



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, May 29, 2014

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Thursday, May 29, 2014

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

Prayers.

### SENATORS' STATEMENTS

#### GLOBAL SUMMIT ON MATERNAL, NEWBORN AND CHILD HEALTH

**Hon. Salma Ataullahjan:** Honourable senators, yesterday marked the first day of the Government of Canada's Maternal, Newborn and Child Health Summit in Toronto, entitled *Saving Every Woman, Every Child: Within Arm's Reach*. The summit, hosted by Prime Minister Harper, will bring together global leaders and Canadian experts to build support and ensure that maternal, newborn and child health remains a global priority.

Over three days, Canada will be centre stage for key international participants such as Ban Ki-moon, Secretary-General of the UN; his Highness the Aga Khan; Her Majesty Queen Rania of Jordan; and Melinda Gates of the Bill & Melinda Gates Foundation.

Canada is a world leader with regards to MNCH. It has been a top development priority for our country, so much so that we have been recognized globally for our efforts. Through the Muskoka Initiative, Canada has committed a total \$2.85 billion to maternal and child health programming from 2010 to 2013.

In the past decade, global efforts have proven that significant progress is possible, but there is still more to be done.

At the opening of the summit, Tanzanian President Jakaya Kikwete voiced that giving life to another human being should be an act of celebration, not an act of mourning.

I had the opportunity to attend two plenary sessions on saving lives through immunization and increasing global attention on nutrition. Vaccination and nutrition are among the most cost-effective investments in global maternal and child health. Immunization is critical in addressing child mortality. One child in five misses out on basic vaccines. Speakers emphasized that we must turn our efforts to reach the fifth child, the one left behind.

Canada is one of the largest donors to basic nutrition programs. Minister Yelich stated that nutrition is far more critical to child and maternal health than we had originally thought. Nutrition in adolescence, when women reach child-bearing age, is of particular importance.

Prime Minister Harper recognized that as we move closer to 2015, we need to renew our commitment to MNCH and build on the progress of the UN Millennium Development Goals. He said:

The momentum is with us. We have, within arm's reach, the power to end the preventable deaths of women and children in the developing world. Together, we hold these lives in our hands.

#### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Fiona Lloyd-Davies, an award-winning filmmaker and photo journalist, and Ms. Diana Sarosi who is a Manager, Policy and Advocacy of Nobel Women's Initiative. They are the guests of the Honourable Senator Jaffer.

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

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

#### GLOBAL SUMMIT TO END SEXUAL VIOLENCE IN CONFLICT

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise to congratulate Foreign Secretary William Hague of the United Kingdom for organizing the Global Summit to End Sexual Violence in Conflict. This is the first step in a long journey towards ending sexual violence.

I also want to thank the British High Commission, Commissioner Drake and the Nobel Women's Initiative for arranging events here in Ottawa highlighting the work of the summit.

Filmmaker Fiona Lloyd-Davies has produced *Seeds of Hope*, a powerful documentary based in the Democratic Republic of the Congo. She has been working in areas of conflict such as Bosnia, Iraq, Pakistan and the Democratic Republic of the Congo since 1992.

In the Democratic Republic of the Congo, 48 women are brutally raped every hour. *Seeds of Hope* portrays the terrible atrocities committed by the militia and the Congolese army against women and girls.

A woman named Masika Katsuva was living peacefully as a businesswoman when the militia attacked her home and took away the only life she knew. They killed her husband and raped

Masika and her two young daughters. Her daughters both conceived children as a result of these rapes.

After experiencing this heinous act, Masika vowed to make a difference. She went from village to village, counselling and helping women who were raped by creating a centre for them. As the rape crisis grew, so did her centre and she was also able to help orphans and other young children.

Just as the centre was starting to give women hope, it was attacked by the Congolese army. Masika and the women of her centre experienced the same trauma, but this time at the hands of an army they trusted. Even after having her trust shattered, Masika found the inner strength to continue her work and has now helped over 6,000 women and children.

*Seeds of Hope* conveys unimaginable pain, but also the hope and strength of the women in the Democratic Republic of the Congo. It further portrays a British filmmaker, Fiona, reaching out to portray the pain of her Congolese sister, Masika.

Honourable senators, these women live on top of a mineral we all benefit from. Congo is one of the few places where coltan, the mineral used in all our BlackBerrys and iPhones, is mined. These women are kicked off their land to make room for mines and to provide us with iPhones and BlackBerrys.

I urge senators to use your smartphones and BlackBerrys to email the Minister of Foreign Affairs to take action. We all need to urge our government to stop the brutality towards the women in the Democratic Republic of the Congo. Forty-eight women are raped every hour so we can use a BlackBerry.

## UKRAINE

### CANADIAN ELECTION OBSERVATION MISSION

**Hon. Denise Batters:** Honourable senators, I had the honour to serve as one of Canada's 500 election observers for the presidential elections held last Sunday in Ukraine. I participated in the Canadian Election Observation Mission, or CANEOM, led very capably by our colleague Senator Raynell Andreychuk, who was ably assisted by former Ontario Premier Mike Harris.

I was so proud to witness this exercise of democracy in action. For the people of Ukraine, freedom and democracy are not mere buzzwords. They are the aspirations for which Ukrainians have laid down their lives in recent months.

During my time as an election monitor, I was struck by how the Ukrainian people do not take their democracy and their right to vote for granted. Walking along the Maidan, where more than 100 Ukrainians died only three months earlier fighting for this very election, was a powerful experience.

As a Canadian of 100 per cent Ukrainian ancestry, this mission had great personal significance for me. This was my first visit to Ukraine. During my time in Kiev and its surrounding region, I was reminded repeatedly of my own Ukrainian grandparents. They left Ukraine seeking freedom and opportunity in Canada's wide open Prairies. They sought a better future for their children,

grandchildren and future descendants. I could see their faces reflected in the faces of those Ukrainians who entered our polling stations on election day — proud, determined individuals and families, many dressed in embroidered Ukrainian shirts, and faces filled with hope for the future. Once again, the future is unknown, but, like my own ancestors, they face that uncertainty with a relentless optimism for a free and democratic tomorrow.

During my time in Ukraine, I heard from so many Ukrainian people how they admire Canada. To them, the immense freedoms and the prosperity that we enjoy in Canada makes our country truly a model to emulate. They greatly appreciate our Conservative government's solid and unwavering support of Ukraine, especially during such challenging times.

I was proud to play a small role in helping to support a free and fair election process for Ukraine. I witnessed a touching tradition there on election day, where elderly women in towns and villages bring their most beautiful garden flowers to the polling station to express gratitude for the privilege of being able to vote. These flowers were everywhere on Sunday, representing Ukraine's still-blossoming democracy.

• (1340)

As Senator Andreychuk said in our mission statement issued the day after this historic election:

We salute the people of Ukraine for exercising their democratic rights, in the face of fear and uncertainty, and making this election a success.

## PRINCE EDWARD ISLAND

### 2014 CANADIAN RED CROSS HUMANITARIAN AWARD RECIPIENTS

**Hon. Catherine S. Callbeck:** Honourable senators, earlier this month, the Red Cross in my home province named two outstanding Islanders as Humanitarians of the Year.

Wes McAleer will be the deserving recipient of the 2014 Humanitarian Award for Prince Edward Island. His community service over his lifetime has been extraordinary. He was instrumental in the establishment and growth of Junior Achievement of Prince Edward Island, and has supported or served on the boards of many community organizations, like the P.E.I. Special Olympics, Big Brothers Big Sisters, Queen Elizabeth Hospital, and the Salvation Army. In addition, he has been a representative on the national boards of United Way, Scouts Canada, Junior Achievement, and the Canadian Cancer Society.

Wes' service is not confined to community organizations. Between 1996 and 2007, he was elected as a member of the provincial legislature and held a number of cabinet posts, such as Minister of Economic Development, Minister of Community Affairs, and Attorney General.

He currently is Honorary Fundraising Chair of the Nichola Goddard Foundation, an active member of the Charlottetown Rotary Club, a director of the Stars for Life Foundation for

Autism, and he serves on the provincial licensing board for nursing homes and community care facilities. In fact, Wes even conducts sing-songs at seniors' events around the province.

As to the Young Humanitarian Award, Charles Sanderson will be this year's worthy recipient. Charles is a strong advocate in a number of areas, including social justice and gay rights. He has been an enthusiastic and dedicated volunteer with many community organizations in the province, like Big Brothers Big Sisters and the Red Cross, as well as his church and other charities. He has also volunteered nationally with the Forum for Young Canadians.

He is currently teaching yoga to children at Camp Triumph, a camp on Prince Edward Island for children who have a sibling or parent with a serious chronic illness or disability. He graduated this year from UPEI with a degree in business administration and plans to return in the fall to pursue a degree in education.

Honourable senators, these two Islanders, each in their own way, are helping to make a difference in the lives of Islanders. They are shining examples of the committed and generous people who help make our province and beyond a better place in which to live. Please join with me in offering our warmest congratulations.

### **RMS EMPRESS OF IRELAND**

#### **ONE HUNDREDTH ANNIVERSARY OF MARITIME TRAGEDY**

**Hon. Michael L. MacDonald:** Honourable senators, when people look at Canada on a map they see one of the world's largest countries, a nation of over 3,000 miles wide that spans a continent. It is sometimes easy to forget that we are a maritime nation.

Indeed, the Canadian Red Ensign, which served as our unofficial flag for almost a century, evolved from the original Red Ensign which flew from the masts of all Canadian merchant vessels during our colonial and post-colonial period. The Red Ensign became synonymous with Canada because of our maritime heritage.

I certainly have a maritime heritage. I grew up in a seaport. All my brothers sailed at one time or another for a living; my father went to sea at the age of 12 and had sailed around the world twice by the age of 21.

My grandmother's brother drowned at sea; my grandfather's brother drowned at sea; and I have two great-grandfathers and one great-great-grandfather who drowned at sea.

In short, the sea is a wonderful provider, but danger is always present and disaster can occur in an instant.

Today marks the one hundredth anniversary of Canada's worst maritime disaster. In the early hours of May 29, 1914, just east of Rimouski, Quebec, the Canadian Pacific steamship *RMS Empress of Ireland* sank to the bottom of the St. Lawrence River, after a collision with the Norwegian collier, *SS Storstad*. Of the 1,477 souls onboard, 1,012 crew and passengers lost their lives.

The *Empress*, steaming along the south shore of the St. Lawrence, was bound for the Atlantic when her crew spotted the oncoming *Storstad*. Captain Henry Kendall, on the bridge of the *Empress*, anticipated that his ship had ample time to cross the *Storstad's* bow and make a starboard pass.

But a thick blanket of fog engulfed the ships, causing both to lose visual, and exercising caution, Captain Kendall made the fateful decision to order his engines "full astern," slowing his ship to a stop in hopes to avoid ramming the *Storstad*.

The Norwegian ship, however, emerged from the fog, and without time to alter course, pierced her bow through the starboard side of the *Empress*.

The *Storstad* punctured the *Empress* well below her waterline, causing her to take on water rapidly and list hastily to starboard. Her crew and passengers, most of whom were asleep at the time of the impact, had little time to react. Though there were sufficient lifeboats for all on board, only a handful could be deployed.

It took just 14 minutes, from the moment of impact, for the *Empress of Ireland* to sink to her final resting place at the bottom of the St. Lawrence.

Since her launch in 1906, the *Empress of Ireland* had served this country with distinction, playing a central role in Canada's immigration boom. During her service, she made 95 return transatlantic trips between Canada and Britain, bringing hundreds of thousands of new immigrants to Canada's shores.

With the loss of the *Titanic* just two years prior, as well as the looming outbreak of the First World War, the sinking of the *Empress of Ireland* was largely overshadowed and has remained largely forgotten.

Now, to mark the occasion, Canada Post has issued two commemorative stamps, while the Royal Canadian Mint has released silver coins struck with a spectacular yet haunting portrait of the *Empress* disappearing into the fog. The Canadian Museum of History is also showing an exhibit to mark the tragedy.

Colleagues, let us now, on the centennial of the disaster, pay tribute. On this day, let us remember the 1,012 souls who perished on that foggy morning a century ago, and may we honour the ship, our forgotten *Empress*, for her service in bringing so many immigrants to their new home in Canada, to enjoy the blessings of our land.

### **GLOBAL SUMMIT ON MATERNAL, NEWBORN AND CHILD HEALTH**

**Hon. Asha Seth:** Honourable senators, we can be proud that at this moment Canada is hosting the world at the second Maternal, Newborn and Child Health Summit in Toronto. Yesterday I was there and had the great pleasure of joining international leaders, stakeholders and experts to build on the advances that Canada has made in improving the health of mothers and children.

We are global leaders in maternal, newborn and child health because of our trailblazing guidance in creating partnerships like the 2010 G8 Muskoka initiatives, which have made significant progress toward reducing mortality, malnutrition and the burden of infectious diseases.

But much remains to be done to help brave and strong women like 30-year-old Zemzem of Ethiopia. She traveled 20 hours to get from her rural village to the nearest hospital for the delivery of her fifth child. By the time she arrived, her uterus had ruptured and she and her child faced death. But even in this extreme case, health providers had the capacity to operate quickly and ultimately saved her and her baby.

While Zemzem's story has a happy ending, her case is an exception in many developing countries.

Honourable senators, sadly, every two minutes 24 children below the age of five and two women still die of pregnancy-related complications. In 99 per cent of the cases, these deaths could have been prevented.

I will never quit until we achieve our goals of eliminating preventable deaths from avoidable diseases or lack of adequate health care.

At the Maternal, Newborn and Child Health Summit yesterday, the Prime Minister called for political leadership and bold new and innovative partnerships.

I urge you to join me in ensuring that maternal, newborn, and child health remains Canada's flagship development priority for many years to come.

With the encouragement of our leaders, I will introduce a motion that makes sure that our focus and investments remain on protecting our most valuable citizens, because saving the lives of our mothers and children is not only important, but it is everything.

• (1350)

### **RMS EMPRESS OF IRELAND**

#### **ONE HUNDREDTH ANNIVERSARY OF MARITIME TRAGEDY—SALVATION ARMY**

**Hon. David P. Smith:** I have been inspired by Senator MacDonald's comments.

Many years ago, shortly after I was married, we were in an apartment across from Mount Pleasant Cemetery. I was sitting on the balcony and I heard the Salvation Army band start to play. I went across the road to Mount Pleasant Cemetery. Those assembled were commemorating the almost 300 Salvation Army people who had been travelling to London, England, for a big conference. Most of them drowned on the *RMS Empress of Ireland*.

Every year they still have a ceremony where they remember those who were lost in the tragedy. This was about as moving an event as I have been to. For me, it was totally out of the blue. I've

often thought, quite frankly, that the Salvation Army represents Christianity as well as any group. They are there for the down and the out. I'm a supporter of that organization.

I was so inspired by the comments of the honourable senator that I wanted to share that on the record, what happened to those poor folks who never made it to their Salvation Army conference. All but four of them drowned, but they still have a ceremony every year.

## **ROUTINE PROCEEDINGS**

### **PRIVACY COMMISSIONER**

#### **CERTIFICATE OF NOMINATION TABLED**

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the Certificate of Nomination and biographical notes of Daniel Therrien, the nominee for the position of Privacy Commissioner.

### **ECONOMIC ACTION PLAN 2014 BILL, NO. 1**

#### **NINTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ON SUBJECT MATTER TABLED**

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I have the honour to table, in both official languages, the ninth report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of those elements contained in Divisions 11, 17, 20, 27 and 30 of Part 6 of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

**The Hon. the Speaker:** Honourable senators, pursuant to the order of the Senate of April 9, 2014, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-31.

[Translation]

### **THE ESTIMATES, 2014-15**

#### **MAIN ESTIMATES—NINTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED**

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the ninth report (second interim) of the Standing Senate Committee on National Finance on the

expenditures set out in the Main Estimates for the fiscal year ending March 31, 2015.

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

[English]

### CRIMINAL CODE NATIONAL DEFENCE ACT

#### BILL TO AMEND—NINTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Bob Runciman**, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, May 29, 2014

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### NINTH REPORT

Your committee, to which was referred Bill C-394, An Act to amend the Criminal Code and the National defence Act (criminal organization recruitment), has, in obedience to the order of reference of Tuesday, April 1, 2014, examined the said bill and now reports the same without amendment.

Your committee has also made certain observations, which are appended to this report.

Respectfully submitted,

BOB RUNCIMAN  
*Chair*

(For text of observations, see today's Journals of the Senate, p. 886.)

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

(On motion of Senator Plett, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

#### ECONOMIC ACTION PLAN 2014 BILL, NO. 1

#### FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON SUBJECT MATTER TABLED

**Hon. Irving Gerstein:** Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on Banking, Trade and Commerce,

which deals with the subject matter of those elements contained in Parts 2, 3 and 4 and Divisions 2, 3, 4, 8, 13, 14, 19, 22, 24 and 25 of Part 6 of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

**The Hon. the Speaker:** Honourable senators, pursuant to the order of the Senate of April 9, 2014, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-31.

#### THE SENATE

#### NOTICE OF MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO RECEIVE MR. DANIEL THERRIEN, PRIVACY COMMISSIONER AND THAT THE COMMITTEE REPORT TO THE SENATE NO LATER THAN TWO HOURS AFTER IT BEGINS

**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, immediately following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Daniel Therrien respecting his appointment as Privacy Commissioner;

That the Committee of the Whole report to the Senate no later than 2 hours after it begins.

#### PRIVACY COMMISSIONER

#### NOTICE OF MOTION TO APPROVE APPOINTMENT

**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, in accordance with subsection 53(1) of the *Privacy Act*, Chapter P-21, R.S.C. 1985, the Senate approve the appointment of Mr. Daniel Therrien as Privacy Commissioner.

#### CORRECTIONS AND CONDITIONAL RELEASE ACT

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-483, An Act to amend the Corrections and Conditional Release Act (escorted temporary absence).

(Bill read first time.)

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

(On motion of Senator Martin, bill placed on the Orders of the Day for second reading two days hence.)

### THE SENATE

#### NOTICE OF MOTION TO HONOUR SOLDIERS WHO FOUGHT IN THE ITALIAN CAMPAIGN DURING THE SECOND WORLD WAR

**Hon. Donald Neil Plett:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, on the occasion of the visit of Gino Farnetti-Bragaglia to Canada, the Senate of Canada express its gratitude to the four Canadian soldiers who saved his life and cared for him seventy years ago, pay respect to the families of the four soldiers, and honour the bravery and sacrifice of all Canadian soldiers who fought in the Italian campaign during the Second World War.

• (1400)

[Translation]

### QUESTION PERIOD

#### NATIONAL DEFENCE

##### CANADIAN ARMED FORCES—RECRUITMENT OF WOMEN, ABORIGINALS, VISIBLE MINORITIES AND PERSONS WITH DISABILITIES

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate and has to do with recruitment in the Canadian Armed Forces, and particularly the recruitment of women, visible minorities and Aboriginal people.

The Canadian Armed Forces must reflect the complex and diverse nature of our country, and the membership of the armed forces must comply with the requirements of the Charter, which requires employment equity for women, visible minorities, Aboriginal people and persons with disabilities. The armed forces are still trying to address these recruitment issues. Since they are unable to achieve the proportions set out in the legislation, could they request an exemption to these objectives? The operational capacity of the Canadian Armed Forces could be at risk if they continue to try to reach this objective.

**Hon. Claude Carignan (Leader of the Government):** As you know, the Canadian Armed Forces have undertaken a number of important education and awareness initiatives to promote the recruitment of women. Our record on recruiting women into the armed forces is better than that of the United Kingdom and the United States. We will continue to support recruiting women. We

have introduced some measures to promote diversity within our armed forces. For example, we introduced Bill C-24, the Strengthening Canadian Citizenship Act, which expedites access to citizenship for permanent members of the Canadian Armed Forces. This measure honours the contributions made by those who serve our country.

**Senator Dallaire:** I am intrigued by that response, which is not at all what I am hearing from the Canadian Armed Forces. On the contrary, the forces report that they are caught in a bind because of these criteria. They are also saying that if the government continues to push, it will endanger the armed forces' ability to recruit the most competent people and therefore their operational capacity.

While waiting for these goals to be achieved, do you feel it would be reasonable for the Canadian Armed Forces to stop trying to meet the targets set out in the Charter? I'd like to point out that the proportion of women is 15 per cent when it should be 25 per cent. Visible minorities account for 4.2 per cent when they should account for 12 per cent. Aboriginal peoples make up 1.9 per cent when they should make up 3 per cent.

Can we allow the military to stop trying to achieve those national representation targets?

**Senator Carignan:** Senator, education and awareness processes and initiatives are ongoing and will continue into the future. As for Bill C-24, it seems as though it will be passed in the House of Commons in the coming days and will be introduced here. I hope that you will have the opportunity, before you retire, to vote with us at third reading of the bill.

**Senator Dallaire:** You always find a way of bringing it back to that. Congratulations.

[English]

The military is now considering asking for an exemption from these current targets for fears that this will create potentially disruptive conditions of recruitment.

When my father spoke to me in 1964, and he had been a career soldier since 1928, he said, "There are three things I want to tell you, if you're going to make a career. One, you're never going to be a millionaire," and that certainly is the fact. "Two, you're in the service, so don't ever expect somebody to say thank you, and if you're joining for people to say thank you, you're in the wrong outfit." And he said, "Three, if you want to go anywhere in the forces and make a career, change your name from Dallaire to Dallards." Two general officers out of 104 were French Canadians.

As I read this, I can bring you back 45 years, and those were the exact same irresponsible statements used by a dominant English-speaking military — and even the Van Doos operated in English — that was arguing for not being held to those numbers.

I'm asking you to respond to me and this house, if you please, that the minister is not going to let the forces try to circumvent these essential requirements in our Charter in regard to



representation of elements of our society because they feel that they simply can't reach the targets at this time.

[Translation]

**Senator Carignan:** Senator Dallaire, I do not want to make you feel old, but in 1964 my father took me in his arms and said, "I will call you Claude." I was born in 1964.

To answer your question more specifically, as I said, the Canadian Armed Forces will continue to undertake educational and awareness initiatives to recruit women, minorities, and Aboriginal people in order to foster their presence in the Canadian Armed Forces.

## THE SENATE

### STATUS OF MOTION NO. 8 ON ORDER PAPER

**Hon. Céline Hervieux-Payette:** I turn to the announcement made today by Minister John Baird who says that every country was appalled to see a woman stoned in Pakistan.

In that context, I moved a motion on Asia Bibi, who is imprisoned in Pakistan for blasphemy and sentenced to death under Pakistani law. She has been in prison for years. I suggested that your government offer her and her family political asylum in order to get her out of prison and to ensure that she is not executed.

I was wondering whether the motion that I moved was adopted without my knowledge. If not, I would like to know the status of that motion. Will you submit it to the Prime Minister or the Minister of Foreign Affairs? I think that to simply say we are outraged. . . I think that, from time to time, we can do something positive to save a life and in this case restore dignity to a family.

Can the Leader of the Government in the Senate tell us where things stand with this motion?

**Hon. Claude Carignan (Leader of the Government):** I see on the Order Paper — and I imagine you can see it too — that your motion is at day nine in the name of Senator Martin. When the debate is over, if this motion is adopted, I will be pleased to submit it to the minister according to the will of the Senate.

**Senator Hervieux-Payette:** Thank you. I hope that Senator Martin will ensure that we adopt this motion before adjournment.

• (1410)

## INTERNATIONAL TRADE

### EUROPEAN BOYCOTT OF SEAL PRODUCTS— WORLD TRADE ORGANIZATION

**Hon. Céline Hervieux-Payette:** I have a question about a current issue that I have worked on a lot in the past few years. As you all know, unfortunately Canada and Norway failed to have the

World Trade Organization's decision overturned. That decision states that the European embargo on Canadian products derived from seals is justified on ethical and animal welfare grounds. We all know that this decision is based not on scientific fact, but on public opinion that has been manipulated by vegetarian multinationals.

I have two questions about this. First, how will the Government of Canada respond to this ruling internationally? Second, is the government planning to challenge these multinationals, especially on image rights, observation permits and their misleading fundraising tactics?

**Hon. Claude Carignan (Leader of the Government):** As you know, senator, and as you can imagine, we were disappointed in that decision. We still believe that the seal hunt deserves our strong support. We have always maintained that the European Union embargo was a political decision with no basis in facts or science. Recently, we were pleased with the WTO's ruling that the European Union embargo is discriminatory and in violation of its international obligations. We are currently studying the repercussions of the decision, and we are eager to work with the European Union once it is prepared to comply with the ruling.

**Senator Hervieux-Payette:** For the benefit of our colleagues and especially our fellow citizens in northern Canada, we know that, at the moment, the population of harp seals on Canadian coasts is approximately 9 million. Canadians already know that, embargo or not, people will continue to kill seals to cull the population and ensure stable fish stocks, just as Scotland, Sweden, Norway, Greenland — a Danish territory — and Finland do.

The difference is that, without an embargo, we have markets and we can continue to process the animal into derivative products, such as food products, fur garments, medicinal products and drugs. With the boycott, the seals are simply being killed and their bodies are usually burned. This shows how ridiculous the European boycott — which is supposedly an ethical boycott for animal welfare — really is.

Leader, the Inuit population is extremely concerned about Europe's decision, which was upheld by the WTO. I would therefore like to know what measures the Canadian government plans to take to support these people. How will the government help them in the meantime until this completely ridiculous issue and this decision are resolved to ensure they do not suffer as a result?

**Senator Carignan:** We will continue to vigorously defend Canadian seal hunters. We are currently examining the impact of this decision and we are looking forward to working with the European Union as they prepare to comply. We will continue to stand up for trade fairness for this important, traditional way of life.

**Senator Hervieux-Payette:** My question was very specific. I wanted to know whether the government will also be implementing temporary measures in the meantime to protect our seal hunters, whether they be Inuit people or others, who have lost a significant amount of income since this campaign began. Does your government intend to provide financial support for the groups that have been affected by this international decision? They are the victims here.

**Senator Carignan:** We will continue to seek fair trade for this important, traditional way of life.

**Senator Hervieux-Payette:** I have another suggestion, Leader. Right now, some countries are enforcing the boycott. They include the European Union, Russia, Kazakhstan, Belarus, Croatia, Mexico, the United States and, more recently, Taiwan. Extremely well-funded animal rights groups have now tackled China. China is still trading with us for these products, but I am wondering whether you will be checking with the Chinese government to make sure that the country is not going to give in to the blackmail tactics of these multinationals that are opposed to the consumption of animals.

**Senator Carignan:** We will continue to vigorously defend Canadian sealers in every forum available to us and in every country and organization where we can promote them. Let me read to you an excerpt from the minister's news release in response to the EU decision, and I quote:

We are pleased that today's decision by the WTO Appellate Body confirms what we have said all along, namely that the EU's seal regime is arbitrarily and unjustifiably applied and is therefore inconsistent with the EU's obligations. The WTO Appellate Body confirmed that the EU measure violates its international obligations and has ordered the EU to bring itself into compliance. We are currently reviewing the practical impact of the decision on the Atlantic and northern seal harvests.

That is what the minister said in response to the decision. Sealers and people who make a living from this industry can count on us in this place as defenders and protectors of their hunt and their way of life.

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[English]

## ORDERS OF THE DAY

### CANADA ELECTIONS ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Maltais, for the second reading of Bill C-23, An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak at second reading of Bill C-23.

I want to thank Senator Runciman and Senator Baker for all the work they do on behalf of us at the Legal and Constitutional Affairs Committee and all the work they have done on Bill C-23. I also want to thank Senator Moore and Senator Frum for shepherding this bill.

Honourable senators, every few months I walk through the streets of Vancouver in the middle of the night. I see the same people sleeping in the same corner month after month. That's their home. They don't have a fixed address, but somebody that knows them or sleeps next to them knows that that is where they live.

Not only will this bill disenfranchise the homeless, it will also affect our seniors, our students and countless others.

Let's take the example of a senior couple or any household, for that matter, where a woman does not have an address because the household bills are under her husband's name. Along with this, she has lost all her pieces of ID. Unfortunately, she would have to rely on her husband to vote.

Under this new law, those people will have no identity and will not be able to vote. Their right to vote will be denied. Is that the kind of democratic reform we want? Is that the kind of Canada we want?

Honourable senators, during the last election in Canada in 2011, we saw one of the lowest voter turnouts in history; 61.1 per cent of Canadians voted.

In 1996, our current Prime Minister stated:

Rushing electoral reforms through Parliament without buy-in from other parties is the kind of dangerous application of electoral practices that we are more likely to find in the Third World countries.

[Translation]

Unfortunately, there has not been much cooperation between the various parties in the House of Commons. Thanks to this Red Chamber, we have the advantage of being independent from the House of Commons. We have the advantage of studying in detail the bills proposed by a majority government.

[English]

That's why we are the chamber of sober second thought.

[Translation]

This bill does not have the unanimous support of Canadians.

• (1420)

Many people have criticized the fact that politics was not taken out of the administration of elections, and others are critical of the fact that voter information cards can no longer be used to vote and the fact that Elections Canada will no longer have the right to promote voter participation.

[English]

Today, I would like to focus on one particular issue. I have raised this issue in committee in the pre-study. I'm very concerned about the identification issue. I know I have an uphill battle regarding producing identification at poll booths. As for vouching, I would like to share with you the comments of Shaila Patel of Lac La Ronge. The Lac La Ronge Indian Band is the largest First Nation in Saskatchewan. Here is what she says:

Importantly, Bill C-23 would prohibit the practice of "vouching" where a fellow community member can attest to a person's residence or a band official appointed by the chief can vouch for our community members if they do not have identification containing their address.

Vouching has been used frequently with Band-appointed officials in the Lac La Ronge communities over the past several federal and provincial elections.

There has never been one case of fraud.

The federal government says it is restricting vouching because it eliminates the risk of fraudulent voting.

However, voter fraud is impossible in our community where everybody knows everybody else.

The elimination of vouching will greatly reduce the number of our community members who will be able or willing to exercise their right to vote rather than encouraging voter participation.

Honourable senators, Sonny Nauss, a Canadian from Nova Scotia who has worked in election polls, had this to say:

This bill clearly does not represent the needs or wishes of Canadians.

I have worked the polls for many elections and the vouching issue is a non-issue. I've had people vouched for in almost every election I have worked. NO FRAUD! True, the polls I worked were in rural areas where everyone knows everyone but sometimes people did forget their IDs and rather than waste their time going to get it vouching was the way to go.

Nothing about this Bill seems right to me. It seems to be biased and personally I think it only serves Mr. Harper's

personal agenda. The bill threatens the main building block of Democracy . . . The Right to Vote.

A Proud Canadian.

After much consideration, the government decided to keep the vouching system in place, although voters still need to present a piece of ID.

**The Hon. the Speaker *pro tempore*:** Colleagues, is it possible to turn down the volume of your private conversations, to ensure that we are able to listen to the interesting notes and remarks of Senator Jaffer.

**Senator Jaffer:** Thank you very much, Your Honour.

According to the Chief Electoral Officer, Marc Mayrand, this bill will affect 100,000 to 120,000 people, including students, the homeless that might not have ID with a current address, and, as I have already said, First Nations people living on reserves who do not typically have a residential address.

Peter Dinsdale, Acting CEO of the Assembly of First Nations, has testified that the changes will make it harder for Aboriginal people to vote and it is a step backward.

[Translation]

There is one important point to remember, yet it may seem like a given for many people. Section 3 of the Charter of Rights and Freedoms states, and I quote:

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly. . .

Luckily, the Minister of State backed down and proposed some amendments to the bill. However, they are not enough.

I would like to quote part of a speech given by our House of Commons colleague, Stéphane Dion:

. . .the government reconsidered, though only in part, its plan to abolish the vouching system, which protects the right to vote of Canadians without forms of identification.

The vouching system allows those citizens to identify themselves under oath and to have another Canadian from the same electoral district vouch for them.

This provision enables many Canadians, including students, seniors, and first nations people, to exercise their right to vote; coincidentally these groups are the least likely to vote for the Conservatives.

Whereas the first version of Bill C-23 removed any right of vouching, the new version allows voters who have proof of address to swear to the address of those who can only prove their identity, provided they live in the same polling district.

That was partial progress.

The Chief Electoral Officer has pointed out that seniors who live in long-term care facilities, and who vote on-site and do not have proper ID or utility bills, rely heavily on voter identification cards to vote.

Elimination of the voter identification card would disenfranchise many Canadian seniors.

Our colleague, Stéphane Dion, is quite right when he says that many Canadians will no longer be able to vote because of these changes. When the Minister of State for Democratic Reform appeared before the committee to discuss Bill C-23, I asked him a number of questions having to do with my concerns. I asked him how a student or a homeless person without an address will be able to vote.

[English]

Honourable senators, Senator Frum, the sponsor of this bill, stated:

Honourable senators, the fair elections act will bring an end to voting by vouching, where anyone without the required ID could have his or her identity vouched for by another elector. Bill C-23 eliminates vouching. From now on, electors will have to provide personal identification before they can vote, as well as proof of address. . . .

A recent Ipsos poll found that 87 per cent believe it's reasonable to require that electors prove their identity and address before they can vote.

I agree, honourable senators, that 87 per cent of Canadians think that it is reasonable. I am sure that the other place took that 87 per cent into account when they were presenting this bill. But here, in this chamber, we are the guardians for the minority. That is our job. That is why each one of us in this chamber was appointed to the Senate of Canada. The other place can look after the 87 per cent, but we are here to protect the rights of the 13 per cent. I urge the committee to study this issue further.

Also, Senator Frum stated in her second reading speech:

Some claim there is no evidence of vouching fraud in Canada, but we don't know that because Elections Canada never conducted audits of vouching after elections to see if there was fraud.

Honourable senators, we are acting when there is no proof that there may or may not be fraud, but we know something as a certainty. We have proof that, by bringing in this law regarding vouching for ID, we will definitely be denying the rights of Canadians to vote; the right to vote that we all hold sacred in a democracy. I urge the committee to revisit this issue.

On February 5, Minister Pierre Poilievre stated:

The good news is that there would continue to be roughly 39 different pieces of identification that would be acceptable.

[ Senator Jaffer ]

It is important to note, honourable senators, that neither the current Canada Elections Act nor Bill C-23 actually lists those pieces of identification. Rather, the act empowers the Chief Electoral Officer to authorize pieces of identification as proof of identity and residence.

[Translation]

I would like to point out the emphasis placed on the fact that the person's ID must show a residential address.

Honourable senators, I would like to remind you of what the Chief Electoral Officer of Canada, Marc Mayrand, told the committee:

Approximately 120,000 Canadians do not have an address.

[English]

So let's look at the 39 pieces of identification. First, if you are a homeowner, you are most likely to have eight possible documents with your address: a utility bill, such as telephone, TV, public utilities commission, hydro, gas or water; bank or credit card statement; vehicle ownership or insurance; government cheque or cheque stub; pension plan statement of benefits, contributions or participation; residential lease or mortgage statement; income or property tax assessment notice; or insurance policy. If you are a car owner, you will have one more piece of ID and one piece of documentation: driver's licence, vehicle ownership or insurance. If you are a firearm owner, you will have one piece of ID you can use to vote: firearm possession and acquisition licence or possession only licence. If you are a hunter, fisher or trapper, you most likely have two possible documents: outdoors or wildlife card/licence; fishing, trapping or hunting licence. If, unfortunately, you are sick, you have two other possible documents: hospital bracelet worn by residents of long-term care facilities, or hospital medical clinic card.

• (1430)

If you are a veteran, you have one more piece of ID: the Veterans Affairs Canada health card. If you are a member of the Canadian Forces, you have one more piece of ID: the Canadian Forces identity card. If you are blind, you have one more piece of ID: the CNIB ID card. If unfortunately you are disabled, you may have one piece of ID: a statement of government benefits, that is, disability support. If you are on parole, you may have one more piece of ID: a parolee ID card. If you are a blood donor, you may have a Canadian Blood Services card. If you have children, you might have one more potential document, a statement of government benefits for the Child Tax Benefit. If you are a student, you will have a student ID card or a correspondence issued by a school, college or university. If you are a senior, you might have an Old Age Security card, a pension plan statement of benefits contributions or a statement of government benefits.

If you are an immigrant, you may have a citizenship card. If you are an Aboriginal person, you may have a certificate of Indian status or a status card and an attestation of residence

issued by the responsible authority of a First Nations band or reserve.

If you travel, you may have a Canadian passport. If you have a job, you have an employee card.

If you're not a homeowner, not a car owner, not an immigrant, not a blood donor and you have no kids, how many documents do you potentially have? That leaves the homeless, students and others with eight, not 39, potential pieces of ID or documents they can use to cast their vote. A health card if it's not stolen. A birth certificate if it's not stolen. A SIN card if it's not stolen. A liquor ID card if it's not stolen. A credit or debit card if it's not stolen. A public transportation card if you can afford one. You don't have an address, so you can't have a library card.

Honourable senators, I walk on my streets in Vancouver, and I know the first thing a homeless person loses is their wallet and all of their identification cards. We would be naive to think that they have identification cards. I would challenge any senator here who would say to me that a homeless person is not entitled to vote.

Honourable senators, consider how many homeless people have a health card, how many carry around their birth certificates, how many have a bank account.

[Translation]

Honourable senators, I would like to ask you to consider something. We are not elected by the majority. On the contrary, our role, in circumstances like these, is to represent those minorities, those homeless people, those students, those seniors, those Aboriginal people.

[English]

**The Hon. the Speaker *pro tempore*:** Do you need more time?

**Senator Jaffer:** Five more minutes, please.

**The Hon. the Speaker *pro tempore*:** Are five more minutes granted to Senator Jaffer?

**Some Hon. senators:** Agreed.

[Translation]

**Senator Jaffer:** For most people, those pieces of identification and those documents may seem easy to obtain. But the reality for some minorities, such as the homeless and students, may be very different. However, that doesn't affect their right to vote in the same way as any Canadian.

Let's not forget one simple, important fact: a homeless person has nothing except the clothes on his back and his own being.

I would like to share with you the comments of one Canadian who is very concerned about Bill C-23. Her name is Kathleen White-Hoar.

[English]

Requiring more ID to vote . . . will make it more difficult for hundreds of thousands of voters to vote — instead the current ID rules should be kept, with the voter registration card added to the list of valid ID, and Elections Canada should be empowered and given the resources to hire election workers earlier and train them better, and to make the voter registration list even more accurate.

I have heard several comments regarding the number of times it appears vouching was not recorded appropriately.

On two occasions I have been denied the right to vote as I had relocated and had not changed my ID yet.

On one of these occasions I had my ID, mail that showed I had an address in the community, and someone to vouch for me.

Yet I was still denied the right to vote.

Are these incidents recorded?

How do we know that elections have not been adversely affected in this manner?

What about homeless Canadians, were can they cast their ballot?

Honourable senators, many people don't have 39 options. They may have one or none. Those are the people we are disenfranchising. There is absolute proof that this bill will lead to people not being able to vote. The Senate is considered to be the chamber of sober second thought. We, as senators, have a duty to hear those concerns and fight for the rights of the minorities.

Honourable senators, I urge you not to take what I have said lightly and to examine this bill appropriately to make sure that all Canadians are able to cast their vote at the next election. Thank you very much.

[Translation]

**Hon. Pierrette Ringuette:** Would the Honourable Senator Jaffer entertain a question?

**Senator Jaffer:** Yes.

**Senator Ringuette:** My 97-year-old mother has been voting in federal elections since women won the right to vote. She has no Canadian passport, she has no car, she has no driver's licence. She

lives in a home that does not deliver mail, so her mail is sent to my sister's address. She therefore has no identification that gives her address.

The federal government requires old age pensions to be deposited directly into seniors' bank accounts, so that provides no proof of address.

Now Canadians are being told that their right to vote will be taken away if they don't have two pieces of identification showing their address. My 97-year-old mother, as I said, has always paid her taxes and she is very sharp — I even think that some would be jealous of how sharp she is. How can I be assured that this bill won't deprive her of her right to vote?

**Senator Jaffer:** Senator Ringuette, that's the challenge. That is what I'm concerned about. I don't know what will happen. That's our challenge and that is why I am asking that the committee study this issue.

**Senator Ringuette:** My next question might be for Senator Jaffer in particular, but it could also be addressed to all the members present in this chamber.

How are you going to ensure that my 97-year-old mother, who is a Canadian citizen, will be able to vote in the next election when she has no ID with her address on it, no passport, no driver's licence, and no photo ID?

My mother is not the only one in this situation. In the home where she lives, there are 63 people in the same situation. Who among you would want to take away their right to vote?

[English]

**The Hon. the Speaker pro tempore:** I will allow a short answer to that question.

[Translation]

**Senator Jaffer:** That is my concern, and that is what I want the committee to look at.

[English]

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

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Your Honour, this item had been adjourned by Senator Day, in his name, but today Senator Day informed me, with some regret, that he is really tied up for the next little while with the National Finance Committee. So he has undertaken, instead, to speak at third reading of this bill.

**The Hon. the Speaker pro tempore:** I understand that he will speak at third reading. That's good.

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

**Some Hon. Senators:** Yes.

[ Senator Ringuette ]

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** On division.

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

REFERRED TO COMMITTEE

**The Hon. the Speaker pro tempore:** When shall this bill be read the third time?

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

• (1440)

## ADJOURNMENT

### MOTION ADOPTED

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of May 28, 2014, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 3, 2014 at 2 p.m.

**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, on division.)

## CITIZENSHIP ACT

BILL TO AMEND—MOTION TO AUTHORIZE SOCIAL  
AFFAIRS, SCIENCE AND TECHNOLOGY  
COMMITTEE TO STUDY SUBJECT  
MATTER—DEBATE  
CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Greene:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the subject matter of Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts, introduced in the House of Commons on February 6, 2014, in advance of the said bill coming before the Senate.

## MOTION IN AMENDMENT

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I move that the motion be amended by adding, immediately before the final period, the following:

“;

That the committee be authorized to meet for the purposes of this study, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That, notwithstanding rule 12-18(2)(a), the committee be also authorized to meet for the purposes of this study, even though the Senate may be then adjourned for more than a day but less than a week; and

That, pursuant to rule 12-18(2)(b)(i), the committee be also authorized to meet for the purposes of this study, even though the Senate may then be adjourned for more than a week”.

**The Hon. the Speaker *pro tempore*:** On debate, Senator Ogilvie.

**Senator Ogilvie:** Honourable senators, this amendment provides for the possibility that should the Senate, in its wisdom, see fit to send this bill to our committee and expect us to have it done before the Senate rises for the season, this would give us the opportunity to meet the request of Senate.

**The Hon. the Speaker *pro tempore*:** Question?

**Hon. Art Eggleton:** I have no argument with Senator Ogilvie's amendment but I do have an argument with the pre-study, which is the main part of the motion. I think we should await the House of Commons coming through on this and decide then to proceed on the matter. It may not mean that we can deal with it quite as expeditiously as some would like, but I think we need to see what comes from the house on it. I take the adjournment in my name.

(On motion of Senator Eggleton, debate adjourned.)

[*Translation*]

## CRIMINAL CODE

## BILL TO AMEND—THIRD READING

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. Roméo Antonius Dallaire:** Honourable senators, I thank His Honour, the Speaker, for giving me an opportunity to speak

to this bill, and I want to inform you that I will present two amendments to this bill for your consideration.

I rise today to make some comments on Bill C-217, which is in its final stage here in the Senate, and to propose some amendments that I hope will be accepted.

I won't speak too long about this bill, since I believe that we all know what this measure is about now and what effect it will have. I will start by reiterating that I support the objective of the bill, which is to make it an offence to vandalize or desecrate a Canadian war memorial or cenotaph.

I thank Senator Runciman for sponsoring and passionately defending this bill in the Senate. We may not necessarily agree, but the debate was healthy and necessary.

I believe that all senators agree that deliberately desecrating a Canadian war memorial is a truly reprehensible act. I did not say “criminal.” I said “reprehensible.” We need to examine this bill very carefully for the reasons I just mentioned. If we all agree that this is a worthwhile bill, then it makes sense that we should examine it carefully to ensure that it is as effective and reasonable as possible. I said “reasonable.”

If we want people to obey this law, we have to make sure it's a good law, a clearly written law, a law based on facts and good sense. Unfortunately, we, as senators, do not know the facts about the offences that this bill is supposed to crack down on. We have absolutely no information about how many of these offences are committed every year or about the associated punishments set out in existing laws, even the Criminal Code.

The government believes it is enough to tell us that tougher penalties are needed — no, not needed; essential. But when we asked the government what the new penalties will be, it didn't answer. How can we hope to improve or strengthen the laws governing this particular offence when we have no information whatsoever about the existing laws for it? What are we trying to strengthen? If we strengthen nothing, we still have nothing.

During the committee's study of this bill, two particularly important concerns surfaced, but the Conservative members of the committee flatly dismissed them. There were very clear lines drawn between the two sides.

I would nevertheless like to raise those two concerns here in the Senate because they deserve to be on the record. With any luck, talking about these concerns will result in us agreeing to the amendments I am presenting.

The first concern is about the clause in the bill that explains the new offence. We are concerned that this clause, as written, could be applied to acts of vandalism against any cemetery, not just cemeteries for soldiers killed during a war.

• (1450)

When he appeared before the committee, the member of Parliament and sponsor of the bill, David Tilson, who is rather stingy with technical information and details about what is

happening on the ground, but nonetheless convinced that something more tangible needs to be done on the ground, answered this to one of our questions:

You mentioned the issues of religious churches or cemeteries that are non-military. The bill doesn't apply to those. I'm zeroing in on war memorials. If someone wants to bring a bill, perhaps from the Senate, on religious churches, synagogues or cathedrals, they can do that. I'm simply concentrating on war memorials and cenotaphs. That's all I'm doing.

Clearly, in this bill, Mr. Tilson is focusing on memorials and cemeteries for fallen soldiers. However, the current wording of the bill could be interpreted as applying to all cemeteries.

Let me read you the particular clause in the bill. I added a few numbers for clarification. The clause reads as follows:

Everyone who commits mischief in relation to property that is [1] a building, structure or part thereof that primarily serves as a monument to honour persons who were killed or died as a consequence of a war, including a war memorial or cenotaph, or [2] an object associated with honouring or remembering those persons that is located in or on the grounds of such a building or structure, or [3] a cemetery is guilty of an indictable offence or an offence punishable on summary conviction and is liable. . .

Other senators pointed out that the bill is supposed to apply only to objects found in cemeteries that honour or remember our fallen soldiers. This is not clear from the wording of the bill. Indeed, there are many graves, tombstones and monuments in civilian cemeteries. Beechwood Cemetery, which is home to the National Military Cemetery of the Canadian Forces, states on its sign that it is open to anyone who wishes to be buried there.

[English]

The second concern I have with Bill C-217 is one that I have spoken to frequently since its introduction: the irresponsible use of mandatory minimum penalties, in this instance in particular. Have we lost total confidence in our judges? Do we do not deem them worthy of their responsibilities, salaries and objectivity? Do we have to tell them every single detail? Do they not hold the responsibility of being judges?

We must remember that mandatory minimum sentences apply to everyone. The application is universal. That may sound obvious, but we have not been using that logic as we determine what is appropriate to include for sentencing in this bill. Let me continue in this vein.

We have heard examples from senators in committee about how a 35-year-old in perfect mental health and being completely sober could plan and carry out an act of hateful vandalism against one of these sacred memorials. We can all agree that in such a case the mandatory minimum sentence set out in the bill could be considered appropriate for such a wilful act. If you want to impose an extreme on a character like this, then yes. There's not much debate, and certainly I don't see much mitigation.

[ Senator Dallaire ]

But when we talk about mandatory minimums, we must ask about the suitability of the punishment. We must ask if there is any circumstance in which this punishment could do more harm than good. It has to be fair to every Canadian, not just a percentage of Canadians, as all Canadians are equal.

We have heard from committee witnesses that those circumstances exist; it's true. Well, fine. We must think about those who, for example, suffer from mental health problems or are severely affected by alcoholism or addictions and may commit such acts without being fully aware of their actions; and about those who are 18, with no criminal record, that do something stupid when they're out with their friends at night. We've seen a number of pranks pulled by college students who leave a lot to be desired in their taste and their logic. I'm not even going to talk about the pranks we used to pull at the military college.

For those who live in poverty, a \$1,000 fine could be an utterly impossible punishment; but that would be the mandatory sentence. Honourable Senator Plett stated in committee:

The intent of this bill is not to penalize somebody who, in a drunken moment, made a mistake.

With the greatest of respect to Senator Plett, my fine friend, I would completely agree. The intent of the bill is not to punish someone, perhaps a young adult with a clean criminal record, who makes a one-time decision that is very, very stupid. That may not be the bill's intent, but it is certainly the bill's effect. Do we hold people who do stupid things, not criminal things, criminally responsible, and do they automatically become criminals?

The witnesses we heard from overwhelmingly favoured rehabilitative punishments and judicial discretion. "Judicial discretion" is a term we don't often hear. It's as if we want to take that away and impose. It's as if we don't believe that judges, even with litigation, can hold the candle to judicial discretion and that maybe, as was stated clearly in committee, they're too soft and we want to put some strength behind this.

Many years ago I had a personal opinion about the John Howard Society that is not necessarily the one I hold today. However, I consider them a worthy, responsible organization for the rights of individuals. The John Howard Society, the Criminal Lawyers' Association and the Canadian Council of Criminal Defence Lawyers all told us that they want to have some option available to allow offenders to be educated; and "educated" is not just instructed. Educated is giving an education, teaching someone how to live and teaching them the norms, the values and the ethics, words that I keep hearing from the other side all the time. That's what people are saying we should emphasize when people do stupid things.

I would propose that such individuals meet with veterans' organizations, which would help them understand that what they did was wrong; they would be educated by those who have served in combat and paid the price, at times by living with their injuries for life. A short session with a few veterans would surely be worth a lot more than the impact of a \$1,000 fine on such individuals. I don't think they would be very keen to do something so stupid again. On the contrary, they would probably become people



willing to reinforce the need to respect cenotaphs, monuments and places of recognition of those who have paid the ultimate sacrifice for our freedom.

• (1500)

The biggest concern for me is that this bill might actually have a negative effect on veterans' organizations. Other senators have noted that a judge can impose a restitution punishment or community service over and above the mandatory minimum \$1,000 fine. Okay, that's true. You can give them a \$1,000 fine and then tell them, "We're also going to give you some time with some of these veterans." But judges are required to ensure that their sentences are proportional to the crime committed. If the judge deems that a \$1,000 fine is proportional to the crime itself, then they can't add more on the money for veterans' organizations or education programs for the offenders. Instead, the fine goes into the government's pocket. The veterans' organizations lose out on the chance to teach offenders about the sacrifice they made for Canada through their work in the Armed Forces and throughout our history. The coffers make money, but society loses, and the youth of society loses all the more.

Some senators have claimed that the removal of any mandatory minimum sentences from this bill would gut the bill. Now, I am not a butcher, but to gut the bill would be a pretty significant act indeed. That makes about as much sense, in my opinion, as suggesting that if we didn't have mandatory minimum sentences for murder convictions, we might as well legalize it or consider that maybe for murder we should have a far more mitigating situation than exists today. It's in the same ballpark, and I use that extreme example because that's often thrown at me from my colleagues.

The purpose of this bill, as stated in the summary of the bill, is to amend the Criminal Code to provide for the offence of committing mischief in relation to a war memorial or cenotaph. Mandatory minimum sentences are not the core of the bill; the offence itself is. *Ergo*, we are not gutting the bill. We may not be making it as strong, as aggressive, as nasty or as imposing as the MP required, and we might even be perceived as being soft on this bill, but it doesn't gut the bill. Far from gutting it, I hope that we can make it stronger and more likely to be used effectively by judges and truly bring to justice those who commit these heinous acts, whether they do so on purpose or unthinkingly.

Senators, the two concerns that I have outlined have led me to the conclusion that the right course of action at this time is to modify the bill we have before us.

#### MOTION IN AMENDMENT

**Hon. Roméo Antonius Dallaire:** Therefore, I move:

THAT Bill C-217 be not now read a third time, but that it be amended in clause 1, on page 1,

(a) by replacing line 15 with the following:

"grounds of such a building or structure or in a"; and

(b) by replacing lines 23 to 27 with the following:

"(i) for a second offence, to imprisonment for not less than 14 days, and

(ii) for each subsequent offence, to im-".

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

Senator Dallaire?

**Senator Dallaire:** I have a rocket being sent up to the office to get the French version.

[Translation]

**The Hon. the Speaker *pro tempore*:** Senator Dallaire, that is my mistake. I gave you the floor.

**Senator Dallaire:** I would like to discuss this point.

**The Hon. the Speaker *pro tempore*:** Unfortunately, you should have finished with your amendment and not opened debate with a second amendment.

**Senator Dallaire:** That is not the case. I would like to explain the amendment I just moved.

[English]

**The Hon. the Speaker *pro tempore*:** Does the house agree to hear some explanation from Senator Dallaire? The other way to proceed would be to ask questions of Senator Dallaire. Comments? Agreed?

**Hon. Senators:** Agreed.

[Translation]

**The Hon. the Speaker *pro tempore*:** Senator Dallaire, you have a few minutes to explain your amendment.

**Senator Dallaire:** I barely have any time left. Very well.

[English]

This amendment has two parts to it, and I would like to take a moment to explain these, and obviously I have a moment.

The first part of the amendment would clarify the language regarding the protection of cemeteries under this law. As I indicated earlier, the way the bill is currently drafted seems to indicate that an entire cemetery would be covered by this legislation, not just those monuments dedicated to military members killed in war. This fact was confirmed by the senior counsel from Justice Canada who appeared before the Legal Committee during the clause-by-clause examination of C-217. He specifically indicated that, as currently drafted, it's the whole cemetery that is protected.

The amendment before us would change the wording of the bill so that it protects an object associated with honouring or remembering those persons, i.e., the war dead, that is located in or on the grounds of such a building or structure or in a cemetery. The effect of this amendment would be to ensure that all cenotaphs and memorials located in the cemeteries would be protected, yes. We can then reasonably expect that judges would interpret objects associated with honouring or remembering to include those clearly marked gravestones of persons killed in war.

Honourable colleagues, if you support the aim of this bill and you want it to reflect the intention of the bill's sponsors, then we must make this change. Otherwise, the language will be too confusing and expansive, and it may prevent judges from properly implementing the newly created offence. It leaves the door wide open.

The second part of the amendment is, I believe, a fair compromise on the matter of mandatory minimum sentences. The bill's sponsors, Senator Runciman and Mr. David Tilson, have both indicated that they want this bill to send a strong message. They want all Canadians to know that the wilful desecration and vandalism of war memorials is wrong. I certainly agree with this aim, except I'm not sure that you have to do it on the backs of judges.

The amendment I am proposing would keep the new offence for mischief against war memorials and it would keep the mandatory minimums for second and third offences under the law.

We have heard from several witnesses and from veterans groups who did not appear before the committee that the mandatory minimum fine for a first offence is too restrictive. It lacks flexibility and imagination. It might prevent judges from setting out punishments of community service and educational programs. It might even prevent judges from forcing perpetrators to pay back the veterans organizations affected by their actions. As such, my amendments would remove the mandatory \$1,000 fine for the first offence under the law. This will empower the judges to punish offenders as they see fit, to educate the offenders and to take into account all circumstances of the crime before prescribing their sentence.

With my amendments, we can improve the bill by making it easier for judges to interpret, more fair for those accused of the crime and more respectful of the veterans' organizations who have asked us to look for alternative sentencing measures and to give them the opportunity to educate. Colleagues, we have a chance to make this bill better, and it is not only our roll as senators but our duty as parliamentarians to do exactly that.

• (1510)

**Hon. Bob Runciman:** Honourable senators, I have some brief comments, and I don't have my notes from the committee deliberations. I believe these are the same amendments that Senator Dallaire put forward at the committee, and they were defeated there.

In terms of indications, for example, he indicates that some Legion groups that didn't appear were not supportive of the legislation. I guess we can all speculate about that sort of thing,

[ Senator Dallaire ]

but we did have the president of the national organization, the Canadian Legion, at the hearings. He came to the meetings opposing the legislation based on public comments — some of which were attributed to Senator Dallaire — which were not accurate at all, especially in terms of the impact on young offenders.

Once we had those discussions during committee hearings, the national president of the Canadian Legion and his organization withdrew their opposition to the bill and indicated their full support for the measures incorporated in that piece of legislation.

I can't recall all of the conversations. I have asked for some feedback from my office with respect to some of the details surrounding the cemetery issue, but I believe that, as well, was adequately addressed at the committee. I don't think the concerns of Senator Dallaire are justified.

I'm trying to recall some of the other issues that were raised that I think were also dealt with. Perhaps when Senator Dallaire or others speak, my memory will come back to me. It's unfortunate that we weren't given notice that this was Senator Dallaire's intent so that I could have had that data with me. We'll try and get it before the discussion ends.

**Senator Day:** Well, let's adjourn.

[Translation]

**Hon. Grant Mitchell:** Honourable senators, I have a number of things to say about this bill.

[English]

I would like to support this amendment, and I'll tell you why: It comes from a deeply personal place. I grew up in a home with a father who was a career military person and an officer for most of that time. He joined the Black Watch in Montreal in 1938, as the war was approaching, in anticipation of that war so that he could fight. He was 18 years old when he did that. He fought in the Second World War, was wounded, received the Military Cross and fought for the CANLOAN organization. Some people may be aware of 700 Canadian officers who volunteered to go to Britain because Canada wasn't going fast enough for them to get into the fight. My father was one of those people. That is a very, very decorated and admired group of Canadian army officers.

My father went on to represent Canada in the United Nations in Korea, and he in fact served for a year on the Canadian contingent of the International Control Commission for Vietnam in 1963-64.

We had many discussions around our kitchen table, our dinner table, in our living room and on long trips as a family about why he did that and what he felt he had contributed in that process. There were many things that would explain his actions and what motivated him, but two things in particular he felt were at the root of what he did. One was the very rights that would allow somebody to express whatever they wanted to as freedom of speech in this society, in this country, and a mischievous act against a cenotaph might well be one of those things that he would not have been offended by.

So, while I'm not sure — because it's not specified here how you would define "mischievous" — it isn't impossible that something is mischievous but still represents a reasonable expression of freedom of speech. That is one of the things that my father and thousands upon thousands of other Canadian soldiers and military personnel of all stripes fought for and risked their lives, during those three wars and since that time, to defend. It is fundamentally important.

Second, at the root of his motivation, the motivation of, as I say, the many Canadian military people who preceded and followed him, was the fundamental belief in a fair, just and compassionate judicial system. That's why I have great difficulty with particularly the first step in this act, the first penalty outlined as a minimum in this act, which really does limit, first of all, those mischievous acts which might rank as nothing more than perhaps an unsavoury but not unreasonable example of free expression, as I say, that was defended by people like my father.

Further, this motion addresses explicitly the idea that we need to be sure to keep this institution, the judicial system, fair, just and reasonable. At the root of that is an ability to respond to individual circumstances and make reasonable judgments about what lies behind them. That is what is represented in these war memorials, those very fundamental principles. This act, I believe, runs directly against them.

I know what this act is trying to do, and I don't deny that it comes from a good place. I have great respect for Senator Runciman and great respect for member of Parliament David Tilson as well. He's a remarkably good chair of the Canada-Europe Parliamentary Association. He believes deeply in our institutions, and I will say that I'm glad that he won his nomination and that it wasn't taken away from him.

I know it comes from a good place in the hearts of good people who are trying to do the right thing. If I can be mischievous for a moment about that, of course, it is here to defend a very important institution — a virtual institution, in fact — and that is our respect and belief in the sanctity of our military and of the sacrifice and contributions they have made.

I will say that the mischief that it might address would be mischief that would be an affront to that institution, virtual and in some senses physical, of course, as cenotaphs are. It would be an affront to that, and an unfortunate affront to that, and it could, in fact, be seen to be an insult to that institution and to erode people's general sense of the military and its importance.

If I can be mischievous for one moment, on the one hand, we want to impose these rigorous mandatory minimums for mischief against an institution that we all value, but there is no sense of remorse on the part of the Prime Minister who has openly attacked the Supreme Court of Canada. That is a very important institution in this country. He has openly attacked the Chief Justice in a way that's absolutely unprecedented and we don't get so much as a single apology from him.

I rest my case on that basis, and I thank you for listening. I'm just being mischievous.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I would also like to speak in support of Senator Dallaire's amendments.

Like Senator Mitchell, I am the child of veterans: two. Both of my parents were in the Canadian Army in the Second World War. My mother was a nursing sister, and they were both proud of their service. They were both also, like Senator Mitchell's father, proud of the country they served and proud of the democratic values that Canada fought to preserve in that conflict. I cannot believe that either of them would support this truly draconian bill.

Senator Dallaire made the fundamental point that some of the acts that this bill is designed to deplore are committed by stupid, young adults: a 19-year-old going out and having a few beers and then doing something stupid. Do we really want to slap that kid with a fine of not less than \$1,000? Honest to goodness, I simply cannot believe we would be doing this. It's wrong-headed, and I think it will tend to contribute to a lack of respect for what these monuments symbolize, because it is so disproportionate to what is quite likely the majority of acts of desecration of these monuments.

• (1520)

We all treasure these monuments, and heaven knows we all treasure and respect the acts that they are there to bear witness to. But we do not in this country believe in such gravely disproportionate punishment for first offences by what are often going to be — to use Senator Dallaire's accurate word — "stupid acts" by young people — young people who, a few short years later, whether or not they are caught and punished, will be ashamed of the acts in question.

I would like to say for the record that I also have great respect for the original sponsor of this bill, Mr. David Tilson. I have worked with him in the Canada-Europe Parliamentary Association, and I think he is a fine, fine representative of his constituents and a fine human being.

I understand the motivation that can lead someone to bring forward a bill like this. But, you know, this bill is part of a larger pattern that we have seen in recent years that I find very distressing, and that is, as Senator Dallaire suggested, the removal of judicial discretion. Part of the great value and worth of the Canadian system is that we have, historically, trusted our judicial system. In particular, we have trusted our judges to examine the facts of each individual case and reach an enlightened, informed decision about the best way a given infraction of the law should be punished.

It is not possible to write any law that will cover all possible characteristics of every possible case. That cannot be done, in law or indeed for anything else — academic studies, newspaper reports. You cannot possibly provide for every individual circumstance that might arise. That is why we have relied on judicial discretion, and it has served us well.

There have been occasions, of course, when some judges have made mistakes, having erred on the side of leniency or of excessively harsh punishment. That's why we have appeal courts.

At the end of the day, there has been no better judicial system in the world than the one we have been proud to have, a fundamental element of which is judicial discretion. But we have been whittling away at judicial discretion in bill after bill after bill, because that's what mandatory minimums of any kind do: They remove judicial discretion.

It has been pointed out frequently that the present government is not the only Canadian government to have brought in legislation establishing mandatory minimums, and I know that is true. I also know there are some cases where a mandatory minimum is probably appropriate, such as for the most severe offences under the most carefully circumscribed legal circumstances. Murder would obviously be one of those.

Desecrating a war memorial, I suggest, does not meet the standard required to justify the imposition of mandatory minimums. If we do nothing else in this place, we really should exercise that sober second thought we talk about so often in order to say in this case the punishment is not appropriate to the crime. We could do that by adopting Senator Dallaire's amendments, and I strongly suggest that would be exactly what we should do.

We would not be diluting our message of strong disapproval of the desecration of these monuments, but we would be acknowledging that there are occasions when too harsh a punishment is equally wrong, and we shouldn't go down that road. That's what the Senate is supposed to do — to reflect in that way and to say, "Are we going overboard here? Is this measure excessive? Can this measure be adapted to be more in line with the values that we all cherish and uphold?"

I submit to you, colleagues, that is precisely what we should do now.

**Senator Dallaire:** A question if I may, Senator Fraser. My question is couched in the following way: Senator Mitchell reflected and gave us a bit of his family history and the service of his family to the security of this country and the sacrifices that his family has gone through. Both my father and my father-in-law served before the war, served six years in the war, and one even served in Korea. They are people I have an enormous amount of respect for.

That is why, in Montreal, where all the wartime housing was built in the east end of Montreal, there are a cenotaph and a park. The park is named after my dad and me. They just added "junior" at the end because he had the same name. I have a park in my name that has a monument in it. I look at the hard-working young people in those oil refineries, and they are 18 or 19 and they go for a beer — the taverns are open till midnight, and soon they will keep them open all night — and they will go and have a good time.

The monument is in a great place; it's a fabulous place. It attracts people. So I can see them sitting there having a beer and one of them needs a leak . . .

So, don't you think bringing for a first offence a non-punitive exercise in this dimension is a means of educating these young people — that even when they are drinking, they can still control

each other — just like we have done with drunk drivers, where we try to impose that one of them stays alcohol-free and be the designated driver? Wouldn't we be able to use the Legion and veterans to do this education? That would be a significant gesture towards building in them a level of respect for such institutions.

**Senator Fraser:** I couldn't agree more. We were all kids once. We were all 19 once, and we had to learn a lot, but the best way we learned was from example and from enlightenment and understanding teaching. It wasn't from rules that were so arbitrary that we knew they made no sense at all. We absolutely knew that.

It's interesting, Senator Dallaire, that we're standing here talking about our families. Let me just tell you, because I know your family has a strong Dutch component, that my father spent the winter in Nijmegen the year I was born. My mother had gone home to Canada to have me, and my father carried with him ever after a really devoted memory of a Dutch family with whom he became good friends. We all went back after the war to visit them. They were wonderful people.

One of the things he liked most about them was that one of the children of that family — a young woman — had fallen in love with one of the occupying German officers, and they did not disown her. They worked with her to persuade her that however much she might love the human being, the ideology he represented was everything abhorrent. She accepted that, because what they gave her was love and support as they worked with her to change her mind.

• (1530)

I've always thought that was a fine example of the way things should be done when people stumble into very mistaken ways. You will undoubtedly be glad to know she never did marry the Nazi; she married a fine Dutchman.

**Senator Frum:** I wonder if I could ask Honourable Senator Fraser a question.

**The Hon. the Speaker *pro tempore*:** Yes, there's more time.

**Senator Frum:** Senator Fraser, you have acknowledged the crime of desecrating a war memorial is a very serious one, and it does bear remembering that while often that crime is committed by young people or young adults, the people in the graves that are being desecrated are also themselves young adults, usually young men, who have given their lives for our country and were perhaps younger than the people committing the desecration. The desecration can be ugly and violent in its nature. It can be very much a wicked intent.

You refer to this bill as being draconian because of the mandatory minimums contained in it. Given how heinous it is, this idea of literally pissing on the grave of someone who gave their life for our country or putting a swastika, the symbol of the enemy, on the grave of someone who laid down his life, I'm curious if you believe it's accurate to describe a fine of \$1,000 as draconian. That is the mandatory minimum for the first offence. Is that really what you would call a draconian punishment?

**Senator Fraser:** I think that the mandatory imposition of that punishment is draconian. There, of course, will be occasions. When a bunch of neo-Nazis go out and desecrate what in many ways is sacred territory, that's one thing. They're doing it on purpose. They probably planned it, and they should be punished seriously. But this bill wouldn't just capture them. This bill would capture the kinds of people who Senator Dallaire and I, in his footsteps, were referring to: young people, some of them very young, who make a stupid, unplanned error.

I've stood in those cemeteries. I've wept looking at the rows and rows of Canadian gravestones, and I don't want them to be desecrated. I don't want cenotaphs to be desecrated.

But I believe that in Canada we really do try to temper justice with humanity, and with good sense. That's what I think is missing here.

**Senator Frum:** May I repeat the question: Is it inhumane to impose a fine of \$1,000? Is that inhumanity?

**Senator Fraser:** It depends on the circumstance, but for many young people, a thousand dollars is more money than they —

**The Hon. the Speaker pro tempore:** Senator Fraser, do you need more time? Senator White wants to ask a question.

**Senator Martin:** Five minutes.

**The Hon. the Speaker pro tempore:** Senator Fraser, do you want more time?

**Senator Fraser:** If somebody wishes to say ask a question, yes.

**The Hon. the Speaker pro tempore:** Agreed?

**Hon. Senators:** Agreed.

**Hon. Vernon White:** I wish to speak to the issue at hand, not ask a question, if that's okay.

**The Hon. the Speaker pro tempore:** It's not a question?

**Senator White:** No.

**The Hon. the Speaker pro tempore:** Are there any other questions for Senator Fraser?

**Senator Dallaire:** Does this minimum sentence carry with it a criminal record, or is it simply a \$1,000 fine that is not held on a criminal charge sheet for an individual for an act that we've just been describing?

**Senator Fraser:** Senator Dallaire, I'm not a lawyer, but it seems to me that an indictable offence listed in the Criminal Code that carries a mandatory minimum is criminal. Indeed, on subsequent

offences, which I agree would be more serious — unless it was the next morning and you were still on your bender — you actually go to jail under this bill. That's heavy-duty criminal stuff.

**Hon. Elaine McCoy:** It seems to me that Senator Fraser got cut off finishing an answer to a question earlier. I would be interested in her expanding on the point, which is: It's not how serious the crime is; it is whether the punishment fits the crime. That is what these mandatory minimum sentences prevent us from doing. It's all very well for people to get self-righteous in this chamber imagining some very onerous circumstances with which we would agree, but there are other circumstances that may not quite fit that prejudiced, biased or prejudged circumstance. I would welcome your further comments, Senator Fraser.

**Senator Fraser:** I don't know that I can put them any better than you just did, Senator McCoy. I agree entirely with you.

I want to stress that I'm not saying we shouldn't take these matters seriously. I am saying that we need to consider them and treat them judiciously, and there's a difference.

**The Hon. the Speaker pro tempore:** Senator White, on debate.

**Senator White:** Honourable senators, I would like us to support this bill without amendment. When I look at the number of times that I've investigated public mischief over the past few decades and the number of times we've used alternative measures, restorative justice — not just judicial discretion but also police discretion — that allowed us to deal with cases outside of what we're talking about as traditional justice now, I think those cases we're worried about would be taken care of.

I have to say, as for secondary offences, I don't really care what happens to the individual who commits that crime the second time around. I think they should go to jail.

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

**Senator White:** Those individuals, the first time they commit a mischief, have opportunities to be dealt with in another way. Accountability is important to us today. Holding people to account — deeds not only words — will actually allow us to say that this is meaningful to us if we pass this bill unamended.

**Hon. James S. Cowan (Leader of the Opposition):** Will Senator White take a question?

**Senator White:** Absolutely.

**Senator Cowan:** Senator White, don't you agree that when you impose a mandatory minimum sentence you're removing the discretion from the judge and giving it to the prosecutors, who are not accountable to anybody?

**Senator White:** Thank you very much for the question.

I agree that a mandatory minimum means some level of discretion, but not the level of discretion of an absolute or conditional discharge. When we talk about what happens after a

conviction, there's still the opportunity for the individual to either not have a criminal record following or, after six months of good behaviour, to lose that potential for a criminal record. The opportunities aren't lost just because they appear in court or because a judge says you're at fault. There are opportunities that are actually gained at that point in time.

**Senator Cowan:** Surely the issue is that if we were to pass this bill, or any mandatory minimum sentence, once it gets to the judge, the judge has no discretion. What might happen, I suggest, is that someone in your position, or a prosecutor, might say, "Well, look, the circumstances are such that it was a really stupid thing that this kid did. If we charge him, he will be convicted, mandatory minimum sentence, end of game." That's not the right thing to do, so we won't charge him. We'll talk to him. We'll talk to his parents. We'll do whatever else you do to prevent it from happening again and demonstrate to him — I assume it's a him — how stupid it was.

• (1540)

Most of us are in that category, Senator White; I'm sure you agree. "Don't ever do it again, because the next time you're in for it." But you would try to divert him and you would exercise your good discretion. You would exercise it quite properly and you wouldn't charge. Isn't that effective?

**Senator White:** Thank you very much. That may be true. In most cases, the police would use their discretion, but I can say that I've received more referrals from judges for restorative justice than from Crowns and from other police officers. Judge Barry Stuart in the Yukon is a perfect example, if Dan Lang is here, and the judges in Nunavut, the judges here in Ottawa, Judge McLeod, often would refer people specifically for restorative justice practice once the case was in front of them and they had some of the evidence in front of them. I think our words, that this is serious and a minimum sentence is appropriate, doesn't mean everyone gets a \$1,000 fine after conviction. It means that we take it seriously and those who should will. It means as well that the opportunity for the police, the Crown and the judges to use discretion is still available to them. It doesn't take the discretion away for restorative justice, alternative measures, and section 430 in the Criminal Code still allows for referral.

**Senator Cowan:** That's not the way I read the bill. I think it does. I know of Judge Stuart's work. I doubt that he would read this bill that way. This bill says that if you commit this crime and you're prosecuted by indictment or on summary conviction, if you're convicted, mandatory minimum sentence. Nothing about restorative justice, options, discretion, anything else. That's it. That's our point.

**Senator White:** But it doesn't remove those options prior to conviction.

**Senator Martin:** Question.

**Senator McCoy:** Now I'm curious, and I think this should be a learning moment for us all, Senator White. In view of your experience as a police officer, I'm very curious, on your grounds,

your rationale, your logic, if any, for why it's okay for police to have discretion but not judges.

**Senator White:** If I may, as I stated, the judges often would refer cases to alternative measures of restorative justice, not just the police. My point was, we don't only discuss judicial discretion but also police discretion.

**Senator McCoy:** So you're saying judicial discretion is okay, but you're saying it is not sufficient to allow discretion for a judge on a sentencing provision?

**Senator White:** I would absolutely agree that they should in some cases sentence more harshly than a \$1,000 fine.

**The Hon. the Speaker *pro tempore*:** Do you have a question or debate?

**Senator Mitchell:** I have a question. I just wanted to follow up on Senator McCoy's question, because it is directly implied if not explicitly stated by Senator White that he's quite happy with police discretion, he's quite happy with Crown prosecutor discretion, but not so happy with judicial discretion, because this will be limited. Does he not understand that to the extent that the police and the Crown prosecutors use discretion, they do that behind closed doors, without any visible evidence, or often in dark corners of places away from the public? The police act often in those kinds of cases. So there's no public oversight of that discretion at all, and yet the judge, at least, in operating and exercising discretion, does that in very public view, in a courtroom, on the record.

So if you were to prioritize discretion, it would seem to me — would it not to you — if we had to choose, we would prefer to have discretion exercised in public rather than in private?

**Senator White:** You couldn't be more wrong. Restorative justice is actually a community-led, community-run process.

**Senator Mitchell:** That's not what you're saying.

**Senator White:** Restorative justice, which you said is police discretion, where they refer it to another system, is a public system. It's actually managed by the community. In fact, the community is the centre of attention, not the offender, like our mainstream system. The truth is it's more accountable and public than our mainstream justice system often.

**Senator Mitchell:** They use their discretion in many other ways than just referring someone to restorative justice. It may be accountable when they refer somebody to restorative justice, but it's certainly not accountable if they decide simply to disregard and let the person go at that time. There's no accountability whatsoever for that. That discretion is done, is utilized, out of public view, often on the spur of the moment by a police officer who hasn't necessarily had a chance to hear the case and understand the implications of it. But that's okay. Exercised discretion by judges, on the other hand, seems to be less a priority for Senator White.

[ Senator White ]

**Senator White:** The truth is, if a police officer does nothing and fails to do their work, from my perspective, they fail to do their work. Deferral or alternative system doesn't mean you do nothing. It actually means you hold people to account. In some cases it means court. In some cases it means a community justice forum. In some cases it means alternative measures. I never said I don't agree with judicial discretion. I said they have other tools. I've had judges refer cases directly to restorative justice. It does not take away that tool. We're not stating they can never do that. It's a mischief charge. What we're stating is if they choose to go ahead and carry the case forward and a conviction is registered, it's a minimum \$1,000 fine. I have to say honestly that is accountability from my perspective.

**Senator Dallaire:** Would you take another question, Senator White?

**Senator White:** Absolutely, general.

**Senator Dallaire:** Thank you very much. When I was a commanding officer, I had authority to put people in jail for two years less a day, under my authority. I did put a number of people in our military jail in Edmonton, and at one point we had nearly a 90 per cent success rate of no recidivism. It was in fact a very useful disciplinary tool, a positive tool but an extreme one.

Let me give you the example if I'm going down the road you're talking about. A soldier comes in and the sergeant major says, "You're late for parade. I'm going to warn you. That's it. No more, or I'll take other action." A couple of weeks later he's late for parade again. The sergeant major refers him to the troop commander, and the troop commander speaks to him, tries to make him aware that he's supposed to be disciplined and be there on time. They may give him a small task of extra duties or something like that.

The guy comes late a third time. Then all of a sudden he's charged, ends up in front of the commanding officer. The commanding officer has full discretion. There is no mandatory. The commanding officer can throw this guy in jail for a month. The reason is because the guy just doesn't understand that he's not supposed to be coming in late and he's been given all these chances.

In the context of your argument, it wouldn't be the first time this guy would be peeing on a cenotaph. It might be the fourth time, because maybe the judge gave him a break and sent him into whatever you call that term.

**Senator White:** Restorative justice.

**Senator Dallaire:** God knows if maybe your colleagues, two or three of them before that, gave this guy a break, too, for whatever mitigating reasons. The first time he comes up in this circumstance would be maybe the fourth or fifth time in regard to being charged. In that context, I have no problem with somebody being charged for committing an offence, but if the individual is faced with the law — and I speak of the judge — the judge has it written right here. You come up in front of me and you're found guilty, you get a \$1,000 fine and you have a criminal record.

That, to me, is not employing all the tools the judge would want to use. It would impose upon the judge having to take a draconian action that would be pejorative to the effort ultimately to educate this person not to act in that fashion.

**Senator White:** Thank you very much for the question. From my perspective, I think there are many options well before a judge has it in front of him and states, "You've been found guilty and I'll sentence you to a \$1,000 fine." Many times I was in a similar position as a commanding officer or as a police chief and I had people who would come late.

• (1550)

There's a big difference for me in their actions, often unintentional, and the actions we're speaking to that are intentional. If I look at the individuals when I was the police chief here who did exactly this on our local memorial, I can tell you the community was outraged by those actions. I still say there may be times when they won't find themselves convicted in front of a judge with a \$1,000 fine because there are other options. But when they're in the courtroom, I don't want to leave it to the judge to make the decision that will allow the community to say that that individual was held accountable.

You live in this city, and you know what people said when it happened a few years ago. They wanted people hung in this city, not a \$1,000 fine. If you have a question, Senator Mitchell, I'll take it.

**Senator Dallaire:** We're still trying to balance the exercise with the crime. I believe that this first offence doesn't permit that.

I'm not talking about the wacko or the ones that are deliberate, and I'm not talking about a motorcycle gang that comes and destroys a monument, or the whole gang stands around and urinates on it. You know we're not talking about that.

We're talking about those circumstances where people do stupid things, and they're over 18; so I don't get into the question with my colleague in regard to minors. They are college students after the football game who have been drinking and so on. There are a multitude of scenarios that present themselves in which this law would preclude, in the full understanding of it, the judge from having the option of going the route you're speaking of. If it said the judge has discretion on the second offence, then it's 14 days in jail. If it said that, or on third offence, then I have no problem with that; throw the key away. But not on the first offence — I don't think that's fair — because you're going to catch kids who have simply done something stupid.

The amendment says throw the key away if they've done it the second or third time. Or the judge can see if he does it deliberately. The guy goes deliberately and has cameras or, God knows, tweets it or whatever other terms you use, and sends it around the world. Hang him. Sure.

But in the circumstance we're trying to cover here, we want the judge to have more room to manoeuvre. I'm saying that on the first one don't tie the hands of the judge. The second and third time, go for it. Do you not agree?

**The Hon. the Speaker *pro tempore*:** I was going to ask, where is the question?

Senator White, are you asking for more time?

**Senator White:** No, I'm good. Thank you.

**An Hon. Senator:** Oh, oh.

**The Hon. the Speaker *pro tempore*:** On debate, Senator McCoy.

**Senator McCoy:** That wasn't addressed to me, was it? No, no, just a minute now.

Apart from the kibbitzing that's going on here, we have focused in on the issue of discretion on sentencing. It doesn't matter how often you deflect the conversation to discretion on an investigation which the police undertake, or discretion on the part of the prosecutor as to whether charges are laid, or discretion on the part of a judge as to what process is used, we are still limiting judicial discretion on sentencing.

We are saying that if the judge sentences, there will be a \$1,000 fine at least and that's mandatory. We are setting up a situation in which we have, in many instances, said that it doesn't matter whether the punishment fits the crime. In fact, in many cases, the punishment will not fit the crime. That is a situation that was argued against, long and hard in the Star Chamber.

We have, over centuries, learned to allow discretion at all of the stages. We don't just trust the police; we don't just trust the prosecutor; we don't just trust the community; and we don't just trust the judges. That, it seems to me, is a worthwhile position to maintain in our system.

I'm not comfortable, as many others have said, with substituting my judgment in this chamber for all the myriad factual situations that could arise out there. So, I, too, will support this amendment.

The practical effect we are beginning to see arise — because I think Senator White is quite right — the judiciary will look for any way, short of doing their job, and they are; they're finding every way possible around imposing minimum judicial sentences. What we are doing is creating the incentive for our judicial system to fail to take action. Senator White has said if he sees a police officer failing to take action, then he's not doing his job.

So why would we, with the benefit of experience like Senator Dallaire; experience like mine, as a lawyer; experience of Senator White, as a senior police officer — so many of us who have lived long enough to understand the benefit of some wisdom, not to mention compassion in these situations as they arise — why would we limit the circumstances in which we can leave it to those who are dealing with it on a daily basis to make a judicious decision to make sure the punishment fits the crime?

**Senator Mitchell:** Thank you, Senator McCoy. I'd like to ask a question as a follow-up using your experience as a lawyer to one of Senator White's points.

Part of his argument hinges on the need to reflect public sentiment. I think he said the public, in the example he used, was outraged at what occurred. Certainly the public is often, if not simply from time to time, outraged at what's occurred. They have every right to be, and certainly that's a justifiable reaction. But the implication of his argument is that we have to reflect that outrage in mandatory minimums.

Is it not the case, in our judicial system, that it is fundamentally within the prerogative, if not within the obligation, of a judge ruling on a court case that he or she reflect the current public sentiment about a given act, with all the myriad of specific facts that would surround that act, and that the judge, he or she, doesn't do that in the hypothetical sense that a bill like this would, but does that in the specific, concrete, practical moment at which that judgment is being made on the basis of what the public sentiment really might be and on the basis of what the facts of the case are and not hypothetically?

**Senator McCoy:** That's largely correct. Again, it comes back to ensuring that the punishment fits the crime. We can all imagine — and Senator Frum sketched out a couple of examples earlier — cases that would, rightly so, offend each and every individual in our society — communities, neighbours, friends, and people we go to church with. Of course, the community would be outraged.

In most cases, in a situation like that, the judge as an individual and a member of the community would also be outraged. In those cases, no doubt an appropriate punishment might be even more than this minimum. But the appropriate thing is like that song — I wish I could hum it. If Tommy Banks were still here, he could hum it for me, Gilbert and Sullivan, "Let the punishment fit the crime." That is a very basic tenet we have upheld for many centuries in our Western system of justice. I will, therefore, support Senator Dallaire's amendment.

• (1600)

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

**Hon. Daniel Lang:** Honourable senators, I want to put a couple of points on the record.

The previous speakers have talked about whether the crime meets the penalty. I want to make a couple of points, and I have listened very patiently.

First of all, we talk about some young people at 2:00 in the morning drinking beer in the park. Well, first of all, that's illegal. They have broken one crime.

Secondly, what they do in this case is a very symbolic act, and they know what they are doing. You can't say that they don't. At the end of the day, there is a consequence. I think it's very important that we understand what that consequence is, which is a minimum of \$1,000. A minimum of \$1,000 at \$10 an hour, if one goes out to work at minimum wage, is basically 100 hours.

Now think about it. We talk about people being unemployed. We talk about the fact that people can't find workers. This may be an opportunity or should be seen as an opportunity for a



young person to go into a courtroom and find out that there is a consequence for their action and they have to go to work to pay for it — a criminal record that can be taken care of over time.

From my point of view, when I listen to everybody speaking here, it would seem to me that this minimum does at least start to bring to the court's attention the consequence that this house thinks that this particular symbolic act warrants, and that's one of our responsibilities. It's not our responsibility to say that there has been a crime committed and that we really don't know what the consequence should be or that there should be a minimum consequence.

I would argue with my colleague from Alberta that this penalty does meet, at least at the minimum, the penalty that should be required for such an act, as my good colleague Senator Frum explained at the outset of this discussion.

**Senator Dallaire:** Will you take a question?

**Senator Lang:** I will let you have one. I think the debate is there.

**Senator Dallaire:** You just gave me a fabulous example: \$10 an hour, 100 hours of work. Well, why can't the judge simply say: "Listen buddy, you're going to spend 100 hours working at the Legion washing the floors"; or, "You're going to spend 100 hours listening to veterans tell you what the hell they have been doing and how that place is so significant to them." Why can't that be the first punishment to a first offence? And if they are stupid enough to do it again, then, yes, throw them in jail.

I have not debated that. I have just debated that the aim of the exercise is to educate, inform and bring maturity to our nation on these things and not to crucify people. Don't you think that option would be more worthy?

**Senator Lang:** Colleagues, I think I have stated my case pretty well. We know the act that has been performed by these individuals, and quite frankly, they know what they are doing. It's a symbolic act that quite frankly is unacceptable to every member in this house.

My point is \$1,000 today is not that much money. It does require somebody to go out and find a job and go to work, and maybe that's what they should be doing instead of partying at 2:00 in the morning and committing an illegal act when they are doing it.

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

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** First, we will proceed with the motion in amendment. It was moved by Honourable Senator Dallaire, seconded by the Honourable Senator Eggleton:

THAT Bill C-217 be not read a third time but that it be amended in clause 1, on page 1 —

Am I allowed to dispense?

**An Hon. Senator:** No.

**The Hon. the Speaker pro tempore:** I shall read it in French.

[Translation]

The Honourable Senator Dallaire moved, seconded by the Honourable Senator Eggleton, P.C.:

That Bill C-217 be not now read a third time but that it be amended in clause 1, on page 1,

(a) by replacing line 15 with the following:

"grounds of such a building or structure or in a"; and

(b) by replacing lines 23 to 27 with the following:

"(i) for a second offence, to imprisonment for not less than 14 days, and

(ii) for each subsequent offence, to im-".

[English]

Those in favour of the motion in amendment please say "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** Those against the motion in amendment please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker pro tempore:** Definitely the "nays" have it. It is rejected, on division.

Are honourable senators ready for the question on the main motion?

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Runciman, seconded by the Honourable Senator Wallace, that this bill be read the third time.

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

**Some Hon. Senators:** No.

**Some Hon. Senators:** Yes.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** Those against the motion please say "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** Definitely the “yeas” have it. The motion is adopted, on division.

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

[*Translation*]

## ECONOMIC ACTION PLAN 2014 BILL, NO.1

### TENTH REPORT OF NATIONAL FINANCE COMMITTEE ON SUBJECT MATTER TABLED

Leave having been given to revert to Presenting or Tabling Reports from Committees:

**Hon. Joseph A. Day:** Honourable senators, I have the honour to table, in both official languages, the tenth report of the Standing Senate Committee on National Finance, which deals with the subject matter of Bill C-31, An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures.

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

## CRIMINAL CODE

### BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

**Hon. Jean-Guy Dagenais** moved third reading of Bill C-444, An Act to amend the Criminal Code (personating peace officer or public officer).

He said: Honourable senators, I am pleased to address you today in support of Bill C-444, An Act to amend the Criminal Code (personating peace officer or public officer).

This bill is on the applicable sentencing for a person found guilty of the offence of personating a peace officer.

More specifically, this bill provides that personating a police officer or a public officer for the purpose of committing another offence will be henceforth considered by a court to be an aggravating circumstance.

Personating a police officer is a hybrid offence that carries a maximum of five years imprisonment on conviction on indictment. The offence consists essentially of pretending to be

a peace officer, or trying to fool another person into believing that one is a peace officer.

• (1610)

It is important to note at the outset that this is an offence even if there is no ulterior purpose to the deception by the perpetrator. It does not require that a person have a specific malicious purpose for pretending to be a peace officer, or that they accomplish something malicious by doing so. A person might want another to pass themselves off as a police officer for any number of reasons, not all of which are aimed at further criminal conduct.

[*English*]

It is easy to understand why this conduct must be criminalized. In our society, trust and confidence in the police is absolutely critical. If people pretend to be peace officers when they are not, then those who have been duped may lose faith in the uniform and in the police; they may become fearful of police or less responsive to police requests for assistance.

[*Translation*]

There are many potential negative consequences to even relatively innocuous cases of police personation that should concern us all as legislators.

When it comes time to sentence an offender for having personated a peace officer, the motivation behind that act of police personation can become highly relevant.

Thus, Bill C-444 targets the sentencing process and specifically the circumstances, which fortunately are rare in our country, where a person pretends to be a police officer in order to facilitate the commission of more serious offences.

The confidence we have in our police and the immediate sense of trust we have in those who wear the police uniform are essential for the safety of our communities. However, that very confidence and trust must not be exploited by those with malicious intentions.

Most citizens will acquiesce to the authority of those they believe to be police officers, based on the wearing of the uniform alone. Exploiting a citizen's trust in the police in order to gain control over their movements, or entry into their house, are the most troubling forms of this offence. This not only causes a great deal of anguish for survivors of these offences, but also makes it more difficult for police officers to keep our communities safe. These situations are especially deserving of condemnation by sentencing courts, as well as by Parliament.

Bill C-444 stipulates that personating a police officer for the purpose of committing another offence must be considered by a court to be an aggravating circumstance for sentencing purposes. It is distressing to contemplate the sort of offences that can be facilitated by police personation and to reflect on the cases that we do know about. Clearly, when an individual commits this

offence with the specific goal of making it easier to commit other more serious crimes, the court must consider it to be a very serious aggravating circumstance when determining a suitable sentence for the perpetrator. Bill C-444 will ensure that that is what happens.

The issue of consecutive versus concurrent sentencing has been raised a number of times in previous debates and committee discussions on this bill.

Subsection 718.3(4) of the Criminal Code sets out the general principles governing the manner in which sentences imposed for multiple offences must be served, namely, when they should be served consecutively and when they should be served concurrently. Unfortunately, that provision is a mix of old legislative measures and is difficult to understand. Another bill, Bill C-26, which is currently being examined in the other place, will clarify this provision and the rules on consecutive sentencing.

The amendments proposed in Bill C-26 basically seek to codify the practices our courts have developed for determining whether to impose consecutive or concurrent sentences. Although the courts generally have the discretionary power to make that decision, they typically order sentences to be served consecutively, unless the offences arose out of the same event or the same series of events, in which case they generally impose concurrent sentences. In order to determine whether offences arise out of the same event, the court must consider whether there is a temporal or logical connection between them.

Note that this rule is not absolute. Courts acknowledge that, in some cases, the sentences imposed for offences committed as part of the same event or a series of events should be served consecutively. One circumstance in which courts will impose consecutive sentences for offences arising from the same event or a series of events is where that approach reflects the reprehensible nature of offences committed in such situations.

Personating a peace officer in order to gain control over a person and subsequently commit violent offences against them constitutes a situation of extreme moral culpability that warrants consecutive sentences.

Other sentencing principles must also be kept in mind. Paragraph 718.2(a) of the Criminal Code describes a number of aggravating factors that apply to all offences. These include, for instance, evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim. This factor could certainly be argued to be at play where a person submits to the authority of a person precisely because they are dressed in a police uniform, as the very uniform itself represents an office that Canadians inherently trust and whose authority is widely respected.

It is also important to note that the totality sentencing principle always applies. This principle, found in paragraph 718.2(c) of the Criminal Code, requires that where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh.

[English]

Bill C-444 reflects the view of Parliament that the law should clearly identify the personation of peace officers, where committed for the purpose of facilitating other offences, as an aggravated form of the offence.

While this form of conduct continues to be relatively rare in this country, it is a truly horrific form of criminality that has so many negative consequences on the public at large, on the ability of police to carry out their functions and especially on any individuals whose trust in public institutions and authorities was used against them to facilitate their victimization.

[Translation]

Bill C-444 is worthy of support for helping to raise awareness about the dangers of police personation and for enabling Parliament, through a clear legislative statement, to express its unified condemnation of those who would turn our best qualities as citizens against us.

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

[English]

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

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

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

**Senator Martin:** On division.

(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 Ringuette, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

• (1620)

## CRIMINAL CODE

BILL TO AMEND—SECOND READING—  
DEBATE ADJOURNED

**Hon. Bob Runciman** moved second reading of Bill S-221, An Act to amend the Criminal Code (assaults against public transit operators).

He said: Honourable senators, I rise today to speak in support of Bill S-221, An Act to amend the Criminal Code in relation to assaults against public transit operators.

This bill amends the Criminal Code to require a court to consider the fact that when the victim of an assault is a public transit operator engaged in the performance of his or her duty, that is an aggravating circumstance for the purposes of sentencing. In doing so, it adds a new section immediately after section 269 in the Criminal Code.

This new proposed section 269.01 also defines a public transit operator as an individual who operates a vehicle used in the provision of passenger transportation services to the public and includes an individual who operates a school bus.

A vehicle, for the purposes of this section, includes a bus, para-transit vehicle, licensed taxicab, train, subway, tram and ferry. I will briefly explain the scope of the problem that I hope this bill will address.

According to the Canadian Urban Transit Association, there were 2,061 reported assaults on transit employees in Canada in 2011, with more than 80 per cent of those committed in-vehicle. Because not all transit operators track and report assaults, the number is no doubt significantly higher than this.

However, it is not just the number of attacks that justifies this bill; it is also the degree of violence involved and the danger to public safety these attacks pose — a risk that goes far beyond the immediate victim and what I believe to be an all-too-often inappropriate response by the justice system.

This is not a new problem, but there is growing awareness due to incidents such as the release of a video last year by Winnipeg Police of a prolonged beating inflicted on a city bus driver by a passenger upset because the driver wouldn't give him a bus transfer unless he paid the fare.

I can give you similar stories from every major city in this country: a cup of urine thrown on a driver in Ottawa; a Toronto driver beaten with a hammer; a Vancouver driver punched, bitten and knocked unconscious; a Montreal driver repeatedly stabbed and slashed with a knife.

Invariably, these attacks are unprovoked or involve a passenger upset because he missed his stop or is being asked to pay a fare for riding the bus. Drivers on British Columbia's Lower Mainland announced in December of last year they would no longer check fares because of the high risk of assault.

Often the assault takes place when the bus is moving, including one here, in Ottawa, where a passenger shoved and punched a driver as he was travelling at 90 kilometres an hour on the transitway.

Just consider the consequences of an attack on the driver of a large vehicle, carrying dozens of passengers, travelling down a busy street. The driver, the passengers on the bus and other motorists and pedestrians are all at grave risk. There may well be cases where the sentence is appropriate, but, far too often, it is not.

In British Columbia last year, Del Louie received an 18-month conditional sentence for a February 2011 attack on Coast Mountain bus driver Charles Dixon where he sucker-punched Dixon, causing a serious facial injury. The driver was off work for a year; the perpetrator served not a single day in jail. This was an accused with a previous record of doing exactly the same thing — an accused who twice breached his bail conditions while awaiting sentencing.

In 2010, also in British Columbia, a Port Coquitlam man was given a three-month conditional sentence and nine months of probation for grabbing a driver by her throat and pulling her out of her seat. She missed months of work; he served not a day in jail.

Last year, some of you may remember that I gave a statement in this chamber about the Ottawa case of John Karagiannis, who was driving an OC Transpo bus on Bank Street, near Billings Bridge, when a passenger got upset because a driver didn't stop to pick up people between regular stops. Karagiannis was attacked by passenger Paul Ness. He stopped the bus, but Ness dragged him out to the street and continued to beat him in front of a crowd of witnesses. It was a brutal assault and it left the driver with a broken nose and cracked ribs.

Ness had previous convictions for assault causing bodily harm, obstructing a peace officer and mischief. Yet, he was given a 12-month suspended sentence and 12 months' probation.

Just last month in Ottawa, we had the case of Patrick Guitard, who pleaded guilty to assaulting bus driver Ian Hodge — and to breaching a probation order while doing so. I'm going to go into a bit more detail on this case because it's of particular relevance to the bill we have before us. I should say a word or two about Mr. Guitard.

Prior to this incident, he had 17 assault convictions and two robbery-related convictions. In this case, Mr. Guitard became upset because he missed his stop and ordered the bus driver to turn around and drive back. He then shoved the driver, causing the bus to swerve into oncoming traffic. Mr. Hodge, the driver, told Guitard not to touch him. Subsequently, Guitard punched the driver, causing him to pull the bus over.

In this case, the Crown sought 18 months in jail followed by one year of probation. Counsel for the accused asked for one year in custody. But the judge chose to ignore the submissions of the Crown and defence counsel and the serious criminal record of the accused and sentenced him to just six months in jail for the assault and nine days in custody for the breach of probation. In my view, that is an insufficient penalty for someone with this type of record committing this type of offence.

The Crown argued the fact that this assault took place on a bus driver, an occupation particularly vulnerable to assault, should be an aggravating circumstance — the very thing this bill would require. The judge, Justice David Paciocco, rejected that argument. In his decision, the judge wrote: “I will not consider the assault to be aggravated simply because the victim was a bus driver.” He went on to note that the Criminal Code does list certain groups for which the seriousness of an offence is aggravated, but bus drivers are not listed.

Honourable senators, here we have a driver in charge of a large vehicle, containing 35 passengers at the time of the assault; a driver unable to protect himself from assault because his attention must be focused on driving the bus. Not only is he vulnerable, but an assault on him also puts at risk his passengers, as well as other motorists and pedestrians on a busy city street. Yet, this assault is not considered as aggravated by those factors and the accused gets a lesser sentence than even his own lawyer recommends. The judge emphasized that nowhere in the Criminal Code does it say it is an aggravating circumstance if the victim of an assault is a public transit operator.

So I say, okay, let's put it there, and that's what this bill does. Let's make it an aggravating circumstance that the judge will have to consider. This is not an unusual approach. A majority of U.S. states have either specific offences or enhanced penalties for assault of a transportation worker.

I should point out that there is a significant difference between this bill and the ones introduced in the other place in recent years.

• (1630)

Bill S-221 includes taxi drivers in the definition of a public transit operator. Driving a taxi is a very dangerous occupation. Drivers work odd hours, carry cash and often serve customers who are impaired in one way or another. According to Statistics Canada, the homicide rate for taxi drivers, from 1997 through 2011, was 3.2 per 100,000 people working in the occupation. That's significantly higher than the homicide rate for police officers. Twenty-three Canadian taxi drivers were murdered when on the job during those years.

There are no solid statistics on the assault rate for taxi drivers, but the iTaxiworkers Association, which represents drivers in Ontario, has surveyed its members and found that more than half of them report being assaulted while on the job.

I know from the earlier discussion today that the topic of mandatory minimum penalties has been a contentious one and continues to be so in this chamber. I am, in many cases, a supporter, but not in this case. In my view, the range of conduct that is technically assault is simply too broad to come up with a workable minimum penalty. A minimum penalty that would make sense for minor incidents would not be sufficient for some of the cases I've detailed here today. I believe the approach taken in Bill S-221 can have a meaningful impact on sentencing in these cases. For example, in the last case I cited, given the judge's own words, it would have been more difficult for him to come to his conclusion if the change I'm proposing was already in place.

This is a bill that balances Parliament's right to provide direction to the courts in defined circumstances with judicial discretion at sentencing. It is a bill that I believe will help protect transit operators and passengers. Honourable senators, I ask for your support for Bill S-221.

(On motion of Senator Fraser, debate adjourned.)

## TOUR OF ALBERTA

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to Canada's Pro-Cycling Festival, the Tour of Alberta.

**Hon. Joseph A. Day:** Honourable senators, since this is the concluding day for Bike to Work, I thought it might be an appropriate time for me to speak on this particular inquiry, which I thank Senator Mitchell for bringing to the attention of our honourable colleagues. It relates to cycling. I'm going to be somewhat more liberal in my interpretation of his inquiry and deal with cycling generally as opposed to cycling in Alberta, but I'm sure he would forgive me for that.

This is Bike to Work Week, and that particular designation began here in Ottawa. Biking is alive and well here in Ottawa.

There's another biking activity that has been brought to our attention in the last few weeks, and that is Clara Hughes biking across Canada with a number of other individuals to bring attention to mental health. Cycling is being used in a number of different ways to raise a number of different issues.

In recent years, honourable senators, cycling has become a very important participatory sport in Canada, and the bicycle has become a more popular and relatively inexpensive form of urban

transportation, forming an increasingly broader basis for interest in cycling as a spectator sport. The advent of dirt and mountain bikes has produced a relatively new cycling dynamic, and the wide choice of bicycle manufacturers to choose from when selecting a new bike has extended the development of intercity, healthy and alternative transportation across Canada and beyond.

That more and more Canadians are pursuing cycling is now a fact. Of course, there is also a brisk business in the purchase of second-hand bicycles and in urban mobility convenience trails.

Competitive cycling, as Senator Mitchell brought to your attention, is an activity requiring an extraordinary endurance and focus. We watch the Tour de France each year with great interest and admire the physical stamina of those who participate in that sport. The physical demands are enormous. Cycling is one of those sports that push the athlete way beyond the normal limits of effort. This year will be an important one for Canadian athletes pursuing many sport disciplines.

The 2014 Commonwealth Games will be held in Glasgow, Scotland, on June 4. The Canadian pro cycling team has announced, at the culmination of months of preparatory competitions, that 12 cyclists will be funded by Commonwealth Games Canada to participate. An additional three will be supported by Cycling Canada. We will be sending 15 cyclists to the Commonwealth Games in Scotland.

Recently, I had the pleasure of hosting one of Canada's leading cyclists, and that's what prompted me to comment on Senator Mitchell's inquiry. The person to whom I refer is Steven Todd Bauer, three times Canada national cycling road race winner and the first Canadian Olympic cycling medal winner in 1984, who twice represented Canada in the Commonwealth Games. I mention Steve Bauer because he has been in the forefront of the popularization of cycling from coast to coast to coast in Canada and is a distinguished mentor and role model for so many who seek to excel in the sport of cycling.

Cycling is a positive, upbeat and active sport, but, obviously, the use of bicycles goes beyond the realm of sport. Fifty years ago, our planet produced an equal number of bicycles and cars, at a rate of about 20 million per year for the planet. By 1983, we were manufacturing 20 million bicycles alone, and they have become so ubiquitous today that we probably cannot estimate their total number. The expansion of urban cycling lanes will be widespread in Canada this decade, as we have seen on Laurier Avenue and a number of other streets in Ottawa. In our own hometowns we have seen the increased number of trails for cycling.

• (1640)

Honourable senators, it is estimated that car manufacturing has merely doubled since 1965 — merely doubled — while bicycle production has increased fivefold since 1965, to a current annual estimated number of bicycles being manufactured in the world at 100 million per year.

Millions of folks now cycle to work every morning, and even more this week to commemorate Bike to Work Week here in Ottawa. Municipalities are mandating dedicated lanes for cyclists.

Residents of high-density urban cores are insisting that cyclists be granted safe roadway consideration and are treated with dignity and respect.

Here in Ottawa, there are many important roadways that have been given dedicated lanes for cyclists. Laws for cyclists wearing helmets have been introduced. Bicycle repair shops are cropping up. The City of Ottawa now provides bicycle rental kiosks at the junction of many of our downtown tourist locations.

Could it be that we are on the precipice of a dramatic urban mobility game changer? Could it be, honourable senators? These developments may be a peek at the future of urban mobility. Could it be that in North America our love affair with the automobile is changing?

It is little wonder that cycling as both a spectator and participatory sport has created more and more interest in the last few years. Bicycle manufacturing is truly a big business and the stars of cycling are well recognized in the world of competitive sport. Canadians expect more and more cycling festivals like the Tour of Alberta, and that, I'm sure, will be expanding as years go on. Bike trails are proliferating, like the Steve Bauer Trail that winds its way through the Ontario city of St. Catharines.

All of this will serve to reinforce an interest in cycling competitions across Canada and beyond. Such activity will have a positive influence on the health of Canadians and on Canada's environment. We will likely indirectly have an influence on public expenditures in relation to health care and health programs.

I look forward, honourable senators, as I trust you do, to the positive contributions that cycling is making and will be making for years to come in our country.

**Hon. Yonah Martin (Deputy Leader of the Government):** Will the honourable senator take a question?

**Senator Day:** Certainly, I would. I'd be pleased to.

**Senator Martin:** My question relates to the urban planning around cyclists. I'll first say that I have great respect for cyclists and the community of cyclists. I, myself, am not a cyclist, but I know that in living in B.C., in the Metro Vancouver region, the climate is such that it is more conducive to create bike lanes, et cetera.

When our honourable colleague Senator Campbell was my mayor, he did get my support and we didn't have the kinds of bike lanes that are throughout our city. I just have to say that when you were talking about the kind of transition or wave that perhaps we're making throughout Canada in certain urban centres, perhaps like Vancouver, as a motorist, when I'm downtown and these lanes are everywhere, the lights are everywhere, it's been very frustrating for me trying to navigate my way through my own city that I've lived in for more than four decades.

Would you speak to the planning that should be involved? This is a little off topic, but you had mentioned it in your statement so I thought I'd put that question to you.

[ Senator Day ]

**The Hon. the Speaker *pro tempore*:** A responsibility question.

**Senator Day:** I thank the honourable senator for her question and I would encourage her to become a cyclist. It's never too late to become involved in cycling. Knowing that you are an honourable senator from Vancouver, the number one city in Canada for cyclists, as a percentage of population, is Victoria and number two is Vancouver. It's probably because of the weather, as you indicated.

However, from the point of view of difficulty of driving downtown, as you had indicated, perhaps we should be thinking like Singapore and London and some of the other big cities, where people are saying it's impossible to drive downtown. The municipal leaders said, "Don't drive downtown. You shouldn't be driving downtown. If you're not cycling downtown, then you should be walking downtown, or taking public transit downtown, because too many people are in individual automobiles, one person in the car, using the infrastructure."

For the future, I see an increase in the number of trails. Even in my small town, where everybody drives downtown, we are building trails as part of the Trans Canada Trail system that trail bikes can go on, and they're going through town. They provide an alternative way to get to the market to pick up a few things, and a much healthier way.

I see that as the future and I would encourage all honourable senators, including the Honourable Senator Martin, who posed the question, to encourage this new wave of participation on bicycles.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Senator Martin has inspired me.

I'm not a cyclist. I used to be. In fact, one of the loveliest experiences I remember is cycling around Stanley Park, which is breathtaking. However, I am a driver and an occasional pedestrian, and I live in mortal terror. It's bad enough in a car when the cyclists, at least in my town, tend to assume that they have all the God-given rights imaginable and the rules of the road don't apply to them. But it's worse if you're walking along the sidewalk and you encounter cyclists who believe that the sidewalk belongs to them — at high speeds even.

There are cases, as I'm sure you're aware, of pedestrians being badly injured in encounters with cyclists. In my own family there have been quite terrifying encounters between motorists and cyclists — the cyclists being the aggressors.

What can we do in terms of changing that culture? If it doesn't change, the cyclists will never get all the sympathy they might otherwise get.

I spent time in Copenhagen a couple of years ago and I walked around. That's one of the great cycling centres of the world. I never was worried. Nobody interfered with my progress on the

sidewalks. Cars and bicycles were coping quite effectively. Why can't we do that and what do we need to do?

**Senator Day:** Thank you, Senator Fraser, for the question. The question is posed from the point of view of a person in an automobile. From a pedestrian's point of view, I have seen in Copenhagen, and in Holland as well, dedicated bicycle lanes. The cyclists get very upset if pedestrians interfere in the bicycle lanes. So it's the same thing from a cyclist's point of view. Give us our lanes, we'll be dedicated and use those dedicated lanes the same way automobiles use their lanes.

The problem arises in so many cities where we don't have dedicated lanes for cyclists, so cyclists either have to sneak onto the sidewalk or are coming in and out because cars are parked illegally along the side of the road.

We have to develop respect for each other. If we drive automobiles and cycle, we will be much more appreciative, one of the other.

• (1650)

**Senator Fraser:** It may be more civilized where you live, but let me give you an illustration of what I'm talking about, which is not the family incident I referred to a moment ago because I avoided the accident.

About two years ago, I was driving peacefully along de Maisonneuve Boulevard in Montreal, where there is a wide, two-way bike lane separated by a concrete barrier; that lane is only for cyclists.

**The Hon. the Speaker *pro tempore*:** Senator Day, are you asking for more time?

**Senator Day:** Yes, I am.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is five minutes granted to Senator Day?

**Hon. Senators:** Agreed.

**Senator Fraser:** Maisonneuve is a one-way street. There was no other traffic, fortunately, in the block at the time. All of a sudden out of the clear blue sky came a cyclist heading the wrong way down Maisonneuve, not in the bike lane where he would have had all the territory to himself, and straight at me in my car. The road was empty so I was able to do a 90-degree turn. He swore at me as he passed by. That's what I'm talking about in terms of culture. It would be nice if people would admit that we have a cultural problem and try to address it. Would you agree?

**Senator Day:** I hesitate, honourable senators, to get involved in a cultural analysis of the Maritimes and the city of Montreal. I trust that things will improve as time goes by and that everyone

will become more appreciative of the activities of others that are not their own.

**Hon. Grant Mitchell:** I was chuckling as I listened to the exchange. I believe it was Senator Day who referred to how unhappy cyclists are when pedestrians use the cycling lanes. I recall a colleague of mine in the Alberta legislature who was in a wheelchair at a time when people were abusing parking spots designated for disabled people. He was quite incensed one day in our caucus meeting as he talked about that. His response to the affront was, "I don't use able-bodied people's parking spaces; why do they use mine?" There seems to be a parallel in this case.

A revolution is occurring, pun intended, and biking is gradually becoming much more prominent in our transportation options. Would it not be reasonable to assume that we need to go through a transition period as a society, Senator Day, to make the jump from where we are with this kind of tension to a more amenable, cooperative arrangement?

I should also point out by way of a question: Is it not the case that we do not do away with driving lanes because there are bad drivers, and we work on making them better drivers?

**Senator Day:** Thank you, Senator Mitchell, for your question and again for bringing this inquiry before the Senate. It has given us a chance to think about some interesting developments.

An article in the paper last weekend that talked about Bike to Work Week is an indication of educating the public. If many people would take advantage of Bike to Work Week, just the one week to see what it's like, they would be much more appreciative of cyclists when they're driving to work the next week.

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

Seeing no one rising to adjourn the debate, I declare the inquiry debated.

(Debate concluded.)

## CANADIAN CHILDREN IN CARE

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hubley, calling the attention of the Senate to Canadian children in care, foster families, and the child welfare system.

[ Senator Day ]

**Hon. Mobina S. B. Jaffer:** Honourable senators, I have been working on bringing to the attention of the Senate the challenges that foster care has in the ethnic community. I haven't completed my research, so I would like to adjourn the debate.

(On motion of Senator Jaffer, debate adjourned.)

[Translation]

## DISPARITIES IN FIRST NATIONS EDUCATION

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dyck, calling the attention of the Senate to the disparities in educational attainments of First Nations people, inequitable funding of on-reserve schools and insufficient funding for postsecondary education.

**Senator Fernand Robichaud:** Honourable senators, I see that this inquiry is in its fifteenth day. It is an inquiry that warrants our attention and that should be further debated. I know that the Honourable Senator Tardif intends to speak on this inquiry. I move adjournment of the debate in my name.

(On motion of Senator Robichaud, debate adjourned.)

[English]

## BUSINESS OF THE SENATE

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, pursuant to rule 16-1(8), I wish to advise the Senate that a message from the Crown concerning Royal Assent is expected later today.

**The Hon. the Speaker *pro tempore*:** I advise honourable senators that after this announcement, no motion to adjourn the Senate shall be received, and the rules regarding the ordinary time of adjournment or suspension or any prior order regarding adjournment shall be suspended until the message has been received by either the Leader of the Government or the Deputy Leader of the Government.

[Translation]

**The Hon. the Speaker *pro tempore*:** We now therefore proceed to the Notice Paper. If we reach the end before the message of the Governor General arrives, I will suspend the sitting at that time.



[English]

## HUMAN RIGHTS

### MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE WITHDRAWN

On Motions, Item No. 68, by the Honourable Senator Jaffer:

That the Standing Senate Committee on Human Rights have the power to sit on Wednesday, May 28, 2014 at 2:15 p.m., even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

**Hon. Mobina S. B. Jaffer:** Honourable senators, pursuant to rule 5-10(2), I withdraw Motion No. 68 from the Notice Paper.

(Motion withdrawn.)

[Translation]

## RECREATIONAL ATLANTIC SALMON FISHING

### INQUIRY—DEBATE ADJOURNED

**The Hon. Ghislain Maltais** rose pursuant to notice of May 27, 2014:

That he will call the attention of the Senate to the protection of the Atlantic salmon sports fishery in the marine areas of eastern Canada, and the importance of protecting Atlantic salmon for future generations.

He said: Honourable senators, today, we went from justice to cycling. I was surprised to see that so many senators were interested in that, but the subject of my inquiry is something quite different.

The inquiry is about the disappearance of something that has been a defining symbol of Canada for centuries. I do not need to remind honourable senators that, in a general sense, for more than four centuries European countries came to pillage our seas and the shores of our Gulf of St. Lawrence. They shamelessly fished a resource that, at the time, belonged to the Indian people of Canada. They have continued to destroy a resource that was given to us by nature and that was Canada's strength. Before Confederation, Atlantic salmon was recognized as the favourite dish of Canadians.

• (1700)

Atlantic salmon used to be on the tables of common folk and high society alike. It used to delight everyone who came to Canada and especially those living here.

Of course, it was the favourite food of Indians in Eastern Canada. In large part because of the carelessness of European countries, we are now facing the disappearance of Atlantic salmon. This king of our rivers is disappearing. Fortunately, over the past 10 years, anglers have been putting them back into the water. Thirty years ago or so, the Government of Canada also banned net fishing across all of Eastern Canada. The provinces—whether it be Quebec, the Maritimes, New Brunswick, Nova Scotia or Newfoundland—have rebuilt the rivers after the log drives. Today, our water quality is remarkable. Our salmon rivers are pristine.

The provinces have raised young salmon to stock the rivers. Unfortunately, when they leave the rivers—and that is where the European problem lies—they fall prey to seals, those salmon killers, those salmon eaters, those river pirates. Not only do they go after salmon, but they are also depleting the cod and turbot resources, which come to us from Newfoundland. They have also eliminated a large quantity of groundfish in our Gulf of St. Lawrence. And they dare to lecture us today!

They are responsible before humanity, before history, the way they have been responsible for so many things. They are responsible before humanity for the disappearance of Atlantic salmon. They do not know Canada, maritime Canada. They are uncompromising.

Honourable senators, I know that many of you will speak up. We are in agreement. I'm giving an overview of the situation today. Others will talk about sport fishing, about how commercial fisheries have been abandoned and about the economic impact on our small municipalities. Fortunately, many senators will speak to this inquiry.

Am I angry today? I sure am. My father, grandfather and great-grandfather grew up fishing salmon. I'd like my grandchildren to have that opportunity. Even you, Mr. Speaker, you're an excellent fisherman and you passed your passion for this wonderful sport on to your children.

Every fisher who goes fishing in a large or small salmon river spends on average \$500 to \$1,000 in the municipality he goes through. Multiply that amount by a large number of fishers and that is a huge contribution to the economy.

Europeans do not realize that when they ban seal products and the seal hunt—which should not only be permitted, but also increased—it hurts these populations. Do you know that these monsters eat anywhere from 75 to 100 pounds of fish a day? We can't even keep track of the numbers in the herd. There are no more predators.

There's one thing I can't stand, honourable senators, which is why I introduced this inquiry today. I urge you to consider that every time there's a little environmental problem, Europeans, Greenpeace and environmentalists around the world worry about the belugas, which are not endangered, but no one is worried about the disappearance of what was once the crowning glory of Canada's food industry. I cannot accept that.

Today, in 2014, one cannot help but wonder what will be left in 10 years. Governments and fishers have made an effort. The Europeans are now going before the courts in an attempt to continue to deprive us of this resource. They are threatening our country with sanctions. Need we remind them that, for centuries and centuries, they shamelessly hunted beluga whales, an endangered species, for lamp oil? On the North Shore, in my area of the country, the Basque — to my knowledge they were French or Spanish but they often changed countries at the time — still come and destroy our whales, our belugas, for lamp oil. They are still there today. We will not take any lessons from the Europeans.

I am angry, but I am not the only one in Canada who is. There are thousands of fishers who are angry. We are a peace-loving people but, from time to time, we have the right to protect this sport. It's man against beast. Once we have conquered that beast, we are kind enough to return it to the water in good health. That's what we call salmon sport fishing, honourable senators.

I therefore invite all my colleagues from the Atlantic region to speak up in the chamber so that, at the end of the session, the Senate can issue a press release indicating that it is opposed to the European Parliament's decision and that it urges Canadians to pay a lot more attention to the decline in Atlantic salmon stocks.

Thank you.

**Hon. Fernand Robichaud:** Mr. Speaker, I would not want to miss an opportunity to speak about salmon fishing on the Miramichi River, in New Brunswick, where, of course, the biggest salmon are caught. In particular, I would like to talk about how important salmon is to people. It has been suggested that very few people are concerned about this, but I believe that, in the Maritimes and Quebec, many people are concerned about the health of salmon stocks.

(On motion of Senator Robichaud, debate adjourned.)

#### BUSINESS OF THE SENATE

**The Hon. the Speaker** *pro tempore*: Honourable senators, pursuant to rule 16-1(8), this sitting is suspended because a message concerning Royal Assent is expected. The sitting shall be suspended to the call of the Chair with the bells to ring for five minutes before the sitting resumes.

Honourable senators, do I have permission to leave the chair?

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

• (1740)

(The sitting of the Senate was resumed.)

#### ROYAL ASSENT

**The Hon. the Speaker** informed the Senate that the following communication had been received:

#### RIDEAU HALL

May 29, 2014

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 29th day of May, 2014, at 5:03 p.m.

Sincerely,

Stephen Wallace  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills Assented to Thursday, May 29, 2014:

An Act restricting the fees charged by promoters of the disability tax credit and making consequential amendments to the Tax Court of Canada Act (*Bill C-462, Chapter 7, 2014*)

An Act to amend the Canada Grain Act and the Canada Transportation Act and to provide for other measures (*Bill C-30, Chapter 8, 2014*)

(The Senate adjourned until Tuesday, June 3, 2014, at 2 p.m.)

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