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(HANSARD)

Thursday, May 15, 2014

The Honourable NOËL A. KINSELLA
Speaker

CONTENTS

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

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THE SENATE

Thursday, May 15, 2014

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

LINDEN MACINTYRE

Hon. Terry M. Mercer: Honourable senators, I'd like to take a few moments today to talk about Linden MacIntyre, long-time journalist and author. Many of you recognize his name from "the fifth estate," the program he co-hosted on CBC for many years. Recently, MacIntyre made the difficult decision to retire from the CBC this coming fall.

Born in St. Lawrence, Newfoundland, and having grown up in Port Hastings, Cape Breton, Nova Scotia, he has done a lot of his work in Halifax. Starting out as a print reporter in Halifax, Ottawa and Cape Breton from 1964 to 1976, he then joined the CBC in 1976.

Later, in 1979, he launched a legal challenge over the right of media access to search warrant documents. This was taken not only to the Supreme Court of Nova Scotia but eventually to the Supreme Court of Canada, which resulted in the affirmation of press freedom and the principle of transparency of the courts — a major decision.

Linden was both a television and a radio host for such shows as "Sunday Morning," "The MacIntyre File" and "The Journal," where he reported from places such as the Middle East, Central America and the USSR.

For such outstanding work he has been awarded nine Gemini Awards, an International Emmy and the Michener Award for meritorious public service in journalism. The Gemini and Emmy awards were for his documentary *To Sell A War*, a 1992 story of the marketing of the first Gulf War. The second one, the Michener Award, was for his work called *His Word Against History: The Stephen Truscott Story*, which he did in 2000, and *The Scandal of the Century*.

You may also recognize MacIntyre's notable skills as a writer. He won the 2009 Scotiabank Giller Prize for this famous novel *The Bishop's Man*. His other books include *The Long Stretch*, *Why Men Lie*, *Who Killed Ty Conn*, and *Causeway: A Passage from Innocence*, a memoir of his time spent growing up in Cape Breton. It's also an excellent read; I recommend it.

Honourable senators, Linden MacIntyre is leaving the CBC, but he believes it is the right decision not only for now but for the future of the CBC. Linden has said that his retirement is for the

betterment of the company and that his leaving will hopefully impede the layoffs of his younger colleagues due to the recent budget cuts.

Congratulations, Linden, on a great career, and thank you for your impact not only in Canada but around the world. We wish you well in your future endeavours and look forward to seeing what you may do next.

Honourable senators, we are indeed seeing many cuts at the CBC and much reorganization. As we study these issues in the Standing Senate Committee on Transport and Communications, I want to recognize Linden's selfless act that will hopefully protect the futures of some young journalists in Canada.

POST-TRAUMATIC STRESS DISORDER SERVICE DOGS

Hon. Carolyn Stewart Olsen: Honourable senators, post-traumatic stress disorder is a silent hurt that affects many of our veterans and emergency responders.

A few years ago, not many knew what PTSD was, and now we are only beginning to understand a bit about the causes and treatments that are available. I can speak from personal experience. I can recall the first gunshot wound that I ever saw. I can see the boy's face. I can see what he was wearing to this day. This is just a touch of what people who suffer from PTSD have to go through while they struggle with this affliction.

On Monday I had the honour of introducing two Afghanistan veterans to the students of Port Elgin Regional School. Corporal Langevin and Sergeant Murray attended with their PTSD service dogs, Hank and Vivian. The children were eager to participate during the question and answer session and they seemed to really understand that you have to be aware of PTSD and its effects on people, and that it can affect anyone.

The service dogs are a great example of how we are finding ways to help people to cope with PTSD. Hank and Vivian were specially trained by an organization that supports our veterans to help them overcome this debilitating illness. Many of these special service dogs come from local shelters. The trainers told me that these dogs do very well as service dogs because they understand what it's like to be alone and frightened and know what it means to be traumatized.

Colleagues, we need to support our veterans, and we have to help people understand that PTSD can and does affect anyone at any time and any place. It is not limited by age, gender or occupation. Everyone can get PTSD, and if we talk openly about it we can recognize it for what it is and help people get the assistance they need. Please join me in supporting our

veterans who suffer from this disorder. Please support groups like Wounded Warriors who help provide service dogs for them and their families.

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the Governor General's gallery of a group of the participants in the Parliamentary Officers' Study Program more familiarly known as "POSP".

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

Hon. Senators: Hear, hear.

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Rahim Thomas, along with his family, Karim, Samira, as well as Rishma and her husband Zaman Velji. They are accompanied by their friends Aliya Mawani and Simon Milne-Day. They are the guests of the Honourable Senator Jaffer, upon whom I call to make a statement.

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

Hon. Senators: Hear, hear.

THE LATE DR. ROSHAN HIRJI THOMAS

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to pay tribute to a great friend and a great Canadian, Dr. Roshan Hirji Thomas of Vancouver. We both came here from Uganda. Roshan was one of two Canadians, along with Zeenab Kassam of Calgary, killed in Afghanistan.

• (1340)

Roshan was an optometrist, and with her ophthalmologist husband, Rahim Thomas, dedicated themselves for more than three decades to serving marginalized populations in Canada and around the world, including Zambia, Tanzania, Kenya, Pakistan and Afghanistan.

Roshan's interest in education stemmed first from her own role as a mother and her desire for her children to have better opportunities than she did. Through her work, she realized that

this same hope united all mothers and fathers, irrespective of their apparent external differences.

In 2003, Roshan travelled to Afghanistan and opened an Early Childhood Development Centre in Kabul: The Sparks Academy. The program has grown to encompass six centres, with 900 boys and girls currently enrolled.

Roshan also worked to provide opportunities for young Afghans to equip themselves with the best of Canadian and global education. Now there are dozens of Afghan students who have been educated in Canada, including Pearson College and Mulgrave School.

All of Roshan's work, as was her family's tradition for years, was almost entirely privately funded by her family, with her time and knowledge given on a voluntary basis.

As a Canadian Ismaili Muslim, Roshan Thomas's life reflected Islam's fundamental belief that the plurality of humanity is a deliberate gift from our creator, and that only by bringing people together from different traditions, cultures, and backgrounds can we truly understand we are all the same.

Her schools embodied this most Canadian and Muslim ethic in Afghanistan, serving children of different ethnicities, religions and genders. Her schools created a small corner reflecting the best of Canada, where kindness, tolerance, and deep care for one another were values which were celebrated and cherished.

Roshan believed that her life would be judged based not on what she achieved, but what she enabled others to achieve.

Honourable senators, Roshan Thomas was taken from her husband, Rahim, and children Karim, Rishma and Samira, and all of us in Canada, far too soon. But based on the lives she touched and enabled, hers was a life well lived, and we are proud as Canadians, as Muslims and as Ismailis to celebrate her as one of our own. Her spark will continue to inspire us for years to come. She leaves an amazing legacy for all of us.

DENNIS BEERLING

SASKATOON CITIZEN OF THE YEAR 2013

Hon. David Tkachuk: Honourable senators, on April 14, 2014, Dennis Beerling was named Saskatoon Citizen of the Year. One look at his long and varied body of service to the Saskatoon community makes one wonder how he didn't get the award every year for the last 50. That is how long Dennis has been devoting his time, energy, enthusiasm and talent to my hometown. And it is a better place for it.

His involvement in the community began in 1962. He coached minor hockey for 30 years, was the Saskatoon hockey commissioner for two, founded and organized the Saskatoon Minor Basketball League in 1969 and was its president for

six years. He promoted basketball throughout the province and was on the organizing committee for the Winter Games in Saskatoon in 1971.

Dennis also coached softball at all levels for 30 years and umpired for 15, hopefully never in the game he coached, though. Under his guidance his team won nine city championships, seven provincials, and one of his teams won gold in a Western Canadian championship.

The list of Dennis' community involvement is almost endless. He was involved in synchronized swimming, volleyball, wheelchair sports, coaching certification and track and field officiating.

He officiated track at the local, provincial, national and international levels for 50 years. That includes the 1972 Junior Olympics in Edmonton and the 1976 Summer Games in Montreal. Dennis is now a technical official for the International Amateur Athletic Federation.

Lest you get the impression that Dennis was only interested in sports, you'd be wrong. In his spare time he was a leading figure in theatre and drama in Saskatoon. He was a church board member of Mayfair United Church for 10 years and chairman for two. He helped found the Boys and Girls Club in our city, and he was a Cub and Venturer leader for 27 years.

His list of awards is nearly as long as his list of activities: two Queen's Jubilee Medals in 2002 and 2012; the Century Saskatoon Recognition Medal for Dedication in Sport in Saskatoon in 1982; his induction into the Saskatoon Sports Hall of Fame in 1985 and into the Saskatchewan Sports Hall of Fame in 1997; the Saskatchewan Centennial Medal in 2005; and many other specific sports awards in which he was involved. The latest, as I mentioned, is Saskatoon Citizen of the Year.

Congratulations, Dennis, you've earned it.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Jacqueline An, Chair of the Korean Overseas Women's International Network, Toronto Chapter; and Ms. Bok Sil Shin, Chair of the Korean Inter-agency Network and her executive team. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear.

THE HONOURABLE LANDON PEARSON, O.C.

Hon. Jim Munson: Honourable senators, today is a day to commemorate two significant milestones in social progress. It has been 25 years since the United Nations Convention on the Rights of the Child was released to the world; and it is also the anniversary of *A Canada Fit for Children: Canada's plan of action in response to the May 2002 United Nations Special Session on Children*. Time flies. It has been 10 years since Senator Landon Pearson submitted this plan affirming our country's commitment to making children and families a national priority.

I often wonder what my experiences would have been in my early days as a senator if they had not overlapped with Landon's time in the Senate. It was after all Landon, the original "children's senator," who dragged me reluctantly into the Senate, so to speak, and engaged me in children's issues. I had thought my focus would be disability, but Landon, who can be so persuasive and it seems always right, encouraged me to embrace the importance of heightening public recognition of the well-being and rights of children, including those with disabilities.

I will have the pleasure of seeing Landon this afternoon at a panel discussion and reception at the Landon Pearson Resource Centre for the Study of Childhood and Children's Rights at Carleton University. This is to mark the anniversary of important children's rights events, and it is also an opportunity to find out how Canada and the world are faring in living up to our obligations to young people.

Landon is about speaking truth, so I am sure she and others on hand will elaborate on the findings of the UNICEF report *The State of the World's Children 2013*, which shows that Canada is falling short of its anticipated progress.

While we have over the years acquired more and more knowledge about children with disabilities — for instance, the capacity of civil society and governments to respond to identified needs — it is inadequate. Key players need the work together to address challenges, but without reliable support from government they're unable to coordinate their activities and form coalitions.

There is also the "continuing failure with respect to Aboriginal children." According to Landon: "We have to understand how to restore strength into Aboriginal families. If we can do that, we can begin turning the difficulties in these children's lives around."

One of the greatest challenges in realizing our goals is social media, which neither the convention nor Canada's action plan incorporate because social media is such a recent phenomenon. Though social media enables us to easily connect and share information, it also has negative implications such as cyberbullying and the erosion of young people's abilities to communicate face to face with families and peers.

Research has shown that we can't legislate the problems away. Young people have not developed judgment about what is

appropriate or inappropriate to share online. What all of us, but especially children, need is greater understanding of social media.

These and other crucial issues will be addressed by those participating in tonight's panel, including Landon Pearson and Carleton's Dean of Arts and Sciences, who will discuss *A Canada Fit For Children*. In the meantime, I would like to recognize Landon as a very special person. She is living proof that there is life after the Senate. She will be 84 this year. She is Canada's voice for children, and to paraphrase an old Beatles song: Will you still need me when I'm eighty-four? The answer is a resounding yes, Landon.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of associates of the CNIB, the Canadian National Institute for the Blind. They are guests of the Honourable Senator Seth.

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

Hon. Senators: Hear, hear.

• (1350)

NATIONAL VISION HEALTH MONTH

Hon. Asha Seth: Honourable senators, today we continue to celebrate National Vision Health Month with the support of Speaker Kinsella and the CNIB.

Since our launch on May 1, we have been working with our partners, especially the CNIB, to bring National Vision Health Month to every corner of Canada.

In Alberta, we are holding free eye exams at various centres for newcomers across the province. In Atlantic Canada, the restaurant Relish Gourmet Burger will donate \$2 from each burger to support programs for blind and partially sighted persons. In Quebec, we have fundraised \$12,000 for a run in support of blind and partially sighted Canadians. In British Columbia, we are taking to the streets to hand out Healthy Vision Checklists to create awareness in Vancouver. In Manitoba, we are hosting a reception with the Lieutenant Governor and planning wellness visits to seniors' homes. In Saskatchewan, we are hosting the Visions Luncheon and, in Ontario, we are running various community events, like open houses, technology fairs and barbecues.

So, from coast to coast to coast, National Vision Health Month is raising awareness about preventable sight loss and providing support to citizens, young and old.

Honourable senators, I believe that vision without action is a dream. Action without vision is simply passing the time, but action with vision is making a positive difference. For your faith and your support in this campaign, I thank you all once again.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2014-15

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Supplementary Estimates (A) for the fiscal year ending March 31, 2015.

[Translation]

STATUTE LAW AMENDMENT PROPOSALS

DOCUMENT TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, a document entitled: *Proposals to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect.*

[English]

THE ESTIMATES, 2014-15

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

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, 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 (A) for the fiscal year ending March 31, 2015.

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

[English]

Hon. Senators: Agreed.

QUESTION PERIOD

STATUTE LAW AMENDMENT PROPOSALS

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

NOTICE OF MOTION TO REFER TO COMMITTEE

FIRST NATIONS EDUCATION

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 document entitled *Proposals to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect*, tabled in the Senate on May 15, 2014, be referred to the Standing Senate Committee on Legal and Constitutional Affairs.*

CANADIAN NATO PARLIAMENTARY ASSOCIATION

JOINT MEETING OF THE DEFENCE AND SECURITY, ECONOMICS AND SECURITY, AND POLITICAL COMMITTEES, FEBRUARY 16-18, 2014— 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 Joint Meeting of the Defence and Security, Economics and Security, and Political Committees, held in Brussels, Belgium, from February 16 to 18, 2014.

[Translation]

PARLAMERICAS

BILATERAL VISIT TO LIMA AND TRUJILLO, PERU, MARCH 28-APRIL 5, 2014—REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of ParlAmericas respecting its participation at the bilateral visit to Lima and Trujillo, Peru, from March 28 to April 5, 2014.

Hon. Lillian Eva Dyck: Honourable senators, my question is for the Leader of the Government in the Senate. My office sent this question over to your office earlier today. I wanted to give you advance notice so that you can could take some action on it ahead of time.

As all honourable senators know, Bill C-33, the First Nations control of First Nations education act, has been put on hold following the resignation of former National Chief Shawn Atleo a couple weeks ago. And, as everyone knows, we passed a motion in here on the same day so that the Standing Senate Committee on Aboriginal Peoples could do a pre-study on the bill; we've also put that on hold.

Things have been percolating since then. The Confederacy of Nations of the Assembly of First Nations met yesterday, May 14, and is asking for a negotiated education accord and an open dialogue with the Government of Canada on First Nations education. A letter is to be sent to Minister Valcourt today.

My question is: Will the Minister of Aboriginal Affairs and Northern Development be willing to meet immediately with the designated representatives of the Confederacy of Nations of the Assembly of First Nations to discuss Bill C-33 and other outstanding issues?

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you for your question, senator.

As you know, our government has made First Nations education reform a priority. We jointly announced Bill C-33, the First Nations Control of First Nations Education Act, with the support of the Assembly of First Nations, the AFN.

However, since the national chief recently resigned, all in-depth studies of the bill have been put on hold until the AFN clarifies its position. Our government firmly believes that First Nations students have the right to a high-quality education, like all other Canadians.

The First Nations Control of First Nations Education Act provides for the structures and support needed to help First Nations students realize their potential and participate fully in the

Canadian economy. The bill will enshrine in law the five conditions for success identified by the AFN chiefs in December. That is our government's position on this matter.

[English]

Senator Dyck: Thank you for that answer. Certainly everything you said was true, and I agree.

• (1400)

However, the question I had asked was this: Would the Minister of Aboriginal Affairs and Northern Development be willing to meet immediately with the designated representatives of the Confederacy of Nations, which is actually an integral part of the Assembly of First Nations?

I think this initiative is intended to start conducting the dialogue and the talks before a new leader is actually elected. By the sounds of it now, a new leader of the Assembly of First Nations will not be elected until the fall. For all that time in between, we would still be on hold. This is a way to start the dialogue going.

Will the minister meet with the Confederacy of Nations of the Assembly of First Nations to start off the dialogue to get things going on this very important education bill?

[Translation]

Senator Carignan: Any in-depth study of the bill has been put on hold and will stay that way until the Assembly of First Nations clarifies its position. I have heard your request and your concerns and will pass them on to the minister. However, we intend to keep the study of the bill on hold until the Assembly of First Nations clarifies its position.

[English]

DEMOCRATIC REFORM

DEMOCRACY—FAIR ELECTIONS BILL

Hon. Wilfred P. Moore: My question is also for the Leader of the Government in the Senate. Mr. Leader, this question comes from Ms. Lorna Beirsto of Calgary, Alberta, and she says:

I am one of over 63,000 people who have signed the AVAAZ.org petition to protest the so-called Fair Elections Act, which would undermine our democracy.

I am pleased the Conservative government recently adopted a number of the recommended amendments put forth by the Senate. However, there are still a number of unacceptable aspects of the proposed legislation, including restrictions on vouching and voter information cards, and limits on investigations into fraud.

The opposition to Bill C-23 has been undeniably widespread — from across the political spectrum, domestic and international, and from people from all walks of life — expert academics, lawyers, a Chief Electoral Officer and a former Auditor General — the list goes on. To ignore this backlash is to make a mockery of democracy.

You have proven your willingness to stand on principle before, and you can do the right thing again. Your actions now can help protect the fundamental rights of Canadians. Will you, as the Leader of the Government in the Senate, take our voices into account when considering Bill C-23 in the coming days?

Thank you very much.

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you for your question. As you know, we always take into account the opinions of Canadians and people who send us suggestions. The Fair Elections Act proposes reasonable, common-sense changes to the Canada Elections Act. The government followed the debate on the bill with a mind open to any ideas or amendments that would strengthen it. We will strongly support what is fair and ensure that elections in Canada are protected and fair.

As you know, the bill is currently before the Senate. We received it yesterday for first reading. Second reading will commence when the Senate comes back after the recess. Senators will then have the chance to once again examine this bill. However, given the pre-study that was done and the resulting report that was tabled in the Senate, there is every indication that many of the issues that were raised in the Senate committee report were taken into account in the other place in the form of amendments. At first glance, it would seem that we have before us a bill that was already excellent and is now even better with the amendments.

That's why we expect everyone on your side of the chamber to support this bill to make elections fairer.

[English]

Senator Moore: Leader, Ms. Beirsto is zeroing in on the two aspects of the bill that deal with vouching and voter information cards, and limits on investigations into fraud, which I think would be the ability of the Commissioner of Canada Elections to compel evidence.

You mentioned that you are prepared to look at and consider amendments. Would you be prepared to consider those two items in the amending and hearing process?

[Translation]

Senator Carignan: Clearly, the vast majority of Canadians feel it is appropriate to show a piece of ID to vote. The bill requires all voters to show a piece of ID confirming their identity before they

vote. If the piece of ID does not include an address, under the amended bill, they will be able to co-sign a written oath of residence. The fact remains that all voters will have to show a piece of ID proving that they are who they say they are. I think that concern has been taken into account in the amended bill.

With respect to investigations and legal action, separating the role of the Commissioner of Canada Elections and housing it within the office of the Director of Public Prosecutions will enhance the commissioner's independence and his power and ability to conduct investigations independently from the Office of the Chief Electoral Officer.

There are several improvements in the bill. One of the amendments that the Senate proposed in its pre-study was to keep voter contact calling service records for three years rather than one year.

The bill includes plenty of provisions that will strengthen investigations and help the commissioner investigate. I think that these points have been sufficiently addressed in the bill as amended. We can continue to debate this during our study of the bill.

[English]

Hon. Jane Cordy: You said that the bill has been strengthened on the other side, and I would agree with you. I heard somebody say that it's gone from being a very bad bill to just being a bad bill.

Every bit of information that I'm getting indicates that Canadians are referring to the bill as the "so-called fair elections bill" or the "unfair elections bill," which is pretty sad when this is coming from Canadians.

Now, in your answer to Senator Moore you referred to the robo-calls investigation. Could you tell me why there is no provision in this bill to allow Elections Canada to compel witnesses to appear before them in an investigation if, in fact, the bill was really drafted to deal with the robo-calls investigation?

[Translation]

Senator Carignan: As you know, the powers to investigate and question witnesses are exactly the same as those of the police, exactly the same. This is not something that should be of concern to you, senator.

Every time we introduce a bill, you tend to systematically oppose it. You should instead recognize how good this bill is and support it. I get the impression that every time we propose something, you oppose it. I almost feel like moving a motion to congratulate the Montreal Canadiens on their win. I hope you would support that.

[Senator Carignan]

[English]

Senator Cordy: You suggested that the investigation — or the lack of capabilities that Elections Canada has in terms of investigations — shouldn't be of concern to me. It is of great concern to me, because if Elections Canada feels that wrongs have been done during an election, they should have the capability of compelling witnesses to testify.

• (1410)

What we heard from Elections Canada is that there was a lack of cooperation with a number of people who should have been able to give testimony to Elections Canada. It is this lack of cooperation that is troubling to me. It's of concern to me. I know it's troubling and of concern to a number of Canadians.

Why is there nothing in this bill that deals specifically with giving Elections Canada the ability to compel witnesses to testify when they believe something has gone wrong during an election campaign?

[Translation]

Senator Carignan: Senator, you are asking questions that will be brought up again when this bill is studied. I just want you to really understand that what you are suggesting would result in these powers being greater than those of the police. I find it odd that you are suggesting that the police have less power than the Commissioner of Canada Elections and that he even be able to violate constitutional rights in a case such as that.

[English]

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, if I could follow up on Senator Cordy and Senator Moore's questions, is that why the government refuses to put the power to compel witnesses in the act? You're suggesting that to do so would give Elections Canada more power than the police? Is that your position?

[Translation]

Senator Carignan: What I am saying, senator, is that we have a comprehensive bill whose purpose is to make elections more fair, improve the electoral process and enhance the investigative power of the Commissioner of Canada Elections. The bill will make him independent of the Chief Electoral Officer and place him directly under the office of the Director of Public Prosecutions, and it will also allow for the exchange of information between the Chief Electoral Officer and the Commissioner of Canada Elections. He will thus have a set of powers, rights and obligations enabling him to do his job.

[English]

Senator Cowan: There are certainly some improvements in the bill. All parliamentarians have looked at it, and all commentators who commented on it have recognized that there are significant improvements contained in this bill.

You'd also have to acknowledge, from the email traffic you've received and the press coverage you've read, that there is very significant concern across party lines, across the country, with some of the provisions that are in the bill and some of the provisions, like the power to compel witnesses, that are not in the bill.

Our Legal and Constitutional Affairs Committee did a good job in the pre-study. They unanimously made, I think, nine recommendations — I look to Senator Runciman — and some of those, but not all, have been accepted by the government.

In addition, the minority, colleagues of mine from this side, recommended some further suggestions for improvements, which were not accepted by the majority on the committee but presumably were considered by the government.

I don't think it's fair to say that colleagues on this side are automatically opposed to everything that the government proposes. I think there was an attempt, a good-faith attempt, by colleagues on both sides of the house to do their work within a very limited period of time and make suggestions by a certain date to get them before our colleagues in the House of Commons so they could be considered. I think you're being unfair to colleagues on both sides with respect to the work which they did in the pre-study.

I will ask the question specifically again: What objection do you have, or does the government have, to giving the investigator the power to compel witnesses, recognizing that the investigator said that the absence of that power restricted and frustrated his ability to get to the bottom of the robo-calls issue that arose during the last election?

[Translation]

Senator Carignan: Senator, the bill is there, and you can study it and propose the amendments you want. We will be able to debate them. I only indicated to the senator, in response to her question, that a police officer cannot force you to answer a question. You are a lawyer and you know as well as I do that just because he is investigating, a police officer cannot force you to answer a question. I simply drew a parallel by stating that if that were the case, the commissioner would have more power than a police officer. Imagine that.

[English]

ORDERS OF THE DAY

CANADA-NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION ACT CANADA-NOVA SCOTIA OFFSHORE PETROLEUM RESOURCES ACCORD IMPLEMENTATION ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. David M. Wells moved second reading of Bill C-5, An Act to amend the Canada-Newfoundland Atlantic Accord Implementation Act, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and other Acts and to provide for certain other measures.

He said: Honourable senators, I welcome this opportunity to speak in support of Bill C-5 and the many safety enhancements that this legislation will bring to offshore workers in Atlantic Canada. Bill C-5 comes at a time when Canada's energy sector is poised to grow dramatically, both in the offshore industry and in Western Canada, as global demand for energy continues to increase.

Of course, the Government of Canada welcomes energy projects that will create jobs and generate economic growth, but only if they are proven safe for Canadians and safe for the environment, and only after independent, science-based regulatory reviews.

Canada's offshore industries must abide by rigorous environmental and safety standards and, in jurisdictional responsibilities, we must be very clear when it comes to health and safety in the offshore. That is exactly what Bill C-5 does.

Bill C-5 will enhance worker safety in the offshore by extending protection under provincial occupational health and safety provisions at a time when Canadian energy production is ramping up to meet world demand.

Over the coming decade, several hundred major resource projects are planned or under way in Canada, representing investments of more than \$650 billion. The enormous contributions of the oil and gas industries can be seen in the economies of Newfoundland and Labrador and in Nova Scotia, where these industries have helped transform the economy of Atlantic Canada.

In Newfoundland and Labrador, offshore energy development has given the citizens of that province thousands of high-paying jobs and revenues to support health care and other essential

programs. Contributing about one third of the province's GDP, in 2011 numbers, offshore energy development is, in large part, the reason that Newfoundland and Labrador today has one of Canada's strongest provincial economies.

In the case of Nova Scotia, the Atlantic offshore is already a major producer of natural gas, with three gas fields serving Atlantic Canada and the U.S. Northeast, and there are estimates that Nova Scotia's offshore may contain up to 8 billion barrels of oil and 3.3 trillion cubic feet of natural gas.

With this massive energy potential at Canada's doorstep, the Government of Canada is working to ensure that our offshore industries carry out their activities in compliance with the most stringent environmental and safety standards. Canadians expect and deserve world-class regulatory and safety systems, and the Government of Canada is taking the necessary steps to meet these obligations.

On our East Coast, two offshore boards, the Canada-Newfoundland and Labrador Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board are responsible for offshore exploration and development. The offshore boards are supported in their work by Canada's strong environmental laws and standards, a robust safety regime and experienced, independent offshore regulators.

The Atlantic accord implementation act covers all offshore oil and gas exploration activities and development. This act gives the offshore boards the legal authority to regulate oil and gas activities on behalf of the provinces. As a result, drilling cannot occur unless the responsible board is satisfied that drilling plans are safe for workers and safe for the environment.

As honourable senators know, Canada's offshore workers face a very difficult work environment. The weather conditions found in the Atlantic offshore are uniquely harsh and the remoteness of the offshore platforms present challenging conditions.

Currently, two safety regimes have been developed to protect offshore workers: occupational health and safety, and operational safety.

Occupational health and safety refers to hazards that workers may face on the job. This safety regime covers, among other things, the right to refuse dangerous work, the right to information, and the right to participate in making decisions on workplace health and safety. Currently, occupational health and safety is the jurisdiction of the provinces.

The second regime, operational safety, pertains to workplace systems, facilities and equipment, and the integrity of such safety equipment and systems.

• (1420)

For example, a drilling platform's fire suppression system would fall under operational safety. Under the accord acts, operational safety is the responsibility of the offshore boards, which function on behalf of both levels of government.

Honourable senators, Bill C-5 is the result of several years of collaborative work by the Governments of Canada, Nova Scotia, and Newfoundland and Labrador. Bill C-5 will strengthen and advance the very substantial and well-functioning legislation that is currently in place. By clarifying jurisdictional responsibilities for health and safety, it provides the appropriate regulatory regime that is needed to protect offshore workers in the years ahead.

This is very good news for the energy sector in Eastern Canada and, in particular, for offshore workers in Newfoundland and Labrador and in Nova Scotia. The provinces fully recognize this. They both have already given Royal Assent to their respective bills, and they are now both waiting for the Government of Canada to pass mirror legislation.

Bill C-5 will enhance safety and security for Canada's offshore oil and gas industries, helping to continue to provide a world class regulatory regime and further strengthening protection for Canadian workers in the energy sector.

Honourable senators, here are some examples of the improvements provided by Bill C-5. The primary benefit, of course, is a precise clarification of the respective safety responsibilities for the offshore boards, the federal government and the provincial governments. Bill C-5 spells out in detail the specific duties expected of all parties involved: operators, employers, supervisors, employees and contractors.

In doing so, Bill C-5 clarifies provincial and federal responsibilities for health and safety in the offshore and will ensure that Canada's offshore industries abide by the most stringent safety and environmental standards in the world.

The legislation also gives offshore board safety officers new and comprehensive powers to further enhance safety. For example, officers would now be able to take samples, inspect living quarters, meet in private with any individual and examine any aspect of safety and security. Further, the legislation establishes a new appeal process from the most serious cases. In certain special circumstances, this process would enable the provincial minister to appoint a special officer.

Honourable senators, since oil and gas platforms are usually hundreds of kilometres from shore, the new health and safety regime will now apply to workers in transit. These and other amendments contained in Bill C-5 will clarify the roles and responsibilities of all parties involved in ensuring that workers are kept safe — the three governments, the regulators, the employers and the employees.

The legislation proposed by Bill C-5 will be harmonized with existing legislation. The provinces and the federal government have agreed to incorporate these new powers for occupational health and safety directly into the accord acts.

The health and safety of Canadians and the protection of the environment are among the Government of Canada's top priorities. That is why Canada's offshore installations and the

equipment and training required to operate them must meet strict regulatory standards that are amongst the highest in the world.

The new legislation will put the necessary safeguards in place, providing safety for workers as a critical underpinning for this industry, and that is why we ask all members of the Senate to support Bill C-5. The benefits of a thriving energy sector are obvious and can be seen everywhere.

Honourable senators, as you know, Canada's booming offshore oil and gas industry has transformed the face of Atlantic Canada and, in particular, my home province of Newfoundland and Labrador. The offshore industry is pumping billions of dollars into Canada's economy and providing thousands of jobs.

The future global demand for Canadian energy means continued prosperity for thousands of Canadian energy workers and their families. According to the International Energy Agency, global energy demand will increase by over one third by 2035. China and India are expected to account for over half of this growth in energy demand. China alone is expected to consume 77 per cent more energy than the United States by 2035. These global realities present outstanding opportunities for Canada's oil and natural gas industry. This is positive news for the energy sector in both Western Canada and Atlantic Canada, where energy development has helped to transform the regional economies. That is why our government is introducing legislation to ensure that offshore industries carry out their activities safely.

Bill C-5 gives the offshore industry a clear occupational health and safety framework that is enforceable by law and free of jurisdictional uncertainty. It creates a modern safety regime tailored to the unique circumstances of the offshore industry. It clarifies accountability by establishing clear roles and responsibilities for all parties involved, and it provides modern enforcement powers to new occupational and safety officers and to existing operational safety officers.

Honourable senators, the Government of Canada is determined to strengthen worker safety in the Atlantic offshore, and we are working with the provinces to support our energy industry and its workers with the modern safety regime that addresses the specialized needs of Canada's offshore industry.

Bill C-5 provides a solid framework for regulating Canada's offshore energy sector for decades to come.

Hon. George Baker: Would the Honourable Senator permit a question?

Senator Wells: Yes.

Senator Baker: Senators, before I ask the question, I must say that Senator Wells has considerable experience in the subject that's presently before the Senate. Prior to being appointed a senator, he served on the Canada-Newfoundland and Labrador

Offshore Petroleum Board. In fact, I think that, for a couple of years, he was in a key position, an administrative position, on the board.

He has also served on other boards, in hands-on positions, with gas, energy, oil, the fishery. Sometimes we talk about the fishery on the coastline of Labrador. So he's the right person in the right place on Parliament Hill to be dealing with this legislation.

As all senators know, we have had disasters in the offshore industry. Eighty-four people lost their lives with the sinking of the *Ocean Ranger*. Seventeen people lost their lives when a helicopter went down.

Senator Wells, you have been directly involved in this industry for years, and you say that this legislation dates back about 10 years in its formulation. That's what you said in your speech. Is this legislation and what's in it now coming into effect as new properties, as new laws that apply to health and safety in the offshore? I mean, what has taken place in the past 10 years?

Senator Wells: Thank you, Senator Baker, for your question and, frankly, for your preamble in general.

In the intervening years, we didn't have the legislation and the aspects of the legislation that we're proposing now. There was a time, a little bit more than 10 years ago, where there was a terrible accident in the offshore. A fire door blew off and killed a worker. At the time and in the court cases, it was uncertain whether this was an occupational issue or an operational issue. Of course, occupational health and safety is in the purview of the provinces. Operational health and safety was in the purview of the boards, as granted by the Atlantic Accords in 1987.

With this ambiguity, it turned out that no particular person or organization was liable because of the ambiguity of the rules. It was decided then that they would combine these and that the operational and the occupational health and safety would be covered under the offshore petroleum boards, both in Newfoundland and Labrador and in Nova Scotia.

In my capacity at the Canada-Newfoundland and Labrador Offshore Petroleum Board, we worked very closely with the Canada-Nova Scotia Offshore Petroleum Board as well.

We took the tenets, the intent of this current legislation, and applied it as a condition of operation for the operators. We said to the operators, "Yes, you can drill, explore, produce, but here are the conditions under which you must do that." It incorporated, essentially, what we hope to cover in legislation now, which is, among other things, the combining of the operational and the occupational health and safety aspects of the board.

The other thing I want to say about that is that the only remedy that the offshore board had, if there was a violation of either the occupational or operational or any of the requirements that were covered under the operating authority, was withdrawal of the authority for them to operate.

• (1430)

We thought at the time, and I still think now under the current operating regime, that withdrawing the right to operate, whether on the Hibernia platform, for a minor or major infraction is not the right tool to use. We weren't able to compel through fines or through jail or anything like that or even through charges if there was a violation. The only hammer we had when I was on the board was to withdraw the operating authority.

Senator Baker: You're saying that the occupational health rules apply on land under the province. When you hop on a helicopter and go out 300 kilometres, they fall under Transport Canada. When you get to the rig, they fall under the offshore petroleum board. All of that is being condensed to fall under this proposed legislation.

Let me ask you a further question on an interesting statement you made a moment ago. Is it true that under this bill, and tell us what is significant about it if you have any knowledge of it, as I'm sure you have, a worker has a right to refuse to work if the worker feels that safety is in question? It's built into the bill. Is that correct?

Senator Wells: That's correct. This is the one of the first times that workers' rights will be enshrined in this way in a cross-jurisdictional aspect. There are three rights being established under this bill, and I'll talk about what happens after their rights are established. First is the right for workers to know about the hazards in the work place, which seems like a normal thing for a worker to know, but it's not enshrined in any other legislation. Second is the right to participate in identifying work-related health and safety concerns; in fact, under this bill there is more than a right for them to participate, there is an obligation for them to participate. Third is the right to refuse dangerous work, including a defined process to address such concerns.

This bill will establish in legislation joint occupational health and safety committees. The workers and management must sit together on these committees. Any issues, which workers and management have an obligation to raise, are discussed at committee. All of this falls under the auspices of the chief safety officer at the offshore petroleum boards. That's a significant advancement because all employees are now compelled and obligated to be part of recognizing and assessing dangers and refusing to work if there are dangers. If they refuse to work because of perceived danger, then the committee sits immediately or the issue is addressed at the chain of command level and either resolved or deemed safe under the circumstances.

I spoke earlier about the workaround that the offshore boards did to cover for the last number of years. It was fine for the short term, but you can't make regulations unless there is sufficient legislation in place; and there is not sufficient legislation in place until we pass Bill C-5. That will allow the regulations that flow from the legislation to be established.

Senator Baker: Thank you for those answers. We should pass Bill C-5, a good piece of proposed legislation brought forward by the Government of Canada. I'd like to address some of the issues

and encourage honourable senators to pass the bill quickly, so I'd like to take the adjournment of the debate.

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

(On motion of Senator Baker, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of May 14, 2014, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 27, 2014 at 2 p.m.

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

Hon. Senators: Agreed.

(Motion agreed to.)

THE ESTIMATES, 2014-15

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of earlier this day, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2015.

Hon. Joan Fraser, Deputy Leader of the Opposition: For the record, honourable senators, we gave leave for this motion to be brought forward. It's my understanding, but Senator Martin will correct me if I'm wrong, that the reason for the motion is that the National Finance Committee wishes to begin its work on the Tuesday morning after the break week. Is that your understanding as well?

Senator Martin: Yes, thank you.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Wallace, for the third reading of Bill C-217, An Act to amend the Criminal Code (mischief relating to war memorials).

Hon. Joan Fraser (Deputy Leader of the Opposition): As honourable senators are aware, the critic on this bill is Senator Dallaire. It's my understanding that he is essentially ready to speak to it, but he's out of town on public business today, so I seek permission to rewind the clock.

The Hon. the Speaker *pro tempore*: It is moved by the Honourable Senator Fraser, seconded by the Honourable Senator Chaput, that further debate on Bill C-217 be adjourned to the next sitting of the Senate in the name of Senator Dallaire.

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

Hon. Senators: Agreed.

(On motion of Senator Fraser, for Senator Dallaire, debate adjourned.)

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Massicotte, for the second reading of Bill S-205, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Nicole Eaton: Honourable senators, I rise today to speak to Bill S-205, An Act to amend the Official Languages Act (communications with and services to the public).

[Translation]

First, I would like to thank the bill's sponsor, the Honourable Senator Chaput, for her fierce passion for official languages.

Senator, your sense of justice, which drives your desire to ensure that linguistic minority rights are protected, is absolutely laudable. On behalf of all Canadians, I congratulate you for your unflagging dedication to that quest.

I am pleased to speak today to the provisions of the bill. This gives me the opportunity to stress our government's firm commitment to respecting both official languages.

This also gives us the opportunity to consider the significant progress that has been made in promoting the use of French and English across Canada.

• (1440)

[English]

Most importantly, colleagues, I wish to emphatically affirm that there is no active movement of any kind to dilute or diminish minority language rights in Canada.

[Translation]

Honourable senators, it should be noted that this year marks the 25th anniversary of the President of the Treasury Board's annual report on official languages. It's also the anniversary of the coming into force of the renewed Official Languages Act.

If we take a look at the past two and a half decades, we can see that considerable progress has been made. In 1988, one out of every three federal government employees was bilingual.

Now the public service has a pool of bilingual employees who make up 45 per cent of the workforce.

Let's look at the facts and figures.

The proportion of bilingual positions in the federal government has nearly doubled since 1978. It now sits at 42.8 per cent. In 1978, 24.7 per cent of federal government positions were bilingual. In 2000, under the Liberal government, 35.3 per cent of positions in the public service were bilingual. Under the current Conservative government, the proportion of public servants who must be perfectly bilingual reached 42.8 per cent in 2013.

Compare that to 1978, when only 70.4 per cent of public servants met the language requirements for their position. Under the previous Liberal government, in 2000, it was 82.8 per cent. Since the current government came into power, it has increased to 95.4 per cent.

[English]

This has enabled and permitted the Government of Canada to communicate with and serve Canadians more effectively in the official language of their choice.

Today, the vast majority of Canadians can access information through a range of services, such as in-person and through telephone services and via websites, toll-free 1-800 numbers and publications. These services are provided by approximately 200 federal institutions that are subject to the Official Languages Act.

[Translation]

Each of those institutions is responsible for applying the law within the organization, and that includes designing and delivering official languages programs. The vast majority of institutions have taken effective measures to ensure that high-quality communications and services are available to the public in both official languages in all forms of communication: oral, written and electronic. It is clear that all public services are provided so as to comply with the law.

Honourable senators, we do not need to look very far to see that federal institutions are making progress. We only have to look at our government's latest annual report on official languages, which was tabled in Parliament on February 13. The report shows that most institutions offer language courses to employees to help them advance in their careers and meet the requirements of their positions. These institutions also provide the appropriate work environment for employees who come back from language training and need to use and maintain their second language skills.

[English]

It clearly shows that there has been steady progress in the number of public service employees who meet the language requirements of their positions. And at the community level, managers in the public service are cognizant of the needs of their offices. Embracing this, they seek to fill openings from qualified applicants who live in the local area and have the linguistic capability and attachment to their heritage that equip and enable them to effectively serve that particular community's needs.

[Translation]

In short, honourable senators, the results were positive overall. We can assure all Canadians that our government is determined to continue to build on this solid foundation of accomplishments. We are determined to ensure that Canada's official languages continue to represent a big part of our national identity.

[Senator Eaton]

Last year, we released the Roadmap for Canada's Official Languages 2013-2018. This new roadmap follows the Roadmap for Canada's Linguistic Duality 2008-2013 and will focus on three priority areas to enhance the vitality of English and French in Canada: first, education — with support for minority language education and second language learning; second, immigration — with language training for economic immigrants and immigration to official language minority communities; and last but not least, communities — with programs that support economic development, training and access to health care services, as well as community cultural action.

Our commitment to the official languages is also seen in our support for legislation such as Bill C-419, which requires those appointed to certain positions to have the ability to speak and understand both official languages clearly when they are appointed.

We also updated the language obligations of federal offices after the release of the 2011 Census data. This exercise is ongoing, and some 10,000 federal offices are being examined and are adapting to those language obligations in the light of the most recent census data.

[English]

And I can already share with you that the preliminary results of this review indicate that there will not be significant impact on minority language communities. In fact the language obligations of 99 per cent of the nearly 7,800 offices that were examined in Phase 1 remain unchanged.

[Translation]

We understand that Canadians expect their government to adapt to today's realities. That is why social media are now included in the methods for communicating with the target population in the new group of official languages policies.

We understand that Canadians expect to be able to communicate and to obtain services in the official language of their choice, quickly and efficiently, in both official languages. We understand that they also expect the federal government to have the institutional capacity needed to achieve that objective.

We recognize all that and we are determined to meet the expectations of Canadians across the country.

That brings me to the bill before us today for study, a bill that our government does not support for many reasons. First and foremost, honourable senators, we already have a solid legal framework that defines all the necessary rules that federal institutions must follow in order to make sure that the linguistic rights of Canadians are respected. That framework, of course, is to be found in the Official Languages Act and Regulations.

Second, the regulations already take into account both the impact of the movements of the minority population and the impact of immigration on the demographic data.

• (1450)

[English]

Thirdly, the regulations also do not rely exclusively on demographic data to determine what constitutes significant demand. They take into account other factors such as the type of region, the target clientele and the distribution of federal offices in the region. They also consider the type of services being offered, the volume of general traffic at certain locations and the overall demand for services in the minority language over a period of one year.

Together, the regulations establish a comprehensive set of rules that ensure the government is able to meet its linguistic obligations.

[Translation]

They also ensure that we provide bilingual services where there is demand.

Honourable senators, there is a very real concern that under the bill before us, many federal offices could receive a bilingual designation where there is very little or no real demand for such service.

Honourable senators, those are just a few of the reasons to oppose this bill, which would change the calculation used for determining the size of official language minority communities.

The reality is that our government is already providing bilingual services where needed, based on stable, measurable data.

These needs are assessed regularly and adjusted according to the information we gather.

Responsible management of public funds demands that federal services respond to real needs. This bill would undermine that process.

By adopting amendments to this bill, we would be causing an increase in the offer of service where the numbers do not warrant it.

[English]

Speaking of numbers, there is a matter of associated costs, which would likely be significant were this legislation to be adopted. It is for this reason that this bill should be studied by the Standing Senate Committee on National Finance. That is where it was studied in the past in its previous incarnation, and it is where we believe such studies should occur as it moves forward once again.

[Translation]

Honourable senators, let me reiterate: our Conservative government is committed to respecting the linguistic rights of Canadians, not diluting them.

As I illustrated today, we are doing so through the Roadmap for Canada's Official Languages 2013-2018, which we developed after consulting Canadians.

This roadmap encompasses and reflects our government's ongoing commitment to linguistic duality and the use of both our official languages.

We must build on the many efforts made since the Official Languages Act came into force in 1969 to ensure that Canada's official languages continue to be an important part of our national identity.

We recognize that we have a responsibility to take a leadership role on official language communities. We take that responsibility very seriously and will not shirk it.

[English]

Honourable senators, I am reminded today of some wise words once uttered by a distinguished Canadian, the Honourable Laurier LaPierre, who, as we all know, served Canada in this place. He said, "Canada is the only country in the world in which the majority is the moral guarantor of the minority."

[Translation]

Honourable senators, our government will honour those words by continuing to meet the needs of official language minority communities within today's changing demographic context and to provide Canadians with efficient service in the official language of their choice, be it English or French.

Hon. Maria Chaput: Would Senator Eaton accept a question?

Senator Eaton: I would be pleased to.

Senator Chaput: Senator Eaton, thank you for your speech. It's very clear that you and I are not necessarily on the same wavelength when it comes to this bill.

However, I would like to tell you that people really do appreciate what the government is currently doing for official languages. There was never any plan to question the roadmap.

We want the emphasis to be on maintaining services, not adding more services, and that's where our opinions differ completely.

That's why I think it's so important to continue this debate in a Senate committee that has the knowledge and the expertise to study minority language rights.

What I'd like to ask you now is whether we might agree to refer this bill to a Senate committee by the end of June.

Senator Eaton: Thank you for your question, Senator Chaput. You're right: we disagree.

I need to support my superiors, who have more experience than I do. The last time, I think your bill was studied by the Standing Senate Committee on National Finance, and we would like to refer it to that committee again because it also involves money.

Senator Chaput: I would simply like to point out to my honourable colleagues that the Standing Senate Committee on Official Languages has a responsibility under the Official Languages Act to consider all matters relating to language rights.

You are talking about the Standing Senate Committee on National Finance. Therefore, you are considering the financial aspect, because what I heard today seems to indicate that there will be huge costs and an artificial offer of service.

I don't believe those arguments. I would like the debate to take place publicly and to have experts appear to answer these questions. I think the bill belongs with the Standing Senate Committee on Official Languages and should be referred to that committee for study. Don't you think so?

[English]

Senator Eaton: I will certainly take your request, Senator Chaput, to the Finance Committee. I think the Finance Committee — of which you are a member, along with Senator Ringuette and Senator Callbeck — can well call witnesses who are not just financial witnesses. It could talk to many aspects of the bill: the censorship, the demographics. I think that my leadership will have to take your request into consideration.

[Translation]

Hon. Pierrette Ringuette: Would the senator agree to another question?

Senator Eaton: Yes.

Senator Ringuette: I was a member of the Standing Senate Committee on National Finance for six years. The Finance Committee basically studies budget matters and government spending as a whole, not one file in particular.

A number of years ago, when I was an MP, I was also co-chair of the Standing Joint Committee on Official Languages, which is made up of members of the House of Commons and the Senate.

It is clear from the bill that it is essentially about services to linguistic minorities. There is nothing about costs in the bill.

• (1500)

You will understand that it is out of the question for this bill to end up in the Senate Standing Committee on National Finance, which has practically no expertise when compared to the Senate Standing Committee on Official Languages in particular. Sending this bill to a committee in charge of finance would be a slap in the face to minority language communities, which are directly affected by this bill. Come on! Do you agree with me?

[Senator Eaton]

Senator Eaton: You know full well that the steering committee of the Finance Committee can invite any witness that Senator Chaput recommends.

[English]

So it's a moot point.

Senator Ringuette: No, it is a slap in the face of the linguistic community of Canada.

Senator Eaton: I don't see it that way. I see it as a compliment that it is taken so seriously it is sent to the Finance Committee of the Senate of Canada.

[Translation]

The Hon. the Speaker *pro tempore*: I noticed that Senator Fraser was interested in speaking.

Hon. Joan Fraser (Deputy Leader of the Opposition): I actually wish to take the adjournment.

(On motion of Senator Fraser, debate adjourned.)

[English]

CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-489, An Act to amend the Criminal Code and the Corrections and Conditional Release Act (restrictions on offenders).

Hon. George Baker: Honourable senators, this is being held in my name, so I should say a few words about it. I'd like to see it referred, of course, to the committee, and I won't be very long on this.

Of course, I abide by the Supreme Court of Canada decision that says the Senate is:

... a body "calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill considered legislation which may come from that body, but it will never set itself in opposition against the deliberate and understood wishes of the people."

That's at paragraph 58 of the *Reference re Senate Reform*, 2014, CarswellNat 1178, and I would refer senators, while I reference this, to paragraph 17, which says:

... the Senate rapidly attracted criticism and reform proposals. Some felt that it failed to provide "sober second thought" and reflected the same partisan spirit as the House of Commons.

Honourable senators, in as calm a fashion as I can, let me reference what's in this bill and recommend that it go to the standing committee.

Now, before I do that, I'd like to make reference to what we do here in the Senate, how important it is, and how it determines people's lives in Canada, what we do in the committees. I'm going to do it by simply referencing the past two months in Canada.

When you look at the decisions of the superior courts of Canada, including the Supreme Court of Canada, you see judgments that refer to matters that come up in the committees of the Senate, not the committees of the House of Commons. Let me begin just by referencing some of them during the months of March and April of this year, and only those two months.

Here is one from the British Columbia Court of Appeal, in *R. v. Goleski*, 2014, Carswell BC 490, in which they reference, throughout their judgment, the Senate Standing Committee on Banking, Trade and Commerce. That was on March 3.

Now we go to March 25, the Federal Court of Canada, Justice Anne Mactavish, *Chopra v. Canada*, 2014, CarswellNat 876. Herein, the Federal Court references throughout its judgment the Standing Senate Committee on Agriculture and Forestry. That was on March 25.

Keep in mind that during all this period, the House of Commons is not referenced at all. No committee of the House of Commons is referenced in case law in this country that is reported in any of our superior courts. I couldn't even find it the provincial court for those two months.

Let's continue with March 27, the British Columbia Supreme Court, *Watson v. Bank of America Corporation*, 2014, CarswellBC 807. In that particular judgment, it is the Senate Banking Committee and their procedures in 2009 and 2010, at paragraph 213.

Then we go to April 11, 2014, CarswellOntario 4479, *R v. Summers*, Supreme Court of Canada, and they reference the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs starting in 2009 and continuing on.

We can go to April 23 and the Ontario Superior Court of Justice, 2014, CarswellOntario 5284, and in this Superior Court judgment is the Standing Senate Committee on Banking, Trade and Commerce again.

So you can see, honourable senators, I've left a couple out, because they stand out in my mind as to the job of the Senate on sober second thought — two decisions of the Supreme Court of Canada. The House of Commons is not mentioned. The Supreme Court of Canada and their reference to the Senate, but what happens in the Senate committees?

The first one I'm going to reference is March 20, 2014, Supreme Court of Canada in *Whaling v. Canada*, CarswellBC 690. Your Honour would be interested in this particular decision because it references *Wigglesworth*. You're an expert on *Wigglesworth*. I recall when you debated me on it and you clearly won the debate, unfortunately. At least that's what the defence lawyers association claimed.

• (1510)

It's about double jeopardy and the fact that a fine of such magnitude, which would appear to be imposed for the purpose of redressing the wrong done to society at large rather than the maintenance of internal discipline within the limited sphere of activity, is a violation of the Charter, section 11(h), double jeopardy.

Now, the reason I mention that is because if you go to the critique on this decision of the Supreme Court of Canada, we have several lawyers' associations in Canada, we have several publications that print opinions on what the Supreme Court of Canada did, and here is a typical opinion about the decision of the Supreme Court of Canada on March 20 of this year.

I'm going to reference the criminal defence association people. What the Supreme Court of Canada did was strike down a bill we passed here in the chamber — a portion of it, not all of it — and it was called the Abolition of Early Parole Act, Bill C-59.

This is the way the critique from the lawyers' group starts:

It is slightly shocking that the Liberals and NDP did not make any constitutional inquiries during the committee hearing . . .

This is in the House of Commons. It continues:

It is unimaginable that the only change from bill C-53 to bill C-59 was the addition of an unconstitutional provision that was never properly considered or studied.

Then it goes on:

The only forum —

Let me repeat that:

The only forum — other than the courts — where the important constitutional issues of C-59 were studied was the Senate Committee on Legal and Constitutional Affairs. This

is perhaps one of the best arguments in favour of the Upper Chamber — to provide sober second thought and examination. This is something the Senate does very well.

That's well said, and that's the common opinion today.

The other decision I won't go into because again it involves — well, it's rather complicated. We passed a law here upon which we complained in open debate that perhaps it was unconstitutional. It was a revision of a section of the impaired driving law, section 258 of the Criminal Code, in which it required somebody to prove that a result in an instrument test was false. If they couldn't prove that the test was false, then they would have to prove otherwise, that their blood alcohol level was not in excess of .08.

In that decision, *St-Onge Lamoureux*, the Supreme Court of Canada references at paragraph 73 the only parliamentary discussion that took place. The Senate committee considered a report from Transport on the numbers of persons, as well as a national survey of the Crown prosecutors. This was at the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs, number 9, second issue.

You can see, honourable senators, from all of these cases that the Senate is doing a job that few people recognize, I suppose, outside of the legal profession, outside of persons who read case law, people who are informed, professors and people who teach the subject of the Parliament of Canada. I bring up these matters just to say that we will now consider this particular bill in our standing committee.

I must also add, Mr. Speaker, that there have been recent occasions where, with private members' bills that we're getting in the Senate, there are errors in the bills. Remarkably, the errors are put there by the Commons committees, not by the government.

We have a bill that we're dealing with right now called Bill C-394, which is an admirable bill. My goodness, it's a wonderful intent, Mr. Speaker and honourable senators. Everyone agrees with the intent. It is to criminalize persons who recruit young people as gang members in Canada. No one can disagree with that.

The evidence was taken in the House of Commons. The Minister of Justice for Manitoba stood up and said, "We need a section in this bill that says it would cover coercion." He said, "Young people are being coerced into gangs." Twelve-, 13-, 14- and 15-year-olds are being coerced.

So, at the standing committee meeting of the Justice Committee in the House of Commons, they passed an amendment to include the word "coerce" in the middle of "recruits, solicits, encourages and invites." Wonderful. They put it in there. However, they put it in the wrong section.

The section where they intended it to go — the intention of Parliament is one of consideration for the courts. They say, "What does this mean? What is the intention of Parliament?"

They go back over the parliamentary debates and so on to find out what the intention of Parliament is.

Unfortunately, they would find in this case the intention was to include it, but they didn't include it in the section that says: "In the case where the person recruited, solicited, encouraged or invited is under 18 years of age," which was the whole intention of the inclusion of the word "coerce."

Now, a Senate committee doesn't like amending legislation and sending it back in many cases because it delays the matter. You know what the intent was, but there was no oversight. The committee dealt with it by motions, such as "Shall the amendment to clause 9 carry? Carried. Shall clauses 6 to 14 carry? Carried."

That practice should really be changed in the House of Commons. It leads to errors.

You will recall when we received a bill regarding the income tax department; it took away a tax credit to the Canadian film industry and gave it to the Americans. It was a 500-page bill, and nine pages were missing in the description of the bill in the House of Commons. Everybody missed it at the time.

Another example was the Elections Act. Do you remember the Elections Act, when we were going to release everybody's name and date of birth? I mean, that's what was in the legislation, and people from the House of Commons came to us and said, "This has got to be changed." In the case where they missed nine pages from an act, they came to us and said, "You've got to stop the bill."

So the question people should ask themselves when discussing the Senate is, "What would happen if there were no Senate?" You would have mayhem, I would suggest. That's why we need the Senate even more than ever before, especially with the number of private members' bills that are being passed and amended by their standing committees. Hopefully we can comply with what their desires are and try not to amend a bill if it is not absolutely necessary, but in some cases it becomes absolutely necessary.

• (1520)

Thank you.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

REFERRED TO COMMITTEE

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

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

**INFORMAL CAREGIVERS OF PERSONS
WITH DEMENTIA**

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to the challenges confronting a large and growing number of Canadians who provide care to relatives and friends living with dementia.

Hon. A. Raynell Andreychuk: Honourable senators, I rise to call your attention to the daily challenges confronted by a growing number of Canadians who provide informal care to those with dementia.

An estimated 240,000 Canadians act as informal caregivers to a spouse, parent, friend or neighbour with dementia. This is a life-changing responsibility. It often comes about suddenly and can last for years. Many of us already know someone in this role.

An aging population makes Canadians likelier than ever to fulfill the caregiver role at some point in their lives. The contributions of informal caregivers are critical to the quality of life of people with dementia, and will become increasingly valuable to the well-being of society over all.

Most people today are familiar with Alzheimer's disease. Alzheimer's accounts for 62 per cent of all dementias, of which there are about 100 in total. Dementias are generally progressive, terminal illnesses in which brain cells die on a large scale. Symptoms vary, but most follow several broad stages.

Early-stage symptoms are akin to the normal consequences of aging. They can include difficulties remembering names, managing money, planning and organizing, and keeping track of medications.

A person with middle-stage dementia may have trouble expressing thoughts, constructing sentences and performing routine tasks. This can cause frustration, anger or unexpected behaviours.

In more advanced stages, people with dementia become entirely dependent on others. They need help with personal care, bathing, dressing, eating, swallowing and walking. Eventually they lose the ability to communicate with words and become vulnerable to infections.

Dementia is the fourth most common cause of death in Canada, yet there is no effective cure or treatment. The World Health Organization estimates that about 35 million people worldwide have some form of dementia. By 2050, this number will treble to 135 million people.

The Alzheimer Society of Canada says 740,000 Canadians have dementia. This number is set to almost double by 2031 to 1.4 million Canadians.

The costs of dementia care will follow a similar path. In 2010, the global cost of dementia stood at around \$604 billion, or 1 per cent of global GDP. The direct and indirect costs of dementia care in Canada are estimated to be \$33 billion a year. The Alzheimer Society of Canada projects these costs will reach nearly \$300 billion per year by 2040; that is more than present total spending on health care in Canada.

In its 2013 global risks report, the World Economic Forum listed aging and dementia in particular as "an emerging game-changer."

The United States Advisory Council on Alzheimer's Research, Care and Services has described it as "an intergenerational challenge affecting all family members and creating for future generations a fiscal burden of potentially devastating impact."

Alzheimer's Disease International calls dementia "one of the most significant social and health crises of the 21st century."

The significance of the dementia challenge has been identified. Steps are now being taken to help manage it.

Last December, for example, British Prime Minister David Cameron hosted a special G8 summit on dementia in London. Health ministers pledged to work to identify a cure or disease-modifying therapy for dementia by 2025. Canada agreed to do its part by investing in research into dementia and other neurological conditions.

On May 1, the government announced support for five research projects in the area of autism and Alzheimer's prevention. This and other initiatives suggest Canada is taking its commitment seriously.

The dementia challenge calls upon policy-makers, community leaders, civil society researchers and private enterprise to develop a strong and coordinated response, utilizing all available resources.

One such resource is the one I want to speak to today, and it is the contribution already being provided by unpaid, informal, family caregivers. Although relatively little is known about these caregivers, it is possible to draw some broad outlines.

The Canadian Medical Association estimates that 73 per cent of Canadians providing informal care to persons with dementia are between the ages of 45 and 64. Over a quarter of those providing informal dementia care are senior citizens themselves. Many are working a job or running a business, often in their

prime pensionable years. Many still have children at home. A majority of informal caregivers are women, but a growing number are male.

The services provided by informal caregivers of people with dementia tend to vary over time. Often they include helping with housekeeping, cooking and transportation; providing companionship and reminders to take medications; coordinating primary care and community services; helping with the daily tasks of living and personal hygiene; managing estates and finances; and assuming responsibility for making difficult life choices on behalf of the person with dementia.

The Alzheimer Society estimates that in 2011, informal caregivers spent more than 444 million unpaid hours caring for someone with cognitive impairment, including dementia.

• (1530)

This represents \$11 billion in lost income and over 227,760 equivalent employees in the workforce. The total value of the services provided by informal caregivers is estimated at some \$5 billion annually. Informal caregivers often struggle to provide these valuable contributions. Typically, these are people living busy, productive lives. Many Canadians have factored aging into their own life planning. But the onset of dementia in a relative or friend often comes as an untimely surprise. This almost always implies a measure of personal sacrifice, including emotional, financial and physical. Amongst all informal caregivers, those caring for people with dementia are most likely to report negative health impacts stemming from their caregiving role. Typically this is in the form of anxiety, sleep loss, fatigue and irritability.

In 1994, the Canadian Study on Health and Aging found depression twice as common among dementia caregivers as among caregivers of people with other diseases. Caregivers are also more likely to use vacation or sick days to reduce their working hours or to quit a job altogether. Unsurprisingly, informal caregivers of people with dementia are often referred to as the hidden patients or collateral casualties of the long-term care system. The World Health Organization said in its 2012 report, *Dementia: a public health priority*:

Dementia is overwhelming not only for the people who have it, but also for their caregivers and families.

I would like to share some lessons learned from my personal experience. First, you miss the signs. Not knowing about dementia, you excuse unusual behaviour as signs of aging, even as it becomes more erratic and draining.

Second, you want help with critical decisions but cannot find it. Your family turns to you to make the final decisions. If you do your homework, you get loaded with information, but much of it is varied, contradictory and difficult. Frequently, the final answer to your questions is, "It's your decision." Or you might be told, as I was, "Put her in a home; that way, you don't have to worry," or "If you really cared, you'd quit your job and look after her." Or

you might be asked, "What would your mother want?" The answer is, "I don't know. We never discussed it; we never expected it."

Third, the hardest decision is the day you sign papers committing your loved one, mother in my case, to a secure but locked institution. There I was, a human rights advocate, taking freedom away from a parent.

Fourth is that services for persons with dementia assume the family caregiver is geographically proximate. In fact, a growing number of families are spread out over long distances. Care coordinators may not be able to swing by after work. Service providers are often not set up to handle such situations.

Fifth, the consequences start sinking in. First you relate to the symptoms. Am I next? Is it genetic? Second, you have lost your mother, but she is still there. So the grieving starts for a mother as known, and the new relationship begins.

My experience is not unique. By interacting with other informal caregivers and the groups committed to supporting them, I have come to understand that my frustrations are in fact quite common. Part of the issue is a lack of awareness and preparedness. A lack of family physician knowledge about dementia results in lagging diagnosis. Some two thirds of those living with dementia are undiagnosed and untreated. By the time dementia is diagnosed, it is often due to a crisis. It is often too late for families to plan home care or transitions into long-term care and to put aside the necessary resources.

Another issue is the lack of service coordination. One of the most comprehensive literature reviews on the challenges of caregivers of persons with dementia was conducted by the Murray Alzheimer Research and Education Program at the University of Waterloo. It shows that as dementia progresses, the level of support and service requirements change significantly. Most citizens do not know about the availability of peer support groups, help lines, caregiver tax credits, home care, respite care, and nursing homes. What is more, peer reviewed research in the journal *Canadian Family Physician* shows that family physicians themselves rarely know what community services are available and do not feel it is their job to look into this issue. As a result, informal caregivers can struggle to obtain referrals. They are frequently left making decisions based on an incomplete understanding of the options.

Finally, literature shows that informal caregivers are rarely viewed as clients of the health care system. Instead of being involved as assets in the care of persons with dementia, informal caregivers often report being treated as added burdens. This impedes their ability to provide quality care and to feel satisfaction in the caregiving role.

The Mental Health Commission of Canada summarizes caregivers' needs as follows:

Family caregivers need ongoing access to information, guidance and support to fulfill their caregiving

responsibilities effectively and to minimize the risk to their own well-being:

In proposing a Canadian caregiver strategy, the Canadian Caregiver Coalition articulates the challenge in these terms:

The coordination of federal, provincial and municipal initiatives is critical to an effective caregiver strategy.

However, government alone cannot achieve a vision of “a Canada that recognizes, respects and supports the integral role of family caregivers in society.”

All elements of society, including the public and private sectors and individual Canadians, must work together to achieve the vision.

The Canadian Caregiver Coalition identifies five essential elements of its proposed caregiver strategy:

Safeguarding the health and wellbeing of family caregivers and increasing the flexibility and availability of respite care

Minimizing excessive financial burden placed on family caregivers

Enabling access to user friendly information and education

Creating flexible workplace environments that respect caregiving obligations

Investing in research on family caregiving as a foundation for evidence-informed decision making.

This is now sadly lacking.

The communiqué from the G8 summit on dementia in London last December reflected similar insight. It called for “greater social responsibility and innovation to improve the quality of life for carers and improve care while reducing costs and financial burden.” Toward this end, it advocated training for caregivers, means to reconcile caregiving and career, support for caregivers in crisis, affordable care options, civic engagement, the development of social networks, better use and evaluation of evidence, and more.

The Hon. the Speaker *pro tempore*: Do you need five more minutes? Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: As the dementia challenge gains unprecedented focus, bringing agendas together both internationally and in Canada, we have an unusual opportunity to develop a uniquely Canadian response. The success of this

response will require us to reorient the long-term care system. We need to move towards a more integrated model, one that recognizes informal caregivers as partners in care and targets of social and health care services in their own right. Many such services and initiatives are already under way. They are driven by dedicated organizations in the public and private sectors, in provinces and communities across the country. But there is an opportunity and a need to leverage these services for maximum effect.

I am fortunate that my mother is in an exceptional facility. I must say that so many others struggle with getting that exceptional facility.

• (1540)

When visiting her, I often run into a fellow daughter-caregiver, Glenda Cole. In a recent article, Glenda shared her thoughts on what it means to be a caregiver:

I always say to new families that come in, “You may not believe me today because this is probably the worst day of your life, but it will be OK.”

She goes on to say:

You would never choose for a parent to have dementia, but if you have to go through this journey, it’s important to find good care.

I probably see ten beautiful moments a day here. It kind of rips your heart out, though. If I focused on the tragedy I’d cry full-time . . . you have to find a way to cope, and the way to cope is acceptance.

She’s a very special woman.

An Hon. Senator: So are you.

Hon. Senators: Hear, hear.

Senator Andreychuk: These are the sorts of sentiments that must be reflected in the way we work with informal caregivers in tackling the dementia challenge.

You shouldn’t have done that; it choked me up now.

A proper response to these needs can yield impacts well beyond informal caregivers and those with dementia.

The Mental Health Commission of Canada has asserted that:

Well-supported family caregivers are likely to provide better care for relatives, generate savings in the system and enhance the benefits of caregiving.

With some improvements, I am convinced that informal caregiver contributions can become a more valued and sustainable component of our response to an aging society and the dementia challenge.

I hope that senators here will engage in this inquiry with their own experiences and ideas. And I must say that it is a way to thank all of you for putting up with me.

Hon. Senators: Hear, hear!

Hon. Joan Fraser (Deputy Leader of the Opposition): I want to thank Senator Andreychuk very much. She has raised a subject that many of us have already lived and the rest of us will probably live, and I will hope to participate in this debate myself. But in the meantime, I have been asked to take the adjournment in the name of Senator Callbeck.

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

UKRAINE

INQUIRY—DEBATE ADJOURNED

Hon. A. Raynell Andreychuk rose pursuant to notice of February 25, 2014:

That she will call the attention of the Senate to the situation in Ukraine.

She said: Honourable senators, this stands on the fourteenth day and I have not spoken to this motion because the situation has been so volatile in the Ukraine that anything I write is out of date before I finish.

I think the May 25 election will be the signal moment in Ukraine's future, so I'm asking to rewind the clock and speak to the matter after May 25.

(On motion of Senator Andreychuk, debate adjourned.)

(The Senate adjourned until Tuesday, May 27, 2014, at 2 p.m.)

CONTENTS

Thursday, May 15, 2014

	PAGE		PAGE
SENATORS' STATEMENTS		QUESTION PERIOD	
Linden MacIntyre		Aboriginal Affairs and Northern Development	
Hon. Terry M. Mercer	1546	First Nations Education.	
Post-Traumatic Stress Disorder Service Dogs		Hon. Lillian Eva Dyck	1550
Hon. Carolyn Stewart Olsen	1546	Hon. Claude Carignan	1550
Visitors in the Gallery		Democratic Reform	
The Hon. the Speaker.	1547	Democracy—Fair Elections Bill.	
The Late Dr. Roshan Hirji Thomas		Hon. Wilfred P. Moore.	1551
Hon. Mobina S. B. Jaffer	1547	Hon. Claude Carignan	1551
Dennis Beerling		Hon. Jane Cordy	1552
Saskatoon Citizen of the Year 2013.		Hon. James S. Cowan.	1552
Hon. David Tkachuk	1547		
Visitors in the Gallery		<hr/>	
The Hon. the Speaker.	1548	ORDERS OF THE DAY	
The Honourable Landon Pearson, O.C.		Canada-Newfoundland Atlantic Accord Implementation Act	
Hon. Jim Munson	1548	Canada-Nova Scotia Offshore Petroleum Resources Accord	
Visitors in the Gallery		Implementation Act (Bill C-5)	
The Hon. the Speaker.	1549	Bill to Amend—Second Reading—Debate Adjourned.	
National Vision Health Month		Hon. David M. Wells	1553
Hon. Asha Seth	1549	Hon. George Baker	1555
<hr/>		Adjournment	
ROUTINE PROCEEDINGS		Motion Adopted.	
The Estimates, 2014-15		Hon. Yonah Martin	1556
Supplementary Estimates (A) Tabled.		The Estimates, 2014-15	
Hon. Yonah Martin	1549	National Finance Committee Authorized to Study	
Statute Law Amendment Proposals		Supplementary Estimates (A).	
Document Tabled.		Hon. Yonah Martin	1556
Hon. Yonah Martin	1549	Hon. Joan Fraser	1556
The Estimates, 2014-15		Criminal Code (Bill C-217)	
Notice of Motion to Authorize National Finance Committee to		Bill to Amend—Third Reading—Debate Continued.	
Study Supplementary Estimates (A).		Hon. Joan Fraser	1557
Hon. Yonah Martin	1549	Official Languages Act (Bill S-205)	
Statute Law Amendment Proposals		Bill to Amend—Second Reading—Debate Continued.	
Notice of Motion to Refer to Committee.		Hon. Nicole Eaton	1557
Hon. Yonah Martin	1550	Hon. Maria Chaput	1559
Canadian NATO Parliamentary Association		Hon. Pierrette Ringuette	1560
Joint Meeting of the Defence and Security, Economics and		Hon. Joan Fraser	1560
Security, and Political Committees, February 16-18, 2014—		Criminal Code	
Report Tabled.		Corrections and Conditional Release Act (Bill C-489)	
Hon. A. Raynell Andreychuk	1550	Bill to Amend—Second Reading.	
ParlAmericas		Hon. George Baker	1560
Bilateral Visit to Lima and Trujillo, Peru, March 28-		Referred to Committee	1563
April 5, 2014—Report Tabled.		Informal caregivers of persons with Dementia	
Hon. Michael L. MacDonald	1550	Inquiry—Debate Continued.	
<hr/>		Hon. A. Raynell Andreychuk	1563
		Hon. Joan Fraser	1566
		Ukraine	
		Inquiry—Debate Adjourned.	
		Hon. A. Raynell Andreychuk	1566

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