whole

Rule 13-7(3): Time limits on speaking on motion on case of privilege"**; and**

(b) Appendix I to the Rules be amended in the Definitions by adding in alphabetical order the following:

i. "Critic of a bill

The lead Senator responding to the sponsor of the bill. The critic is designated by the Leader or Deputy Leader of the Government (if the sponsor is not a government member) or the Leader or Deputy Leader of the Opposition (if the sponsor is a government member). While the critic is often the second Senator to speak to a bill this is not always the case. (*Porte-parole d'un projet de loi*)"**; and**

ii. "Sponsor of a bill

The lead Senator speaking for a bill. In the case of a Government Bill, the sponsor will typically be a government member and will normally move the motions for second and third readings and speak first during debate. In the case of a non-Government Bill, the sponsor will introduce the bill if it originates in the Senate, guide it through the different stages, and usually appear as a witness in committee to speak in support of the bill. (*Parrain d'un projet de loi*)"**;**

2.That rule 12-22 be amended by the addition of the new subsection (6) as follows:

"Debate on a tabled report

12-22. (6) If a motion to adopt a tabled report is moved only after consideration of the report has started, any Senator who spoke on the consideration of the report before the motion was moved may speak to the motion, but only for a maximum of five minutes."**; and**

3. That all cross references in the Rules, including the lists of exceptions, be updated accordingly.

Respectfully submitted,

VERNON WHITE
Chair

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

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

• (1430)

[*Translation*]

TRANSPORT AND COMMUNICATIONS

STUDY ON EMERGING ISSUES RELATED TO CANADIAN AIRLINE INDUSTRY—NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REQUEST A GOVERNMENT RESPONSE TO THE EIGHTH REPORT OF THE COMMITTEE TABLED DURING THE FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

Hon. Dennis Dawson: Honourable senators, I give notice that, two days hence, I will move:

That, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the Government to the Eighth Report of the Standing Senate Committee on Transport and Communications entitled: One Size Doesn't Fit All: The Future Growth and Competitiveness of Canadian Air Travel, tabled in the Senate on April 17, 2013, during the First Session of the Forty-first Parliament, and adopted on May 7, 2013, with the Minister of Transport being identified as the minister responsible for responding to the report.

[*English*]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CURRENT STATE OF "ONE CALL" PROGRAMS THAT IDENTIFY CRITICAL UNDERGROUND INFRASTRUCTURE

Hon. Richard Neufeld: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on the current state of "One Call" programs that identify critical underground infrastructure in Canada. In particular, the committee shall be authorized to:

Examine the ease of access to One Call programs and their damage prevention procedures, with a view to facilitating One Call services;

Examine best practice harmonization of underground protection practices and call-before-you-dig initiatives across federal, provincial, territorial and municipal government levels;

Recommend specific measures to enhance harmonization of best practices and the development of a national one call service; and

That the committee submit its final report no later than December 31, 2014 and that the committee retain all powers necessary to publicize its findings until 180 days after the tabling of the final report.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY INTERNATIONAL MECHANISMS TOWARD IMPROVING COOPERATION IN THE SETTLEMENT OF CROSS-BORDER FAMILY DISPUTES

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

That the Standing Senate Committee on Human Rights be authorized to study international mechanisms toward improving cooperation in the settlement of cross-border family disputes, including Canada's actions to encourage universal adherence to and compliance with the Hague Abductions Convention, and to strengthen cooperation with non-Hague State Parties with the purpose of upholding children's best interests; and

That the committee submit its final report to the Senate no later than December 31, 2014.

HYDROCARBON TRANSPORTATION

NOTICE OF INQUIRY

Hon. Richard Neufeld: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the safety of hydrocarbon transportation in Canada, and, in particular to the twelfth report of the Standing Senate Committee on Energy, the Environment and Natural Resources entitled: *Moving Energy Safely: A Study of the Safe Transport of Hydrocarbons by Pipelines, Tankers and Railcars in Canada*, deposited with the Clerk of the Senate on August 22nd, 2013, during the First Session of the Forty-first Parliament.

QUESTION PERIOD

SCIENCE AND TECHNOLOGY

CLOSURE OF DEPARTMENTAL LIBRARIES

Hon. Claudette Tardif: Honourable senators, my question is for the Leader of the Government in the Senate.

Over the past two years, the government has hastily closed down dozens of federal departmental libraries across the country without ensuring that vital records be digitized and without providing adequate resources to do that job or to assess the impact of these closures.

Let me remind honourable colleagues about the long list of libraries that have recently closed down: libraries at Canadian Heritage; libraries at Citizenship and Immigration; libraries at Environment Canada; libraries at Foreign Affairs; libraries at Employment and Social Development Canada; libraries at the National Capital Commission, Public Works and Government Services; libraries at Transport Canada; libraries at the Canada Revenue Agency; libraries at Fisheries and Oceans and Natural Resources Canada.

Federal libraries are an important part of Canada's cultural heritage. As Dr. Wells, a prominent researcher at the International Ocean Institute in Halifax, stated:

I see this situation as a national tragedy, done under the pretext of cost savings, which, when examined closely, will prove to be a false motive. A modern democratic society should value its information resources, not reduce, or worse, trash them.

Why? Why has the government failed to protect thousands of documents and the data that these libraries contained, thereby putting at risk our scientific heritage?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): I want to thank the honourable senator for her question. This gives me the opportunity to confirm to you that the information from the libraries is still available in digital form.

As you know, these days, digitizing information is the best way for employees and individuals to get the information they need. Employees across Canada will have greater access to information electronically, which we are currently making possible while saving taxpayers' money. Modern technology and document digitization make this is a sound decision.

Senator Tardif: Allow me to read an account from a researcher who attended the dismantling of the Freshwater Institute library in Winnipeg:

What I saw was unbelievable. They opened the library and people were invited to take what they wanted from the shelves. I saw some leave with boxes full of old maps or old documents about plankton.... The government said that only duplicates of documents were handed out, but from what I saw, no one was keeping track.... It made me sick to watch what was happening at that superb library.

Mr. Leader, that account is just one of many describing the chaotic dismantling of federal libraries and the loss of irreplaceable intellectual capital amassed over the years thanks to Canadian taxpayers. Scientists tell us that many documents ended up in the trash, were burned or were picked up by passers-by.

Will the government find out whether this destruction of Canadians' documentary heritage was done in accordance with the law?

Senator Carignan: As I said, we have decided to equip the government with 21st century technology because that is a wiser way to spend Canadians' money. Library users want digital information now. We know that because all of the libraries, including the fisheries one you mentioned, received an average of 5 to 12 visitors per year. Just to be clear, I did not say 5 to 12 visitors per day, but 5 to 12 visitors per year.

We sent lists of our duplicate documents to many groups so that they could add to their own collections, and we have been assured that Canadians can rest easy. The complete collection is available both on paper and digitally.

Senator Tardif: Canadian researchers have expressed their consternation at the closure of 7 of Fisheries and Oceans' 11 science libraries. A 12-page memo made public last December through an access to information request indicates that the sole purpose of closing this library is to save $443,000, which is not a lot of money.

• (1440)

How can the government justify the loss of this priceless scientific heritage?

Senator Carignan: Honourable senators, I believe that I clearly stated that library users want digital information and that this information is still available. We sent lists of our duplicate documents to many groups so they could add them to their collections. I have been told that Canadians can rest assured that the complete collection is available.

Libraries will continue to provide services in both official languages. The Commissioner of Official Languages acknowledged that the model adopted by Fisheries and Oceans' scientific libraries will not affect services to the public or the language of work.

Senator Tardif: I would like to read other accounts by current employees and scientists that contradict the information provided to you by the Prime Minister's Office:

[*English*]

> The department has claimed that all useful information from the closed libraries is available in digital form. This is simply not true. Much of the material is lost forever....

The cuts were carried out in great haste, apparently in order to meet some unknown agenda. No records have been provided with regard to what material has been dumped or the value of the public property. No formal attempt was made to transfer material to libraries of existing academic institutions.

[*Translation*]

Can the Leader give us details about how the government decided which documents would be kept and which ones would be discarded? I would also like to know if librarians and users were consulted.

Senator Carignan: As I explained, we have undertaken to provide the government with 21st century technologies in order to spend the taxpayers' dollars more wisely. Library users want digital information.

I explained it and I will say it again: We sent lists of our duplicate documents to many groups so they could add them to their collections. Canadians have nothing to worry about: the complete collection of these scientific documents is available.

I don't think anyone can criticize this government for digitizing the documents so that they can reach a wider audience.

[*English*]

EMPLOYMENT AND SOCIAL DEVELOPMENT

EMPLOYMENT INSURANCE

Hon. Art Eggleton: Honourable senators, as we know, job creation numbers fluctuate from month to month. Figures released last week for the end of January said they went up 29,400, but in December they went down 46,000.

To get an accurate depiction of where we are, we have to look at longer trends. Now, if we just look at last year, 2013 turns out to be very disappointing in terms of job creation. Except during the height of the recession, 2013 had the slowest job creation rate in over a decade of less than 100,000.

We have 1.3 million Canadians unemployed, and if you look at the other side of the coin, the number that are employed — to back up what I just said, the rate at the end of December was 61.6 per cent; but if you go back to the pre-recession, pre-2008, just before the crash, the number was significantly higher at 63.5 per cent. So we haven't made up for the job creation loss that we have had since pre-recession days.

But the government feeds us the myth that our economy is not only doing well but that in fact we're world leaders. Well, it turns out we're not. The OECD ranks us twentieth out of 34 countries in net job creation, with countries such as Germany and Australia doing far better at creating jobs.

I want to find out more about people who are unemployed, particularly those who rely on unemployment insurance. I have a three-part question for the Leader of the Government in the Senate. First, how many unemployed Canadians are on Employment Insurance, and how long, on average, do they stay on EI?

Second, in percentage terms, can you break down how people get off EI, whether they are getting off because the period of their benefit has run out or because they find a new job? I think it would be beneficial to know that.

Third, if they go off EI with a job, what kind of employment do they get? We hear so much today about precarious, part-time, casual employment. Are they getting full-time jobs comparable in salary, benefits and pensions to the position they previously had? It would be interesting to know your answer to those three questions.

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Honourable senators, as you know, we are focusing on what matters most to Canadians: economic growth and job creation. November's economic growth is a positive sign that our economy remains on the right track. Canada has the best job creation record among all G7 countries.

I want to repeat that: of all G7 countries, Canada has the best job creation record. If we were in the economy Olympics, we would take gold there too.

With over 1 million net new jobs created since the depths of the global recession, of which more than 85 per cent are full time and 80 per cent are in the private sector, the International Monetary Fund and the OECD both project Canada's economic growth to be among the strongest in the G7 in the coming years.

The prestigious firm Bloomberg ranks Canada as the second best place in the world to do business. Canada is one of a handful of countries that enjoy a AAA credit rating. Those results are indisputable.

We must continue on that path. We are not immune to economic challenges from beyond our borders. We must continue working hard and remain focused on our primary objectives. We also need to continue working with our economic partners in order to maintain this growth.

As part of the Economic Action Plan 2014, our government will continue to work on building the economy and creating jobs. This afternoon, the Minister of Finance will present our Economic Action Plan for the next year. Although I will not let out any budget secrets, you can be sure that job creation and economic growth remain our government's top priority.

As for the fact that the OECD ranks Germany ahead of Canada, you should have dug a little further for more information. You would have learned that the OECD's methodology differs from that of national statistics offices. If you had taken the time to consult the German office, as we do when it comes to statistics, you would know that Canada actually has the best job creation record of all G7 countries, with growth of 6.1 per cent, while Germany ranks third with 4 per cent growth.

[*English*]

Senator Eggleton: Congratulations. That really got out all the propaganda. I gave you three questions about unemployment insurance, and you have not answered those. I would like answers to those. I think your figures are way wrong.

• (1450)

You talk about economic growth, but there is still a lot of unemployment. There is not a sharing of the prosperity in terms of this economic growth. There is still too much inequality and that's why we find people who are still suffering from the effects of the recession, who are unemployed. I would like you to answer to my three questions.

[*Translation*]

Senator Carignan: Senator, you are getting facts and propaganda mixed up. I gave you facts. I understand that you do not like the facts and that, with your partisan Liberal approach, you wanted to question the government's record. However, these are real facts, whether you like them or not. I think that just as we can be proud to see Canada among the top countries in the Olympic medal rankings, we should also be proud to see Canada at the top of the economic rankings.

[*English*]

Senator Eggleton: You still haven't answered my questions and it's unfortunate that you believe that myth that you're giving us.

I would like to ask some other questions to add to the three-part question I already gave you.

You're trying to say a lot of the jobs are good paying. Some of them perhaps are, but there are a lot of other people who struggle to afford the basic necessities for themselves and their families.

McMaster University did a study that found there was a 50 per cent increase over the last few years in precarious employment. This is casual, part-time employment. It lacks benefits and pensions, and this is affecting the economic security. You talk about economic growth, but this is affecting the economic security for a lot of people in respect to themselves and their families.

I would also like to know for these jobs that you have bragged about here, that you have created, what sectors are they in? What is the average pay per sector? Are they really good-paying jobs? Show me the numbers. Are they full-time permanent jobs or are they temporary precarious types of employment, and do they have benefits and pensions associated with them? I add those to the other questions that I would like you to answer.

[*Translation*]

Senator Carignan: Senator, instead of saying that I am not answering your questions, you should listen to the answers I am giving you. I told you that 85 per cent of the jobs created were full-time, and 80 per cent of them were in the private sector.

[*English*]

CANADIAN HERITAGE

WINTER OLYMPICS 2014—SUCCESS OF CANADIAN ATHLETES

Hon. Wilfred P. Moore: Honourable senators, my questions are also for the Leader of the Government in the Senate. I'll use your second-last answer, leader, as a segue into my first question, and then I'll turn to a more sad and tragic question.

Are you aware that tomorrow, at 5:30 Eastern Standard Time, the women's snowboard halfpipe event takes place at Sochi, Russia, and that the Canadian team includes Alexandra Duckworth of the tiny village of Lower Kingsburg, Lunenburg

County, Nova Scotia, who was Canada's top female halfpipe snowboarder this year, and will you join me and all senators in wishing Alex and her halfpipe teammates good luck tomorrow?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, I think we send well wishes to all the Canadian athletes who are representing us in Sochi. We have been moved by the performances of some athletes, and we are very proud of them. They have demonstrated qualities we admire in Canadians, such as perseverance, hard work, success, patriotism and family closeness. We should be very proud of our entire contingent of athletes who are representing us in Sochi, and I think that this entire chamber would like to send best wishes to all of the athletes representing us so well in Sochi.

[*English*]

PUBLIC SAFETY

CANADA BORDER SERVICES AGENCY— DEATH OF DETAINEE LUCIA VEGA JIMÉNEZ AT VANCOUVER INTERNATIONAL AIRPORT

Hon. Wilfred P. Moore: Honourable senators, I now want to turn to the matter of the tragic death of Lucia Vega Jiménez in the Vancouver International Airport holding cell.

As you and other senators may know, this young lady was apprehended. She was on a bus, didn't have her fare, didn't pay the fare and was apprehended. In the course of the investigation as to who she was, Canada Border Services Agency realized she was on their list as being a person who was deported and then came back into Canada.

CBSA took this young lady and she was placed in the Alouette Correctional Centre in Maple Ridge, B.C. That happened on December 1. She was held there for three weeks. On December 19 she was told by CBSA that she was going to be deported, and on December 20 she was transferred to the holding cell at the Vancouver International Airport and there, attempted suicide using the shower curtain.

You may have some detail on this and you may not. You may want to take this as notice, leader. CBSA did not make known this lady's movements and her death wasn't made known until January 27. Do you have any information on that, and do you have any information in regard to the actions or lack of actions by CBSA?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, as you know, it is impossible for us to comment on an individual case. We are obviously saddened to hear of someone being harmed or passing away. You mentioned possible mental health issues. As you know, we take mental health in our prisons very seriously. We have done a great deal of work to improve access to mental health treatment and improve training for corrections officers. As for the case you mentioned, I do not think it would be appropriate for me to comment on a specific case.

[*English*]

Senator Moore: Honourable senators, I don't think I raised the matter of the person's health, physical or mental. I may be wrong, but I don't think I did, so maybe there is a little Freudian slip. Maybe you know something that CBSA hasn't told us.

Do you know whether or not CBSA hires outside contractors to do the enforcement duties and to administer persons in these holding facilities?

• (1500)

[*Translation*]

Senator Carignan: Honourable senators, I do not want you to misinterpret the general comments I made about mental health in prisons. As I said, it would not be appropriate for me to comment on the individual cases you have mentioned.

[*English*]

Hon. Larry W. Campbell: To provide some clarification, CBSA appeared yesterday before the Standing Senate Committee on National Security and Defence, and they were questioned on this very issue. Leader of the Government, are you aware that the CBSA representative advised me yesterday in the open hearing that this was an in-custody death, and that the Coroners Service of British Columbia will be holding an inquest into this death?

I'm not trying to trap you; I just wondered if you knew that. There's no reason you would know that unless you were involved in this specifically.

[*Translation*]

Senator Carignan: As I was going to say, I did not receive the notes from the committee you are referring to, and I was not informed of that fact.

[*English*]

Senator Moore: Further to Senator Campbell's intervention and what CBSA's role might have been in this tragic death, I wonder if you would know if anything took place at the Alouette Correctional Centre for Women, where this lady was for three weeks, that would have depressed her to the point that she would consider taking her own life, or whether anything happened when she was placed in the Vancouver International Airport holding facility on the twentieth.

Why did it take so long for her to be deported? She had been working in Vancouver with Ms. Claudia Franco Hijuelos, the Consul General of Mexico, and she was happy to be going to a safe house in Mexico. Within a day, something happened here such that her whole demeanour changed to the point that she was so depressed she tried to take her own life and died in the hospital eight days later.

Do you have any information at all about those situations, leader? It seems to me this whole situation cries out for the need for oversight over CBSA. Do you have any comments on that?

[*Translation*]

Senator Carignan: Senator, as I explained earlier, I cannot comment on individual cases. In any event, privacy legislation prevents me from speaking about the details of this case or any other similar case.

[*English*]

Senator Moore: I would just —

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

[*Translation*]

ORDERS OF THE DAY

CRIMINAL CODE
NATIONAL DEFENCE ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator McIntyre, seconded by the Honourable Senator Seth, for the second reading of Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder).

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Bill C-14, An Act to amend the Criminal Code and the National Defence Act, which is better known by its short title, the Not Criminally Responsible Reform Act.

I would like to begin by repeating some important facts, and then I will present the concerns I have with the various components of the bill.

Correctional Service Canada reported that in 2008, 13 per cent of federal offenders were suffering from mental illness at intake.

[*English*]

It's an increase of 86 per cent compared to 1997.

[*Translation*]

That rate is 24 per cent among offenders, which is an 85 per cent increase over the same time period.

[*English*]

Senator McIntyre, the sponsor of Bill C-14 in the Senate, for whom I have great respect, spoke on this bill at second reading. He is very familiar with the issues of the bill as he was a member of the review board for 25 years.

In his speech, Senator McIntyre presented three main components of Bill C-14. These three components were also in the minister's backgrounder on the Not Criminally Responsible Reform Bill. They are putting the public first, a designation of high risk, and enhanced victims' rights.

The proposed amendments to the mental disorder regime are as follows: First, the legislation would explicitly set out that public safety will be the paramount consideration in the decision-making process relating to accused persons found to be not criminally responsible.

The second main component of this bill is the creation of a high-risk designation for accused persons found to be not criminally responsible for a serious personal injury offence and a substantial likelihood for further violence that would endanger the public. A high-risk designation could also be made in cases in which the acts were of such brutal nature as to indicate a risk of grave harm to the public. Those designated as high-risk, not criminally responsible accused persons would not be granted a conditional or absolute discharge.

Upon being designated by the court as high-risk, a not criminally responsible person would be held in custody and would not be released by a review board until the person's designation was revoked by a court.

The third part of the bill is enhancing victims' rights. The legislation would enhance the safety of victims by ensuring that they are specifically considered when decisions are being made about persons found not criminally responsible.

As we are all aware, there are the concepts of "unfit to stand trial" and "not criminally responsible." These are two different concepts. A person can be unfit to stand trial at any time during the trial before a verdict is pronounced, and in determining if a person is not criminally responsible for the offence charged, the court focuses on the mental state of the person at the time of the alleged offence.

A person may be found to be not criminally responsible due to their mental state at the time of the offence and the fact that they lacked the capacity to appreciate that what they did was wrong. They did not have the necessary intent to commit the offence.

A person not criminally responsible is found to be neither guilty nor innocent. The Supreme Court explains this regime:

> ... supplements the traditional guilt-innocence dichotomy of the criminal law with a new alternative for NCR accused — an alternative of individualized assessment to determine whether the person poses a continuing threat to society coupled with an emphasis on providing opportunities to receive appropriate treatment.

Honourable senators, we are speaking of fewer than 1 per cent of those accused annually who are found to be not criminal responsible; they are fewer than 1 per cent of all those people who are accused of crimes.

• (1510)

At present, the review board must take into account four factors: one, the need to protect the public; two, the mental condition of the person; three, the reintegration of the person into society; and, four, the other needs of the accused. Now the approach will be that the public safety will be paramount.

Honourable senators, we would all agree that victims' rights must be enhanced and the victim and their families need support and, more importantly, a voice at these hearings. If anything, at committee stage here in the Senate, we should examine if there are further rights that the victims should be accorded. I know, senators, you will agree with me that the victim should get all the support they need.

[*Translation*]

Honourable senators, let me express my concerns about this bill.

[*English*]

In its first engagement, the government explicitly emphasizes the protection of the public.

[*Translation*]

However, the Canadian Bar Association said, and I quote:

> The teachings of the Supreme Court indicate that providing treatment to mentally ill individuals is the most just and equitable approach to protecting the public.

The Criminal Code states that the need to protect the public, the mental condition of the accused and the needs of the accused must be equal criteria. Those three criteria that are deemed to be equal allow the court to order the disposition that is the least onerous and least restrictive to the accused. However, Bill C-14 flies in the face of the equality and authority of those three criteria.

The government is also going against what the Supreme Court of Canada said. Indeed, Chief Justice McLachlin made the point that what is important is:

> ...maintaining a balance between the goal of protecting the public, the treatment of a person who is mentally ill, and the protection of that person's dignity.

[*English*]

Honorable senators, under the present regime the review boards have to make a disposition that is least onerous to the not criminally responsible person under the four considerations I set out above. In the words of Supreme Court Chief Justice McLachlin in the *Winko* decision:

> ... it ensures that the NCR [not criminally responsible] accused's liberty will be trammeled no more than is necessary to protect public safety.

The principles were identified *in Winko v. British Columbia (Forensic Psychiatric Institute)*, wherein the Supreme Court addressed the issue of public safety of people and the rights of people not criminally responsible. The court stated as follows:

> Part XX.1 protects society. If society is to be protected on a long-term basis, it must address the cause of the offending behavior — the mental illness. It cannot content itself with locking the ill offender up for a term of imprisonment and then releasing him or her into society, without having provided any opportunities for psychiatric or other treatment. Public safety will only be ensured by stabilizing the mental condition of dangerous NCR accused.
>
> Part XX.1 also protects the NCR offender. The assessment-treatment model introduced by Part XX.1 of the *Criminal Code* is fairer to the NCR offender than the traditional common law model. The NCR offender is not criminally responsible, but ill. Providing opportunities to receive treatment, not imposing punishment, is the... appropriate response.

The Supreme Court indicates that providing treatment to mentally ill people is the just and equitable approach to protecting the public.

The court further states:

> [T]he treatment of one unable to judge right from wrong is intended to cure the defect. It is not penal in purpose or effect. Where custody is imposed on such a person, the purpose is prevention of antisocial acts, not retribution.

This requirement of being least restrictive is thus an important component of the balanced approach to the current regime.

The Supreme Court of Canada has on many occasions stated that the "least onerous and restrictive" is at the core of the constitutionality of the criminally not responsible regime. Over the last 15 years the Supreme Court has stated that this standard is vital for compliance with the Charter of Rights and Freedoms.

The proposed amendment to change the language may bring constitutional validity into question.

Concerning the designation in section 672.54, instead of stating the least onerous disposition, it places the safety of the public as paramount. This does not address the situation of the person not criminally responsible.

Honourable senators, where is the balance between the interests of the public and the person who is ill? The amendments will dilute the importance of the recognized goal of ensuring that the mental state of the person not criminally responsible has improved, as is expected in a just and equitable society.

More importantly, the amendments will change the current assessment and treatment system set out in Part XX.1 of the Criminal Code. Now it will be more of a punishment era than a treatment era.

Chief Justice McLachlin of the Supreme Court of Canada states:

> ... the regime provided in Part XX.1 of the *Criminal Code* appropriately balances the need to protect the public from those mentally ill persons who are dangerous and the liberty, autonomy and dignity interests of mentally ill persons.

[*Translation*]

The amendments proposed in Bill C-54 to section 672.54 of the Criminal Code remove the wording "the disposition that is the least onerous and least restrictive" and place the "safety of the public" above any other criteria.

[*English*]

However, the Supreme Court of Canada explicitly referred to those criteria as equal. They should be balancing each other.

[*Translation*]

Those amendments therefore diminish the importance of the recognized objective of ensuring that the condition of the ill NCR person has improved as being the most just and equitable way to protect society.

In a Department of Justice press release the government states that:

> The legislation reinstated today will put public safety first.

I find it very interesting that the government said that. With that statement, the government seems to be suggesting that protection of the public was not a priority before.

I would like to reiterate what the Supreme Court of Canada said, as follows:

> Providing treatment to mentally ill individuals is the most just and equitable approach to protecting the public.

The Supreme Court is not alone in saying that treatment and rehabilitation are needed for protecting the public.

[*English*]

In the other house, the Honorable Irwin Cotler said:

> Yet the best way of minimizing the potential that someone with a mental illness will commit a violent act, and therefore the best way of protecting the public, which appears to be the objective, as stated by the government, of this legislation, is to ensure effective treatment for the mentally ill.

[*Translation*]

The advantage of that approach is that it is demonstrated and proven by a number of professionals and by research — by the Canadian Psychiatric Association, for example. My concern about this initial commitment is that at no time is the government ensuring public protection over the long term. Indeed, over the short term, the public will be protected. However, stating on paper the importance of protecting the public is a very different thing from making a commitment to protect the public over the long term.

• (1520)

[*English*]

A Chief Justice of the Supreme Court of Canada once wrote:

> If society is to be protected on a long-term basis, it must address the cause of the offending behaviour—the mental illness.

As mentioned earlier, the second component of Bill C-14 is to create a high-risk designation. Prior to the 1992 Criminal Code changes, defendants successfully raising the not criminally responsible defence were automatically and indefinitely confined in an institution. In *R. v. Swain*, 1991, the Supreme Court struck down the previous regime, accepting that the mentally ill have historically been the subject of abuse, neglect and discrimination in our society. The changes made to Part XX.1 of the Criminal Code had an important effect on the processing and detention of individuals suffering from serious mental illness at the time of an offence.

The Canadian Bar Association believes the high-risk designation is not only unnecessary, but self-defeating and counterproductive. This amendment suggests, without much empirical support, that because a not criminally responsible accused has committed one serious offence, they will do so again. Yet again, Chief Justice McLachlin wrote:

> A past offence committed while the NCR accused suffered from a mental illness is not, by itself, evidence that the NCR accused continues to pose a significant risk to the safety of the public.

The Canadian Bar Association also mentioned that under Bill C-14, a high-risk accused would be subject to a different form of custody than a regular not criminally responsible accused.

[*Translation*]

My concern with regard to this new provision is the use of the French word "détenu."

Bill C-14 specifically states that a high-risk not criminally responsible person can be detained by the authorities.

The French word "détenu" refers to detention or imprisonment according to French dictionaries. If that is the case, a not criminally responsible accused would be called an "inmate" or "prisoner" instead of a "patient." This would mean that those

accused and found not criminally responsible would be further stigmatized. There will be a greater impact because this bill will stigmatize millions of Canadians suffering from mental illness.

My second concern with respect to this provision is that the not criminally responsible accused would not be eligible for unescorted temporary absences and could be denied an assessment of their condition for a period of up to three years.

There is no research that justifies these draconian measures or that indicates that these amendments will help protect the public or help treat individuals deemed not criminally responsible.

Once again, we are dealing with a government that ignores the opinions and research of professionals in this field.

[*English*]

These sanctions may actually hinder an accused's treatment, imperiling public safety.

[*Translation*]

If the individual in question does not have access to unescorted temporary absences, how can we evaluate his or her progress in society? How can we evaluate whether this individual is autonomous? How can we assess the progress made if review boards only assess the individual every three years? These are important steps in the process of reintegration into society.

[*English*]

In fact, Bill C-14 makes no attempt to foster the reintegration of non-criminally responsible accused back into society. It expressly prohibits such conduct for persons designated high-risk. Bill C-14 sends the message that non-criminally responsible people who commit serious offences cannot be efficiently treated and should be offered fewer procedural protections. That message cannot be acceptable to us, and certainly not to Canadians.

[*Translation*]

In that same vein, the description of the bill on Parliament's website says that:

> The bill recognizes that some criminals are unredeemable.

I find this statement a deeply worrisome indicator of the government's attitude toward people with mental illness.

I would like to recall a speech given by the Honourable Senator McIntyre about Bill C-14. He stated that the government is concerned that this interpretation — taking the victim into account — will not always be reflected in practice. I would like to know which sources or what research supports that claim. Statements like that make me worry about the government's attitude toward legal professionals.

In his speech, Senator McIntyre also said:

> I can assure all honourable senators that the proposed reforms are consistent with the government's efforts regarding mental illness and the criminal justice system.

The honourable senator said that the reforms are consistent with the government's ideology, but where do health and legal professionals stand?

Here is a list of all of the professionals who have concerns about this bill: the Canadian Bar Association; the Canadian Psychiatric Association; an alliance of mental health groups and mental health service providers that includes the Canadian Association for Suicide Prevention, the Canadian Association of Social Workers, the Canadian Mental Health Association, the Mood Disorders Society of Canada, the National Network for Mental Health, and the Schizophrenia Society of Canada; the John Howard Society; and the Elizabeth Fry Society.

[*English*]

Honourable senators, the thing that has stressed me about this bill is that every group that my office phoned said that there had been no consultation by our government with that group. None of those groups, who have daily contact with people who suffer from mental disabilities, were contacted before this bill was drafted. How can it be possible that there was no consultation with the groups that work with people who have mental disorders?

The Mental Health Commission of Canada recently noted that the mentally ill are over-represented in the criminal justice system and that an urgent need exists for appropriate services and treatment for these individuals.

Bill C-14 does nothing to ensure that adequate mental health services are available before a person comes in contact with the criminal justice system. Very little effort is being made to prevent these offences. I believe resources should be spent on the prevention of these offences.

Honourable senators, we need to work with the provinces to ensure that these offences are prevented, rather than after the terrible damage is done by people who are not criminally responsible. In fact, persons with mental illness are much more likely to engage in criminal behaviour when their condition is poorly managed.

[*Translation*]

If we follow that logic, this bill makes protecting society a myth.

[*English*]

The fact remains that this bill will send more people with a mental illness into the regular prison population — individuals who would be better served by getting treatment in the psychiatric system. Mental illness is already prevalent in the prison system, estimated as affecting as much as 10 per cent of the current federal penitentiary population.

[*Translation*]

This bill focuses on punishment rather than social reintegration.

• (1530)

The emphasis is on the Conservative ideology of punishment rather than investing in rehabilitating offenders and protecting the public in the long term. In short, this bill will increase the risk to society while placing a heavy burden on government coffers.

[*English*]

Honourable senators, if public safety was the main incentive for producing this bill, the government should assist the provinces by investing in mental health and rehabilitation programs. Today, one in five people in Canada has mental health issues. Protecting the public will not be achieved through these short-sighted changes to the law. We must also take a long-term approach towards rehabilitation and reintegration so that offenders do not become repeat offenders.

Honourable senators, almost 40 years ago when I became a lawyer, the first thing my senior partner said to me, because we used to do a lot of criminal work, is that when he was a judge he always had this one thought in mind: that when he sent the accused to prison, the prison guards did not throw the key away. Sooner or later that person would have to be reintegrated into society.

Today, ask yourself, are we going to integrate this mentally ill person into society, and how are we going to do it?

Hon. Paul E. McIntyre: Senator Jaffer, would you take a question?

Senator, in your presentation you seemed to be suggesting that Bill C-14 will have a negative impact on the broader issue of mental illness and that the bill is intended as fuel against the mentally ill.

As I indicated in my presentation way back in December of last year, Bill C-14, in my opinion, should not be interpreted as implying that people with mental illness are presumed to be dangerous. That is not what the bill does.

You're right that the bill has three main elements: putting public safety first, creating a new high-risk designation and enhancing victims' involvement. Bearing those elements in mind, it appears to me that two of the elements, public safety first and victims' involvement, are nothing new. The reason I say they are nothing new is because these two elements, public safety and victim impact statements, were first addressed by Parliament with the passage of Bill C-30 and Bill C-10. As you will recall, Bill C-30 was passed in 1992, which called for the creation of Part XX.1 of the code, and then in 2005 it was amended.

The only new element forming part of Bill C-14, you're right, is the high-risk designation. But the bill speaks of high-risk offenders as opposed to low-risk offenders. Nothing will change as far as the low-risk offenders are concerned.

What will change are the high-risk offenders and, in my opinion — and I would like to have your thoughts on this — all the bill is doing is amending Part XX.1 of the code by putting more emphasis on the high-risk designation.

Senator Jaffer: Senator McIntyre, everyone in this chamber knows of your detailed knowledge about this, and you have had 25 years of experience. If there is anybody who knows this issue very well, it's you.

I will try to answer your questions. As for Bill C-10, if you remember I brought forward an amendment that if a person was charged with a drug offence first they would be sent for treatment and then they would come in front of the judge to be dealt with. I moved an amendment that the same kind of thing would happen for a mentally troubled person. Unfortunately, that amendment was not adopted. Even though Bill C-10 was passed, everyone here knows that I was very unhappy with it. Later on today I will try to see if I can now get that amendment through.

There are three elements, as you very correctly said, in this bill. First is the paramount nature of public safety; second is the high-risk designation; and third is enhancing victims' rights.

As I said in my speech, I am really happy that we are enhancing victims' rights. Forty years ago, when I started practising law, there were no rights for the victim. It's great that this bill addresses that. I'm happy about that, and I hope our committee can ask victims if there are any other rights we should protect. That's a very good part the bill.

The concern I have is with the focus on public safety as being paramount. The courts have said to us regularly that there should be a balance between public safety and the interests of the person who is sick. I truly believe that when it is tested in the courts, this legislation will not stand. The courts have said continuously for the last 15 years that there needs to be a balance.

As for the high-risk designation, there are many problems with it. First of all, it applies only to personal injury caused by the person who is sick. Second, it has to be of a brutal nature. For the last few weeks — and this is why it has taken me a while to speak — I have not been able to find any definition of "brutal nature." It is so vague. Who will be designated as high-risk? "Brutal" is not defined.

In the *Langevin* case "brutal" was mentioned, but only in a contextual basis. The definition of "brutal" was not mentioned.

Again, we, as legislators, are setting up vague legislation for judges to interpret. I have difficulty knowing if we are serious about making a change or are making political noise.

Senator McIntyre: Would you take a supplementary question?

The only point I want to drive at is that, as far as I'm concerned, Bill C-14 simply deals with high-risk offenders as opposed to low-risk offenders. Having chaired the New Brunswick review board for 25 years, I see nothing will change as far as the low-risk offenders are concerned.

The board has three choices: It can grant an absolute discharge, it can grant a conditional discharge — a discharge subject to conditions — or it can order detention in a hospital facility.

This is how the law now stands under section 672 of the code: The difference between detention in a hospital facility and a conditional discharge or a discharge subject to conditions, as opposed to an absolute discharge, revolves around the issue of dangerousness. If the board is satisfied that the accused no longer remains a significant threat to the safety of the public or has doubt as to whether the accused remains a significant threat to the safety of the public, then it must grant an absolute discharge.

On the other hand, if the board is satisfied that the accused remains a significant threat to the safety of the public, then it must order detention in a hospital facility or a conditional discharge. So nothing has changed.

The only thing we're changing here is the high-risk designation, and it needs to be done, as far as I'm concerned. But we're not taking any powers to the low-risk offenders, and we're not stigmatizing mental illness.

The Hon. the Speaker *pro tempore***:** There was a question in that comment.

Senator Jaffer: Senator McIntyre, you have been in this process for 25 years and you say nothing has changed but high-risk. A lot has changed.

Number one, the decision to designate a person high-risk has been taken away from the great board you were working with, the review board. Now it will be decided by the courts, not by the review board.

Number two that has changed, which is really bothering me, is that instead of having an annual review it will be three years before there is a review. And before the high-risk designation is removed, sadly, the person who has had the mental illness has to go again before the courts, not before the review board. The person has to go again before the courts and have the court remove the designation. Once the court has removed the designation, it doesn't mean that that person is free. Then it goes back to the board to decide whether this person should get an absolute discharge or a conditional discharge or should continue.

• (1540)

The biggest thing for me about a person who is ill is that we are stigmatizing that person. He will always carry the label that he is a high-risk offender. Why? Because he has a mental illness. Is that the kind of Canada we want?

Senator McIntyre: I don't want to start a debate, because we're on second reading. I'll have an opportunity to address this at third reading.

The Hon. the Speaker *pro tempore***:** Absolutely. Continuing debate? Are senators ready for the question?

An Hon. Senator: Question.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

The Hon. the Speaker *pro tempore***:** Carried, on division

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

REFERRED TO COMMITTEE

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

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

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO TRAVEL

Leave having been given to revert to Notices of Motions:

Hon. Bob Runciman: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Legal and Constitutional Affairs have the power to travel within Canada, for the purpose of its examination and consideration of Bill C-14, An Act to amend the Criminal Code and the National Defence Act (mental disorder).

BUSINESS OF THE SENATE

MOTION TO CHANGE COMMENCEMENT TIME ON WEDNESDAYS AND THURSDAYS AND TO EFFECT WEDNESDAY ADJOURNMENTS WITHDRAWN

On Government Business, Motions, Item No. 16, by the Honourable Senator Martin:

> That, during the remainder of the current session,
>
> (*a*) when the Senate sits on a Wednesday or a Thursday, it shall sit at 1:30 p.m. notwithstanding rule 3-1(1);
>
> (*b*) when the Senate sits on a Wednesday, it stand adjourned at the later of 4 p.m. or the end of Government Business, but no later than the time otherwise provided in the Rules, unless it has been suspended for the purpose of taking a deferred vote or has earlier adjourned;
>
> (*c*) when the Senate sits past 4 p.m. on a Wednesday, committees scheduled to meet be authorized to do so, even if the Senate is then sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
>
> (*d*) when a vote is deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings, if required, immediately prior to any

adjournment but no later than the time provided in paragraph (*b*), to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and that committees be authorized to meet during the period that the sitting is suspended.

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 5-10(2), I withdraw this notice of motion.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Carignan, P.C.:

That the following Address be presented to His Excellency the Governor General of Canada:

To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Jim Munson: Honourable senators, I know that you're anxious to listen to another Jim, another short guy, in about 20 minutes. I'm sure Minister Flaherty has listened to me and others in dealing with the response to the Speech from the Throne and particularly what hopefully will be happening in the budget this afternoon, after four o'clock, when he speaks.

There are things that sometimes can work in this Parliament when you have positive discussions with the government on many issues, and I'm responding now to the Speech from the Throne, *Seizing Canada's Moment*, with this speech, which won't be that long. Hopefully those who want to hear Minister Flaherty will.

Honourable senators, the 2013 Speech from the Throne addressed an issue that is close to my heart, the underrepresentation of people with disabilities in Canada's labour force.

Specifically, in that Speech from the Throne, the government committed to helping people with disabilities get the job training they need and to connecting them with employers and jobs. Our country has been recognized internationally as a leader in the area of disability, particularly education for children with disabilities.

On the issue of including people with disabilities in the labour force, however, Canada has lagged somewhat. There are currently about half a million working-age adults in this country with developmental disabilities, so many people who would most certainly benefit from the opportunity to work, to gain financial independence and to develop a greater sense of self-worth.

Unfortunately, only 25 per cent of these Canadians are gainfully employed. This is a problem not only for the remaining 75 per cent. For every adult denied the chance to be a productive employee, there is an employer and a team also losing out. Any person who truly wants to work is a person who will demonstrate a strong work ethic, who will take care and pride in his or her responsibilities and who will motivate co-workers by example and inspire among them a sense of camaraderie.

In less than 20 minutes, the federal budget will be delivered, and I await the details with hope that the government will carry through financially on its clear promise to help people with disabilities join and flourish within the Canadian labour force.

The government has an opportunity to be innovative, to draw from the expertise and insights of community agencies that work every day to support and improve the lives of people with disabilities, to inspire employers to hire people with disabilities, to invest in initiatives comprised of the right mix of best practices, partnerships and the potential to positively influence how society regards people with disabilities.

Minister Flaherty has heard from this fascinating and inspirational group. Ready, Willing and Able is a new initiative of the Canadian Association for Community Living, CACL. It is so named to reflect the reality that Canadians with disabilities are ready, willing and able to be part of creating an inclusive and effective labour market.

In partnership with the Canadian Autism Spectrum Disorders Alliance, the initiative is designed to increase employment for people with intellectual disabilities and people on the autism spectrum. The fact that Ready, Willing and Able represents people with intellectual and developmental disabilities speaks volumes. Traditionally, the interests of these groups are pursued separately, even when goals are shared. Clearly, this is a unique initiative.

There are many significant ways Ready, Willing and Able stands out from other initiatives supporting people with disabilities. In the words of my friend Michael Bach, Executive Vice-President of the CACL, one important difference is that it is demand-driven. It takes into account the reality that employers value the traits that this untapped labour pool can offer. This comes across clearly in last year's report from the Panel on Labour Market Opportunities for Persons with Disabilities, which was called, *Rethinking DisAbility in the Private Sector*.

The report includes a number of positive findings that suggest that Canadians' perception of people with disabilities is improving. Employers understand better than ever the merits of promoting diversity within their workplaces. They are ready to think bigger. It would seem that the underrepresentation of people with disabilities in the labour force is a situation that could essentially solve itself. This is not the case, though. Not at all.

Employers do not know how to reach this potential labour pool, and many community-based employment agencies that work with people with disabilities lack the skills and resources to connect with employers. What is needed is an infrastructure to bring the major players together. Bridging is critical to success.

The problem is that it is not currently funded. Ready, Willing and Able representatives connect with employers to determine their needs and then follow up with community agencies working with people with disabilities. It is somewhat like brokering. To date, Ready, Willing and Able has realized — and Minister Flaherty knows this — incredible successes. In one notable pilot effort last fall, it reached out to corporate decision makers at Costco, who followed up by engaging managers at stores in the Greater Toronto Area. Once representatives for the initiative got a sense from managers of what they wanted in prospective employees, they shared what they learned with community agencies. Those community agencies then identified job candidates from among their clients.

Ultimately, 23 people were hired to work through the busy holiday season. The employers were so pleased that they offered 20 of the temporary employees permanent jobs. Costco now plans to roll out a similar program in stores throughout Ontario, Quebec and the Atlantic provinces. In the words of CALC's Mr. Bach:

> We have a productivity challenge and anticipated labour-market shortage. If we support and educate people with disabilities for jobs that exist — not as part of a social service — we can show that they can be part of the solution.

• (1550)

Ready, Willing and Able is seeking a three-year investment from the federal government to create an infrastructure for connecting employers to people with disabilities. Participating in setting up this infrastructure and seeing how it works will enable the government to learn some invaluable lessons and, in the future, to invest more effectively.

There are also some significant financial benefits to be considered. In a proposal to find employment for 5,100 people, Ready, Willing and Able estimates that the government would see $1.41 million each year in cost savings in social assistance payments. Add to this amount increased revenues from income tax and sales tax from a new consumer group, and the case for this initiative gets more convincing.

Honourable senators, in the new climate that we are living in here, with the new reality on this side, personally I was heartened by the government's commitment last fall to address the underrepresentation of people with disabilities in the labour force, so I am anxious to learn how much money the government intends to spend directly towards this cause. The coming weeks and months will be interesting as the government scopes out its plan for action, and if it's a good action plan, I will support it.

As most of you know, the interests of people living with autism spectrum disorder and intellectual and other disabilities matter to me deeply. My work on their behalf involves many enriching experiences. I connect with wonderful people. I listen to their stories and I witness their accomplishments. Ready, Willing and Able sounds like a wonderful initiative for this country, to be true partners in our economy, community and society.

Contact with working-age people with disabilities and their families has afforded me many advantages, among them an understanding of what employment would mean to them and to Canada: a brighter future and pride.

As for those who believe in inclusiveness and the importance of social diversity, I am sure we would respond to decisive steps by the government to carry through on its commitments to people with disabilities in much the same way, with optimism for our society and with pride in seeing our values reflected in government-sponsored activities to improve the quality of life for people with disabilities.

(On motion of Senator Cools, debate adjourned.)

CONTROLLED DRUGS AND SUBSTANCES ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-203, An Act to amend the Controlled Drugs and Substances Act and the Criminal Code (mental health treatment).

Hon. Mobina S. B. Jaffer: Honourable senators, earlier on, I said that when Bill C-10 was in front of us, I had moved for an amendment, and today I am speaking to this bill and I hope you will all support it.

Honourable senators, over the last months, I have had the pleasure of exchanging emails with many Canadians on the subject of mental health treatment for offenders. I wanted to learn more about their concerns, experiences and ideas on how to promote human rights, including long-term safety for all Canadians.

One email that I received was from Sheila Pratt of Maple Ridge, British Columbia. Sheila was a primary school teacher for 30 years. She wrote:

> At some point during the year, I'd speak with my students about what they wanted to be when they grew up. There were future farmers, nurses, astronauts, doctors, bus drivers, teachers and many others.

Sheila continued:

> I never met a single child who wanted to grow up to be a substance abuser or a drug dealer. Somewhere along the way, someone or something failed them.

[*Translation*]

Canada's penitentiaries and prisons are not hospitals. Some of those institutions are not equipped to deal with, help or care for people with mental health problems.

Honourable senators, Bill S-203, which was previously Bill S-216, would create the same provisions for mental health treatment that already exist for drug treatment in the Controlled Drugs and Substances Act and the Criminal Code. In introducing Bill S-203, I am proposing that the criminal justice system address access to mental health treatment in the same way that the criminal justice system addresses access to drug treatment.

The existing drug treatment provisions, found in sections 10(4) and 10(5) of the Controlled Drugs and Substances Act and in section 720(2) of the Criminal Code, provide for the delay of sentencing for drug treatment.

In addition, if the Attorney General consents, those provisions allow for the waiver of mandatory minimums where the drug treatment has been successfully completed.

[*English*]

Maintaining consistency between the way that the criminal law addresses mental health treatment and the way it addresses drug treatment makes sense because the criteria and the goals of mental health courts and drug treatment courts are similar; they both emphasize addressing the root cause of criminal behaviour rather than simply punishing symptoms by incarcerating someone. They are based on the understanding that where convicted persons suffer from mental health or substance abuse issues, jail will not solve the problem. I repeat: Jail will not solve the problem.

To quote the Correctional Investigator of Canada, Mr. Howard Sapers, he says: "Prisons are not hospitals, but some inmates are in fact patients."

[*Translation*]

Provisions in the Controlled Drugs and Substances Act and in the Criminal Code that address substance abuse by offenders should also extend to offenders' mental health needs.

Honourable senators, clause 43(2) of Bill C-10, which this Parliament passed only recently, amended the Controlled Drugs and Substances Act to enable offenders to participate in a drug treatment court program approved by the Attorney General. That amendment was designed to take advantage of existing specialized drug treatment courts and services.

[*English*]

Clause 1 of Bill S-203 would amend the same act to enable the offender to participate in a mental health treatment court program approved by the Attorney General. The proposed amendment would also take advantage of existing specialized mental health treatment courts and services.

Mental health courts started to appear in various cities across Canada after drug treatment courts had demonstrated that problem-solving courts had a role to play in our justice system. The first mental health court in Canada was created in Toronto. In the past several years, mental health courts have been established in many different cities across the country. Mental health courts focus on people whose mental illness was a strong contributor to their being before the criminal court.

These courts may offer pre-trial diversion for less serious offences or delayed sentencing to allow treatment for or, where the offences committed are more serious, sentences that are tailored to mental health needs, such as a placement for treatment in a mental health facility rather than a jail term.

• (1600)

[*Translation*]

Mental health courts were developed through the varied and informal responses of local community stakeholders who acted upon the need to create them. Due in part to the administration and delivery of health care services being the responsibility of each province or territory, diverse mental health court models exist.

For example, the Toronto model uses repeated bail appearances, similar to drug treatment courts, where the accused appears before the judge very frequently. There are police workers based at the courthouse.

Yukon has a community wellness court, which deals with individuals affected by alcohol or drug addiction, mental health issues or a cognitive deficiency, including fetal alcohol spectrum disorder.

[*English*]

In mental health courts, Crown attorneys work with staff from participating agencies in deciding on legal outcomes, such as a peace bond under section 810 of the Criminal Code, probation orders or conditional sentences and probation. The sentence will generally be more lenient than what the convicted person would otherwise have received. The incentive process helps to ensure further treatment and monitoring. Mental health court programs allow people who may not be eligible for diversion due to the serious nature of the offence that they have committed to work toward an improved outcome if they are connected with mental health services.

Honourable senators, Bill C-10, passed during the Second Session of the Thirty-ninth Parliament, created a provision to allow for the delay of sentencing to enable the offender to attend a treatment program under section 720(2) of the Criminal Code. Bill S-203 adds an explicit reference to mental health treatment programs in addition to the addiction treatment and domestic violence counselling programs that are already listed under section 720(2).

Just as is the case for drug treatment programs, the province must approve the mental health treatment program. This explicit reference to a mental health treatment program could encourage the development of additional mental health treatment programs with the provincially operated treatment centres.

[*Translation*]

Requiring the Attorney General's consent to individual treatment reflects current practices and would help to reassure people that it is not simply a means to escape a mandatory minimum.

Finally, in clause 43(2) of Bill C-10, subsection (5) introduced the following provision on minimum punishment: If the offender successfully completes a program under subsection (4) — in other words, a drug treatment program — the court is not required to impose the minimum punishment.

[*English*]

Bill S-203 does exactly the same thing for offenders who complete a mental health treatment program as it does for people who have been accused of drug-related charges. As is the case for existing drug treatment provisions under the Controlled Drugs and Substances Act, by allowing for the waiver of a mandatory minimum sentence, the bill offers an incentive for convicted persons to begin the path toward healing while maintaining society's interest in penalizing criminal conduct.

Furthermore, the court retains the power to order the incarceration of a convicted person but is provided the discretion to waive the mandatory period of incarceration, just as Bill C-10 allowed for offenders who undergo drug treatment. This flexibility would allow the court to waive a mandatory minimum sentence in order to allow for ongoing treatment. As is the case for drug treatment under the Controlled Drugs and Substances Act, the discretion of the court to waive the mandatory minimum period of incarceration would only be triggered by the successful completion of mental health programs.

The provisions do not require that the convicted person be cured; the provision as drafted leaves these decisions within the court's discretion.

[*Translation*]

Before I conclude, I would like to read some experts' opinions on Bill S-203.

[*English*]

Professor David Joubert, expert in clinical psychology and imprisonment research said:

> I think that the best way to reduce risk of future conflicts in such cases is to provide the individual with humane and high-quality mental health care, as well as to reduce stigma, goals that cannot be accomplished in a carceral setting.

His colleague, Professor Jennifer Kilty, expert on psychiatric care in prisons, said:

> The carceral system does not provide adequate mental health diagnosis, care, or treatment and too often relies on psychopharmatherapy to try to address mental distress.

[*Translation*]

Those two experts in the field make very important points about treating inmates with mental health issues.

This bill is not revolutionary. It simply builds on an important provision from Bill C-10 that deals with drug treatment. We have drug treatment courts and drug treatment programs and legal provisions to better incorporate these tools into the criminal justice system. We also have mental health treatment courts and mental health treatment programs.

We need to ensure that there are adequate legal provisions to better incorporate these tools into the criminal justice system for inmates with mental health issues. It is important to ensure that offenders can receive the mental health treatment they need, which will also help to keep Canadians safe, both in the short and in the long term.

Thank you.

[*English*]

Hon. Yonah Martin (Deputy Leader of the Government): I'm not the critic of this bill, but I would like to adjourn the debate in my name.

(On motion of Senator Martin, debate adjourned.)

NATIONAL HEALTH AND FITNESS DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Gerstein, for the second reading of Bill S-211, An Act to establish a national day to promote health and fitness for all Canadians.

Hon. Larry W. Campbell: Honourable senators, I rise today to speak to Bill C-211, which is sponsored by Senator Greene and seconded by Senator Gerstein.

First, I would like to say that I'm pleased to be speaking to this bill and following such two icons of fitness in the Senate, Senator Gerstein and Senator Greene. I'm also pleased —

An Hon. Senator: Greene Raine.

Senator Campbell: I'm sorry, I'm old. You always have been an icon, senator.

I am pleased to announce that the City of Vancouver has endorsed National Health and Fitness Day. As you know, I had the honour of being the mayor of that city, and I don't think I have to tell anyone here about the parks and playing fields we have, probably more than any other city in Canada. On top of that, we have the miles and miles of beaches, the miles and miles of bike ways, and the miles and miles of trails —

Senator Cowan: And rain.

Senator Campbell: — with occasional rain; I will be the first to admit that.

We are among the healthiest and most active of Canadians, but as is happening everywhere, there is a rising rate of inactivity resulting in a number of people struggling with their weight and with health issues.

Rising rates of obesity, especially in young children, are a cause for serious concern. Doctors say the child who is obese at the age of six or seven is headed for a life of ill-health and unhappiness. Currently, over 50 per cent of our school-aged children are overweight, and 16 per cent are obese. Sadly, 6 per cent of children under the age of six suffer from obesity.

The problem is not just inactivity, though this is certainly a factor. We also are faced with a plethora of fast food, convenient foods, many of which are manufactured without regard for nutrition. I personally have sampled many of them on occasion and have found them less than nutritional. For instance, when the serving size on a bag of chips says "seven chips," does anybody stop at seven? I think not.

• (1610)

An excellent book was published last year called *Salt Sugar Fat*, and it is a real indictment of the food manufacturing industry. They're using the latest brain-scan technology to develop foods that light up the so-called bliss points in the brain, the same part of the brain that reacts to heroin for an addict. These addictive foods are heavily marketed, and all you had to do was watch the Doritos ads — not that I'm against Doritos — during the Super Bowl coverage.

All of us wish we lived in that perfect little world that we grew up in, with the picket fence; down on the corner was the skating rink; in the summer, you played baseball; there was camping; you went to cottages; and there was no fear. I don't know how many times I remember my parents saying, "Just go outside and come back around dinner time." And we did.

Unfortunately, times have changed. We live in a different era. We live in an era of fear — fear for our children, fear for what's going on outside — just generally a sense of fear. So this is going to be a difficult situation for parents to adjust to, but I'm suggesting that parents get over their fear and that parents realize, like in many of the small communities where the white picket fences still are, that somebody is not hiding behind every bush in the park, that the coaches of our teams are honourable and hard-working citizens of our community, and that our children have to be allowed to go outside and understand exercise, as well as play such as kick the can and hide-and-seek.

Hon. Senators: Hear, hear.

Senator Campbell: Where have we ever heard of that?

It's great to see that Canadian corporations are coming on board to help promote this active and healthy lifestyle — and kudos to those companies — but, at the end of the day, it will be the parents who are responsible for this. It will be the parents who are trying to move our children from our electronic age out into what were most assuredly simpler times.

National Health and Fitness Day is the first Saturday in June. It's only one day, but it will focus the public on the education that we need to do to save not just the next generation, but generations after that. It's a good choice of a date because it's leading into the summer season, when families need to focus on their children's activity. Many municipalities across Canada have recreational facilities and offer a variety of physical activity programs. Some of these programs have seen declines in participation.

The thing that I like most about this motion is that it doesn't tell anybody to do anything. It asks municipalities to get involved, in whatever manner that may be, from opening up all of the exercise centres and the community centres for one day free, so people can try them, to just ensuring that their communities are aware of the importance of exercise.

I would ask every senator here to help get the municipalities in their regions to support this motion. I encourage them to organize events and promotions of their choice on National Health and Fitness Day.

The alternative to not getting our children back on track is increased health care costs, fewer people in the workplace and generally a downsizing of who we are as Canadians. God knows, given our age, we do not need any more health care problems or stress on the system.

When you go home on this break, I ask you all to talk to your municipalities and get them on board for this.

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

(On motion of Senator Hubley, debate adjourned.)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Demers, for the second reading of Bill C-444, An Act to amend the Criminal Code (personating peace officer or public officer).

Hon. Larry W. Campbell: Honourable senators, you, too, can choose the date of the budget to give your speech, when there is no one here to listen to you, if you so desire.

I'm speaking today on an act to amend the Criminal Code (personating peace officer or public officer). This is a private member's bill and it was sponsored by Mr. Dreeshen, a Member of Parliament for Red Deer.

This act would establish that personating a police officer to commit another offence will be considered by a court to be an aggravating circumstance for sentencing concerns. Personating a peace officer is currently punishable by up to a maximum of five years' imprisonment under section 130 of the Criminal Code. Aggravating circumstances cause judges to impose longer sentences, up to the five-year maximum.

As background for this bill, Mr. Dreeshen introduced it during the previous Parliament and, while it received support from all parties, it died on the Order Paper when the 2011 general election was called. I quote Mr. Dreeshen:

> When citizens see a police uniform, they naturally trust the authority that comes with it. Personating a police officer is a serious breach of the public's trust and it has the same effect as using a weapon: it forces the victim to submit.

He put forward this bill after a 2009 abduction and sexual assault of a teenager from Penhold, Alberta. A man who posed as a police officer stopped her outside her home and told her to get into his car, which was equipped with red flashing lights.

Gerard John Baumgarte, 57 at the time, of Red Deer, pleaded guilty to kidnapping, sexual assault and other charges. He was given a six-month sentence for personating a police officer. However, he was given an 18-year sentence to run concurrently for the other charges.

In 2011, this bill received unanimous support on second reading, and the Standing Committee on Justice and Human Rights was about to bring it back for third reading when the election was called.

Right now, it is currently a hybrid offence; thus, when the cases go to trial, the judges who hear the cases can hand out different sentences. This can be prosecuted by indictment or summary conviction. The responsibility is of the Crown prosecutor to determine the seriousness of the matter based on the facts and then to formulate a sentence accordingly.

Canada's sentencing regime already takes this action very seriously, and there's no reason to think that judges are overlooking important factors such as the purpose of the personation when handing out sentences. To even imagine that a judge involved in a case where personating a police officer would not take this into consideration with regard to the other and subsequent criminal offences that took place simply doesn't make any sense whatsoever.

• (1620)

While judges may generally issue concurrent or consecutive sentences as they see fit, sentences for offences that are part of the same criminal act tend to be served concurrently. One may need to take a look at that idea that everything is served concurrently. I certainly know that when I was a police officer you would spend a lot of time putting together criminal charges, you would get to court, they would cop a plea and all of them would be concurrent, which means that all of the sentences run together at the same time. You can get ten for one and five for one, but they all run at the same time.

I've read Senator Dagenais' statements, and I concur with almost everything that he said on this. Sometimes a bill is more symbolic than it is actual, and I believe in this case that this is a symbolic bill. I believe that this is a symbol to all those people in Canada, all of those who are victims and to somebody who personates an officer that we still care, that we're still watching and that we still intend on punishing those who are breaking the law by breaking our trust.

I support this bill, and I would ask that you consider sending it to second reading.

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

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

TRANSPORT AND COMMUNICATIONS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE CHALLENGES FACED BY THE CANADIAN BROADCASTING CORPORATION—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Transport and Communications (budget—study on challenges faced by the Canadian Broadcasting Corporation—power to hire staff and power to travel), presented in the Senate on February 6, 2014.

Hon. Donald Neil Plett moved the adoption of the report.

He said: Honourable senators, other than the numbers, and if you want them I have them, I am pleased to provide you with some additional information about this report and its request for funds for the Standing Senate Committee on Transport and Communications.

This report will provide the necessary funds to enable the committee to conduct a fact-finding mission as part of its study on the challenges faced by the Canadian Broadcasting Corporation in relation to the changing environment of broadcasting. The committee is planning to travel at the end of March to Winnipeg, Yellowknife and Edmonton to visit CBC facilities in Western and Northern Canada to see how local programming is developed in these regions. We will also meet with community members to hear about their needs from the national public broadcaster. We also hope to learn about the local markets in which the CBC currently operates.

Armed with this information, the committee will continue its study in Ottawa by hearing from stakeholders and then move on to public hearings in other parts of Canada in the next fiscal year.

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

An Hon. Senator: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

FISHERIES AND OCEANS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY—THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Fisheries and Oceans (budget—study on the regulation of aquaculture, current challenges and future prospects for the industry in Canada—power to hire staff and power to travel), presented in the Senate on February 6, 2014.

Hon. Fabian Manning moved the adoption of the report.

He said: Honourable senators, the committee has begun a broad study on the regulation of aquaculture, its current challenges and future prospects for the industry in Canada, pursuant to an order of reference adopted by the Senate on December 9, 2013. The committee's intention is to report to the Senate no later than June 30, 2015.

Jurisdiction for aquaculture in Canada is divided between the federal government and provincial or territorial governments. The committee recognizes that the provinces play a role in this industry and that issues related to aquaculture differ from one province to another. The committee members would like an opportunity to hear from witnesses from various provinces and to see how provinces regulate and support aquaculture. We will therefore be requesting funds through this motion to travel to many provinces prior to study in order to strengthen our comprehension of the issues at hand. The committee is also interested in examining how aquaculture is developed and regulated in some other countries, with a view to learning about best practices.

For the purposes of today, you have for consideration a budget application comprising one activity for the current fiscal year, to travel to and within British Columbia for fact-finding and public hearings. The committee proposes to travel for this activity from March 23 to March 28, 2014. As a point of interest, in 2011, the total farm gate production value of all aquaculture activity in British Columbia was $465 million.

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

An Hon. Senator: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CBC/RADIO-CANADA'S OBLIGATIONS UNDER THE OFFICIAL LANGUAGES ACT AND THE BROADCASTING ACT—SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Official Languages (*budget—study of CBC/Radio Canada's obligations under the Official Languages Act—authorization to engage services)* presented in the Senate on February 6, 2014.

Hon. Claudette Tardif moved the adoption of the report.

She said: Honourable senators, I am pleased to provide additional information on our request for funding. The committee is completing its report on CBC/Radio-Canada's linguistic obligations. The committee would like to publish a summary with its final report in order to circulate its findings and recommendations more effectively.

We wish to hire a graphic designer for the layout of the French and English versions that will be about 20 pages long. The committee intends to print about 100 colour copies of the summary. The electronic version will be available on the committee's website. The total budget for the project is estimated at $9,500.

Honourable senators, I ask for your support in preparing those summaries that will be very helpful in informing Canadians of our work on CBC/Radio-Canada's linguistic obligations to official language minority communities.

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

Hon. Senators: Question!

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

(The Senate adjourned until Wednesday, February 12, 2014, at 1:30 p.m.)

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