



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, February 13, 2014

THE HONOURABLE SUZANNE FORTIN-DUPLESSIS  
ACTING SPEAKER

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

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## THE SENATE

Thursday, February 13, 2014

The Senate met at 1:30 p.m., the Honourable Suzanne Fortin-Duplessis, the Acting Speaker in the chair.

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### HOOKED ON SCHOOL DAYS

**Hon. Jacques Demers:** Honourable senators, I rise this afternoon to talk about Quebec's Hooked on School Days. One in five young Quebecers drops out before finishing high school. That statistic is unacceptable. The future of our society depends on a generation of educated young people who are open to the world. We must do everything we can to encourage them and recognize their academic success.

[English]

Every year, I visit schools and juvenile detention centres across the country in order to speak to troubled or challenged youth and encourage them to believe in themselves and pursue their dreams. I have learned a lot by listening to the stories of these young Canadians. They often face in their personal lives immense challenges that affect their schooling and results. They suffer abusive, unhealthy, deprived family environments. They are victims of bullying, which we all know is a big thing in schools, and suffer from attention deficit disorder, which affects their concentration in class. They have no role models to confide in or look up to.

[Translation]

After many conversations with young dropouts and young people with learning disabilities, I know that for kids to stay in school there needs to be a united, healthy and stable family environment; a school environment that is adapted to the needs of its students and provides the necessary support for personal and academic success; a safe and active community that encourages young people to be physically active and get involved; and adults and parents who take being a role model to our children seriously.

Honourable senators, let's promise here and now to contribute to the success of our young Canadians by encouraging them to pursue their studies and to believe in their potential. Let's create a generation of educated, confident adults.

[English]

I would like to add something. This speech is not written, as such. It will take one minute, and I will never speak about it again.

When I came here, I had a problem with literacy, and everybody knew about it. I fought through my life to attain some kind of respect, and it was not always easy. Raised in poverty and abused as a child, I fought through it.

I have worked with some of the finest people here on both sides. Education is a gift — a gift that God gives you. Unfortunately, I did not have the opportunity to have that gift, but because I was given other things by God, I channelled myself into other things to make my family proud — especially my kids and my wife.

I want to say something, and it's not anything personal. When I first walked in here, and this is still a point of contention with some senators — by the way, when I used to talk to my players, "some" could be one or two players — some people looked down on me because their attitude was, "What is a coach with a literacy problem doing here?" I would like to say, without mentioning any names, that in the last year, there are people with a high level of education who embarrassed a senator across the aisle, and I, with my little education, made sure I would not embarrass senators and our people here.

When I was in sports, every day for six or seven days during the hockey season, I talked to the media. The senator who told a certain member of the press, who then wrote that I didn't belong here, should maybe look at himself or herself in the mirror and never judge anyone.

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

### HEATHER MOYSE

#### WINTER OLYMPICS 2014 ATHLETE

**Hon. Elizabeth Hubley:** Good afternoon, honourable senators. I rise today to recognize Heather Moyse, who is Prince Edward Island's sole Olympian at the Sochi Olympic Games. Moyse will be competing in the bobsleigh with teammate Kaillie Humphries this coming Tuesday.

• (1340)

This will be the third consecutive Winter Olympics for Moyse, who is a three-sport national athlete. Moyse started bobsledding just five months before the 2006 Turin Olympics, where she finished fourth. For the 2010 Vancouver Olympics, she teamed up with Kaillie Humphries and they won gold.

Moyse is a very talented, multi-sport athlete, having represented Canada on the national senior women's rugby team, and she took up track cycling in 2011, representing Canada at the Pan-Am cycling championship in March 2012. She is also known for her desire to help others and has worked and volunteered with disabled people in Canada and abroad. As well, she is an athletic ambassador for Right To Play.

Moyse is a role model, leader and inspiration for many. I wish her the best of luck in Sochi. I know that matter what the result is, she will do Prince Edward Island and Canada proud.

[Translation]

### L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

**Hon. Paul E. McIntyre:** Honourable senators, as the Acting Chair of the Canadian Branch of the Assemblée parlementaire de la Francophonie, I am very pleased to tell you about a prestigious event that reflects well on the entire Senate and the Parliament of Canada.

On July 12, during its annual meeting in Abidjan, Ivory Coast, the Assemblée parlementaire de la Francophonie elected our own Honourable Senator Andrée Champagne as the International President.

Senator Champagne is an exceptional individual who needs no introduction.

She has often told me how important the Francophonie is to her, how important the French fact in Quebec, Canada and the world is to her. One of the first things she did at the beginning of what she calls her second parliamentary life was rejoin the APF. She had been a member from 1986 to 1993.

I would like to take this opportunity to share a little information about the Assemblée parlementaire de la Francophonie. The APF is made up of 79 state or regional assemblies that communicate in French, as well as interparliamentary organizations.

The APF has a double mandate: political action and solidarity.

The APF wields significant political clout within the institutions of the Francophonie. Our organization represents the interests and aspirations of peoples within the Francophonie.

Human rights, cultural diversity, natural resource management, the elimination of discrimination against women and the French language are examples of issues that various bodies within our organization have reported on, debated and drafted resolutions on over the past two years.

These forums enable parliaments that belong to the Francophonie to share information, which is critical in this era of globalization, but the main goal is to contribute political perspective to authorities within the Francophonie.

This perspective is given in the APF Opinion, an opinion presented to the heads of state and heads of government at the summits of the Francophonie.

The APF also promotes solidarity, primarily for issues cherished by parliamentarians: the promotion of democracy, the rule of law and respect for human rights in francophone communities.

[ Senator Hubley ]

Through its cooperative activities, the APF directly fosters the development of democracy in the legislative life of nations.

Honourable senators, in the Francophonie, the APF plays a key role in strengthening the organizational and legislative capabilities of assemblies.

The APF has the will to continually adjust and improve its actions and, in particular, to align them with the actions of the institutions of the Francophonie.

The APF represents the peoples of the Francophonie. It is incumbent upon the APF, and all stakeholders of the francophone movement, to promote and raise awareness of the APF among these peoples and to deliver effective results.

We have the privilege, honourable senators, of having in our midst the new President of the Assemblée parlementaire de la Francophonie, now a recipient of the distinction of Grand-Croix, Ordre de la Pléiade.

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

### THE LATE CORINNE ROBERTSHAW

**Hon. Céline Hervieux-Payette:** Honourable senators, it is with great emotion that I rise today to honour the memory of Corinne Robertshaw, who passed away on January 21, 2013, at the age of 80, following a long illness. You will understand why I am paying tribute to her today.

Ms. Robertshaw was a lawyer and a member of the Public Service of Canada. She devoted a good part of her life to protecting children and defending the idea that children must be educated and disciplined without the use of physical or psychological violence, and without hitting or spanking.

[English]

In a report called *Child Death Reviews and Child Mortality Data Collection in Canada*, we read that:

Over 30 years ago, Corinne Robertshaw undertook research on child abuse and neglect deaths in Canada with the assistance of Health Canada and published a study on child death identifying the lack of reliable information on incidence rates as a major concern. Through this study, she estimated the national incidence of abuse and neglect deaths in 1977. Robertshaw's work is important because of the efforts that were made to collect and analyze information from different systems such as child welfare, health (including mental health) and law enforcement.

Classification issues were central to Robertshaw's study. The provincial child protection registries listed only 29 (54 per cent) of the deaths studied as child maltreatment deaths. She concluded that the expertise of the coroner or medical examiner and the pathologist is crucial in determining (as it still does now) whether or not the death is accurately classified. Robertshaw was clear that her initial estimate did not account for unreported, misdiagnosed or misclassified deaths. She concluded that the actual incidence of child maltreatment deaths was probably much higher

considering that “5 per cent of all deaths to children under 5 years of age that [were] classified as accidents (excluding transportation accidents) and symptoms and ill defined conditions [were], in fact, caused or substantially contributed to by abuse or severe neglect.

This was the study done by Ms. Robertshaw in 1981.

[Translation]

When she retired, Ms. Robertshaw founded the Repeal 43 Committee to repeal section 43 of the Criminal Code. I will talk about that later today. She devoted a great deal of energy to making a convincing case to governments. She strongly supported Liberal bills that sought to repeal section 43 and she maintained a website with all the information related to this cause: [www.repeal43.org](http://www.repeal43.org).

[English]

Two months before her death, Corinne Robertshaw was fittingly honoured for her work by the Canadian Institute of Child Health.

[Translation]

I appreciate the meaningful work that she did for the children of Canada and I pay tribute to her memory with great emotion. I thank her for being an inspiration to me ever since I introduced my first bill, and I hope that she will be an inspiration to my colleagues to support the bill that I will be discussing later today.

Thank you.

[English]

#### CONSTABLE JOANNA STYRCZULA

##### ONTARIO MEDAL FOR POLICE BRAVERY RECIPIENT

**Hon. Victor Oh:** Honourable senators, I rise today to recognize Constable Joanna Styrzula of Peel Regional Police, who was presented with the Ontario Medal for Police Bravery last November for selflessly serving the people of Peel Region.

Back in October 2011, Constable Styrzula responded to a fire call in a high-rise retirement residence in Mississauga. The fire started in a unit on the sixth floor. A security guard had pulled an elderly man away from the stove, but intense smoke and heat forced him to leave the unit without the unconscious man.

Constable Styrzula was the first emergency responder to arrive. After fighting through a thick wall of smoke and fire, she located the man, who was covered in flames on the kitchen floor.

In an attempt to rescue the 83-year-old man, the constable decided not to wait for firefighters. She grabbed a fire extinguisher to put out the flames and tried to pull the man to

safety. Unfortunately, the victim died at the scene. However, the quick reaction and brave acts of Constable Styrzula prevented the fire from spreading any further and potentially injuring other residents.

In recognition of her heroic efforts, Constable Styrzula received the Ontario Medal for Police Bravery from the Lieutenant Governor of Ontario. This honour is awarded annually to police officers who have gone above and beyond to serve their communities.

• (1350)

As a proud resident of the city of Mississauga, I commend Constable Joanna Styrzula for her incredible bravery and her commitment to protecting others.

I also wish to acknowledge the outstanding service of the Peel Regional Police under the leadership of Chief Jennifer Evans. Thank you for keeping our communities safe.

## ROUTINE PROCEEDINGS

### BUDGET 2014

#### DOCUMENTS TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, Budget 2014 entitled: *The Road to Balance: Creating Jobs and Opportunities*, and a document entitled: *Jobs Report: The State of the Canadian Labour Market*.

[Translation]

### MENTAL HEALTH COMMISSION

#### 2012-13 ANNUAL REPORT TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, a document entitled: *Creating Change — Mental Health Commission of Canada — Annual Report 2012-2013*.

[English]

### THE ESTIMATES, 2013-14

#### SUPPLEMENTARY ESTIMATES (C) TABLED

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (C) for the fiscal year ending March 31, 2014.

NOTICE OF MOTION TO AUTHORIZE NATIONAL  
FINANCE COMMITTEE TO STUDY  
SUPPLEMENTARY ESTIMATES (C)

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

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 2014.

**BUDGET 2014**

NOTICE OF INQUIRY

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the budget entitled, *The Road to Balance: Creating Jobs and Opportunities*, tabled in the House of Commons on February 11, 2014, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on February 13, 2014.

**CANADA-UNITED STATES INTER-PARLIAMENTARY  
GROUP**

ANNUAL CONFERENCE OF THE SOUTHEASTERN  
UNITED STATES-CANADIAN PROVINCES  
ALLIANCE, JULY 14-16, 2013—  
REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Sixth Annual Conference of the Southeastern United States-Canadian Provinces Alliance, held in Halifax, Nova Scotia, Canada, from July 14 to 16, 2013.

U.S. CONGRESSIONAL MEETINGS,  
FEBRUARY 26-27, 2013—  
REPORT TABLED

**Hon. Janis G. Johnson:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the U.S. Congressional Meetings, held in Washington, D.C., United States of America, from February 26 to 27, 2013.

**CANADIAN NATO PARLIAMENTARY ASSOCIATION**

SUB-COMMITTEE ON TRANSATLANTIC RELATIONS,  
MARCH 14-16, 2011—REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO

Parliamentary Association respecting its participation at the Sub-Committee on Transatlantic Relations, held in Ankara, Turkey, from March 14 to 16, 2011.

ANNUAL SESSION OF THE NATO PARLIAMENTARY  
ASSEMBLY, OCTOBER 11-14, 2013—REPORT TABLED

**Hon. A. Raynell Andreychuk:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian NATO Parliamentary Association respecting its participation at the Fifty-ninth Annual Session of the NATO Parliamentary Assembly, held in Dubrovnik, Croatia, from October 11 to 14, 2013.

**ABORIGINAL PEOPLES**

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO  
STUDY CHALLENGES AND POTENTIAL SOLUTIONS  
RELATING TO FIRST NATIONS INFRASTRUCTURE ON  
RESERVES AND REFER PAPERS AND EVIDENCE FROM  
CURRENT STUDY ON FEDERAL GOVERNMENT'S  
RESPONSIBILITIES TO FIRST NATIONS, INUIT  
AND METIS PEOPLES

**Hon. Lillian Eva Dyck:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on challenges and potential solutions relating to First Nations infrastructure on reserves, including, but not limited to:

- (a) housing;
- (b) community infrastructure (such as water and wastewater treatment, schools and other community buildings); and
- (c) innovative opportunities for financing and more effective collaborative strategies;

That the papers and evidence received and taken and work accomplished by the committee during the Second Session of the Forty-first Parliament, as part of its study on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Metis peoples and on other matters generally relating to the Aboriginal Peoples of Canada, as authorized by the Senate on November 21, 2013, form part of the papers and evidence received and taken for the purposes of this study; and

That the committee submit its final report no later than December 31, 2015 and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

• (1400)

[Translation]

## QUESTION PERIOD

### HEALTH

#### SUICIDE PREVENTION

**Hon. Dennis Dawson:** Honourable senators, before getting to my question, I wish to thank Senator Carignan for establishing a foundation in 2001 to help young elite athletes in Saint-Eustache. Yesterday, he informed us that Mikaël Kingsbury, who won the silver medal in the freestyle moguls event at the Olympic Games, was a scholarship recipient of that foundation. This is the kind of initiative that really helps athletes win medals, and not just the funding they get from governments. I congratulate him. I may be one of the rare snowboarders—

[English]

I am one of the rare snowboarders, so I appreciate the fact that he would contribute to my sport.

[Translation]

Let us move on to the issue that is of interest to me today: suicide prevention. I want to thank the Leader of the Government in the Senate for tabling in December the reply to my question on how to follow-up on the passage of the bill and the adoption of the motion on suicide prevention, which enjoyed the unanimous support of this chamber.

Last week, Senator Carignan told us about suicide prevention week, and I congratulate him for bringing this issue back to this chamber. We already know that suicide in Canada is a concern. We also know that, unfortunately, for years Quebec was number one in that respect. I want to salute the efforts of many members of the Association québécoise de prévention du suicide, and particularly its director, Bruno Marchand, whom I commend today for his work. He is the one who convinced me to take up this cause and to talk about it as often as possible, because talking about it is helpful.

However, there is still work to be done, particularly with Quebec francophones who, according to a recent study, have a suicide rate almost two to three times higher than their English-speaking counterparts.

I want to come back to the follow-up on this private bill that calls on the government to develop a suicide prevention plan. The reply that was tabled is not sufficient. I congratulate Senator Carignan for caring about this issue, but I would like to know who in cabinet is going to take on this responsibility and assume leadership to ensure this issue is followed up closely. I encourage him to read his notes for once and to remind this chamber of the details that were presented in December.

Plans, strategies and consultations are fine, but who in cabinet will take on this role on behalf of Canadians?

**Hon. Claude Carignan (Leader of the Government):** Senator, I thank you for your question and your congratulations which, incidentally, were also read from notes.

**Senator Dawson:** They came from the heart.

**Senator Carignan:** I am sure of that. As you know, suicide is an issue that I too care about, and so do our government and, I think, all senators. The suicide rate in Canada, and particularly in Quebec, is much too high. Personally, I think one suicide in one year would still be one too many.

We have made major investments to deal with this tragic issue and to promote dialogue with all the stakeholders in order to find solutions. We will continue to promote a positive mental state and to help prevent suicide. As you know, we invested \$5.2 million through Economic Action Plan 2012 to support research on how to treat depression, while emphasizing suicide prevention. As you mentioned, we supported the Federal Framework for Suicide Prevention Act, which was introduced by Member of Parliament Harold Albrecht. We also increased the number of teams working in the field of mental health and well-being in First Nations communities. We will continue to work with the Minister of Health to take measures to promote positive mental health and prevent suicide, which is a real tragedy.

**Senator Dawson:** For once, I am pleased to see the honourable senator read his notes. One of the challenges with suicide prevention is that we have to talk about it more. If I may, I will circulate the reply that you gave me in December among our colleagues on both sides of this chamber, because unfortunately the dialogue on this issue is conducted too privately.

I am going to provide some statistics recently released by the Institut national de santé publique du Québec and highlighted by the Association québécoise de prévention du suicide. These numbers show that suicide is still a serious problem.

In Quebec, there were 1,105 suicides in 2011. That is three suicides every day. Seventy-six per cent of these suicides were committed by men. The age group most affected is 35- to 49-year-old men.

We also know that the statistics on suicide reflect only one aspect of the mental health issue. According to 2008 data, it is estimated that 0.5 per cent of people living in Quebec attempted suicide in the previous 12 months. That is 5 people in 1,000 and it amounts to about 28,000 suicide attempts per year.

I am counting on you to keep an eye on this issue, because few politicians dare talk about it. That said, I ask again: Who in cabinet will truly take responsibility for this issue?

**Senator Carignan:** Thank you for your question, senator. As you know, I care about this issue and so does Minister of Health Rona Ambrose, who deals with health-related issues, including suicide prevention. This is an issue that should be the responsibility of not just one minister, but the government, a whole team. It is also an issue that should be dealt with in a non-partisan fashion.

As I said before, suicide is a permanent solution to a temporary problem, and the numbers you mentioned are very significant, given that even one suicide is one too many. We must continue to

work together to reduce the number of suicides and suicide attempts as much as possible. Thank you for your question.

[English]

## ENERGY

### NORTHWEST TERRITORIES—ALTERNATIVE ENERGY SOURCES

**Hon. Nick G. Sibbeston:** My question today relates to the high cost of energy in the Northwest Territories.

The cost of energy in many remote communities in the North is extraordinarily high. For example, the cost of heating a home in Paulatuk, which is a small community along the Arctic coast, can reach \$11,000 a year. Electricity adds another \$4,000, even though it is heavily subsidized. The cost of electricity is 33.3 cents per kilowatt hour, compared to 6.8 cents per kilowatt hour in Montreal. The actual cost, if it were not subsidized by government, would be \$1 per kilowatt hour.

Alternative energy projects are the answer, and this would reduce the cost and have the additional benefit of creating a cleaner environment. In this regard, I think of the wind, the sun or even little suitcases of atomic energy, which I'm sure will eventually be developed; this will help us a great deal in the North.

For example, in Sachs Harbour, which is dark in the winter and very light in the summer, a local B & B, with the help of government, was able to install a solar power system, and this saved \$7,800 for that business that year.

Could the Leader of the Government in the Senate get the government to tell us and perhaps do something about increasing the use of alternate energy sources and increasing energy efficiency in northern communities?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, senator. If I may, I will take it as notice and come back to you with as complete an answer as possible about the various strategies in place to minimize costs in the Far North.

• (1410)

You talked about the cost of energy, but many things cost a lot more in the North, including food. I will come back with a written response that is as complete as possible.

[English]

**Senator Sibbeston:** I know that oftentimes when the government considers the North, it considers the North in terms of expanding the military presence in the North. We in the North sometimes think the government should do something real and more practical for everyday people, so the matter of alternate energy is one.

Many northern countries, such as Norway and Finland, have become leaders in using alternate energy in the small community areas. This has also resulted in reduced use of oil and carbon

[ Senator Carignan ]

emissions. As one of the largest northern nations in the world, how can the government put these kinds of initiatives at the heart of Canada's Arctic strategy?

[Translation]

**Senator Carignan:** As for the clean energy strategy, Canada is the world's third-largest producer of hydroelectricity and the ninth-largest producer of wind energy. Some 77 per cent of our electricity comes from non-greenhouse gas emitting sources. We are very proud of the investments our government has made in clean energy, in cleaning up the environment.

Economic Action Plan 2013 provided support to Canadians companies to develop innovative sustainable technologies. However, in order to be more specific in response to your question regarding activities in the North in particular, I would like to supplement my response with written notes, as I just indicated.

[English]

## EMPLOYMENT AND SOCIAL DEVELOPMENT

### SOCIAL HOUSING

**Hon. Catherine S. Callbeck:** Honourable senators, my question is to the Leader of the Government in the Senate. It concerns the long-term social housing agreements that the federal government has with the provinces. Over the next few years, many of these are going to expire. In fact, \$1.7 billion worth of these agreements are going to expire. That's right. In my home province, there are roughly 50 of these agreements worth \$12 million a year.

All in all, the federal government subsidizes thousands of households across the country for seniors and low-income Canadians who need a little bit of help.

Now, the provincial ministers have been asking their federal counterpart to have a meeting to start discussions so they can plan for the future. As well, municipalities have a campaign going for a long-term housing policy, and I know their concerns because I've met with representatives of the Federation of Canadian municipalities in my office.

This is a serious concern. So, as I said, the provinces have been asking for meetings; so far they have not heard anything.

When does the federal government plan to start discussions on these long-term social housing agreements?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** The Government of Canada has a long-term vision for affordable social housing, and has had for quite some time. Our government understands that having a safe and affordable place to call home is important to Canadian families and their communities.

Over time, and by working with our partners, we have helped over 880,000 families access affordable housing. In Budget 2013, we allocated an additional \$1.25 billion to renewing our



investment in affordable housing. Thanks to that investment, the provinces and territories have the flexibility they need to design and carry out programs based on local priorities and needs. Since 2006, our government has made record investments in housing.

If you are asking me when the government will have a long-term vision for affordable housing, I will tell you that we have had a long-term vision since we came to power in 2006.

[English]

**Senator Callbeck:** Many of these long-term social housing agreements are going to expire within the next few years, and there are no talks at all between the federal government and the provinces. The provinces have been requesting meetings, but so far they haven't heard anything.

Would you take this question as notice and come back with an answer as to when the federal minister will sit down with his provincial counterparts and get on with it?

[Translation]

**Senator Carignan:** Government representatives continue to work with their partners, on social housing in particular.

As I said, Budget 2013 allocated \$1.25 billion to renewing our investment in social housing. The provinces and territories have the flexibility they need to develop a plan that meets their local needs. The government has been in contact with its partners to ensure that it meets the objectives of Budget 2013 and that the money is distributed.

Furthermore, the Federation of Canadian Municipalities, which was there for the introduction of Budget 2014, expressed support for the measures and said that it would continue to work with stakeholders, the provinces and municipalities to keep social housing a priority.

[English]

**Senator Callbeck:** With all due respect, you say the federal government has been in contact with the provinces, but that's not the case. The provincial ministers are asking for a meeting, and they haven't heard anything. So I would appreciate it if you'd look into that and get back to me regarding when discussions might start to take place. The provinces can't do anything until they have an agreement with the federal government.

I have another item on housing that I want to ask about too, and it's regarding the housing co-op agreements. Canada Mortgage and Housing has agreements with housing co-ops across the country. In fact, there are 13 in my province, and their agreements are going to start to expire in Prince Edward Island in 2018. Now, these are long-term agreements. The co-ops are extremely worried as to what will take place. They are worried because if the subsidies stop, what will happen to the tenants? The property manager of one of the Island co-ops recently told the media they estimate that the rents will at least double for many residents if the agreements are allowed to lapse.

I would like to know what the government's long-term plans are for these co-op agreements, and if you do not have an answer here today, would you take that as notice and come back? There is a

lot of concern among the people that are involved in running the co-ops and the people living in these units, and, as I say, they are seniors and they are low-income Canadians, so I really would appreciate an answer.

[Translation]

**Senator Carignan:** The record speaks for itself. It should reassure the people who benefit from affordable housing. Our government has made record investments in housing since 2006. We have helped create more than 46,000 new affordable housing units and helped build and repair 104,000 housing units for low-income families through the Economic Action Plan. In addition, 594,000 households receive assistance from the Canada Mortgage and Housing Corporation.

• (1420)

We are well aware of the role that the Canada Mortgage and Housing Corporation plays. As I said earlier, our government, which has made record investments in housing, maintained that commitment by allocating an additional \$1.25 billion for affordable housing in Budget 2013. That should reassure those who rely on affordable housing.

[English]

**Senator Callbeck:** Honourable senators, I have a supplementary question. The question I have is not on the record of what's gone on in the past. The question is on the future, and these agreements are going to expire in 2018. There is a great deal of concern. I can't overemphasize the amount of worry, stress and strain on these co-op people and the people living in the units.

So, would you please agree to find out from the government when Canada Mortgage and Housing plans to start talking to these co-ops about what is going to happen in 2018?

[Translation]

**Senator Carignan:** That \$1.25 billion investment was part of the 2013 Budget, and 2013 ended six weeks ago. The fact that we renewed the \$1.25 billion investment in affordable housing should be enough to reassure people of the fact that affordable housing is a priority for this government. There are ongoing discussions between community stakeholders and representatives from the department and the Canada Mortgage and Housing Corporation to ensure that the money is invested where it is needed most, based on the local priorities of each of the regions.

[English]

**Hon. Wilfred P. Moore:** In view of the last part of your answer to Senator Callbeck, can we assume from that that discussions are now under way with appropriate authorities or that they will be under way? You talked about departmental discussions and so on. Does that give some comfort here that we can anticipate these discussions are taking place?

[Translation]

**Senator Carignan:** As I explained earlier, there are ongoing discussions between provincial and local stakeholders to ensure that the money is spent according to local needs.

[English]

**Senator Moore:** I'm not sure what that means.

**Senator Mercer:** Neither does he!

**Senator Moore:** And I don't think I'm the only one in this chamber that isn't sure.

I think that Senator Callbeck's question, leader, was pretty fair. She has asked you to take as notice that you would inquire as to whether or not such discussions are under way and, if not, when they might be commenced. I don't think that's asking a lot. Three cheers for the work that has been done before, but let's take a look at what's happening now. These agreements are going to expire, and a multitude of people will be impacted if they are not addressed.

[Translation]

**Senator Carignan:** I have already said that local and provincial stakeholders have seen the government's affordable housing investment strategy, and specifically the \$1.25 billion set out in the 2013 Budget. Stakeholders will continue to work together to meet local needs as quickly as possible.

[English]

## FINANCE

### BUDGET 2014—INCOME SPLITTING

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I have a question for the Leader of the Government in the Senate.

Leader, the whole country has, I think, been vastly entertained by the evident division in opinion among the ministers of the government you serve over the question of income splitting. I thought Mr. Flaherty, the Minister of Finance, who should know what he is talking about, made an excellent point when he said that this is a matter that needs careful study and reflection.

We have not seen studies from the government about the impact of income splitting, as proposed in your party's election platform, income splitting for couples with children under the age of 18. Can you tell me whether such studies exist? If so, could you table them in Parliament so that the people of Canada can know what the implications will be?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** As I said yesterday in response to a question from your leader, I don't know what it is about 2015 that's got you so excited. Now that you are supposed to be engaging in non-partisan politics and focusing on studying bills, we should concentrate on Budget 2014, which Senator Martin tabled earlier, and on balancing the budget. Our government promised even bigger tax savings for Canadian families, and if I were a Canadian family, I would be more likely to trust a Conservative government to reduce Canadians' tax burden.

We implemented income splitting for seniors, but the opposition voted against that measure. Thanks to our low-tax plan, Canadian families are paying \$3,400 less in taxes in 2014.

**Senator Robichaud:** Rich families.

**Senator Carignan:** Senator Robichaud, try telling seniors who split their income that they're rich, that they're millionaires. We have to stay focused on balancing the budget, and I urge the senators across the way to take a non-partisan approach to Budget 2014 and vote in favour of it.

[English]

**Senator Fraser:** The budget itself makes plain that its overarching goal is to get to a balanced budget next year. This government was elected on, as one of its central promises, the undertaking to allow income splitting for tax purposes as soon as the budget is balanced. You could even argue that the budget is balanced now, if you didn't pretend that the contingency fund had been spent.

This is a major social issue. The question of the fair tax treatment of families is a major social issue, having significant impact on both government finances and family finances.

The Fraser Institute, hardly a clique of communist sympathizers, says this is not the way to go. *The Globe and Mail*, hardly a Liberal mouthpiece, says "at least study this."

Why don't you let us know what the implications would be so that we, as a country, can talk about it before next year's budget?

[Translation]

**Senator Carignan:** Senator, as you know, Canada has led the global economic recovery. I have already answered those questions. Over a million net new jobs have been created in Canada — 85 per cent of them full-time and 80 per cent of those in the private sector — since the end of the recession in July 2009.

• (1430)

I want to provide a complete response because this is question period. It is important to remind you that Canada is leading the way. Canada has the best job creation record of all the G7 countries by far. Canadians are also enjoying the strongest income growth in the G7. Canada is the only G7 country to have more than fully recovered the investments that businesses lost during the recession. Independent agencies such as the International Monetary Fund and the Organisation for Economic Co-operation and Development expect that Canada will have the strongest growth...

**The Hon. the Acting Speaker:** Order. I noticed that all the shouting was coming from the opposition benches. I looked at my colleagues and none of them were speaking.

I will allow the Leader of the Government to finish his response.

[English]

**Hon. Terry M. Mercer:** I have a point of order. When the clerk stands and says that the time is up, and the senator keeps rambling on, and you stand on your feet, the Rules of this place are very clear. When the person sitting in that chair stands, you sit. Simple as that — sit.

[Translation]

**Senator Carignan:** Madam Speaker, I'm sorry I didn't see you stand up. I was so engrossed in my response, in looking the senators across the aisle in the eyes and explaining this government's record to them, that I did not see you. Nonetheless, I have nothing more to add.

[English]

## ORDERS OF THE DAY

### 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. Marjory LeBreton:** I thank Madam Speaker, for whom we all have a great deal of respect.

Honourable senators, I am very pleased today to participate in the Throne Speech debate. While I was tempted to focus on an issue I hold dear to my heart, namely "Safeguarding Families and Communities" — which I will deal with at some point in the

future and put on the record the human and statistical data about the dangers of marijuana use not only as a personal health issue or the dangers as an entry-level drug, but also the serious threat to our families and communities in so many ways, including by those who drive while impaired — that important debate is for another day. Today I will focus on the commitment in the Throne Speech debate to Senate reform, a subject that is crucial and timely.

The Throne Speech states:

- The Government continues to believe the status quo in the Senate of Canada is unacceptable. The Senate must be reformed or, as with its provincial counterparts, vanish. The Government will proceed upon receiving the advice of the Supreme Court.

I have had the great privilege of sitting in Canada's Senate since June 1993. I use the term "privilege" advisedly, because while serving in the Senate is not always pleasurable, it is indeed a privilege, and a privilege that none of us should take for granted.

I am a proud member of the Conservative Party of Canada and of the Conservative National Caucus. Political parties are the backbone of our Westminster bicameral system of government. Political parties are a good thing. Partisanship is healthy. There is nothing wrong with being what the dictionary describes as a "loyal, strong supporter of a party, cause or person," as it is important to stand strongly in support of causes in which one believes.

Partisanship is not a one-dimensional focus. Partisans have a wide range of knowledge, considerable skills and contribute greatly to public service. Over the history of the Senate, there has been a good mix of those we describe as "partisans" and those who are less so. All of us bring skills and life experiences into the Senate, as Senator Demers so eloquently stated just a few moments ago.

Over the years, I have seen all sides of this place — the good, the bad and sometimes the downright ridiculous, and, yes, sometimes excessiveness in the name of partisan politics. But that is how democracy has worked for generations. Check out the words of that great parliamentarian, Sir Winston Churchill, who is properly described as one of the world's great statesmen, who was also a partisan.

Partisanship is not the problem in the Senate, as Senator Cools aptly pointed out in her op-ed column a few days ago in the *Ottawa Citizen*. Others have made the argument as well. Partisanship has become a popular whipping boy of late. The truth is, partisanship is not the problem. Lack of legitimacy is.

With the Senate is the question. The Senate is supposed to stand as a co-equal body to the House of Commons in parliamentary decision making, a key part of the legislative process.

On paper, the Senate enjoys almost all the powers of the House of Commons. However, when and if the Senate chooses to exercise its power to defeat legislation coming from the house, the legitimacy of the Senate is immediately called into question and leads to the present debate about how the Senate can or should fulfill its originally intended primary role.

Over the years, the Senate has morphed into a new expanded role of justifying its existence by work it generates on its own. This is not a criticism of some of the great work done by senators in important public policy areas. Rather, it simply points to a role quite different than what was the case at the time of Confederation.

The reason the Senate cannot play its intended primary role as a legislative decision-making body is because, quite simply, as I said a moment ago, it lacks democratic legitimacy and has failed to respond to modern day realities.

The legislative decision role of the Senate is not an accident. In fact, this was one of the primary design features of the Senate at the time of Confederation. The Senate exists precisely in order to exercise what Sir John A. Macdonald called the “power of check” against the “democratic excesses” — if there is ever such a thing — of the House of Commons. Think of that in the context of today’s reality. What was deemed appropriate in 1867 is totally foreign to our modern society in 2014.

The Senate as originally established was specifically designed to represent particular sectional interests in society, that being to represent the regions, to provide a counterweight against pure representation by population in the House of Commons. This, I believe, continues to be a very valuable feature of the Senate.

Unfortunately, the ability of the Senate to act as an effective regional voice is limited because of the lack of democratic legitimacy and the fact that the regions of the country have drastically changed in the last 147 years, so much so that a significant portion of our population is vastly under-represented in the Senate. I of course speak of the West, with 24 Senate seats representing 30.7 per cent of the population, or almost one third of Canada’s population.

The other oft-stated role of the Senate is to represent minorities, which we now define in modern day terms. But the definition of “minorities” insofar as the Senate is concerned has drastically changed in 147 years. As Sir John A. Macdonald put it:

The rights of the minority must be protected, and the rich are always fewer in number than the poor.

That is the minority that we are protecting. The argument, therefore, that protection of regions and minorities are a time-honoured tradition of the Senate going back to Confederation is, in fact, inaccurate.

The Senate, in other words, was designed according to a 19th century theory of mixed government in which a democratic popular element was to be balanced by an aristocratic appointed element. What was feared as mob rule was to be avoided. The very notion of mob rule in a modern Canadian context would be roundly discredited.

• (1440)

I am stating the obvious when I say that we cannot function with a 19th century Senate in a 21st century Canada. The need for Senate reform is so obvious as to almost be beyond argument.

Honourable senators, when Prime Minister Stephen Harper appeared before a special Senate committee in 2006, he quoted from a book, *The unreformed Senate of Canada*, written in 1926 by Robert A. MacKay. I quote professor and diplomat MacKay:

Probably on no other public question in Canada has there been such unanimity of opinion as on that of the necessity for Senate reform.

This was in 1926. The book is an interesting read, and I would suggest that you get it from the parliamentary library and have a look at it. One of my thoughts when I went through it was that I certainly hope that real Senate reform is imminent and our words are not quoted in irony 88 years from now.

On February 1, 2013, a year ago, the question of Senate reform was referred to the Supreme Court of Canada, asking its guidance on four main issues: reducing the length of senators’ terms of office; establishing an “advisory” election process for selecting nominees from a province for consideration for appointment to the Senate; abolishing the property ownership requirement for senators; and abolishing the Senate. I, for one, eagerly await the decision of the Supreme Court of Canada.

However, senators, I believe it is important to address the issue of Senate reform in the context of the events of the past year. We collectively have not sat idly by, as some of the Senate’s political and media antagonists would have you believe.

The *Senate Administrative Rules* were adopted in 2004 and provided the framework for the management of the Senate and brought the Senate rules into line with other legislative bodies. They emphasize that:

The following principles of public life apply in the administration of the Senate: integrity, accountability, honesty and transparency.

It was against this backdrop that on June 4, 2013, as Leader of the Government in the Senate, I gave notice of the following motion:

That the Senate invite the Auditor General of Canada to conduct a comprehensive audit of Senate expenses, including senators’ expenses.

During the controversy surrounding the inappropriate expense claims by Senators Wallin, Brazeau, Harb and Duffy, I, like many in this chamber, received hundreds and hundreds of emails, calls and letters from Canadians rightly demanding accountability of Senate expenses.

If the Senate is to be an important institution of governance in this country, funded as it is by public money, we must, just like any other public entity, ensure that our accounts are properly maintained and managed. All monies spent must have due regard for economy and efficiency, and all relevant rules and procedures must be adhered to. I fervently believe now, as I did then, that it was vital that public confidence be restored to the Senate and that it was imperative that the Auditor General be invited into the Senate.

My motion was adopted by the Senate on division, but I was pleased that it was broadly supported on all sides of the chamber. I found the following comment by our colleague Senator McCoy particularly positive. Senator McCoy said during the debate:

My understanding of the audit is not that we are putting the Auditor General in control of the Senate. We are asking for the Auditor General's help, as much as we asked Deloitte, KPMG and our own internal auditor before that. This is the fourth audit we will have asked for help with. It is not a suspension or breach of our rights and privileges, nor is it an abdication of our responsibility.

Those were the words of Senator McCoy.

Honourable senators, although the Senate is constitutionally a non-elected body, it has strived to demonstrate accountability in many ways. As opposed to practices in the House of Commons, the Senate's Internal Economy Committee meetings are open to the public. However, in fairness to our colleagues in the other place, they are accountable. It is called an election.

Attendance of senators is taken daily and published in Senate journals. The total travel and living expense budgets of individual senators have been reported in the public accounts for some time and, as of January 2011, just three years ago, senators' expenses, broken down by category, were for the first time ever reported publicly on a quarterly basis on the Parliament of Canada website. This action was taken by our colleagues on the Internal Economy Committee in the name of transparency and accountability.

As well, in May 2013, again our colleagues on the Senate Internal Economy Committee, with the full support of the vast majority in this place, saw to it that the Senate adopted new travel rules which strengthened and clarified the rules, thereby ensuring greater accountability. These included that senators, when travelling, be required to provide the specific purpose of each trip; that senators be required to maintain a road travel log for all mileage claims and that such claims be subject to regular audits; that receipts be required for all taxi expenses; and that the Senate Administration be required to provide monthly reports on the travel patterns of senators to the Internal Economy Committee.

The Senate's invitation to the Auditor General, therefore, is just another step in increasing this institution's accountability to Canadians who, after all, pay its costs. These two specific actions, taken by our colleagues on the Internal Economy Committee and broadly supported by all of us, are probably the most important steps taken in the name of accountability, indeed of Senate reform, than what was done in the previous 144 years of the Senate's existence.

I very much look forward to the recommendations and follow-up from the Auditor General on where the weaknesses are in the machinery of the Senate writ large and how it can be better managed. The Parliament of Canada will be stronger for his report; the Senate will be stronger; and, indeed, the country will be stronger.

In closing, honourable colleagues, as I said earlier, the direction of the Supreme Court of Canada on the whole issue of Senate reform is eagerly awaited. Having said that, however, I wanted to

use my participation in the Throne Speech to underscore the point that a great deal has been done in this place in the past few years.

(On motion of Senator Fraser, 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. Catherine S. Callbeck:** Honourable senators, this item stands in the name of Senator Hubley. I would like to speak at this time and then have it adjourned in her name.

Honourable senators, I'm very pleased today to speak in support of this legislation, Bill S-211, An Act to establish a national day to promote health and fitness for all Canadians, which was introduced in the Senate by Senator Raine. I know we all remember how proud we were as Canadians when she won the silver and gold medals in the Olympics in 1968. She is a fitting champion for this legislation. She has long been an advocate for amateur sport and an enthusiastic promoter of ski tourism, and now she wants Canada to be the healthiest and most fit nation in the world.

Thank you very much, senator, for presenting this legislation. I certainly hope that it will make Canadians more aware of the importance of physical activity and spur them on to more action.

I agree that more needs to be done to encourage Canadians to participate in fitness and sports activities. There is no doubt this activity contributes in a positive way to good health and overall well-being. With health care costs rising and an aging population, it is more important than ever to prevent disease and ensure that Canadians of all ages stay as healthy as possible throughout their whole lives.

Of course, one of the easiest and least costly ways to do that is through physical activity. The Public Health Agency of Canada notes that physical activity plays an important role in the health, well-being and quality of life of Canadians.

• (1450)

Generally, people who are physically active live longer, healthier lives. Active people are more productive, more likely to avoid illness and injury. Studies show that regular physical activity reduces the risk of heart disease and stroke, type 2 diabetes, hypertension, osteoporosis, colon cancer, breast cancer and depression. Regular physical activity and higher fitness levels help us carry out our daily activities. In fact, research shows as much as half the functional decline between the ages of 30 and 70 is due not to aging itself but to an inactive way of life.

For children, physical activity is necessary to ensure healthy growth and development. Regular physical activity in childhood develops cardiovascular fitness, strength and bone density. It can help children to do better in school, improve their self-confidence and have fun with their friends. In the long run, if regular physical activity becomes a habit in childhood, it is more likely to be maintained throughout life.

But according to the World Health Organization, more than half of Canadian adults are considered inactive. We're so inactive that three years ago the agency lowered its national guidelines for recommended levels of daily physical activity for both children and adults. For children age 5 to 17, the new guidelines recommend 60 minutes every day. That's reduced from the previous guideline of 90 minutes for a child. Adults and seniors should get at least 150 minutes of physical activity per week. That's roughly 20 minutes per day. That's down from 60 minutes a day for adults and 30 to 60 minutes for seniors. The agency hoped that lowering these targets would make them seem more achievable and that therefore more people will try to reach them instead of simply giving up.

At the time of these guideline changes, Dr. Mark Tremblay, Director of Healthy Active Living and Obesity Research Group at the Children's Hospital of Eastern Ontario Research Institute here in Ottawa, said in an interview: "We're a long way from meeting targets that are associated with substantial health benefits." He also noted that many Canadians are essentially immobile for 60 to 70 per cent of their waking day.

So much inactivity can be costly. A study published in 2012 pegged the economic burden of physical inactivity at \$6.8 billion, in both direct health care expenditures and indirect costs, which include lost productivity because of illness, injury-related work disability or premature death. The cost to the health care system alone was estimated to be about \$2.4 billion per year.

Lack of physical activity also contributes to obesity. The number is staggering. According to Statistics Canada, 13.5 million adult Canadians were considered overweight or obese in 2012.

Most disturbing is the effect on children. According to recent figures provided by Statistics Canada, almost one third of Canadian children aged 5 to 17 were overweight or obese in 2009 to 2011. Childhood obesity in Canada has more than tripled over the past 30 years. Canadian children and youth today are heavier, fatter, rounder and physically weaker than they were a generation ago.

Every year, Active Healthy Kids Canada, together with its partners, the Healthy Active Living and Obesity Research Group at the Children's Hospital of Eastern Ontario and ParticipACTION, releases its annual Report Card on Physical Activity for Children and Youth. It's the most comprehensive assessment of child and youth physical activity in the country.

The report gives Canada a D minus for physical activity levels for children. Just 7 per cent of ages 5 to 11 and 4 per cent of ages 12 to 17 meet the new Canadian physical activity guidelines for children and for youth. It's no wonder that Canada has received a failing grade for sedentary behaviour. Only 19 per cent meet the behaviour guidelines for children and for youth of less than two hours of screen time — television, computer, and so on — per day.

It's clear that we're not active enough. Most Canadians young and old could benefit from increased physical activity. There is a lot of work to be done here, but progress is being made. In my own province they have established go!pei, a campaign to help Islanders add more physical activity to their lives. It specifically focuses on walking, running, biking and hiking — low-cost activities that require very little equipment and can be done anywhere. It also encourages healthy food choices, with a special focus on foods that are Island-grown.

This campaign began in 2010 with more than 10,000 participants in its first year, and it's had 5,000 to 8,000 new and returning participants every year since. Programs have been offered in more than 70 different Island communities, and it continues to expand to more communities and homes in the province.

Go!pei's latest initiative has been launched in celebration with the one hundred and fiftieth anniversary of the Charlottetown Conference this year in 2014. It's looking for 20,140 Islanders to sign up and work together towards an objective of 2,014 seconds of active physical activity five days a week — a little more than 30 minutes a day. go!pei and its community partners will offer fun and accessible activities across the province over the course of the year, many of them family-friendly, in order to support and encourage Islanders to take part.

Initiatives like this help to promote more active living and should result in lower health costs in the years to come.

I'm happy that we are moving forward with programs such as go!pei and other programs in the various provinces. But certainly a lot more has to be done. That's why I support a national day to promote health and fitness for all Canadians. I hope it will lead to more Canadians living longer, healthier lives.

(On motion of Senator Hubley, debate adjourned.)

## CANADIAN COMMISSION ON MENTAL HEALTH AND JUSTICE BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, for the second reading of Bill S-208, An Act to establish the Canadian Commission on Mental Health and Justice.

**Hon. James S. Cowan (Leader of the Opposition):** I rise to speak to Bill S-208, the Canadian Commission on Mental Health and Justice Bill.

It is often said that the criminal law is a nation's declaration of its most fundamental values — a statement of the standards it demands of all citizens. We all stand ready to be judged by the state according to those standards. We accept that as justice.

But colleagues, criminal law is actually not a one-way street. We stand ready to be judged — but as citizens, it is our right and indeed our responsibility to stand ready to judge the state of

justice in our nation. As citizens, we judge the state by how criminal justice is working. We do not judge it in theory, or on how it appears in our law books, but in action, in our courts and in our prisons. And colleagues, as all of us here know, the statistics are clear: There is real injustice with criminal justice in this country.

• (1500)

Increasingly, our prisons and jails are filled not with hardened criminals but with people suffering from mental health problems and illnesses. The Canadian Mental Health Association has termed it “the criminalization of mental illness.”

Here are some statistics from the federal correctional service. The proportion of offenders with mental health needs identified when they arrive in the system doubled in the period between 1997 and 2008. According to the Correctional Investigator of Canada, 62 per cent of offenders entering a federal penitentiary are “flagged” as requiring a follow-up mental health assessment or service. Indeed, some 70 per cent of female inmates in federal correctional institutions received institutional mental health care services in 2010-11. As Senator Runciman described it a year ago, one in seven men and nearly one in three women are identified at admission as having mental health problems.

And as Dr. Ivan Zinger of the Office of the Correctional Investigator noted in 2012, the statistics we have on mental illness in our prisons are likely lower than the actual figures. In his words:

... mental illness is typically under-reported in the prison environment, due to stigma, fear and lack of detection or diagnosis.

Indeed, he went on to point out that the data omits “a significant range of mental disorders” which federal corrections have limited capacity to systematically assess.

Mental health treatment services are too often simply not available to those who need them in our corrections system. And, colleagues, our prisons are not hospitals. Inmates with mental health issues do not manage well in the prison environment. The Correctional Investigator has reported that being in prison itself actually causes some to engage in “disruptive behaviour, aggression, violence, self-mutilation, suicidal ideation, withdrawal, refusal or inability to follow prison orders or rules.”

Honourable senators, our prison guards and officials are not trained mental health practitioners. Too often they misunderstand what is going on and, again as reported by the Correctional Investigator, they often respond with “a range of inappropriate responses.”

By locking up people with mental health problems, our so-called corrections system is doing the opposite of “correcting” the problem; to the contrary, the system is contributing to a downward spiral for those citizens caught in this terrible vortex.

Another consequence is that we further stigmatize those who suffer from mental illness and problems. Louise Bradley, President of the Mental Health Commission of Canada,

expressed it succinctly when I recently met with her. She said that people suffering from mental illness who find themselves in the criminal justice system face the dual stigmatization of “mad and bad.”

We need to fight the stigmas that have attached to mental illness, honourable senators, not exacerbate them.

We know that stigmas feed a vicious cycle, where people are then reluctant to seek the help that they need. Indeed, defeating the stigma around mental health is a major focus of the work of the Mental Health Commission of Canada, which was established by the current government in a welcome implementation of a cross-partisan recommendation by this chamber.

According to the Mental Health Commission of Canada, every year one in five Canadians experiences a mental health problem or illness. Let's be clear: Most people living with mental health problems or illnesses never come in contact with the criminal justice system. Far from being the perpetrators of crime, research shows that they are two and a half to four times more likely to be victims of violent crime than any other group in Canadian society.

Here are some other facts, drawn from the publications of the Mental Health Commission of Canada.

Two out of every three adults who need mental health services or treatment do not receive it because of the stigma associated with mental illness.

Three in ten people living with mental illness have had the police involved at some point in their care.

Two in five people with mental illness have been arrested in their lifetime.

One in 20 police dispatches or encounters involve people with mental health problems.

Police encounters with people who have mental illness that involve police use of force are rare. However, people with mental illness are over-represented in police shootings, stun gun incidents and fatalities.

Overall, people with mental illness who are suspected of committing a criminal offence are more likely to be arrested as compared to those without mental illness. There are variations, of course, depending on the type of offence and the gender of the suspect, but this, in itself, is highly revealing and very problematic.

Honourable senators, the stark reality is that people living with mental illness are overrepresented across the spectrum of our criminal justice system. Is this because those suffering from mental illness — including serious mental illness — are more violent and dangerous than other Canadians? The emphatic answer, from extensive research, is no. In fact, a 2001 study by Dr. Heather Stuart and Dr. Julio Arboleda-Florez, both professors in the Department of Psychiatry at Queen's University, found that less than 3 per cent of all violent crimes

could be attributed to those with mental illness. That number goes up by 7 per cent for persons with a substance abuse disorder. In other words, the numbers simply do not match.

So then, what is the cause? Some, including Senator Runciman, point to de-institutionalization, the process that began in the 1950s and 1960s, with the discovery of psychotropic medications, when patients were released from psychiatric hospitals to be treated in the community. The idea was seen then as an enlightened approach — instead of locking people up because of health problems, they were to live and be treated in their communities — something that many in the criminal justice system feel afforded greater social acceptance and respectful treatment. Most people with mental health problems do live successfully in their communities. However, for a minority, especially those with multiple, complex needs, the result of the de-institutionalization policy has been effective abandonment.

The problem was that the comprehensive community supports that the policy depended on for success were not put in place, or were put in place and then removed, or simply were not adequate to the task. Resources like mental health services, as well as affordable housing and income supports were lacking.

This strikes a personal chord with me because throughout much of the 1970s and 1980s I was involved in the planning and delivery of mental health services in Nova Scotia. We honestly believed that the closing of psychiatric beds in institutions and releasing patients into the community was the proper and progressive course to follow. Sadly, for many of those facing the most serious challenges, it has not worked out as we expected and hoped.

But de-institutionalization is not the sole culprit. Exactly one year ago, on February 19, 2013, the *Canadian Medical Association Journal* published a series of articles on what they called “imprisoning the mentally ill.” They don’t refer to “de-institutionalization.” Rather, they used the more accurate term of “trans-institutionalization” since the mentally ill are not in fact being de-institutionalized but rather institutionalized elsewhere, that is, in prisons. The articles quoted experts who said transinstitutionalization is not the sole factor at play. To quote from the article:

They point to Prime Minister Stephen Harper’s “get tough on crime agenda” as also having had a substantial impact on the numbers of incarcerated.

The article continued:

A disproportionate share of the mentally ill are represented in those who’ve been caught up in the get-tough-on-crime agenda...

Dr. Gary Chaimowitz, who is the Head of Forensic Psychiatry at St. Joseph’s Healthcare in Hamilton, Ontario and also a past-president of the Canadian Academy of Psychiatry and the Law. Dr. Chaimowitz says:

When you start arresting and incarcerating people for petty offenses you’re going to pick up more individuals with mental illness; it does skew towards incarceration of the mentally ill.... At the end of the day, I don’t think it will do anything but increase the incarceration of the mentally ill.

• (1510)

In fact, Howard Sapers, the Correctional Investigator of Canada, has repeatedly warned that “federal penitentiaries are fast becoming our nation’s largest psychiatric facilities and repositories for the mentally ill.”

Honourable senators, this is not a uniquely Canadian problem. Last weekend, on February 9, the Sunday *New York Times* published an article entitled, “Inside a Mental Hospital Called Jail,” by the well-known columnist Nicholas Kristof. The article began as follows:

The largest mental health center in America is a huge compound here in Chicago, with thousands of people suffering from manias, psychoses and other disorders, all surrounded by high fences and barbed wire.

Just one thing: It’s a jail. The only way to get treatment is to be arrested.

Psychiatric disorders are the only kind of sickness that we as a society regularly respond to not with sympathy but with handcuffs and incarceration. And as more humane and cost-effective ways of treating mental illness have been cut back, we increasingly resort to the law-enforcement toolbox: jails and prisons.

Kristof interviewed Thomas Dart, Sheriff of Cook County, Illinois, home of that “largest mental health center in America.” Sheriff Dart asked:

How will we be viewed, 20, 30, 50 years from now? We’ll be looked on as the ones who locked up all the mentally ill people.

It really is one of those things so rich with irony: The same society that abhorred the idea that we lock people up in mental hospitals, now we lock people up in jails.

I agree.

To quote once again from the *Canadian Medical Association Journal* articles from last year:

“The degree of civilization in a society can be judged by entering its prisons,” Russian literary giant Fyodor Dostoyevsky wrote of his four years spent in exile within a Siberian prison camp. By that standard, it’s hard not to conclude that Canada’s provision of treatment for mentally ill inmates is uncivilized....

Honourable senators, Bill S-208 is my way of saying “enough.” It represents my proposal for a way forward. The bill starts from the premise — set out in the first paragraph of the preamble — that:

... a comprehensive approach to promoting positive mental health and treating mental illness would contribute to public safety, and would result in less crime, reduced incarceration rates, decreased costs, improved rehabilitation prospects, and better use of resources within the criminal justice system;



The bill would establish a new Canadian commission on mental health and justice, with a detailed mandate clearly set out in legislation: a statement by Parliament of what we believe is required. The purpose of this new commission is stated in clause 4. It is a long clause, reflecting the complexity of the problem and the fact that the goal is to take a truly "comprehensive approach." Let me read the opening words of the clause:

The purpose of the Commission is to facilitate throughout Canada the development, sharing and application of knowledge, statistical data and expertise on matters related to mental health and the criminal justice system in order to contribute to the health, safety and well-being of all Canadians and to help establish appropriate, effective and just methods for addressing the needs of individuals who live with mental health problems or illnesses and are involved with the criminal justice system as young persons or adults.

It then goes on to detail how the commission is to achieve this purpose, beginning with a mandate to address crime prevention through initiatives that foster mental health and, absolutely critically, provide for the early detection and treatment of mental illness.

The commission would be mandated to develop measures to destigmatize mental illness and address common misconceptions about the relationship between mental illness and crime.

It would promote and participate in the study and development of laws, policies and best practices that address the needs not only of those people suffering from mental illness who are involved with the criminal justice system, but also those who are at risk of becoming involved with the system, all to improve mental health, reduce crime and recidivism rates, and protect the public. The bill goes on to detail that these laws, policies and best practices would include ones related to the detection, identification and assessment of mental health issues at all stages of the criminal justice process. They would include the establishment and development of early identification and diversion programs, mental health courts, pretrial and pre-sentencing treatment programs, and alternative sentencing measures, to name a few.

The policies, laws and best practices would of course also include ones related to the access and delivery of quality mental health care services and programs for offenders, both during incarceration and following release into the community.

They would include laws, policies and best practices related to providing treatment for individuals found not criminally responsible by reason of mental disorder, including effective post-discharge services and support for the individuals and their families.

But since our criminal justice system involves more than just the activities of wrongdoers, the bill would also mandate the new commission to study the mental health needs of victims of crime and their families, and look at ways in which the criminal justice system can better address their needs.

It would also look at mental health challenges, including job-related stress faced by police and corrections officers, and examine ways that we can better address those issues.

The commission would develop training programs for the various participants in the criminal justice system, including police, court officials, lawyers, judges and corrections officers.

The commission would also be mandated to examine the relationship between substance abuse and mental illness as it relates to criminal justice, and encourage cooperation among people working in all three fields of addiction, mental health and criminal justice.

It would examine the impact of mandatory minimum sentences on individuals living with mental health problems.

It would encourage the consideration of the social determinants of health in developing mental health strategies and delivering mental health services. We included particular reference here to the needs of Aboriginal communities.

The bill includes several paragraphs that look to fostering what I consider critical collaboration in mental health and criminal justice, both at the federal level, and with provincial and territorial governments, as well as with individuals and organizations in or outside Canada that have experience and expertise in mental health and criminal justice. In other words, colleagues, an end to silos. The stakes are simply too high for individuals and organizations who can have such an important impact on the health and safety of our communities and families to be working in isolation from one another.

The bill also contains a paragraph stressing the importance of evidence-based analyses, drawing on research and findings in sociology, criminology, psychology, psychiatry and other disciplines.

The last area I will highlight is the particular focus placed on collecting, analyzing and publishing statistics and other data relating to mental health and criminal justice. There are several sections addressing this much-needed function.

In terms of the structure of the commission, you will see that I placed the primary responsibility for choosing the members on the Minister of Health, with the concurrence of the Ministers of Justice and Public Safety. All three, of course, are critically important, but I wanted to make the statement that mental health is first and foremost a matter of health. Reflecting all of our clear concern with this issue, the bill stipulates that the Minister of Health must consult with the leader of every recognized party in the Senate and the House of Commons before making a recommendation for appointment of the commissioners.

The commission would be assisted in its work by a mental health and justice advisory council. The proposed structure of the council is set out in the bill, but I would draw your attention to the fact that the bill would mandate that it include one or more individuals who have personal experience of either themselves or an immediate family member living with mental illness while being involved with the criminal justice system. A number of individuals involved on issues of mental health and criminal justice have underscored for me how very important that perspective would be.

Honourable senators, a number of issues covered by this bill reflect what I have heard in meeting with individuals and organizations and what I have read in the many studies and

reports on this important issue. The ideas are neither unique nor original to me, but I believe are widely acknowledged to be appropriate and, indeed, necessary.

• (1520)

For example, the issue of mental health and the criminal justice system was the subject of a major symposium in May 2011 in Calgary and initiated by federal, provincial and territorial deputy ministers responsible for justice. Then-Alberta Minister of Justice Verlyn Olson opened the symposium saying:

We cannot have individual government departments and non-governmental agencies operating in isolation from one another. Cooperation is the key to avoiding a fractured approach when dealing with people with mental health issues.

I agree. Cooperation is at the core of Bill S-208.

Then-Public Safety Minister Vic Toews also spoke at that symposium. He said:

I want to make an important observation about the limits of the federal correctional system: preventing crime before it happens and addressing it appropriately when it does, means that we must have a proper understanding of the scope and depth of the mental health challenges we face as a country. While I expect this process to take time, we must stop relying on prisons to act as a parallel health care system to provide care for the mentally ill after a crime has been committed.

How we treat our mentally ill goes to the very heart of what this country is all about and the twin values of justice and compassion which all of us as Canadians cherish.

We need to find answers. We need to find solutions. And together I know that's just what we can do.

A year ago — in January 2013 — 81 members from across the criminal justice system met in Montreal for a symposium. They included police officers, defence counsel, Crown prosecutors, judicial officers and government officials from across the country. Their chosen topic? How can the criminal justice system most effectively respond to and work with others to reduce the overrepresentation of people living with mental illness in the system while enhancing public safety?

I commend the report for your reading, colleagues. It is serious, thoughtful and of course is the product of individuals who are on the front lines, so to speak, of this issue. Here is one brief excerpt:

It is important to treat the mental illness, but programs and services must also address the other factors that are more directly responsible for the criminal behaviour. For individuals whose problems intersect both the criminal justice and health systems, participants at the Symposium felt that existing approaches in both sectors are neither appropriate nor adequate. There is a need to integrate services and reallocate resources for the large group of people living with a variety of health and mental health challenges who end up in the criminal justice system and in

hospital emergency rooms. Long-term strategies must aim at preventing crime, promoting mental health and responding effectively to the needs of persons living with mental illness.

The participants at the symposium highlighted the “consistent observation” that there is a need for stable housing, including transitional housing, and supports to manage addictions and anti-social behaviour.

They talked about the need for appropriate services for people living with mental illness at every stage of the criminal process. They emphasized the importance of training for all parts of the justice system. And they highlighted the need for both better research and better dissemination of research, and better statistics and other data.

They said:

In light of the multifaceted problems often faced by persons living with mental illness, it is crucial that the criminal justice system work in an integrated way with the health, housing and social service sectors.

They went on to make a series of recommendations for ways to keep individuals struggling with mental illness out of the criminal justice system and, instead, help get them into programs and resources that meet their mental health and other needs.

Here is how they concluded their report:

The participants in the Symposium unanimously agreed that an effective and efficient justice system which supports a goal of public safety requires responses that address the mental health drivers of chronic intersection with the criminal justice system. If possible and depending on the circumstances of the case, persons living with mental illness **should be treated rather than punished**. For that reason, the Symposium developed a series of recommendations calling, *inter alia*, for police to be better trained to recognize symptoms of mental illness and to have the capacity to immediately refer the individual to mental health services instead of the criminal justice system. Prosecutors, duty and defence counsel and judges must also become more educated on the issues and solutions for persons living with mental illness. **People living with mental illness must have additional supports that neither the justice system nor the health system can provide, including affordable and stable housing, a dependable income, and the opportunity to develop employment skills.**

Colleagues, this is one report among many from different groups and organizations in the field, on the front lines of mental health and criminal justice. The reports may differ in details — and I of course would not presume that the authors will agree with all the details of Bill S-208 — but I believe I can say that all agree generally on the path forward.

There is, frankly, no time to lose — too much time, and too much of too many people's lives have been lost already. It's time for Parliament to show leadership around and understanding of a difficult and complex problem that has already caused such heartache in the lives of so many Canadians and to those who hold them dear.

Colleagues, I hope we can proceed quickly to move this bill to committee for further study so that we can hear directly from the many Canadians with knowledge and experience of these issues. They are waiting for their voices to be heard.

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

**Senator Cowan:** Yes.

**Senator Cordy:** The statistics you gave were indeed very troubling — one in seven men and one in three women. That means that 33 out of every 100 women in our penal system have mental health issues upon entering the prison system. I know that when the Standing Senate Committee on Social Affairs, Science and Technology did our study on mental health, mental illness and addictions, we talked about the deinstitutionalization of the 1950s and 1960s, which I think was a great idea. But as you said in your speech, the systems and housing did not appear to be in place, so we had a lot of problems. The prisons actually became the mental health institutions.

We also heard that behaviours of those who are mentally ill sometimes deteriorate in the prisons, and the isolation and removal from family members also would significantly increase the mental illness. I wonder if you have heard anything about that. Do you feel that those with mental illnesses need help rather than hard time?

**Senator Cowan:** Yes, the statistics I quoted I got from a number of sources, including the Mental Health Commission of Canada; and you pointed out — as I did — that it was the result of the good work of this chamber that the government, to its credit, accepted and set that up.

If I could just parenthetically say this: The difficulty with that is that there is no legislative underpinning for the Mental Health Commission of Canada. It had a mandate — and hopefully the government will extend that mandate — but it does not have the kind of legislative underpinning that I propose in my bill.

You are perfectly correct: The statistics are startling. I recall from time to time being a member of the Legal and Constitutional Affairs Committee and having officials of the Correctional Service Canada there before us.

• (1530)

I can remember a particular exchange with Senator Runciman when he expressed what I think he would describe as frustration — is that a fair comment, Senator Runciman — with the inability of Corrections Canada to respond to what all of us felt was a great need, and the excuse, the reason they gave was they were unable to get the personnel or there were unfilled positions. We were never able to understand why that was the case.

Certainly, I think there is a broad recognition that the penal system, our criminal justice system, is not the proper place to deal with people who have mental problems as they enter the institutions. All of the evidence is that in many cases, those problems are exacerbated rather than treated because prisons are not hospitals. We need to have a system that recognizes the legitimate role and needs of the criminal justice system to try to

prevent crime, to punish crime when it occurs, to treat and rehabilitate those who run afoul of our criminal justice system, and to properly protect those who are victims of crime, but also to deal with the needs of the people who are incarcerated in our system in many cases because of the mental problems they had coming in, which are only exacerbated while they are there.

This is simply an attempt, and I would hope that we could get this to committee. We could bring in people who are much more expert than I am to discuss this. If there is a better way to do what we all agree needs to be done, then let's do it.

[Translation]

**Hon. Diane Bellemare:** Senator Cowan, what you just said sort of shows the magnitude of the problem. I was wondering whether there were any existing institutions, such as the Public Health Agency of Canada, that could have prevention mandates to address this issue.

Could you tell me whether you have any existing agencies in mind that could incorporate this mission? The issue is obviously very important. Thank you.

[English]

**Senator Cowan:** Thank you, senator, that is a very good question. I have met with the officials of the Mental Health Commission and had discussions with them about the proposals here. I would hope that they would come; I'm sure they would come and give their point of view as to how they could fit into it. There are many agencies out there trying to do their best. What I've tried to suggest here is what we need because of the magnitude of the problem, and not in any way to denigrate the good work that other agencies are doing, but to demonstrate our commitment as parliamentarians to deal with this problem.

We need a specific vehicle established with legislative underpinning, with a legislative mandate to deal with it. I think that this may not be the perfect vehicle, and there may be a variation of it that will do it. We may be able to adapt the mandate of an existing agency to cover this, but no agency has the precise focus that I am suggesting in this bill. That's the reason I'm bringing it forward.

(On motion of Senator Martin, debate adjourned.)

[Translation]

## CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, seconded by the Honourable Senator Fraser, for the second reading of Bill S-206, An Act

to amend the Criminal Code (protection of children against standard child-rearing violence).

**Hon. Céline Hervieux-Payette:** Honourable senators, I rise today to speak to Bill S-206, which seeks to protect children against standard child-rearing violence.

From the reaction of some parliamentarians, certain religious groups, some conservative media groups and some members of the public, I clearly see that there is still some confusion about the issues and the scope of this bill. Some trivialize it as an anti-spanking bill while others denigrate it, saying that there are more important things to deal with. Others, like Sun News hosts Brian Lilley and Michael Coren seem to think that it is all about the eccentricity of a woman who also happens to be progressive — imagine the horror of being a progressive, Liberal woman. In a nutshell, those people think that my bill is useless, ridiculous and dangerous for parents.

I want to take this opportunity to remind honourable senators that although six against three Supreme Court justices deemed that section 43 of the Criminal Code was constitutional on January 30, 2003, the court did significantly limit the scope of the section.

Why limit the scope of section 43? According to Chief Justice McLachlin, who shared the majority opinion:

...there are significant areas of agreement among the experts on both sides of the issue...

What limitations did the Supreme Court set?

Physical violence against children is limited to children between the ages of 2 and 12, approximately. To be considered reasonable, corporal punishment must not be inflicted using an object and must not involve blows to the child's head.

I want to point out to senators that the Supreme Court limited the scope of section 43 because there were some significant areas of agreement among the experts on both sides of the issue, which means that the Supreme Court acknowledges that child-rearing violence can be harmful. In other words, the claimant and the respondent in this case agreed.

Here is what the Chief Justice had to say. I remind senators that she was in favour of narrowing the scope of section 43:

Corporal punishment of children under two years is harmful to them, and has no corrective value given the cognitive limitations of children under two years of age. Corporal punishment of teenagers is harmful, because it can induce aggressive or antisocial behaviour. Corporal punishment using objects, such as rulers or belts, is physically and emotionally harmful. Corporal punishment which involves slaps or blows to the head is harmful. These types of punishment, we may conclude, will not be reasonable.

That was the Chief Justice speaking.

Consequently, in the opinion of the Supreme Court, child-rearing violence is harmful to children less than two years old and more than 12 years old. Besides the fact that the Court creates discrimination based on age, how on earth can the Court believe that the harm of this violence disappears between the ages of two and twelve? And I would add this: How on earth can the court determine that a child-rearing practice is harmful for a child between the ages of two and twelve in a school — since is now prohibited — and acceptable at home for the same child?

Alain Robert Nadeau, a lawyer and member of the Barreau du Québec who holds a doctorate in constitutional law, gives this explanation:

If for the time being we ignore the legal considerations, we can say that the Supreme Court decision appears to be based on four premises: 1) physical violence against children is useful in their education; 2) moral violence, even though it may be in passing, is not important; 3) children do not have the same constitutional protections as adults; 4) corporal punishment is accepted in Canadian society and in free and democratic societies in that there is a broad social consensus.

These premises, which are clearly based on a moral view prevalent in the 19th century, are highly questionable if only because the first two are contradicted by modern scientific knowledge about child development and the last two evoke a social consensus that was not proven in court and that is contradicted by surveys, as the majority of Canadians condemn the use of parental physical correction.

• (1540)

Alain Robert Nadeau adds:

In fact, the moral premises, particularly the argument that violence against children can contribute to their education, as much as the legal justification, the non-recognition of the principle of the child's best interest, the repudiation of its own principles of interpretation regarding international law, as well as the use of the attenuated interpretation technique — on which this decision is based — all seem to me to be completely at odds with the legal principles established by the Supreme Court of Canada.

The doctor of constitutional law concludes:

Even though some may claim that striking down this provision would have resulted in the “criminalization of family relationships,” it is important to remember that its real effect, at least once it is stripped to its core, is to allow children aged two to twelve to be subjected to assault....

—since if you did that to a neighbour's child, it would be assault.

That is why I believe that the Minister of Justice and Attorney General of Canada must propose a legislative amendment to the Criminal Code, in order to counter this Supreme Court decision.

Justice Arbour said the same thing when she called upon legislators:

Striking down section 43 for vagueness is the most appropriate remedy in the case at bar. Parliament is best equipped to reconsider this vague and controversial provision.

The Supreme Court therefore referred the matter back to Parliament.

I heard the call. And as I said earlier, Ms. Robertshaw contacted me and I worked with her for many years. That is why I introduced Bill S-206. However, given that the Supreme Court ruling of January 30, 2003, was largely based on moral premises, in contradiction with current scientific knowledge, it is not surprising that the general public lacks an understanding of and information on the subject. I will therefore focus my remarks primarily on pedagogy, using concrete examples to explain why child-rearing violence is always a mistake and how it negatively affects children while undermining the authority of the person using it, contrary to the intended objective.

Honourable senators, before getting to the heart of the matter, I would like to put this speech in the context of three previous speeches I made when defending similar bills. Many of you were not yet here.

In my May 2009 speech, I reminded the honourable senators that it was in the 5th century, based on the interpretation of Holy Scripture, that Catholicism invented the doctrine of original sin, according to which children are corrupt beings. I added that Saint Augustine later theorized that the proof of original sin lay in a baby's cries. This is clearly highly scientific. I quoted Olivier Maurel, a literature professor in France who founded the *Observatoire sur la violence éducative ordinaire*, and who spoke of the negative notion of the child, which then reinforced the belief in the need for violent discipline.

In contrast, in my June 2010 speech, I reminded the honourable senators that it has been barely 100 years, if not less, that science has yielded significant discoveries, to the point where we now want to reverse child-rearing practices rooted for centuries in our beliefs. I also mentioned that under Roman law, the male head of the family could kill his wife, children and servants. Family violence is not new.

In November 2007, my speech referred to a major study conducted by Statistics Canada in which 2,000 children across the country were monitored for six years. I also referred to the resulting report, titled *National Longitudinal Survey of Children and Youth: Home environment, income and child behaviour*. Both demonstrated the tangible negative impact of child-rearing violence.

In 2010, I explained that, contrary to the postulations of the Church, aggression is not innate in mankind, pointing out that this was now a global scientific consensus expressed in the 1986 Seville statement on violence and made public by UNESCO in 1989. I told the story of French missionaries who arrived in Canada in the 18th century and were astounded to find that the Amerindians never hit their children.

In 2009, I referred to Darwin and Freud. The contemporary analysis of their contradictory work led us to conclude that humans are not violent by nature. Violence is a learned behaviour.

Honourable senators, in other words, this means that we legitimized the use of violence in child rearing because, in the absence of science, we relied on beliefs and empirical data that, for some, date back to the Old Testament. After 2,000 years, everything has come undone in a matter of decades. Studies by government administrations, neuroscientists, doctors, biologists, and American and European sociologists all come to the same conclusion: violence suffered in childhood prevents children from developing properly, has repercussions on the transition to adulthood and leaves its mark on the next generation.

I realize that my bill runs afoul of 2,000 years of misguided beliefs and false representations. Some people tell me that it may be so, but we run the risk of criminalizing the parents. I have already spoken to that, including in my 2010 speech:

Those who say this provision would result in the criminalization of parents or guardians for so-called "trifling" reasons, [I said at the time] are arguing in bad faith. Section 34 and section 37 of our Criminal Code already allow people to use reasonable force to defend themselves or anyone else in their care. Furthermore, "de minimis" and "necessity" defences in common law already protect parents, independently of section 43.

As Justice Arbour said so well in the 2003 Supreme Court ruling on striking down section 43 at the time:

Striking down s. 43 will not expose parents and persons standing in the place of parents to the blunt instrument of the criminal law for every minor instance of technical assault. The common law defences of necessity and *de minimis* adequately protect parents and teachers from excusable and/or trivial conduct. The defence of necessity rests upon a realistic assessment of human weaknesses and recognizes that there are emergency situations where the law does not hold people accountable if the ordinary human instincts overwhelmingly impel disobedience in the pursuit of self-preservation or the preservation of others.

But this year, I wanted to go further. That is why I met with the Ambassador of Sweden, His Excellency Teppo Tauriainen, the Ambassador of Denmark, His Excellency Niels Abrahamsen, and the High Commissioner of New Zealand, His Excellency Simon Tucker, who all represent countries that abolished the right to resort to corporal punishment.

In Sweden, it has been 34 years since they banned the use of violence as a tool for child rearing. In Denmark, it has been 16 years while in New Zealand, a Commonwealth country with a British parliamentary tradition similar to ours, it has been six years.

[English]

These meetings took place a few months ago, on November 27 and December 4. The conclusion was quite clear: Parents are not being criminalized — not in New Zealand after 6 years, not in

Denmark after 16 years, nor in Sweden after 34 years. In the words of the Swedish ambassador, the legislation has not in any way criminalized parents.

Sweden's ambassador also refuted the alarmist report popularized by certain media outlets in which a Swedish psychiatrist, Dr. David Eberhard, was referenced as saying that parental authority has been compromised in Sweden and that the country was well on its way towards producing generations of overindulged children. However, Dr. Eberhard complained about how his remarks were being interpreted in some media reports. He noted that he was against corporal punishment of children. He simply wanted to point out that the problem is that some parents do not always assume their parental responsibility and fail to set limits for their children. In his view, however, violence and force should never be used.

New Zealand's ambassador provided a few figures, which are also available on the Internet. Since section 59 of the New Zealand Criminal Code was repealed and the country started keeping statistics on violence against children, there have been eight prosecutions for slapping children — eight prosecutions between 2007 and June 2012. In five years there were eight cases, which is when the last available police report was filed. According to police in New Zealand, moreover, there were even fewer cases in the first six months of 2012.

• (1550)

The ambassador confirmed to me that, since 2007, no government or parliamentary assembly in New Zealand has considered calling the country's child protection legislation into question. Consequently, let me state unequivocally: Anyone who says that parents could be criminalized by Bill S-206 is spreading this information, plain and simple. It is a myth, a lie and a manipulative tactic. Canadian parents would be at no greater risk than parents in New Zealand, Denmark or Sweden.

[Translation]

And my bill does not seek to punish. It primarily seeks to protect children, but also to help parents with their educational goal, and, ultimately, to help build a good society. Indeed, it has been demonstrated that violence is something that is learned and reproduced. When children fight in the school yard, it is a behavior learned at home.

Indeed, my bill also seeks to help parents show authority without violence, because pediatricians say that authority is more effective when it is non-violent. Parents will earn more respect from their child if they can convince the child to obey by using their intelligence.

Some say that spanking does not constitute violence, that it is not abuse and that it cannot do any harm. That is precisely the error in judgment that I am going to address today.

On July 5, 2011, I met a member of Nicolas Sarkozy's party, Edwige Antier, in Paris. She is a pediatrician who also has a university background in psychopathology. She had just tabled a bill to abolish corporal punishment in child rearing in France.

[ Senator Hervieux-Payette ]

She pointed out that it was a provision of the civil code in France, not the criminal code. In other words, for her, it was also not a matter of punishing or criminalizing parents. On the contrary, her proposed legislation included a parenting support measure with a public policy on the prevention of corporal punishment.

Similarly, my bill provides a one year reprieve to conduct an information and awareness campaign targeting parents, just like the current government likes to do in other areas.

Edwige Antier was a pediatrician for 40 years. Forty years! In her book *L'autorité sans fessée*, she states that she has clinical experience spanning two generations. Her book also explains the devastating effects of child-rearing violence, and based on her observations she says that legislation is absolutely necessary.

How can a simple tap or occasional spanking harm a child? She explains that, in general, a blow is accompanied by threats, violent words and humiliation, even minor instances, and these conditions create a toxic, stressful environment that affects the child's brain.

Ms. Antier wrote:

Any degree of abuse creates a sense of anxiety. Fear and pain caused by these violent acts lead to the release of stress hormones that change how the hormonal circuits work and result in neurophysiological connections that change personality and lead to behavioural problems.

She adds:

These consequences can now be seen with medical imaging.

Therefore, we have scientific proof. Ms. Antier adds the following:

Magnetic resonance imaging shows that children who were slapped and spanked have a smaller hippocampus...

The hippocampus is the part of the brain that regulates mood, memory and learning.

...in addition to other affected areas of the brain. Therefore, it is not surprising that children raised in a toxic environment experience varying degrees of developmental, personality, behavioural and learning disorders.

Ms. Edwige Antier states:

Medical imaging shows how the actions of parents in particular are imprinted in the brain very early in life. Human beings will repeat those actions later on, convinced that they deserved it and that they are entitled to repeat them with their offspring. I would add that the likelihood

that these actions will be repeated increases with the degree to which society will consider them to be legitimate, normal and even essential to child rearing.

Ms. Antier also said:

The day will come when functional imaging will show the effects blows have on nervous tissue: direct effects, such as minimal amounts of bleeding, but especially indirect effects, such as the secretion of neuromediators from fear, shame and, especially, inhibition.

Dr. Alice Miller, who has a doctorate in philosophy, psychology and sociology, describes a laboratory experiment that speaks volumes.

This experiment looks at the effects of violence on rats that are unable to escape or fight back. The stress hormones normally associated with these two functions, fight or flight, end up turning against the organism and causing it to attack itself. Blood pressure rises and gastric tissue and neurons are attacked. Some parts of the brain, the corpus callosum and the pituitary gland, literally atrophy, as was shown on the scanner. The rat is in the exact same situation as a child being hit, when he cannot escape, fight back or defend himself.

Furthermore, in many cases, the child is undergoing this experience at a time when the brain is developing and neurons are forming connections. The system that protects an individual and is fundamental to keeping that person balanced is significantly disrupted by these repeated acts, since it is important to understand that children are not innately equipped to defend themselves against blows from someone they depend on for survival.

Edwige Antier adds:

On the contrary, young children need to feel emotionally secure in order to develop their cognitive abilities.

Violence is not part of human nature. Dr. Edwige Antier states that no primate mother uses anything similar to our corporal punishment to deal with her babies' behaviour. Hitting a child is not natural for a mother. Human mothers choose to give their kids a slap on the hand or a swat on the bottom because they remember being hit or because of the social discourse on the need for corporal punishment.

Honourable senators, those are some arguments for people who think that slapping and spanking would not affect children. I am just informing you. This "family-knows-best" attitude rooted in centuries-old habits and religious beliefs has been repudiated by science for 100 years, and increasingly more accurately scientific tools.

The emergence of science and reason in 18th-century Europe and the development of psychoanalysis and psychiatry in the 19th century made people aware of the impact of violence on our societies, violence that was starting to be condemned in literature as well. This helped lower the threshold of socially acceptable violence.

As a result, societies started to behave more peacefully, especially in Europe, despite the two world wars, the violence of which shaped the brutal upbringing of young people at the time.

Gradually, our tolerance to violence decreased, whether it be in schools or homes — first the violence against women, then against children.

However, we still have a long way to go. We consider violence that is clearly excessive, visually intolerable and out of line, we might say, to be abuse. Nonetheless, we still accept insidious violence, violence in small doses, which is just as cruel and detrimental to the harmonious development of children. Standard child-rearing violence manifests itself through repeated slapping, spanking and humiliation.

The more I research the topic, the more I realize that child-rearing violence is used because parents do not understand the developmental stages of children. We must admit it. Unlike what Prime Minister Harper said in his last Speech from the Throne, not all parents know best or are experts in how to bring up their children. I will talk about that. In other words, violence could be eliminated if parents had better tools to help them understand their children. Parents' authority would even be strengthened. Let me give you a few examples.

Ms. Antier has said:

It is important to understand that children are like aliens arriving on a new planet. They need to get to know their environment and to keep learning the rules.

She points out that neither constraints nor violence will be of any use in preventing their energy from overflowing, because the thirst for discovery is as vital to children as oxygen is to breathing. Understanding how the world around them works is their job.

Accordingly, rather than trying to constrain this appetite for discovery, it is important to support the child, to apply words and meaning, to encourage actions and experimentation. The child will then look to his or her parent as a guide, and limits can be set without violence. Disobedience usually comes from boredom, which drives the child towards exploring things that are out of bounds. Denying access to something can be achieved without drama or violence when the parent redirects the child's curiosity towards something else.

• (1600)

I am talking about young children, who are hit more often than others. Children between the ages of three and six get the most corporal punishment. When limits must be set, a child should be made to rest with some toys, in a familiar environment and without being humiliated. The parent should control his or her mood and the length of the timeout.

[English]

Having established this framework, let us consider the example of a small slap on the hand to impress upon a child that he or she is not allowed to touch an object on the table. The hope is that this pain will foster an understanding of the fact that something is not allowed. Dr. Antier points out, however, that

... children don't work that way. Discovery is imperative for them. If you leave a child alone with an object that would be interesting to explore, but first admonish the child by

making it clear that he or she is not allowed to touch that object, the child would rather risk a slap on the hand than give up the chance of exploring that object.

To sum up, the pediatrician noted that if you hit a child, you will only succeed in teaching that child how to defy your authority. It would be better to take the object off the table and replace it with another to deflect the child's attention away from the object while continuing to feed the child's curiosity.

[Translation]

Your child refuses to come down the merry-go-round, he throws a tantrum and you end up spanking him to make him obey. You think your child is strong-minded and that you must assert your authority. In fact, these temper tantrums, which are very frequent at age two or three, reflect a psychic phenomenon called "perseveration," which Antier describes as follows: "The child is thinking in a loop. The process cannot stop and anxiety sets in if he is asked to break this thought cycle in a sudden and threatening fashion."

According to the pediatrician, it is better to associate the countdown on the merry-go-round to a little game and to quietly help the child to "see the time," so that he can overcome a difficult moment that is not a whim.

Here is another example. At age five, you ask your child to tidy up his room. After an hour, you notice he has not done anything and you react by slapping him. Unfortunately, you cannot do this with a teenager, because parents are not allowed to do that. But at that age, says the pediatrician, the child is too young to tidy up his room alone. He may begin by showing good will, but he will lose his focus quickly because of his roaming imagination and his toys, and he will end up forgetting the request to tidy up. It is better to share this time with him by making it fun. That is how you will teach him the pleasure of tidying up, according to Antier. Otherwise, under the influence of fear or violence, the child will end up hiding everything under his bed, and you will only have taught him the art of concealment.

I could give countless examples of how child-rearing violence is used by parents because of a misinterpretation of reality or lack of knowledge.

This kind of violence does not serve children well, nor does it serve the parent-child relationship well. If I could offer just one take-home message, it would be this: "When disciplining children, use your brain, not your brawn."

[English]

There are countless consequences to child-rearing violence. Such repeated violence during a child's development can have disturbing effects at several levels. Pediatricians and educators have noticed a loss of empathy and compassion among many children who grew up in toxic environments. This generally leads to introversion or an inability to express emotions. Such children become hardened and develop feelings of resentment and a repressed thirst for vengeance. They resolve conflicts through violence, and all of this without even mentioning the impacts on learning development, dropping out of school and even suicide.

[ Senator Hervieux-Payette ]

In contrast, according to Edwige Antier, children raised without violence or the threats of blows "have more receptive learning faculties and a greater thirst for knowledge; they develop their imaginations more and look for peaceful solutions to conflicts."

Section 43 of the Criminal Code of Canada is a licence to commit violence that our society has given to parents. Of course, not everyone uses it, and in fact 80 per cent of the population does not believe in it. Some people make slight use of it, while others abuse the privilege. Recent news headlines concerning the Jewish Lev Tahor sect in Quebec and the Mennonite community in Manitoba represent just the tip of the iceberg in which children are victims being held captive by parents whom we have licensed to commit violence.

In May of last year, the Government of Alberta tabled Bill 25, the Children First Bill, which protects children from family violence. This bill would require the establishment of a new government committee to investigate this type of violence. The Alberta government hopes to expand its role as defender of children, rewrite its legislation on childhood and families, and redefine the criminal legislation that can affect children.

Alberta has the second-highest rate of conjugal violence in Canada. According to Dave Hancock, former Minister of Human Services in Alberta, the level of family violence in Alberta is unacceptable, and family violence is known to have long-term consequences for the victims of such violence, namely, children and women. Mr. Hancock added that the new government committee will help identify the changes that need to be made, what works and how the safety of Alberta's most vulnerable residents can be improved.

Lastly, according to the province, these changes will lead to the development of a children's charter.

As you can see, section 43 of the Criminal Code of Canada, this licence to commit violence, permanently holds a sword of Damocles over the heads of Canadian children. And this threat is made all the more unacceptable by the fact that children in this country are people who have rights, who constitute a vulnerable segment of society, and who are totally dependent on their parents.

[Translation]

Our society gives parents this licence to use violence because it has always sided with parents — who can meet with their MPs, while children cannot. Society has always sided with parents who demand this as a right, even though science now tells them it is not only useless, but dangerous and counterproductive. Around the world, 34 countries have chosen to change and side with children by taking away this outdated licence to use violence. Other countries, such as Brazil, Mali, Pakistan, Paraguay, the Philippines and some European and American states, have started to think about this. It is a strong trend. It will not stop, and it is in line with the United Nations' Convention on the Rights of the Child. These people are thinking about it. Those 34 countries have already taken action.

Here in Canada, we can eliminate this threat. We can decide to protect children. They are citizens who deserve the protection of Parliament and the government. To make that happen, we need to



send parents a clear message: violence is not a disciplinary tool. Non-violent authority is more effective, and our children will be better off for having grown up in families that understand their developmental stages.

If we do that, we can help provincial governments like Alberta's fight family violence. I am contacting all of the provincial governments to ask for their support. Ontario is really keen, and I will be meeting with British Columbia soon.

In keeping with this trend of change, honourable senators, I propose that we move ahead with this, as it does not pose a threat to parents, but does address the threat to our children. We have nothing to lose and everything to gain. That is why I invite you to support Bill S-206. I will conclude with a phrase from Ken Gersten: a terrible child is a child who is terribly unhappy.

I would urge you to remember that while, as senators, we may feel that this does not affect children between the ages of two and twelve who will not be subjected to corporal punishment, it will help Canadians, future taxpayers, grow up in a pleasant environment and be raised without violence. Thank you.

(On motion of Senator Andreychuk, debate adjourned.)

• (1610)

[English]

## CRIMINAL CODE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Tardif, for the second reading of Bill S-210, An Act to amend the Criminal Code (criminal interest rate).

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, this item is currently adjourned in the name of Senator Maltais. I would like to reset the clock and leave the adjournment in his name.

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

**Hon. Senators:** Agreed.

(On motion of Senator Martin, for Senator Maltais, debate adjourned.)

[Translation]

## CANADA PERIODICAL FUND

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Chaput, calling the attention of the Senate to the Conservative government's unilateral decision not to review

the standards and criteria of the Canada Periodical Fund and the disastrous consequences of this failure to act for francophone minority newspapers, such as *La Liberté*, Manitoba's only French-language weekly.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I would like to begin by thanking Senator Chaput for her dedication and tenacity in defending minority language rights and for having launched this inquiry, which addresses the fate of official-language minority media in Canada.

In their speeches, Senators Chaput and Tardif clearly explained the importance of the Canada Periodical Fund in helping these media survive — particularly community newspapers, in their case. They spoke about the French-language newspapers in Manitoba and Alberta and how important they are for their community, and about the devastating impact of cuts to the periodical fund, which reduced the funding available.

What is happening to French-language community newspapers outside of Quebec is also happening to English-language newspapers and other media in Quebec.

[English]

We do have community media in Quebec and we have community newspapers, mostly weekly, to serve the anglophone population of my province. Depending on how you count, there are between 600,000 and 900,000 anglophones in Quebec, and many of them live in Montreal, although many do not. Many of them live in widely scattered communities that bear a greater resemblance to the widely scattered remote communities of francophones in certain provinces than to the urban realities that we would associate with Montreal. But even in Montreal, they need their community papers, because as is the case in all large metropolitan areas, the big media, the big papers cannot cover the community events and cannot provide that sense of community understanding and knowledge and awareness upon which the vitality of any community depends.

Nearly three years ago now — I didn't think it was that long — the Standing Senate Committee on Official Languages reported on its study of English-speaking Quebec, and it had passages about English media. One quotation is from a witness who I thought summed up part of the vital need for these media: "Without being able to tell our own stories, we are at risk of losing our sense of identity and attachment."

But there, as elsewhere, the news business is in a state of terribly difficult transition. All news media are in a state of difficult transition, and we only have to look at the regular announcements from the great national media — from *The Globe and Mail*, Sun Media, Postmedia — the now seemingly regular announcements of large layoffs because those institutions are having trouble coping with the new realities. It's even worse for minority-language media.

The Hudson St-Lazare *Gazette* told the Official Languages Committee flatly and starkly, "We fight for our lives." And another witness told us of the impact on the community if those media disappear. That witness was talking about the disappearance of the English print version of a community newspaper in the Montreal neighbourhood of Verdun and said that had an enormous impact on the community, especially on

seniors, for whom the paper was their preferred way — often their only way — of getting the social news and finding out was going on.

Seniors “feel hurt,” the witness went on to say, “because no more importance is attached to their ability to be informed and to take part in the Verdun community as citizens.”

Successive governments of Canada have understood and accepted the duty of the national government to serve official language minorities — minorities of all kinds, but we’re talking now of official language minorities — and they find money to subsidize all kinds of things that need help because they understand that the preservation of minority language communities across this country is a vital element of what makes up Canada. If they go, the country is immeasurably impoverished and its unity is endangered.

But what has been happening to the community newspapers? The Quebec Community Newspaper Association has provided me with numbers showing what has happened with the Canada Periodical Fund over recent years. In most cases, not all, but most, the funding has been dramatically decreased. In just two years, from fiscal year 2011-12 to 2013-14, support, for example, for the venerable — and I mean venerable, like about 200 years — *Quebec Chronicle-Telegraph* dropped 29 per cent. It was not much to begin with. It was just under \$25,000, but in 2013-14 it’s less than \$18,000, and for that little paper, which means so much to the small but tenacious English community of Quebec City, it can have a devastating impact.

• (1620)

A different measure is even more alarming. Federal government ad spending on Quebec community newspapers dropped in four years, starting in 2008-09 and going on to 2012-13, 59 per cent, colleagues. You have to understand that government ads are important to any media, but they are part of the true lifeblood for community newspapers.

We are told the money, the priorities are shifting toward television and, interestingly, away from official language minority media to ethnic media that are published in a language other than English or French.

According to Public Works and Government Services Canada, in 2011-12, which is the latest year I have the numbers for, official language newspapers got a grand total of \$900,000 out of the total ad budget for ethnic, Aboriginal and official language media of \$7.6 million — less than \$1 million out of more than \$7.5 million for communities that this country is constitutionally, legally and morally obliged to support.

Official language community print papers got \$900,000. Ethnic print media got \$1.8 million, twice as much. I find that a striking statistic to consider.

But here is the thing that really drives me, makes me extremely angry: The law in Canada, the Official Languages Act of Canada, says in section 11, that when:

A notice, advertisement or other matter that is required or authorized by or pursuant to an Act of Parliament to be

published by or under the authority of a federal institution primarily for the information of members of public...

In other words, federal government ads must be published in both official languages, and not just one bilingual ad — one ad in the local English media and one ad in the local French media. That’s what the law says.

**Senator Robichaud:** That’s what it says to me.

**Senator Fraser:** Colleagues, it doesn’t seem to matter what the law says. Successive governments, not just the present government, seem to have found this an inconvenience.

Successive Official Language Commissioners have been complaining about this for years. In 2002 already, the Official Language Commissioner said that 15 per cent of the complaints she got were related to the federal government departments that refused to follow the clear instructions of the law on this front.

They advertise in English in English Canada and in French in French Canada, and they just assume they have done their duty, even if the ads are actually more directly suited to the minority language communities in those places where they are published.

So in 2006, the Standing Senate Committee on Transport and Communications, in its report on the Canadian news media, recommended, and it was almost embarrassing to have to make this recommendation, but we made it, Recommendation 35: “That all federal departments be ordered to comply with the law relating to advertising in both official languages.”

Would you not think that was a no-brainer colleagues? You would think so.

Well, we got an official response sometime later from the Honourable Bev Oda, then Minister of Canadian Heritage, and after a few paragraphs of the usual baffle-gab about how the government is always committed to all good things everywhere and at all times, the operative comment in connection to Recommendation 35 was this:

The Treasury Board Secretariat will encourage departments to review their standards and processes for responding to advertising-related official language complaints.

We’ll suggest that people look at the way they respond to complaints, not instruct them not to spark the complaints in the first place by obeying what the law says they clearly must be.

The best of my information, honourable senators, is that nothing has changed. Nothing has changed, except that as the financial resources available to these little media diminish, so does the quality of their work, and so does the likelihood of their survival, and so, therefore, does their contribution to the vitality of the communities they serve and who need them so desperately. And we as the Government of Canada — I’m not speaking in a partisan sense — their government, should be providing them support, and we’re not doing in this area what we should.

[ Senator Fraser ]

I do not dispute the fact that good things can and do happen in connection with official language minorities, but this one fundamental element of a healthy community is not only systematically ignored, it's systematically reduced and whittled down. It's a shameful state of affairs, colleagues, and I really hope that one of these days the Government of Canada will wake up and realize where its duty lies.

That said, colleagues, I've been asked to request that the debate be adjourned in the name of Senator Charette-Poulin.

(On motion of Senator Fraser, for Senator Charette-Poulin, debate adjourned.)

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### COMMITTEE AUTHORIZED TO STUDY CURRENT STATE OF "ONE CALL" PROGRAMS THAT IDENTIFY CRITICAL UNDERGROUND INFRASTRUCTURE

**Hon. John D. Wallace**, for Senator Neufeld, pursuant to notice of February 11, 2014, moved:

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.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** I wonder if Senator Wallace could answer my usual question about what would be involved in this study and notably what kind of travel or other expenses might be incurred.

I should tell you that Senator Mitchell, who is our key person on this committee, has told me he supports it, but I still need the answers to the questions.

**Senator Wallace:** If you need more than Senator Mitchell's words, I will certainly be glad to do that.

It's going to be a relatively short examination. The committee will report back by December 31, 2014. There is no budget for travel. There is no request for funding.

This subject flows from the report that our Energy Committee did last year, examining the transportation of hydrocarbons by rail, marine and pipeline, and one of the issues that came up in that study was that the leading cause of pipeline failures is the rupturing or the striking of pipelines in excavation.

• (1630)

One of the solutions presented was to have an improved, one-call system and program throughout the country. There were some strong advocates for that. We thought, after we finished the report, that this was something that we could and should dig deeper into. It's very important on the safety aspect of transporting petroleum by pipeline and, of course, that's very topical right now.

(Motion agreed to.)

### SENATE REFORM

#### INQUIRY—DEBATE ADJOURNED

**Hon. Terry M. Mercer** rose pursuant to notice of February 5, 2014:

That he will call the attention of the Senate to Senate Reform and how the Senate and its Senators can achieve reforms and improve the function of the Senate by examining the role of Senators in their Regions.

He said: Honourable senators, reform is on the minds of many Canadians. Recent events have ignited several debates on Senate reform: how we are appointed, how we style ourselves, how politics influences us in what we do, and so on.

This inquiry comes at a most opportune time. Let's admit it: we have become so bogged down by petty, partisan politics, it's no wonder some Canadians think the Senate should not exist at all.

I have always been a firm believer that if we are to reform this place, we need to start from within. We need to take a clear look at ourselves, our processes and, indeed, our politics in order to make this place work.

The Senate is designed to accomplish what the founding Fathers of Confederation wanted — an independent chamber of sober second thought. When we examine the development of the Senate, the concept of the regions and how complicated they were to create, it shows how important the founding fathers considered them to be.

The origin of some provisions of the Constitution Act, 1867 can be traced back to the pre-1867 statutes governing British colonies that had their own legislatures and responsible governments at the time of Confederation. While the Fathers of Confederation opted

for representation by population in the elected House of Commons, they decided on representation based on equality of regions for the appointed upper house.

During the debates on Confederation, Sir John A. Macdonald explained that:

In order to protect local interests, and to prevent sectional jealousies, it was found requisite that the three great divisions into which British North America is separated should be represented in the Upper House on the principle of equality.

He went on to say:

To the Upper House is to be confided the protection of sectional interests: therefore it is that the three great divisions are there equally represented for the purpose of defending such interests against the combinations of majorities in the Assembly.

— meaning the House of Commons.

Following the Charlottetown Conference in September 1864, delegates from the Provinces of Canada, Nova Scotia, New Brunswick and Prince Edward Island, along with observers from Newfoundland, met in Quebec City that October. The initial motion for the representation of the provinces in the Senate was moved by Sir John A. Macdonald and stated that each senatorial division would be represented by an equal number of members: 24 senators for Upper Canada, 24 senators for Lower Canada, 10 for Nova Scotia, 10 for New Brunswick, and 4 for Prince Edward Island.

Of note, honourable senators, is that it was further agreed that should Newfoundland later join the Dominion, it would be entitled to representation of four senators. Although it did not become part of the Confederation until 1949, the Constitution Act, 1867 already provided for the representation of the province in the Senate if and when the British colony was to join Canada. In fact, when it did join, the province was actually given six Senate seats. I'm sure my colleagues from Newfoundland and Labrador are happy about that decision.

The London Conference of December 1866 did not change in substance this initial agreement on the Senate, but it was changed slightly. The Maritime region was kept at 24 senators, with Nova Scotia and New Brunswick having 12 senators each. It was then contemplated that the representation of these provinces would be reduced to 10 if and when P.E.I. would be admitted to the Confederation, in which case they would have four senators.

In 1870, the Canadian Parliament established the new province of Manitoba by enacting the Manitoba Act, 1870, which provided that the province was to be represented by two senators.

In 1871, British Columbia was made a Canadian province and it was provided that British Columbia have three seats in the Senate.

In 1905, the Canadian Parliament created the provinces of Alberta and Saskatchewan.

The representation of each province in the Senate was fixed initially at four members, "provided that such representation may, after the completion of the next decennial census, be from time to time increased to six by the Parliament of Canada."

In 1914, Prime Minister Borden introduced four bills in the House of Commons aimed at increasing the Senate representation of the four Western provinces to six senators each, therefore establishing the Western provinces as a de facto fourth senatorial division.

At that time, questions were raised as to the authority of Parliament to increase the number of seats in the Senate for Manitoba and British Columbia. The Prime Minister decided that the proposed changes to the Constitution should be made by the British Parliament, removing any doubt as to the constitutionality of the proposed amendments. We then did not have a formal amending formula to change the Constitution since we did not have our own Constitution until 1982.

Borden's proposals were subsequently adopted and led the British Parliament to enact the Constitution Act, 1915. The representation of B.C., Alberta, Saskatchewan and Manitoba was fixed at six senators each, and the Western provinces were established as a senatorial division in full.

In 1870, the North-Western Territory and Rupert's Land were admitted to Canada. In 1887, the Parliament enacted the representation of the Northwest Territories as two seats in the Senate.

In 1903, the number of senators was increased to four but was reduced to zero only two years later when the provinces of Saskatchewan and Alberta were created.

When Yukon was established in 1898, there were no provisions made for its representation in the Senate. So, from 1905 to 1975, the Northwest Territories and Yukon had no Senate representation until Parliament enacted the Constitution Act, 1975 (No. 2) providing for the representation of the Northwest Territories and Yukon by one Senate seat each. Of course, we know that Nunavut was accorded one Senate seat when established in 1999.

Honourable senators, we now sit here with a Senate comprised of 105 members: four regions with 24 senators each, Newfoundland and Labrador with six seats, and 3 senators representing the three territories.

The development of the Senate, and in particular its regional makeup, is part of the Canadian identity. The painstaking efforts which governments have followed in order to develop the regions properly and fairly are clear. This lesson reminds us that this place was not just "thought up on a whim."

Honourable senators, we are facing a crossroads in the history of Canada right now. The future of the Senate cannot and should not be brushed aside. We senators need to reform ourselves. We need to reform our way of thinking by understanding why this place was created, how it has changed, and what we can do to change it for the future — and for the better.

It is up to the Senate to meet this challenge head on. But how do we start? How can we reform this place without constitutional change?

• (1640)

Can we do it? Yes. Do we have the fortitude to do it? I'm not entirely sure.

How can we work together to the benefit of our regions? Independence for a certain level of politics is a start. *Protecting Canadian Democracy: The Senate You Never Knew*, edited by our colleague Senator Serge Joyal, Gil Rémillard, with Andrew Turner, reminds us that:

The Upper House was assigned specific contributions by the Fathers of Confederation, and it is unlikely that the provinces would have agreed to unite themselves had this not been the case.

Further, he went on to say:

The second role the Fathers of Confederation assigned to the Senate, which was to provide for equality of the regions and to represent the minorities, emerged from the Canadian federative compromise.

Indeed, it was essentially a deal-breaker for my home province of Nova Scotia which did not desire to be overruled by the larger populations of Upper and Lower Canada, now Ontario and Quebec. The Canadian federative compromise essentially ensured that there was a bicameral system in Canada that protected the smaller provinces via the regions.

Honourable senators, my proposal is simple. It is that the 24 senators from the Maritimes, Liberals and Conservatives, meet together initially in an ice-breaking session. To make it easy, so that we don't get bogged down trying to figure out what we need to do, we need to invite either the ministers of intergovernmental affairs from the three provinces in the Maritimes, or their representatives, to come and brief the 24 of us on the priorities of the provinces and thus the region. That seems a good place to start.

Moving forward, forming more structured regional caucuses that consist of all senators from that region, regardless of their political affiliation, is a worthy idea to explore. We could even start smaller with multi-partisan provincial caucuses, so that senators from each province have chance to discuss issues facing their provinces before meeting with the multi-partisan regional caucus.

The roots of the Senate as the body that should be, as Sir John A. Macdonald put it, "confided the protection of sectional interests" stand as clear today as they did in 1867.

By gathering all senators from a region together, it would allow for a productive discussion on specific issues that affect the regions we are chosen to represent. These sessions could be used

for senators to be briefed by the provincial governments or regional groups on specific issues in the regions, like my idea with meeting with the intergovernmental affairs ministers or officials; to build better relationships with senators across the aisle; and possibly to propose legislation that has a specific impact on our provinces, on our regions and, of course, on the country we all serve.

We are not talking about political alliance here — I'm sure we can all agree that would likely never happen. What we are talking about is cooperative union.

When I was first appointed to this place in late 2003 by the Right Honourable Jean Chrétien, cooperation between Liberals and Conservatives was not uncommon. Indeed, on the day I was sworn in, the then-leader of the opposition went out of his way to comment on the quality of the appointments that were made that day — not just me; there was another guy. I do remember that. I even voted for the then opposition motion on international development assistance, which Senator Andreychuk will remember. That motion failed, but I was proud to support it, even when most of my colleagues did not.

There are many other instances where senators have voted for or against bills, committee reports and motions, not based on party politics but on the best interests of their provinces and their regions. But the Senate lately has become so partisan that this has happened less and less often. Canadians should be relying on us to show them that this chamber is the chamber in which politicians are working cooperatively and in their best interests.

Furthermore, this type of reform can occur without deadlocked constitutional talks. If you go to committees in this place, this cooperation still does exist. In both committees that I am on, people from both sides work well together.

From *Protecting Canadian Democracy*, Professor David Smith reminds us that:

Modifications can be made via the Rules of the Senate, Parliamentary practices and conventions, an Act of Parliament; under section 44 of the Constitution Act of 1982, which allows limited alterations concerning the Executive, the Senate, and the House of Commons.

So, making the Senate better representative of the regions is an easy reform, because we do not need to seek constitutional approval. What we need is the fortitude to do it.

My last point, honourable senators, is this: Why not try? The idea of multi-partisan regional caucuses is not new. I suspect there may not be much of an appetite for it for some people, but I have noticed in the past weekend that some senators have also been feeling the same way.

I've reflected upon the question of how better to represent the regions for a while now and found it best that we should bring the debate and this idea here to the Senate; thus I've introduced this inquiry. Any of you who have been thinking about this should participate in further debate on this inquiry, because I believe we do have an opportunity here to put aside politics, even just for a

moment. In fact, in a paper written by my colleague Senator Greene, from Nova Scotia — which I highly recommend that you read — he states:

For Senators to become effective, they must re-orient their representation from the partisan. Whether senators attend their National Caucuses or not, all Senators from a Region should caucus together, irrespective of Party.

I agree, Senator Greene. It's an interesting idea and I welcome the participation of all senators in this debate. I encourage you to think about what you have heard today but, more importantly, how you feel — not how your party feels, not how your leader feels, but how you feel and what you think. How do you want to best represent your constituents and your regions?

Honourable senators, we need to think hard about the Senate's future. Let us live up to the intent of the Fathers of Confederation to uphold the regional interest we are sent here to protect. It is our duty to do so. How we proceed from here is entirely up to us.

Thank you, honourable senators.

**Hon. A. Raynell Andreychuk:** Honourable senators, I think Senator Mercer has encouraged me to reply. I have some difficulty with a word like “partisan” being a negative concept when it can be a positive one. Politics can be very positive, so I would like to take the adjournment to engage in debate with Senator Mercer.

(On motion of Senator Andreychuk, debate adjourned.)

## ADJOURNMENT

### MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 25, 2014, at 2 p.m.

**The Hon. the Acting Speaker:** Is leave granted, honourable senators?

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, February 25, 2014, at 2 p.m.)

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