



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, June 19, 2014

The Honourable NOËL A. KINSELLA  
Speaker

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

*Debates Services:* D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756  
*Publications Centre:* David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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## THE SENATE

Thursday, June 19, 2014

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

Prayers.

[*Translation*]

### ROYAL ASSENT

#### NOTICE

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

#### RIDEAU HALL

June 19th, 2014

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, will proceed to the Senate Chamber today, the 19th day of June, 2014, at 5:30 p.m., for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Patricia Jaton  
*Deputy Secretary*

The Honourable  
The Speaker of the Senate  
Ottawa

[*English*]

## SENATORS' STATEMENTS

### FIREFIGHTERS

#### FINANCIAL SUPPORT FOR SURVIVING FAMILY MEMBERS

**Hon. Grant Mitchell:** Colleagues, firefighters in Canada protect the population from some of the most devastating events a person can experience in their lifetime — whether it be a fire, car

accident, technical rescue, medical emergency or hazardous materials incident. These exceptional first responders are on the front lines of public safety in this country. At all times and at all places, firefighters are prepared to put themselves in harm's way and make sometimes, unfortunately, even the ultimate sacrifice for duty when called upon.

On April 29, I had the honour and the privilege of meeting with eight representatives of the International Association of Fire Fighters to discuss some of the most important issues facing firefighters in Canada.

Canada currently provides a \$250,000 benefit for families of members of the Canadian Armed Forces and the RCMP who have been killed in the line of duty. When I spoke to representatives of the International Association of Fire Fighters, they emphasized that firefighters and their families need to be recognized and supported in the same way.

While we currently recognize the tremendous service provided by volunteer firefighters through the Volunteer Firefighters Tax Benefit, the IAFF feels we must go further to ensure that families of deceased firefighters are adequately supported.

In their words, "The financial security of the family of a fire fighter who is killed or permanently disabled on behalf of Canadians . . . should not depend on the uncertainties of the collective bargaining process . . . ."

The IAFF, therefore, seeks the establishment of a national public safety officer compensation program in Canada, one that recognizes the indispensable and heroic service that these individuals render to Canadians.

Canadian firefighters also want to be as proactive as possible when it comes to their safety and the safety of all Canadians. This is why the IAFF is seeking recognition for firefighter safety in the National Building Code of Canada. They told me that modern, lightweight building materials often burn hotter, faster and with more lethal fumes than ever before, putting the lives of firefighters at even greater risk and giving rise to uncontrollable fires that can spread faster than they can keep up with.

What they want is to be able to rely on benchmarks of firefighter safety — which is also our safety — as a basis for building code policy and amendments. Firefighters need their concerns taken into consideration. Therefore, when the National Building Code of Canada is reviewed, they need a stake in this policy process in order to do their job.

The organization of firefighters remains a municipal priority to be sure, but what these eight representatives of the IAFF came to speak to me about was the need to acknowledge at the national level the crucial role that firefighters play in our lives. These issues affect all Canadians, and I encourage us all to continue to address the serious challenges that firefighters face on a daily basis.

## THE HONOURABLE JOANNE L. BUTH

### EXPRESSION OF THANKS ON DEPARTURE FROM SENATE

**Hon. JoAnne L. Buth:** It is with great humility that I rise to speak in this chamber one final time. I would first like to thank all my colleagues in the Senate. It has been a pleasure and an honour working with you. If I named all of the individuals that have helped me or befriended me, I would use up all of my time.

Needless to say, I'm grateful to all of you that have reached out, whether personally or on an issue of mutual interest. To my colleagues on the standing committees of Agriculture and Forestry and National Finance, I will certainly miss our discussion and debates.

My special thanks go to our Clerk and all of his staff. Your clerks Jodi Turner and Kevin Pittman are fine examples of the excellence of your staff.

Thank you to our security service for keeping us safe.

I would like to thank my staff, Loren Cicchini and Zachary Potashner. You have provided me with exceptional work and have generally kept me out of trouble. I know both of you will continue to have much success in the future.

I have never planned a career path. I have just worked hard, tried to work smart, and been open to new opportunities. I have always said when a door closes, another one opens.

I would like to thank Senator Marjory LeBreton, who identified agriculture as an area of interest in this place. That resulted in a very unexpected phone call from Prime Minister Stephen Harper two and a half years ago that changed my life. A door opened.

This is a rare opportunity that only a handful of Canadians are fortunate enough to experience, and I will never take my time here for granted. Fewer than 1,000 senators have served in this place since Confederation. I am number 916. What a privilege and an honour this has been.

Honourable senators, I would like to say to you that another door could open for you, many doors could open for you in terms of the modernization of this place. I would like to encourage you to go through those doors.

Honourable senators, if there is one thing I have tried to accomplish here, it was to bring agriculture to the forefront, to remind Canadians that the agriculture sector should not and cannot be taken for granted.

I want to leave you with one statistic to think about and to put on the record one final time. One in eight jobs in Canada is linked to the agricultural sector. I hope you remember that agriculture

not only provides a livelihood to a large portion of our population through employment, it also provides nutritious and safe food for Canadians and others around the world.

I want to end with a quote from Brenda Schoepp, who said: "My grandfather used to say that once in your life you need a doctor, a lawyer, a policeman and a preacher, but every day, three times a day, you need a farmer."

Colleagues, thank you very much for a remarkable two and a half years.

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

## DISTINGUISHED VISITOR IN GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to draw your attention to the presence in the upper Governor General's Gallery of the Honourable Jim Ross, who served with distinction in this place representing the province of New Brunswick.

To former Senator Ross, we welcome you back to the Senate of Canada.

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

• (1340)

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I wish to take the opportunity to draw your attention to the presence in the gallery of Dr. Tasleem Damji Budhwani, who is a clinical psychologist and a board member of the Boys and Girls Club of Ottawa; Adam Joiner, Senior Manager of the Boys and Girls Club of Ottawa and previous alumnus; and Achan Akwai Cham, Boys and Girls Club alumna and part-time intermediate youth worker. 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!

## MS. ACHAN AKWAI CHAM

### OTTAWA BOYS AND GIRLS CLUB ALUMNA

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak about the great work of the Boys and Girls Club of Ottawa. The Boys and Girls Club of Ottawa serves more than

4,500 children and youth every year. I would like to share with you a story of one of those children. Before I do that, I want to thank my friend Tasleem Budhwani, a director of Boys and Girls Club, for introducing me to the club, and for Adam Joiner, who is here today.

Achan Akwai Cham was born in Sudan in 1993. In 2000, her parents fled Khartoum, taking themselves and their nine children out of the civil war and into a refugee camp in Ethiopia. They would spend the next year there before moving to Ottawa. Not long after the family left the camp, it was attacked. Over a three-day period, more than 400 people were killed.

When Achan arrived in Ottawa, she was unable to read or write, or even speak English. The family settled into the capital's west end and tried to acclimatize themselves to their new home. Within a year, Achan's father returned to Sudan. He died in 2012.

Soon Achan and her siblings discovered the Boys and Girls Club of Ottawa. They found out about the programs offered there. They saw kids their own ages having fun. They learned that membership was free, but they'd need to go home to put shoes on before they could join. So they did, and they stayed.

Achan said that after her second visit, she was at the club every single day. She said that a lot of her childhood memories are from the Boys and Girls Club of Ottawa. She says, "I've sort of tuned out all of the crazy stuff that happened to me when I was younger, because it wasn't that pleasant."

The club programs had her focus on her schoolwork and helped with her language skills. Club staff introduced her to different people and got her involved in leadership programs. The club even gave Achan her first job — as a counselor at Camp Smitty, its residential summer camp.

Achan, like so many members, thrived. She graduated from high school with an 80 per cent average and was awarded a \$16,000 scholarship. Now 21 years old, she's close to finishing her diploma in social work and is planning to continue her education at either Carleton or McGill.

Achan was named a runner-up to Canada's Top Teen Philanthropist award and was the recipient of the Leading Women award for the West End of Ottawa. She's a proud Boys and Girls Club of Ottawa alumna.

Honourable senators, I would be remiss if I didn't recognize the great work our colleague Senator White has done for many years for Boys and Girls Clubs.

Honourable senators, every year the Boys and Girls Clubs work with thousands of children and youth to provide the after-school programs that can help their self-esteem and change lives. The Boys and Girls Club of Ottawa provides a safe, supportive place where children and youth can experience new opportunities, overcome barriers, build support and positive relationships and develop confidence and skills for life.

Honourable senators, I know you will join me in thanking the Boys and Girls Clubs in Ottawa and all across Canada for making sure that our boys and girls are safe.

## ALBERTA

### FIRST ANNIVERSARY OF FLOODS IN SOUTHERN ALBERTA

**Hon. Scott Tannas:** Honourable senators, tomorrow is the anniversary of the floods of southern Alberta, the costliest natural disaster in Canadian history, with more than \$5 billion of damage. While flooding affected many communities, including Calgary, Canmore and Lethbridge, the small town of High River, my hometown, was ground zero for the disaster. Four area residents lost their lives that day: Jacqui Brocklebank, Amber Rancourt, Dominic Pearce and Rob Nelson.

The raging flood waters came upon our little town with almost no warning, despite river monitoring systems upstream from our community. The fact is that as the data was received and analyzed from those upstream monitors in the early morning hours, the water flow numbers were so high that environment officials were reluctant to believe them, suspecting instead that there was a malfunction of the gauges.

There was no malfunction. In the days following, the enormity of the event was revealed. Water flow at the peak was almost double any high water amount ever recorded on the Highwood River. All 13,000 citizens of High River were ordered to evacuate. The RCMP, Canadian military and other government emergency agencies took control of the town and worked around the clock for nine days to make things safe enough for citizens to return to the community.

When we returned, what we found was heartbreaking. More than 80 per cent of the homes were damaged, many severely. Our central business district was virtually wiped out.

On that first day back, many of us were incapacitated, transfixed by the awesome power of Mother Nature and the complete devastation of our homes and community. But what happened next was what all of us from High River will remember the most — the awesome power of human kindness and compassion that enveloped us as thousands of volunteers streamed into our community to help us clean up and begin reconstruction.

These "angels" came from all over Canada and, indeed, from the United States and Mexico. They worked tirelessly for weeks in our community to help us get back on our feet. We will forever be grateful to all who supported us in High River and in southern Alberta in our hour of need.

As repair and remediation work continues one year later, there are many stories of sadness and frustration as citizens navigate a seemingly endless labyrinth as they attempt to access government resources that were pledged in the aftermath of the disaster. Not wanting to appear ungrateful, let me simply say that there are many lessons to be learned for future catastrophes.

But tomorrow in my community we are having an event that will help remind us all how fortunate we are to be part of that community and our province and, indeed, our country.

I had hoped to be there to respectfully mark the sad anniversary and to help celebrate the heroes of the flood of 2013. Instead, I will be here alongside you, senators, as we do our duty for Canada in Parliament, and it is my honour today to be able to put these words on the record.

### THE LATE DR. RICHARD G. ROCKEFELLER

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to pay tribute to Dr. Richard G. Rockefeller, late of Falmouth, Maine, United States of America, who departed this life last Saturday morning at age 65 years. His tragic death was the result of an airplane crash shortly after departing the Westchester County Airport in the state of New York. The sole occupant in the plane, he was returning home from visiting his father, Mr. David Rockefeller, with whom he had celebrated his ninety-ninth birthday.

Richard was a great-grandson of John D. Rockefeller, co-founder of Standard Oil Company. An unassuming, modest and gracious man, he was a well-motivated philanthropist. A Harvard Medical School graduate, he practised as a local doctor in Maine, and taught medicine in Portland, Maine, from 1982 to 2000.

He served on the board of the trustees of the Rockefeller Brothers Fund for 23 years from 1989, including seven years as its chair, and he was an advisory trustee at the time of his death.

He served as chairman of the board of advisers for Doctors Without Borders for 21 years, until 2010. Richard helped set up that organization's presence in the United States and worked at securing its funding. He had field assignments with the organization in South America, Africa and Southeast Asia.

Richard was a giant in the conservation of Maine. He was a devoted member of the Maine Coast Heritage Trust for 40 years and served as its chairman. Because of him, many generations will be able to enjoy Maine's coast for years to come.

I had the pleasure of working with Richard on the Sargasso Sea Alliance, the entity he co-founded with his friend David E. Shaw, of Portland.

As Speaker Kinsella knows, I was among the international guests at The Pocantico Center, on the estate of the Rockefeller Brothers Fund in Tarrytown, New York, last November. There I participated in the drafting of the Hamilton Declaration, the document which provides for collaboration of the conservation of the Sargasso Sea, known as the "golden rainforest of the Atlantic Ocean." Richard made that handsome facility available to the alliance for that important meeting.

• (1350)

For three years, Richard steered the alliance along, culminating in the signing of the declaration by a number of nations in Hamilton, Bermuda, this past March and the establishment of

a secretariat in Hamilton. I only wish that Canada had been a signatory; perhaps we shall be someday.

His recent work on treatment for veterans who suffer from post-traumatic stress disorder is another example of his commitment to giving back to community.

In closing, I wish to be associated with thoughts of his friend James Fallows who wrote in *The Atlantic* magazine:

... I offer sincerest sympathies to his family and friends, and hopes that the reputation of Richard G. Rockefeller, MD, lives on not for the advantages he began with but for the use he made of them.

### MADAM JUSTICE MANJUSHA PAWAGI

#### SUPPORT FOR STEM CELL BLOOD TRANSFUSIONS

**Hon. Asha Seth:** Honourable senators, it is a tragedy when our citizens suffer through no fault of their own. This is the case of Madam Justice Manjusha Pawagi, a wife and mother of twins who is currently in the fight of her life against a rare type of leukemia.

You may have heard of this highly accomplished 47-year-old who is also an award-winning children's book author, a Stanford educated journalist and, since 2009, a Brampton-based family judge. If she makes it through her second month-long round of chemo, she has only a 50 per cent chance of survival.

However, her chances could be significantly increased through a simple procedure known as a stem cell transfusion.

Unfortunately, in the South Asian community, and in many minority groups, there are very low rates of blood and stem cell donations, making the chances of finding genetic matches more than one in a million due to lack of diversity in the blood and stem cell supply. This lack of participation is reflected in the Canadian Blood Services' reports, which show that more than 70 per cent of their donors are Caucasian.

Establishing stem cell registries that reflect the diversity of the Canadian population is crucial because stem cells have an incredible ability to develop into many other types of beneficial cells, and in treating over 70 diseases worldwide.

It is imperative that we encourage our entire population, and especially minority groups, to register today with a blood and stem cell registry such as Canada's onematch.com.

Justice Pawagi is just one of the thousands of people in our country and around the world that wait with a very heavy heart for a donor, a saviour, a hope to regain their health.

It is not too late for Justice Pawagi and I hope to bring a positive change in this case, but I need your support in spreading this urgent message for others.

## NATIONAL ABORIGINAL DAY

**Hon. Vernon White:** Honourable senators, this Saturday is National Aboriginal Day, celebrating the First Peoples of this country.

Having spent most of my adult life working within Aboriginal communities with Aboriginal peoples across this great country, I can see that although we have come a long way in relation to the work done in our communities, we as well have a long way to go. I am very pleased to see the work we're doing to develop agreements between Canada and First Nations across Canada.

We have witnessed the challenge in our Aboriginal communities and the pride that Canada's First Peoples have as they work to improve their lives in Canada.

Honourable senators, I would suggest that all Canadians take this opportunity to better understand the path of Canada's First Peoples. This will allow us to better understand our history and, of course, our future, and look to that collective future for our solutions.

Having lived within these communities, I have seen the pride of Canada's First Nations, Inuit and Metis alike. Their history is rich and they have been there to work alongside the first Europeans who arrived in this land. They have fought alongside those same Europeans in the War of 1812, First and Second World War, as well as had soldiers in every conflict Canada has participated in. Canada and its relationship with our First Peoples is at a point in time where we can better prepare for a collective future than ever before.

Honourable senators, June 21 is a special day for all Canadians. We have an opportunity to thank aboriginals for what they have given us centuries ago — a home.

Please take the time to engage our Aboriginal communities on this day and every day.

[Translation]

## THE LATE CLAIRE MARTIN

**Hon. Andrée Champagne:** Honourable senators, this will probably be my last time speaking in this chamber too.

Yesterday evening, when I got home to my apartment, I turned on the television and got some sad news. Claire Martin, a great author and a great lady, passed away on Wednesday two months after celebrating her 100th birthday. She spent her whole life working to improve the status of women. She was the first female newsreader on Radio-Canada. In fact, she was the one who announced the end of the war in 1945 in French. She went on to write several books, the best-known of which was the two-volume *In an Iron Glove: The Left Cheek and The Right Cheek*.

She was an extraordinary feminist and a wonderful woman. I met her personally two years ago when we went to Quebec City. I realized that she had never received the Ordre de la Pléiade, Ordre de la Francophonie et du dialogue des cultures, so we went to

Quebec City and she was still well enough to meet us there. We shared a meal and officially bestowed upon her the Ordre de la Pléiade. We have lost a great woman and a great author.

Honourable senators, particularly my female colleagues, we have lost someone who shone brightly for us. If you didn't know her, try to get your hands on her books.

Thank you.

[English]

## ROUTINE PROCEEDINGS

### NATIONAL FIDDLING DAY BILL

#### THIRTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE PRESENTED

**Hon. Kelvin Kenneth Ogilvie,** Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, June 19, 2014

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

#### THIRTEENTH REPORT

Your committee, to which was referred Bill S-218, An Act respecting National Fiddling Day, has, in obedience to the order of reference of Tuesday, April 29, 2014, examined the said bill and now reports the same with the following amendment:

*Preamble, page 1:* Replace line 14 with the following:

“history of fiddle music, and in honour of Antonio”.

Respectfully submitted,

KELVIN K. OGILVIE  
*Chair*

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

**Senator Ogilvie:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be considered later this day.

**The Hon. the Speaker:** Is leave granted, honourable senators? [Translation]

**Hon. Senators:** Agreed.

(On motion of Senator Ogilvie, report placed on the Orders of the Day for consideration later this day.)

• (1400)

## CRIMINAL CODE

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

**Hon. George Baker**, Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, June 19, 2014

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

### THIRTEENTH REPORT

Your committee, to which was referred Bill S-221, An Act to amend the Criminal Code (assaults against public transit operators), has, in obedience to the order of reference of Wednesday, June 4, 2014, examined the said bill and now reports the same without amendment.

Respectfully submitted,

GEORGE BAKER  
*Deputy Chair*

He said: Honourable senators, we unanimously support Senator Runciman's bill.

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

**Some Hon. Senators:** Now.

**Hon. Bob Runciman:** At the next sitting of the Senate.

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

**Hon. Senators:** Agreed.

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

## STUDY ON INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS

### SEVENTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

**Hon. Mobina S. B. Jaffer:** Honourable senators, I have the honour to table the seventh report of the Standing Senate Committee on Human Rights on women, peace and security.

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

## HUMAN RIGHTS

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON HOW THE MANDATES AND PRACTICES OF THE UNHCR AND UNICEF HAVE EVOLVED TO MEET THE NEEDS OF DISPLACED CHILDREN IN MODERN CONFLICT SITUATIONS—EIGHTH REPORT OF COMMITTEE PRESENTED

**Hon. Mobina S. B. Jaffer**, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, June 19, 2014

The Standing Senate Committee on Human Rights has the honour to present its

### EIGHTH REPORT

Your committee, which was authorized by the Senate on Tuesday, May 6, 2014 to examine and report on how the mandates and practices of the UNHCR and UNICEF have evolved to meet the needs of displaced children in modern conflict situations, with particular attention to the current crisis in Syria, respectfully requests funds for the fiscal year ending March 31, 2015, and requests, for the purpose of such study, that it be empowered:

(a) to engage the services of such counsel, technical, clerical and other personnel as may be necessary; and

(b) to travel outside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and



Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

MOBINA S. B. JAFFER  
*Chair*

*(For text of budget, see today's Journals of the Senate, Appendix, p. 1127)*

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

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

[*English*]

## THE SENATE

### MOTION TO PHOTOGRAPH AND VIDEOTAPE ROYAL ASSENT CEREMONY ADOPTED

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

That photographers and camera operators be authorized in the Senate Chamber to photograph and videotape the Royal Assent ceremony today, with the least possible disruption of the proceedings.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## ADJOURNMENT

### MOTION ADOPTED

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 16, 2014, at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## SICKLE CELL DISEASE AND THALASSEMIC DISORDER

### NOTICE OF INQUIRY

**Hon. Jane Cordy:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to sickle cell disease and thalassemic disorder and the importance of screening to identify infants with sickle cell disease and the need for improvement of the management of sickle cell disease and thalassemic disorders in Canada.

## QUESTION PERIOD

### PUBLIC SAFETY

#### MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

**Hon. Lillian Eva Dyck:** Honourable senators, my questions today are for the Leader of the Government in the Senate.

On June 4, 2014, just a few weeks ago, in response to questions put by my honourable colleague and friend the Honourable Senator Sandra Lovelace Nicholas on the very important issue of missing and murdered Aboriginal women, you said:

Need I remind the senator — she surely read the RCMP report on the subject — that, unfortunately, the findings of the inquiry show similar levels of crime, whether we are talking about crimes committed against Aboriginals or non-Aboriginals?

This is the report that you and she were referring to. I would ask all honourable senators in the chamber to get out your iPads, open Safari, type in “RCMP report on missing and murdered women” and it will come up. You can actually look at it and follow along, because I’m going to go through some of the tables and figures. You can actually look at them; it’s easier if you look at them.

If we were a modern facility, we would have a nice big screen and I could do a PowerPoint, right?

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

**Senator Mercer:** Where's Hugh Segal when we need him?

**Senator Dyck:** Yes, we would be televised. I'm on a roll here. We would be televised and then all Canadians could be following along — “follow the bouncing ball” — as we go through the report.

Senator Carignan, I trust your assistant has sent you the link to the report. Let me go through that quote again when you were answering my friend and colleague Senator Lovelace Nicholas:

Need I remind the senator — she surely read the RCMP report on the subject — that, unfortunately, the findings of the inquiry show similar levels of crime, whether we are talking about crimes committed against Aboriginals or non-Aboriginals?

I would like to know: Do you stand by that response you made to my honourable colleague? I ask you this because I have read through this report. I must admit, I still find it easier to look on paper. If you go to page 9 of the report, there are three columns of text. The last paragraph of the first column on the left-hand side says:

There were 1,017 Aboriginal female victims of homicide during this period, which represents roughly 16% of all female homicides — far greater than their representation in Canada's female population as described above.

Now, Aboriginal females represent only 4 per cent of the total population, yet they represent 16 per cent of all homicides. That means there's a four-times-greater number of Aboriginal women in the homicide file.

How can that be similar? Could you answer that question?

• (1410)

[Translation]

**Hon. Claude Carignan (Leader of the Government):** I may have been misunderstood, but I never said that the percentage was the same, especially since according to the RCMP report, there is clearly an overrepresentation of Aboriginal women. What I said is that the solve rate was the same. If you read the report, you will see that the solve rate for crimes committed against missing and murdered Aboriginal women and for crimes against non-Aboriginal women is the same.

[English]

**Senator Dyck:** Thank you for that answer. In fact, that is correct. The solve rate between Aboriginals and non-Aboriginals is about the same; but that isn't what you said. You said what I just quoted to you, that the crime rates were similar. I would suggest that you contact the staff who sent you that and tell them that the answer they gave you wasn't correct according to the actual data.

Continuing along that same line, let us go to the graphs on page 10 of the report, where figures 3 and 4 quite clearly show, particularly in figure 4, that the proportion of Aboriginal female

homicides has been steadily increasing since 1980; and the last date is sometime in 2011. This indicates that the situation is getting worse for Aboriginal women because the rate for non-Aboriginal women in the top graph in figure 3 shows that it's going down. That goes back to the first quote I read, in which you had said it's similar, whereas these graphs show quite clearly not only that more Aboriginal women are being murdered, but also that the rate is increasing over time.

I would hope that you would confirm that those interpretations of the data should go into the record. Would you confirm that, please?

[Translation]

**Senator Carignan:** Senator Dyck, I have not reread the transcript for that part of Question Period. If it says that the murder or disappearance rate is the same, that is not what I said. That is also not what my notes said. I was talking about the solve rate.

In fact, I thank you for your question because, as a result, I will not have to raise a question of privilege to correct the transcript. As for the government's actions, we believe that it has taken meaningful actions to address the tragic issue of missing and murdered Aboriginal women and girls.

Need I remind you that, yesterday, we passed the budget with Economic Action Plan 2014? The government will spend an additional \$25 million over five years to continue efforts in this area and \$8 million over five years to create a national DNA-based missing persons index.

On your side, only one person voted in favour of this action plan that includes investments for Aboriginal women, and that was Senator Massicotte.

[English]

**Senator Dyck:** I think you gave a similar response to my honourable colleague, Senator Lovelace Nicholas, a couple of weeks ago referring to the Economic Action Plan, which we just passed. You said there's \$25 million over five years to continue efforts to reduce violence against Aboriginal women and girls; but there are no specifications on where this funding will go and how it will be delivered.

It is totally ridiculous and ironic that the Native Women's Association of Canada, which has been a leader in all of this since 2005, have no idea whether they will get any funding. They've had to lay off virtually all of their staff who work on missing and murdered Aboriginal women. That's why I voted against this budget because the money's there, but I don't see any specific targets. What is the specific program that will address this?

**Senator Mitchell:** Nail it down.

[Translation]

**Senator Carignan:** If you continue reading the transcript from Question Period for that sitting in particular, you will see that I responded that funds would go to community organizations that

focus on prevention and work with Aboriginal communities. Those organizations will be able to benefit from the \$25 million envelope. Would you like me to repeat what you probably read from that day?

[English]

**Senator Dyck:** Honourable senators, following up with regard to communities, in the RCMP report you will also see that they don't have enough data to identify which communities are at risk. That's why we need more data and a national inquiry so we can have programs and projects that work. You can't have the program until you know what the problem is. How can we identify the communities at risk? Even the RCMP says that we need more data.

[Translation]

**Senator Carignan:** You will also see that in the majority of solved crimes, the victim was related to or knew her attacker. I would simply like to remind you that our government also passed legislation governing matrimonial real property, which gives women living on First Nations reserves the same matrimonial rights as all Canadians, including access to emergency protection orders in violent situations. But once again, you voted against it.

[English]

**Senator Dyck:** I have two questions.

You said in response to my honourable colleague that 82 per cent to 84 per cent of the resolved cases of missing and murdered Aboriginal women involved a loved one or a family member. You probably got this information from the same staff person. This is very misleading.

Figure 8 on page 12 of the RCMP report depicts what you were just talking about. Your figures have collapsed some of the categories. You mentioned "loved one or family member." "Loved one," I guess, according to this, would be a spouse. You collapsed spouse, other family member and acquaintance to get those figures of 82 per cent and 84 per cent.

The figure depicts clear differences between the Aboriginal women who have been murdered and the non-Aboriginal women. Aboriginal women are most likely to be murdered by someone who's an acquaintance, not a family member or a loved one. For non-Aboriginal women, it's most likely their spouse. There are clearly different patterns. When you lump those together and throw in the acquaintance data, it becomes meaningless. That's why they were separated. That figure is correct in what it says — although it left out the "acquaintance" part — but it's very misleading because it implies domestic violence in both cases, which is not supported by the data.

I don't see how you can claim that on-reserve or domestic violence is the key factor for Aboriginal women. The data do not support it.

I'm just going to continue because I'm on a roll.

Also on page 12, the last paragraph of the third column states:

Aboriginal female victims were most often murdered by an acquaintance (30% compared to 19%). Breaking this down further, Aboriginal females were more likely to be murdered by a casual acquaintance . . .

— not even a close friend — someone that they just knew casually. That casts a completely different picture. Therefore I would ask you to reconsider what you say and to reconsider that the murders of Aboriginal women are the same as non-Aboriginal women where domestic violence is the key factor.

• (1420)

[Translation]

**Senator Carignan:** I'm having trouble following your train of thought. The other thing I'm having trouble with today is the fact that you are asking me these questions, when yesterday you had the opportunity to vote in favour of measures that provide an additional \$25 million over five years to continue the efforts that have been made in this area and \$8 million over five years to create a national DNA-based index. I find that rather disappointing.

[English]

**Senator Dyck:** I did have a second question along the same line because you mentioned that I didn't support the matrimonial real property bill. You're darn right I didn't and neither did my colleague here, because that same implication was in that bill that Aboriginal women were being victimized by their spouses. We do not have data with regard to the murder rates on-reserve and off-reserve. We don't have that data. We have this RCMP data.

The RCMP should be looking at the factor of race. If I'm married — I was married — my husband wasn't Aboriginal. What is the percentage of Aboriginal women who are married to non-Aboriginal men? We don't know. My guess would be it's probably quite high, depending on whether it's on-reserve or off-reserve. So a lot of things are missing.

I didn't vote for the matrimonial real property bill because we had already passed a bill. I forget the name of the bill. Senator Kinsella would know. That bill removed section 67 from the Canadian Human Rights Act, which said that Canadian human rights did not apply on reserves. The reason women on reserves didn't have equal property rights was because the Canadian Human Rights Act trumped it by taking it out, saying that all the laws on Indian reserves were exempt. I didn't support the bill because of those reasons and the fact that we didn't really need it because of what we had already passed here in the chamber.

Were you aware that section 67 had been removed from the Canadian Human Rights Act and the great implications it has with regard to your matrimonial real property bill?

**Senator Mitchell:** He wasn't. He's not aware of it.

[Translation]

**Senator Carignan:** Honourable senators, what I know is that we are taking meaningful action on this issue. We have passed more than 30 measures on justice and public safety, including harsher penalties for those who commit murder, sexual assault and abduction. We created a national website for missing persons and developed community safety plans in partnership with Aboriginal communities. We supported the development of public awareness materials and passed the matrimonial real property act. What is more, yesterday we approved an additional \$25 million to continue our efforts in this area and \$8 million for the national DNA-based index. Those are meaningful steps, and what I know is that you voted against them.

[English]

**Senator Dyck:** Thank you. I'm so happy to know you keep track of all the times I vote and what I vote for. Gosh, my goodness. I didn't realize I was that important.

**Senator Mitchell:** Our whip doesn't even do that!

**Senator Dyck:** I will once again go back to the RCMP report on page 10, Figure 4, which shows for 1980 to 2011 the rate of female homicides in the Aboriginal group has been increasing. You talk about all the money that you've invested over the years: \$50 million over 10 years, \$25 million over five years in the 2010 Budget and so on.

Regardless, you put all this money aside in the last seven years since you've been in power, yet the rate of Aboriginal female homicides is clearly continuing to increase as documented by the RCMP. So as a government that prides itself on respecting taxpayer dollars, this level of funding has not achieved a decrease in the rate of Aboriginal female homicides compared to non-Aboriginal women. Wouldn't that indicate your measures aren't working and maybe you're not using your tax dollars to the best possible use?

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

[Translation]

**Senator Carignan:** Senator, you mentioned additional money. It was approved yesterday. You voted against it yesterday. The \$25 million envelope is clearly earmarked for the next few years.

[English]

## ENVIRONMENT

### CLIMATE CHANGE STRATEGY

**Hon. Grant Mitchell:** Colleagues will be relieved and probably very appreciative to know that if it weren't for this particular small bench today, Senator Dyck and I, there would be no Question Period. No? Okay, we've got a third one that's going to jump up.

I have the pleasure of asking a question on behalf of Nancy Drope from St. Catharines, Ontario. This is her question, preceded by a preamble:

Last week during Tony Abbott's visit to Canada, Prime Minister Harper finally admitted that his government had no plans to prioritize environmental protection. He said:

No country is going to undertake actions on climate change, no matter what they say . . . that is going to deliberately destroy jobs and growth in their country.

Mr. Harper made it clear that he and his good friend Mr. Abbott will be calling on other leaders, leaders of countries like India, the U.K. and New Zealand to adopt similar strategies — if you can believe it — of effectively doing nothing. New Zealand and the U.K. quickly distanced themselves from this antiquated, really disconcerting rhetoric.

In fact, China and the U.K. have recently announced their plans to redouble their efforts to fight this global challenge, and we of course are familiar with the new and aggressive initiatives by the United States.

The first question would be with so many nations taking bold action to combat climate change, what is it exactly that Canada is waiting for before doing something of consequence?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** It's funny that you would say that if it weren't for that "particular small bench" there would be no Question Period today. What is funny is that that "particular small bench" is asking questions that were asked in previous weeks. That's worth noting.

[English]

**Senator Mercer:** We still haven't gotten an answer though!

[Translation]

**Senator Carignan:** As you know, Senator Mitchell, the government is determined to protect the environment while keeping our economy strong. Canada is responsible for less than 2 per cent of greenhouse gas emissions, and that's why we want to sign a new international climate change agreement that requires major emitters to make real changes. Our government is doing its part by taking action to reduce greenhouse gas emissions in Canada. Since 2006 we have invested substantially in new technologies, better infrastructure, adaptation programs and clean energy, and these are measures that you voted against.

[English]

**Senator Mitchell:** There's an old saying that we lead, follow or get out of the way. We know Mr. Harper isn't leading, we know he's not following, and now we find out that it's worse than not even getting out of the way: He's encouraging other countries to do absolutely nothing, just like Canada is essentially doing absolutely nothing.

I wonder whether the government leader can give us some indication, if Mr. Harper can't lead and can't follow, could he at least get out of the way and not discourage other countries from doing the right thing?

[Translation]

**Senator Carignan:** Once again, senator, I want to point out that our government has shown leadership and has taken meaningful action. I repeat: We have cracked down on the transportation sector and power plants, two of the main sources of emissions in Canada. Canada has become the largest user of coal to prohibit the construction of coal-fired power plants. In fact, in the first 21 years of coal regulations, we expect to see accumulative reductions in greenhouse gas emissions equivalent to removing 2.6 million vehicles from the road. Canada already has one of the cleanest electricity systems in the world. In fact, 77 per cent of our electricity supply does not emit any greenhouse gases, compared to 33 per cent in the United States.

Once again, Canada is showing leadership. Instead of constantly criticizing us as you do, you should instead be acknowledging these positive steps and congratulating us on these measures.

• (1430)

[English]

**Senator Mitchell:** When the leader of the government hears the kind of heartfelt statement that we heard today from our colleague Senator Tannas about the impact of floods and the implications of that for the much broader issue of very damaging and violent storms, doesn't he get a sense, even an inkling, of the idea that climate inaction is what is going to harm our economy irreparably and that there is huge opportunity in dealing with climate change problems like pursuing and supporting renewable energy? Doesn't he ever get a sense of the futility of reading his talking points to addressing the real issue of climate change?

Whatever you've got in those notes is doing nothing to fix that problem. Maybe you could just sit down with the Prime Minister and have a talk and say, "Something has to be done; it's getting late."

[Translation]

**Senator Carignan:** Senator, our government is determined to protect the environment while keeping our economy strong. Canada is responsible for less than 2 per cent of global greenhouse gas emissions, and that's why we want to sign a new international climate change agreement that requires major emitters to make real changes. Our government is doing its part by taking action to reduce greenhouse gas emissions in Canada.

## FINANCE

### AFFORDABLE HOUSING

**Hon. Céline Hervieux-Payette:** I have some news that is only a few days old. Therefore, you won't be able to tell me that you have already answered my question because it is not a question that I could ask you before having read the OECD report.

This report is found on the organization's website, and as my colleague mentioned earlier, if we had a big screen, we would put the figures up on it. They indicate that of the 34 OECD countries, Canada is ranked third-last when it comes to reasonably priced housing, that is, relative to family income. This means that families are being squeezed. Of 34 countries, Canada is ranked 32nd. This is not an enviable situation.

Furthermore, and this is even worse, Canada is ranked first among countries where rental rates are very high and not in line with incomes. That means many people are paying much more than 25 per cent of their income, that is, 30 per cent and sometimes more, just to have a roof over their heads.

In its most recent report on the economy, published last week, the OECD made several recommendations, including the general recommendation of overhauling the Canada Mortgage and Housing Corporation and housing policies.

Yet the President and Chief Executive Officer of the Canada Mortgage and Housing Corporation claims that the estimate of our housing supply is slightly overvalued and that he will be trying to achieve a much more reasonable risk level.

Here is my question: Knowing that most of the parameters for change at the Canada Mortgage and Housing Corporation are decided by the Minister of Finance — and not by the CEO of CMHC, whose role is only to apply them — can you assure me today, in light of the OECD report, that you are going to ensure that the Department of Finance and the Canada Mortgage and Housing Corporation examine the situation and ensure that Canadians are able to find affordable housing, in both the rental and sales markets?

**Hon. Claude Carignan (Leader of the Government):** Thank you for your question, senator. As you know, the OECD report — and I assume that you are referring to the one published on June 11 — expects Canada's economic growth to continue to increase in the coming years. As a result of our economic policies, we have established a favourable climate for investment and job creation. Do I need to remind you that more than 1 million new jobs have been created since the depths of the recession? However, the global economy remains fragile, and Canada is not immune to those external pressures.

In recent years, we have acted prudently in the housing market, in order to lower the risks in that market. We will continue to watch that market closely, and we will implement additional measures to reduce the risks, if required.

More specifically, in terms of affordable housing, our government understands that access to safe, affordable housing is important to Canadian families and their communities. As I have already said, working with its partners, the federal government is helping more than 880,000 individuals and families to access affordable housing. In Economic Action Plan 2013 — which you voted against — we allocated an additional \$1.5 billion to renew investments in affordable housing. Thanks to that Economic Action Plan, we helped to create more than 46,000 new affordable housing units and we contributed to the construction and renovation of 104,000 housing units for low-income families.

There are also 594,000 households that are receiving support from the Canada Mortgage and Housing Corporation. What is more, with our investments in affordable housing, the provinces and territories have the flexibility they need to design and deliver programs geared to priority areas and local needs. Ultimately, it is the provinces and municipalities that decide on the best way to use this funding.

As you know, we also announced that we are renewing the Homelessness Partnering Strategy, which confirms our government's commitment to put housing first.

[English]

## ANSWER TO ORDER PAPER QUESTION TABLED

### FINANCE—CANADA HEALTH TRANSFER

**Hon. Yonah Martin (Deputy Leader of the Government)** tabled the answer to Question No. 30 on the Order Paper by Senator Callbeck.

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## ORDERS OF THE DAY

### CITIZENSHIP ACT

#### THIRD READING

**Hon. Nicole Eaton** moved third reading of Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts.

She said: I am grateful for this opportunity to once again voice my support for Bill C-24, the strengthening Canadian citizenship act.

There is so much more to Canadian citizenship than the right to carry a Canadian passport or to vote in our elections. Citizenship defines who we are as a nation and as a people and brings with it the responsibility to respect and reflect values that are rooted in our history, like freedom, unity, honesty and loyalty.

Bill C-24, the strengthening Canadian citizenship act, enhances the value of citizenship, enables faster application processing, and reduces backlogs. It honours our Canadian Armed Forces, restores citizenship to the vast majority of "Lost Canadians" and protects Canadian interests and traditions.

Critics of this proposed legislation assert that it will, in fact, discourage application for citizenship, that it contravenes the Charter of Rights and Freedoms, that we are not listening to those who would suggest that its provisions are flawed, and that our government does not take seriously the advice of experts.

[ Senator Carignan ]

It is important that, at this juncture, steps be taken to clarify any misconceptions, correct any contextual inaccuracies, and affirm the veracity of the provisions contained in Bill C-24 for the record and the benefit of all of my honourable colleagues.

The matter of "intent to reside" is one such key and crucial area. The bill asks those seeking Canadian citizenship to affirm their intention to reside in this country for four out of six years prior to the granting of citizenship.

Minister Alexander has been nothing but crystal clear with respect to the intent, context and meaning of this provision. Let us refer to his statement during his appearance last week before the Senate Standing Committee on Social Affairs, Science and Technology.

• (1440)

There, he said:

There's no requirement for a citizen of Canada to remain physically in Canada once granted citizenship, so there is no question of interpretation here.

Now, for the purpose of greater certainty, let's again refer to Minister Alexander's words from last week's committee appearance regarding mobility rights and the charter, when he said:

The mobility rights in the Charter of Rights and Freedoms apply to all of us. There has always been a residency requirement to receive citizenship, and what we are doing is asking people to confirm their intent to reside in order to meet those requirements.

In the face of these declarations, the bill's critic opposite has asserted that he doesn't operate on the basis of how the minister sees this. He operates on the basis of the word of law. While it is his right to make such assertions, and indeed his duty as the bill's critic, it's important to view this assertion from a legal perspective.

Nicole Girard is a lawyer with the Department of Citizenship and Immigration. She was asked by the minister to speak as a legal mind to his comments regarding the Charter and the intent to reside.

Ms. Girard offered:

The only thing that I would add to what the minister has already said, and I think he's been very clear at this point, is that the language that you're reading in the drafting of the bill has to be read in the larger context of what these requirements are.

So, then, what are these requirements "in the larger context," meaning beyond the language of the bill? They are the requirements to become a citizen of Canada. They are the requirements until the period of residence has been met and the applicant obtains the grant of citizenship.

Let's apply this application of the larger context to some of the scenarios Senator Eggleton cited as evidence of his concerns over this aspect of the bill. He posed a hypothetical question, "What happens if you have to leave the country shortly after obtaining your citizenship, either to work or to study?"

The answer is simple: The individual is free to leave the country, as is any other citizen — or, to again quote the words of the minister at committee, to do so with "no problem."

Once one becomes a citizen of Canada, once they have fulfilled their conditions and served their four out of six years, they are indeed as free as any born Canadian to come and go as they please. In fact, it bears repeating for the record that Citizenship and Immigration Canada does not track citizens. CRA may track for income tax purposes; provincial health ministries may track residency around health care issues; but movement of citizens is not tracked by CIC.

We leave the final word on this matter to Minister Alexander, who reminded the committee that intent to reside was "a common-sense measure." He went on to say:

It's something that clarifies an issue where, because of abuse, there had been a lack of clarity in the past, and no one at any stage is barred from changing their intention. If you change it before you've met the four years requirement, you won't become a citizen, or at least not at this stage in your life. If you change it the day after the ceremony, off you go.

Moving now to the matter of revocation, Mr. Speaker, since 1977, approximately 100 people have had their citizenship revoked.

Several ongoing large-scale fraud investigations conducted by the RCMP have identified more than 3,000 Canadian citizens and 5,000 permanent residents linked to major investigations — a majority of them related to residence.

Fraudulent behaviour should not be taken lightly. Our government believes those who have a connection to Canada, who work hard and are truthful, deserve Canadian citizenship. Those who choose to lie and cheat do not.

Bill C-24 adds a new ground for revocation that would apply to dual citizens involved in activity against Canada's national interests. The government would be able to revoke citizenship from dual citizens and deny it to permanent residents who have served as a member of an armed force or organized armed group engaged in armed conflict with Canada, or those convicted of terrorism, high treason, treason or specific spying offences, depending on the sentence imposed.

Under the current legislation, we are able to revoke for residency fraud and for administrative misrepresentation.

Until Bill C-24, we were not able to revoke if someone had concealed from us a crime, a war crime, or a major human rights violation that they had committed beforehand. The provisions of this bill will grant us this power if we can prove that it happened before the application was made, therefore constituting fraud.

Another one of the most debated provisions of Bill C-24 is the one that revokes citizenship from dual citizens who were members of an armed force or an organized armed group engaged in armed conflict against Canada and which would deny citizenship to permanent residents involved in the same actions. Simply put, those who would betray Canada or take up arms against an armed force in this country would indeed forfeit their right to hold Canadian citizenship.

As Minister Alexander pointed out at committee, before 1977, there was some power in this regard. After the 1977 amendments, there was none. The minister commented that he believed the only other NATO country that does not have these powers in some form is Portugal.

In a democracy, such deterrent powers are normal, yet rarely used. But make no mistake, they are required. They serve as a warning that, should allegiance to Canada and its institutions be trifled with, the cost of having done so will be high. As Minister Alexander asserted, these are indeed historic measures; moderate in our view, and popular in our experience.

Government Member of Parliament Devinder Shory was instrumental in bringing the notion of revocation forward and undertook public polling on it. Upwards of 80 per cent and 90 per cent of Canadians believed we should be able to revoke in these extreme cases.

Once again, I offer the last words on the matter to Minister Alexander, who stated:

We don't have more than a handful of espionage or treason cases in Canada every decade, but these measures will help us to ensure that will continue to be the case in the future.

The minister is indeed correct. This deterrent in Bill C-24 will hopefully keep these cases to a minimum.

With respect to the application of due process, it must be emphasized that before revocation is even considered, there has to have been a trial and conviction of the individual in a Canadian court of law. Unless and until this occurs, revocation is not possible.

Critics of the bill also suggest that Bill C-24 is not compliant with the Canadian Charter of Rights and Freedoms, but Minister Alexander stated in the other place, before the Standing Committee on Citizenship and Immigration, that "by working with my colleague the Minister of Justice, we believe that this bill is in full agreement with the requirements in our constitution." Our government is confident that the proposed measures will withstand Charter scrutiny.

These reasonable reforms will ensure that Canadian citizenship remains a high-valued privilege reserved for those individuals who both deserve it and have earned it.

I urge my honourable colleagues to support these necessary measures and ensure that Bill C-24 receives speedy passage into law.

**Hon. Mobina S. B. Jaffer:** Will Senator Eaton take a question?

**Senator Eaton:** With pleasure.

**Senator Jaffer:** I want to thank you for your work on this bill and I want to thank you for what you said.

The communities that I represent are really concerned. There is the impression out there that once you become a citizen and if, for some reason, as Senator Eggleton said, you get an opportunity to study abroad and you are away for a few years, you could lose that citizenship. You have clearly set out what the minister said.

Unfortunately, I wasn't at the hearing, so it would help if you could let us know how that impression, where people are worried they will lose their citizenship, came to be.

**Senator Cordy:** Because that's what is in the bill.

**Senator Eaton:** Thank you, colleague. I can't say why that impression is, except that it stands as a line that is alone. But the minister was very clear — and so was Nicole Girard, a lawyer who was in on drafting the bill — that what it means is that when somebody fills out the actual application for membership, they state that they intend to reside in Canada.

• (1450)

As you know, all applications for citizenship are vetted. That's part of making sure the application is complete. If you have the intention to reside in Canada, your application is part of the conditions. But once you are a citizen, the way you and I are, you are free, as you and I are, to go where we please.

**Senator Jaffer:** May I please ask another question?

Senator, in my other life, I filled in many forms. From what you are explaining, when you are a permanent resident, you fill in a return; and if you are out of town, you fill in a form called "returning resident" that you intend this will be your home. When you apply for citizenship, you again obviously must say — and we would demand that — that Canada will be your home.

But why would the confusion arise? Once you are a citizen, you should be able to travel. When I read the bill, the confusion is in the wording of the bill that says that if you apply to become a citizen and then you are out of the country, you can lose your citizenship. Is that something that you heard from people you were listening to?

**Senator Eaton:** I did not, Senator Jaffer. I heard it from my colleagues Senator Cordy and Senator Eggleton; and some of the people who do a lot of work on this, lawyers from the bar association, certainly brought that to our attention.

I think it was to make very clear because, as you know, before, for permanent residency or for citizenship — and you would know more about this than I did — you didn't have to be physically in the country. Now it is four years out of six physically living here, and that's very much part of it.

That was put there to draw people's attention to the fact that we want them, when they're qualifying for their citizenship, to live here, to take part in their communities. It is not "I will fill this out and I will spend eight months a year somewhere else and come back."

I can't be in somebody else's place and divine why they feel that, but I felt reassured when the minister and his lawyer explained it, and they have obviously sat down with the Minister of Justice, who has gone through it very carefully.

I'm sorry; I can't tell you more than that.

**Senator Jaffer:** Senator, thank you very much for your explanation. I appreciate it.

I was in court many times to defend the issues of becoming a citizen. I get the issue of living physically here four years. In reality, that has been the situation for many years. That's not something new.

What concerns me very much is this: Will this bill meet the test of section 15 of the Charter of Rights and Freedoms?

**Senator Eaton:** I can only say that once we pass this bill, if people want to challenge and have a Charter view, it will be challenged. But all I can say to you is that we were assured by the minister and his lawyers, and by the Minister of Justice, that it will meet Charter.

**Senator Cordy:** Would you take a question?

**Senator Eaton:** With pleasure.

**Senator Cordy:** Perhaps I misheard you, but I thought you said that Senator Eggleton and I were the only ones who raised the issue of intent to reside.

**Senator Eaton:** No. I did mention the lawyers, the bar. I said the lawyers, the witnesses.

**Hon. Art Eggleton:** Honourable senators, if it seems like you just heard from Senator Eaton and myself on this subject, you are absolutely right — just two days ago. In fact, the bill came in for the first time on Monday from the House of Commons. Tuesday, second reading was given. Tuesday night, the Committee on Social Affairs, Science and Technology met to give this bill clause-by-clause consideration. Yesterday the chair introduced the report into the Senate, and here we are today at third reading. How is that for speed? The week before, we did a three-day pre-study hearing. Let nobody ever say that the Senate was slow in dealing with this matter.

In fact, if you want to look at slowness in dealing with the matter, look over on the house side. This was actually introduced in the House of Commons on February 6 of this year. It then sat there for three months before they gave it second reading. So all of a sudden we have gone from a slow process to, "Oh, rush it up; we have to get it through before we adjourn."



I think that is very unfortunate, for at least one of the reasons that has come across here in the debate so far on third reading, and that is the likelihood — one could almost say it is definite, reading from Rocco Galati's letter — that there will be a challenge to the courts on this issue, going as far as the Supreme Court of Canada, based on violations of the Charter of Rights and Freedoms and the Constitution.

As Senator Eaton says, we have had the assurances of the officials and the minister that this is all constitutionally compliant. Where have we heard that before? Well, actually, we have heard it a number of times, and look at the track record that that kind of assurance has with the issues that have been dealt with by the Supreme Court — the Senate one and the non-appointment, just a couple of examples where they got it wrong.

**Senator Mercer:** Again.

**Senator Eggleton:** Senator Eaton also talks about the larger context that the minister put this in: The minister said this and the minister said that, and the minister's intent is this and the minister's intent is that.

You know what? Ministers come and go. The current Citizenship Act we have has lasted for almost 40 years. If this goes even half of that, there will be several ministers and maybe several governments of different stripes too.

Why would we rely upon what the minister says, to the extent that Senator Eaton continually mentioned the minister? It is not the minister.

**Senator Cordy:** That's right.

**Senator Eggleton:** It is the law. It is the legislation. It is what the bill says. That's what counts. That outlasts many ministers, many governments.

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

**Senator Eggleton:** The first item that we talked about in an amendment at the committee — and Senator Eaton has talked about it as well — is the "intent to reside" clause.

When I finish these remarks, I will be again moving the amendments that I moved in committee. There are four of them.

The first one deals with this question of the intent to reside. Senator Eaton says you have to have four out of six years — yes, four out of six years — and you have to spend at least half a year in each of those years, 183 days, to become a citizen.

That's not part of my amendment, although I don't particularly like the fact that we're going from three years to four years. It has been three years up until now, since 1977, to get citizenship. We are now going to say you have to wait longer.

So four years out of six years, but when you are finished that, you still have to indicate an intent, if granted citizenship — this is on page 11 in the bill, if you want to follow it — to continue to

reside in Canada. So Senator Eaton says: "Oh, don't worry about that. That's not what Minister Alexander says. He says you are free to go."

You are free, just like any Canadian. If you are working for a company and they say, "I want you to go to London or Berlin or somewhere for five years to work there at our company," or if you decide you want to go to Oxford for a degree there, or you want to go to some other educational institution, or if your mother or father in the old country is ill and needs help for a few years in their later years of life, well, she says you are free to go.

That may well be the case. I wouldn't expect that someone would give anybody trouble doing that, but there are provisions here that if you misrepresent yourself, then you could be subject to revocation of your citizenship.

• (1500)

If you misrepresent yourself, I heard Mr. Alexander say that if someone doesn't have the intention of staying in this country, then why would we want them? Here is a possibility, then.

If a person does go abroad for a lengthy period of time, what if some overzealous bureaucrat decides that he or she should start some process? All they have to do is get a letter, presumably signed by the minister, which would then say, "We're going to revoke your citizenship, you've got 30 days to respond and you don't have a court appeal except on a judicial review," which is a very legalistic process. That can create quite a chill.

In fact, some of the lawyers who came before us said that they'd have a hard time advising their clients about leaving the country for any period of time, like for three years or five years, because they say there's always the possibility of that situation being classified as a misrepresentation of the intent in the clause here, and it could lead to a revocation process.

Now, that may not happen. It probably wouldn't happen. The representative of B'nai Brith, Mr. Matas, said that he's not saying abuse will occur but that the potential for abuse is there. We have to be careful of it from that standpoint.

One of the lawyers who came in, Lorne Waldman, has a lot of expertise in this area. He's been doing immigration and citizenship cases for years. He pointed out this bill will:

... create two classes of citizens, those who are born here, are free to travel and take jobs outside of the country and those who are not.

What he's saying is if you're born here, you can go abroad for 10, 15 years, whatever you like. You can do any of that. But if you're a naturalized citizen, then this clause about intent in here and the possibility of misrepresentation, it will create a feeling for a number of people of a lack of the equality that we've come to expect and cherish in terms of citizenship in this country. Whether you're naturalized or born here, we are all equal citizens of this country.

I will be moving an amendment to take out those clauses that deal with this intent to reside. Let us go through the residency requirement of four to six years. I think that clearly indicates a

person wants to be part of this country, not just use it as a port of convenience. That's the concern I hear from Senator Eaton, the port of convenience. That seems reasonable, but this intent to reside clause, I think, creates a problem that in fact will lead to a constitutional challenge because it creates two classes, a two-tier type of citizenship.

The second amendment that I moved at committee deals with language testing. It has been for ages 18 to 55, and they're now proposing that it go from ages 14 to 64. The younger people have never been included in it because they feel they're coming here, they go into the education system and they'll learn the language fairly quickly. I don't think that's a big problem, but my concern is on the other end.

Taking the language test from age 55 up to 65 means that a lot of parents or grandparents, older people coming over here and wanting to become citizens, will be faced with taking a test. It's called the CLB Level 4 test. It's a written and oral test. They haven't been required to do it up until now and I think it will act as a discouragement for a lot of these people who apply. Not all of them have the greatest understanding of the language or have varying degrees of literacy.

I know a lot of people who came over here after the Second World War. Mentioning those people, you wonder how they would have ever have been able to come over here with the provision that says you can't have been a part of an armed conflict against Canada. After the Second World War we welcomed people from war-torn Europe. A lot came from Germany, Italy and Austria, countries that were on the other side, but we recognized that they were doing what they felt was a duty to their country. We didn't hold it against them personally and disqualify them from citizenship, but now there is a provision going in here that will of course do that.

There are a lot of people I know who came over to Canada in the years that I was an elected representative in both the federal house and the City of Toronto council and mayor, who are proud citizens of the country. There were a lot of immigrant families from Italy and other countries who wanted to become part of Canada and raise their families here. They were a bit older and didn't quite command the language. A lot of them went into labour, blue-collar type jobs. You could talk with them a bit, but they probably couldn't command the language well enough to go through a written and oral test. I think it would be a shame to discourage those kinds of people.

In addition to that, there are refugees. One witness gave an example, saying:

... we have many women coming out of vulnerable situations, whether or not they're coming out of a refugee camp, whether or not they've experienced torture so Canada has offered protection. To then expect those folks, who may not even be literate in their first language, to then learn an official language and have to sit for a test, we believe it's unnecessary and unfair.

I made the amendment, which lost, but I'll put it here again today, that we move it back to the age requirements as they had been in the 1977 act. I think those are more reasonable.

[ Senator Eggleton ]

Amendment number 3 deals with pre-permanent resident time. This deals with students who come over here. It would deal with live-in caregivers, a lot of whom live with families and learn a lot about Canada and about the customs of our country. We've been giving them, up to now, 50 per cent of their time towards the three years. They can get one year towards the three years, now four years, as a credit against the time that they have to be here for citizenship.

We heard a lot of witnesses talk about the fact that we're in a competitive worldwide market for the best and the brightest and we get a lot of that through the students who come here. We promote that.

In fact, one of the persons who sent me a letter, a Toronto resident, said that he felt that one particular group that would be disadvantaged by this provision is the Canadian Experience Class. He said that international students arrive in Canada very young, they grow up in Canada, they build careers in Canada, meet significant others in Canada, pay Canadian taxes and work in Canada. Why should this attachment be discounted now? We've been trying to attract good citizens, the best and the brightest. Why would we now say, "Oh, well, we're going to take away the credits we gave you before?" These are exactly the people we should be encouraging to be citizens. This goes against logic and against what the previous minister said. Jason Kenney said:

These are the kind of bright young people we're trying to recruit . . .

. . . data which tell us that younger immigrants tend to do better over their lifetimes in Canada, those with higher levels of language proficiency and those with Canadian degrees and diplomas.

Now we're saying we're not going to encourage you anymore. We're going to take away that particular provision.

Amendment number 4 deals again with this question of the courts dealing with the appeal process, and this in the case of people who are in the category of criminalization, who have been convicted of treason, of espionage, of terrorism. Senator Eaton says convicted in a Canadian court, but, I'm sorry, the bill says if you're convicted of terrorism in another country, and with a five-year sentence, that could be a consideration for revocation.

In fact, even people who are born in Canada could have their citizenship revoked under these provisions. If they happen to be dual citizens, if they happen to have citizenship in another country, they could be deported to that other country.

• (1510)

The minister said, "Well, yes, but if they say they don't want that citizenship, they revoke it, they renounce it, then fine." But some of these countries that grant citizenship to offspring — sons, daughters and grandchildren — don't revoke citizenship; they leave it in place. Once you're one of their nationals, you're one of their nationals, so even somebody born in Canada could end up being deported to one of these countries.

There's the case also before the Egyptian courts at the moment of Mohamed Fahmy, whom I mentioned the other day. He's both Egyptian and Canadian. He is a dual citizen. He is a Canadian journalist. He has been charged with terrorism. I think most of us have yet to see much evidence of a case there, but nevertheless, he could be found guilty. He could be sentenced to time in prison in Egypt. He's certainly been held for a long period of time. What happens to him? The minister might say, "Oh, no, we'll look at that and make sure that the rules have got to be as good in Egypt as they are in Canada, or they have to be reasonable." But, again, that's just what the minister says. It still leaves open a very uncertain situation, and having uncertainty in our citizenship is not a good thing, I would suggest to you.

On the other hand, if there were a journalist over there by the name of John Smith who was born in Canada and who had absolutely no connection to any other country, it wouldn't matter whether or not he was convicted of terrorism; he would still get to come back. There's another demonstration of two classes, two levels of citizenship.

I'm not suggesting any amendments that remove those criminal activities from consideration. Senator Eaton also said, "Well, if that person is convicted, they have to be convicted in a Canadian court." Well, of course, that's wrong. They could be convicted in another court if it's terrorism. Some of those other charges, yes. But what is being recommended here by the minister is banishing people. This is a second punishment. This is over and above the first punishment. You get a first punishment of imprisonment as a result of one of those criminalized categories. You also wonder why just those criminalized categories. Maybe they should add in murder, or something. Robert Pickton, is he a better citizen of Canada than some of these other people? I don't know. Who knows? Maybe they will try to expand it one of these days.

Nevertheless, this is a secondary punishment, and it's a very severe one because it can lead to being deported, and deportation for a lot of these people means going to a country they don't know or going to a country where they could be at risk, their safety could be at risk.

If this is going to happen, all I'm saying is there's got to be every opportunity for a proper hearing from a third party, somebody other than the minister or bureaucrats determining whether that person should in fact lose their citizenship. There has to be a court appeal. There have been in the past court appeals. There isn't in this particular case, other than the legalistic test based on an error in the law, which is called "judicial review." This doesn't involve hearings. In fact, to start with, you need leave of the court, and the Federal Court only gives leave 15 to 20 per cent of the time.

You've got to get that leave to start with. Then if you're in there accused of being a dual citizen, you've got to prove that you're not a dual citizen. It's a reverse onus. Every legal barrier is put in front of people who are trying to deal with their issue. They can't present new evidence. They can't make arguments based on humanitarian and compassionate grounds, so it isn't the full appeal process that Canadians would expect we would provide people and that is the proper thing to do. Therefore, I will move that amendment in a moment as well.

There's one other thing I had before the committee, and that was an observation about the fees. They doubled the fees. We want you to be a citizen, but we doubled the fees. A family of five, two adults and three children, would be paying \$1,400. It would be very difficult for people of low income, for refugees. I do thank the committee for putting that in as an observation. I had requested that it be an observation and asking the minister, because the fees can be onerous for low-income families, to consider creating a procedure of reducing or waiving fees for low-income permanent residents who are applying to become citizens. I'm thankful to the committee they agreed to that.

But for the reasons I have just given you, based on the law, not just based on what the minister says, I will now move those four amendments.

#### MOTION IN AMENDMENT

**Hon. Art Eggleton:** Therefore, honourable senators, the first amendment, dealing with the intent to reside issue, is:

That Bill C-24, in Clause 3, be amended:

(a) by deleting lines 7 to 22 on page 11.

(b) by deleting lines 31 and 32 on page 14.

Amendment No. 2 deals with the age requirement for doing the language test:

That Bill C-24, in Clause 3, be amended

(a) by replacing line 23 on page 11 with the following:

"(d) if under 55 years of age at the date of his".

(b) by replacing line 27 on page 11 with the following:

"(e) if under 55 years of age at the date of his".

These are, in fact, to restore the existing provisions in the Citizenship Act in terms of language test.

Amendment 3:

That Bill C-24, in Clause 3, be amended by adding after line 4 on page 12 the following:

"(1.011) For the purposes of paragraph (1)(c), for every day during which the person was resident in Canada before his or her lawful admission to Canada

for permanent residence the person shall be deemed to have accumulated one-half of a day of physical presence in Canada.”.

That’s the same as in the present law. It’s restoring that on the case of pre-residency, live-in caregivers, students, et cetera.

Amendment No. 4:

That Bill C-24, in Clause 8, be amended by adding after line 5 on page 25 the following:

“10.61 An appeal lies to the Federal Court from any decision of the Minister made under section 10.”.

Thank you, colleagues.

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

**Some Hon. Senators:** Question.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** No, on debate.

**Hon. Jane Cordy:** I’d like to speak on the bill, Your Honour.

Honourable senators, I rise today to make a few brief comments about Bill C-24, and I’d like to begin by thanking Senator Eaton for doing her job of bringing forward her government’s bill, and I would like to thank Senator Eggleton for his careful analysis of Bill C-24 and for bringing forward well-reasoned amendments in attempting to improve this bill.

I am supportive of many measures in the bill; however, some serious concerns were raised about provisions in this bill when it was studied by the Standing Senate Committee on Social Affairs, Science and Technology. I’ve also received phone calls and emails from Canadians who also expressed fears over what this bill will mean for them. If these provisions remain as drafted in the bill, they will have a devastating effect on people’s lives when this bill becomes law. Bill C-24 will essentially create unnecessary barriers to acquiring citizenship and will discourage many from even considering Canadian citizenship, and I believe, honourable senators, that would be unfortunate.

• (1520)

One concern raised many times by witnesses at our hearings and by those who have contacted me is the Canadian citizenship applicant’s new requirement to show intent to reside in Canada provision. If the applicant cannot satisfactorily demonstrate that they intend to reside in Canada, they will be denied citizenship. There was some skepticism about how this requirement will even be administered by the Department of Citizenship and Immigration, as it would seem impossible to determine. There were also some concerns about the constitutionality of the clause.

I would like to quote from a gentleman who emailed me his concerns about Bill C-24. He wrote:

The new law will violate mobility rights and will put all naturalized citizens under the tacit threat of having their citizenship revoked by making it possible for government officials to strip a naturalized Canadian of citizenship if they believe that person never intended to live in Canada, for example if she/he decides to study, accept a job, or move in with a romantic partner outside of Canada. In contrast, citizens by birth never have to worry that time spent away from Canada might put their citizenship status at risk. I believe requiring citizens to indicate that they intend to live in Canada if granted citizenship is unconstitutional, as it would distinguish between naturalized and other Canadian citizens, and would violate mobility rights under the Charter.

This gentleman’s comments also highlight another fear many naturalized Canadians have, that the intent to reside clause in this bill will create an atmosphere of discrimination or second-class citizens by treating dual citizens or naturalized citizens differently. Honourable senators, we should not have two classes of Canadians. A Canadian is a Canadian.

I raised this issue with the minister when he appeared before the committee. The wording of clause 3(1)(c.1) in the bill stipulates that the applicant “intends, if granted citizenship, (i) to continue to reside in Canada” — “intends, if granted citizenship,” that’s past tense, after you become a citizen, “to continue to reside in Canada.”

I’m not a lawyer, but the wording of this clause seems to me to be saying that if the applicant is successful in their bid to obtain Canadian citizenship, they are obligated to stay in Canada. This would seem to me to be placing restrictions on naturalized Canadian citizens. However, in committee, the minister said this would not be the case. He assured the committee that citizenship would not be revoked for those successful applicants who leave the country after obtaining Canadian citizenship. To quote the minister:

There’s no requirement for a citizen of Canada to remain physically in Canada once granted citizenship . . .

However, when the Canadian Bar Association testified, they had a different interpretation of the intent to reside requirement. Barbara Caruso, Executive Member, National Immigration Law Section, said:

The minister says it doesn’t matter what you do after you become a citizen because the Charter says citizens have the right to mobility, but citizenship can be revoked for misrepresentation, and subsequent travel outside of Canada may be used to prove misrepresentation.

So what the Canadian Bar Association is saying is that the minister can use his or her own unilateral discretion and take away someone’s Canadian citizenship if that Canadian happens to leave the country, if the minister deems it necessary. This can all be done under the guise that the applicant lied during the application process regarding their intent to reside in Canada.

[ Senator Eggleton ]

If the minister is saying the intent to reside does not apply to new Canadian citizens, then why is this provision in the bill? Why did the Conservatives on the committee vote against Senator Eggleton's amendment to remove the intent to reside provision from this bill?

We heard from lawyers who said that if they had clients who were naturalized Canadians, they would tell their clients not to go outside the country until there is case law. If I were a lawyer and if I were offering advice to a naturalized Canadian, that's exactly what I would tell them when I look at the provisions in this bill.

These comments exposed another concern that I have with the bill, namely, the expanded powers of the minister to more easily revoke citizenship. The technical aspects of the bill will allow the minister to skirt judicial appeal processes in revoking Canadian citizenships and placing the decision-making powers in these cases to the minister alone or to an officer acting on behalf of the minister. Citizenship judges are taken out of the equation all together, and powers will be centralized in the Department of Citizenship and Immigration. I would like to read again from the email the gentleman sent me:

The new law will significantly diminish due process rights and will grant government officials the authority to revoke citizenship. Under the current law, the government cannot remove a person's citizenship without making an application to a Federal Court judge. The new law, however, expands Ministerial discretion to remove citizenship, eliminates some rights of appeal, and, in most instances, replaces the right to an oral hearing before an independent judge with a written review by a bureaucrat acting under the direction of the Minister of Citizenship and Immigration.

The intent of Bill C-24 is to strengthen Canada's citizenship policies, and many measures in this bill will accomplish just that. Canada's Citizenship Act is well overdue for updating. However, as in the case of any piece of legislation, there is always the chance of unintended consequences. It is the clauses that are surrounded by uncertainty that require the attention of this chamber.

Full examination can rarely be accomplished as we continue to rush through yet another bill. This bill arrived in this chamber on Monday, and while the committee did a pre-study of the bill last week, the majority of the senators in this chamber were not engaged in that process. Why the rush? Whatever happened to the belief of Sir John A. Macdonald that the most important function of the Senate is that we serve as the chamber of sober second thought? Yet we hear from ministers that bills are terrific just as they are — no need for amendments. They continue to treat the legislative processes of our democracy with contempt, as they view it as nothing more than a nuisance and routinely dismiss the viewpoint of any Canadian who may disagree with them. We consistently get the message from this government that they are not interested in anyone's opinion but their own and the Senate should just rubber-stamp their legislation and, by the way, do it fast. And if we dare to question aspects of the legislation or propose amendments, we are subject to partisan attacks by the minister, as was the case during our committee's analysis of this bill.

Minister Alexander stated in committee that he would not revoke the citizenship of any new Canadian who would travel to another country for work or to study, and that is good. But, honourable senators, what about the next minister, because the bill clearly states in clause 3(1)(c.1), and I'll quote it again: "intends, if granted citizenship (i) to continue to reside in Canada."

Honourable senators, Canadians have a right to mobility — all Canadians — not just some Canadians. Indeed, section 6 of the Charter states, "Every citizen of Canada has the right to enter, remain in and leave Canada."

Honourable senators, we have heard that human rights lawyer Rocco Galati will seek a Supreme Court opinion on the constitutionality of this bill and that he will bring forward the challenge himself if changes are not made to the bill.

Well, honourable senators, so far changes have not been made, despite amendments — excellent amendments, I might add — put forward at committee by Senator Eggleton, which were voted down by the Conservative majority on the committee. Changes have not been made to Bill C-24, despite the testimony of witnesses at our committee or despite the correspondence we have received from the public. That is truly unfortunate, because we are the chamber of sober second thought, and I believe that we have a responsibility as senators to examine legislation thoroughly.

• (1530)

Why would we not fix the bill now, instead of having it sent to the Supreme Court at great cost to Canadian taxpayers?

Honourable senators, this bill will create two classes of Canadian citizens. Some citizens will be more equal than others.

This bill has been brought forward with little consultation. As Senator Eggleton said in his second reading speech, when major changes were made to the Citizenship Act in 1977 there was a white paper along with cross-Canada forums. In 2014, on the other hand, the Senate received the bill on June 16 and wants to pass it on June 19. I believe it is unfortunate that a bill of such importance, which will almost certainly be challenged in our court system, hasn't had a proper sober second look by this chamber.

Bill C-24 most certainly updates some of Canada's citizenship policies, which I support, but I am equally concerned with aspects of this bill that provide expanded and overreaching powers to the Minister and the Department of Citizenship and Immigration. Also worrisome is the potential of this bill to discriminate and essentially create second-class Canadian citizens, not to mention the untested constitutionality of some of the clauses in this bill.

To quote Christopher Veeman of the Canadian Bar Association when he appeared before the House of Commons committee

study of this bill, talking about the new barriers to the Canadian citizenship application process, he said:

Simply making it harder to obtain doesn't make it better.

Honourable senators, Canadian citizenship is truly a great privilege, whether you were born in Canada or whether you have chosen to make Canada your country. Let's not create a second class of Canadian citizenship.

Honourable senators, I'm unable to support this bill without the excellent amendments put forward by Senator Eggleton, which will make Bill C-24 a better bill.

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

**Some Hon. Senators:** Question.

**The Hon. the Speaker:** It is moved by the Honourable Senator Eggleton, seconded by the Honourable Senator Robichaud, that Bill C-24 be not now read a third time but that in clause 3 it be amended:

(a) by deleting lines 7 to 22 on page 11;

(b) by deleting lines 31 to 32 on page 14 —

**Senator Carignan:** Dispense.

**The Hon. the Speaker:** And that it be further amended in clause 3:

(a) by replacing —

Shall I dispense?

**An Hon. Senator:** Dispense.

**The Hon. the Speaker:** And, further, that it be amended in clause 3 by adding after line 4 on page 12 the following —

Shall I dispense?

**An Hon. Senator:** Dispense.

**The Hon. the Speaker:** And further, that it be amended in clause 8 by adding after line 5 on page 25 the following —

Shall I dispense?

**An Hon. Senator:** Dispense.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Those in favour of the motion please signify by saying "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed signify by saying "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Two senators rising; do the whips have advice?

**Senator Marshall:** Thirty minutes.

**The Hon. the Speaker:** There will be a 30-minute bell. Therefore, the vote will take place at 4:05 p.m. Call in the senators.

• (1600)

Motions in amendment negatived on the following division:

#### YEAS THE HONOURABLE SENATORS

Baker	Hubley
Callbeck	Jaffer
Campbell	Lovelace Nicholas
Chaput	Massicotte
Charette-Poulin	McCoy
Cools	Mercer
Cordy	Merchant
Dawson	Mitchell
Day	Moore
Downe	Munson
Dyck	Ringuette
Eggleton	Rivest
Fraser	Robichaud
Furey	Smith ( <i>Cobourg</i> )
Hervieux-Payette	Tardif—30

#### NAYS THE HONOURABLE SENATORS

Andreychuk	Martin
Ataullahjan	McInnis
Batters	McIntyre

[ Senator Cordy ]

Bellemare	Meredith
Beyak	Mockler
Black	Nancy Ruth
Boisvenu	Neufeld
Buth	Ngo
Carignan	Ogilvie
Champagne	Oh
Dagenais	Patterson
Demers	Plett
Doyle	Poirier
Eaton	Raine
Enverga	Rivard
Fortin-Duplessis	Runciman
Frum	Seidman
Gerstein	Seth
Greene	Smith ( <i>Saurel</i> )
Housakos	Stewart Olsen
Johnson	Tannas
Lang	Unger
LeBreton	Verner
MacDonald	Wallace
Maltais	Wells
Marshall	White—52

ABSTENTIONS  
THE HONOURABLE SENATORS

Nolin—1

• (1610)

**The Hon. the Speaker:** Honourable senators, the question now before the house is the motion by the Honourable Senator Eaton, seconded by the Honourable Senator Rivard:

That Bill C-24, An Act to amend the Citizenship Act and make consequential amendments to other acts, be read a third time.

Is it your pleasure to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Those in favour of the motion please signify by saying “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed to the motion please signify by saying “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the “yeas” have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators. Do the whips have advice?

**Hon. Jim Munson:** Now.

**The Hon. the Speaker:** We will proceed forthwith, then.

Motion agreed to and bill read third time and passed on the following division:

YEAS  
THE HONOURABLE SENATORS

Andreychuk	Martin
Ataullahjan	McInnis
Batters	McIntyre
Bellemare	Meredith
Beyak	Mockler
Black	Nancy Ruth
Boisvenu	Neufeld
Buth	Ngo
Carignan	Ogilvie
Champagne	Oh
Dagenais	Patterson
Demers	Plett
Doyle	Poirier
Eaton	Raine
Enverga	Rivard
Fortin-Duplessis	Runciman
Frum	Seidman
Gerstein	Seth
Greene	Smith ( <i>Saurel</i> )
Housakos	Stewart Olsen
Johnson	Tannas
Lang	Unger
LeBreton	Verner
MacDonald	Wallace
Maltais	Wells
Marshall	White—52

NAYS  
THE HONOURABLE SENATORS

Baker	Jaffer
Callbeck	Lovelace Nicholas
Campbell	Massicotte
Charette-Poulin	McCoy
Cools	Mercer
Cordy	Merchant
Dawson	Mitchell
Day	Moore
Downe	Munson

Dyck  
Eggleton  
Fraser  
Furey  
Hervieux-Payette  
Hubley

Ringuette  
Rivest  
Robichaud  
Smith (*Cobourg*)  
Tardif—29

Administration, which deals with an armed unit in the Senate precinct.

## CRIMINAL CODE

### ABSTENTIONS THE HONOURABLE SENATORS

### BILL TO AMEND—LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

Chaput

Nolin—2

**Hon. Yonah Martin (Deputy Leader of the Government),**  
pursuant to notice of June 18, 2014, moved:

• (1620)

### PROHIBITING CLUSTER MUNITIONS BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-6, An Act to implement the Convention on Cluster Munitions.

(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.)

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### SEVENTH REPORT OF COMMITTEE TABLED

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

**Hon. George J. Furey:** Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Committee on Internal Economy, Budgets and Administration, which deals with Senators' Travel Policy.

#### EIGHTH REPORT OF COMMITTEE TABLED

**Hon. George J. Furey:** Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Committee on Internal Economy, Budgets and

That, in accordance with rule 10-11(1), the Standing Senate Committee on Legal and Constitutional Affairs be authorized to examine the subject-matter of Bill C-36, An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts, introduced in the House of Commons on June 4, 2014, in advance of the said bill coming before the Senate;

That, for the months of September and October 2014:

- 1) 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;
- 2) 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;
- 3) 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;

That, notwithstanding usual practices, the committee be authorized to deposit with the Clerk of the Senate its report on this study if the Senate is not then sitting, and that the report be deemed to have been tabled in the Senate.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[ The Hon. the Speaker ]



## THE SENATE

### MOTION TO RESTRUCTURE THE CALLING OF "OTHER BUSINESS" ITEMS FOR TODAY'S SITTING ADOPTED

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

That when the Senate deals with Other Business and the Notice Paper today, it deal with items in the following order:

- (a) Commons Public Bills — Third Reading: Number 1 (Bill C-489);
- (b) Senate Public Bills — Reports of Committees: Thirteenth report of the Social Affairs, Science and Technology Committee, as ordered earlier today;
- (c) Senate Public Bills — Second Reading: Numbers 2 (Bill S-217), 3 (Bill S-208) and 5 (Bill S-214);
- (d) Commons Public Bills — Second Reading: Numbers 2 (Bill C-483), 3 (Bill C-479) and 4 (Bill C-501);
- (e) Motion Number 71; and
- (f) Inquiry Number 35 on the Notice Paper;

followed by the other items in the order they appear on the *Order Paper and Notice Paper*.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## CRIMINAL CODE CORRECTIONS AND CONDITIONAL RELEASE ACT

### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator McIntyre, for the third reading of Bill C-489, An Act to

amend the Criminal Code and the Corrections and Conditional Release Act (restrictions on offenders).

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak on Bill C-489, which aims to provide victims of sexual violence with the safety and security that they need to recover. I would like to thank the Honourable Member of Parliament for Langley, British Columbia, Mr. Mark Warawa, for bringing such an important issue to the forefront by introducing this bill. Promoting victim rehabilitation especially in the area of sexual violence warrants more discussion in both this house and the other place.

Honourable senators, throughout my years as a practising lawyer, I have dealt with a number of sexual violence cases. I can attest from experience in dealing with sexual violence victims that it is heartbreaking. These victims experience severe trauma that many never fully recover from. Therefore, as a lawyer, I understand that the victim's well-being and rehabilitation are always paramount.

In terms of the law, dealing with these cases requires a delicate approach. Each case is not only unique but tragic when you consider that most often the victims are betrayed by someone they know.

**Hon. Jim Munson:** Mr. Speaker, there is conversation going on. I know we have about eight hours to go, but I would like to hear my colleague. Thank you.

**Senator Jaffer:** In 2011, Statistics Canada reported that 88 per cent of sexual assaults against children and youths were committed by someone known to the victim. Of the 88 per cent, 50 per cent were committed by a friend or an acquaintance, and 38 per cent by a family member. It is this close relationship between the victim and the offender that adds an element of complexity to the crime. In these cases, a comprehensive approach is imperative.

The purpose of this bill is to decrease the likelihood that the victim will come across the offender in everyday circumstances. Following acts of sexual violence, a victim is not only traumatized physically but also psychologically and emotionally. Often, seeing the offender during the recovery period will lead to re-victimization by triggering feelings of pain and anguish.

• (1630)

By placing a geographic restriction of two kilometres around the victim's dwelling, Bill C-489 aims to assist in the recovery process by ensuring that the victim feels safe and secure. The offender must not be within the set perimeter or contact the victim through any other means. However, if a judge chooses not to impose these restrictions, they must provide one of two reasons: either the victim provides consent or there are exceptional circumstances.

Honourable senators, I'm concerned about the effects this bill could have on the court system, as well as judicial discretion. Catherine Latimer, the Executive Director of the John Howard

Society of Canada, was a witness in the Senate Standing Committee on Legal and Constitutional Affairs when this bill was studied. In her testimony, she said:

... there's very little in this bill that can't now be done ... by making there be a judicial requirement to document why non-contact orders are imposed might slow down an already overburdened justice system when that really isn't necessary

Because the existing legal framework already compels the court to consider victims' needs through bail conditions, conditional sentences and the provisions in the Corrections and Conditional Release Act, Bill C-489 might not contribute much to the current legislation.

In terms of judicial discretion, I'm afraid Bill C-489 will make it difficult for judges to consider all circumstances. Cases involving victims of sexual violence are very complex; the victims are usually close to the offender, which makes it important to consider all factors before a decision is rendered.

In current cases, the judge outlines a comprehensive approach that makes the victim's well-being the focus, whether or not that contains a geographical restriction. Bill C-489 appears to increase public confidence in our justice system, but it may be a false sense of security.

Honourable senators, we know that 88 per cent of sexual violence against children and youth is committed by a family member, friend or acquaintance. The close relationship between the victim and the offender already makes a victim reluctant to report these incidents. Most victims suffer in silence because they are fearful of the severe punishments the offenders may face if the victims report the abuse. Imposing additional restrictions may further discourage victims from coming forward — especially in cases where the offender is the primary financial supporter of the family.

Because of the varying family dynamics in sexual violence cases, I am concerned that Bill C-489 might not be able to achieve its intended purpose. For the remaining 12 per cent of victims who do not know their perpetrators, implementing a fixed-distance restriction would likely reveal the victim's location. Although big cities might not encounter this problem, smaller or rural communities will.

Bill C-489 seeks to ensure that the victim feels safe in order to recover from the traumatic experience. However, in these cases, it would be difficult for a victim to feel at ease knowing that the offender knows the general area where the victim resides.

There is no question that the victim's need for safety and security is central to the healing process. However, I believe that with Bill C-489 our focus is misplaced. Victim rehabilitation depends on a variety of factors.

Although the court plays a role in the initial stages of providing the safety and security that a victim needs, victim rehabilitation also depends on their support system. There are commendable

organizations in Canada that specialize in providing support to these victims.

The John Howard Society of Canada is a community-based charity with many programs to support victims of crime, including children and youth victims of sexual violence, which is the focus of Bill C-489. Executive Director Catherine Latimer said:

I would favour additional resources being put into victim services rather than just some conditions being placed upon them. I think that there is a healing process that needs to take place and if they can be supported, that makes sense.

I share Ms. Latimer's view that ensuring a victim feels safe and secure alone cannot help a victim recover fully. Because the current legislation can already provide the victim with support in the initial stage, our focus should be on the organizations that assist victims in these matters.

Honourable senators, although I support the objective of Bill C-489 and I am happy to see these issues being raised again and again, I believe our focus needs to shift towards organizations that provide support for these victims, as they will be the most effective for rehabilitation. To raise expectations of victims without resources is wrong and it re-victimizes the victim. Thank you.

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

**Hon. Senators:** Agreed.

**Senator Fraser:** On division.

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

## NATIONAL FIDDLING DAY BILL

### THIRTEENTH REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Social Affairs, Science and Technology (Bill S-218, An Act respecting National Fiddling Day), presented in the Senate earlier this day.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## THIRD READING

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

**Hon. Elizabeth Hubley:** Honourable senators, with leave of the Senate, I move that the bill be read the third time now.

**The Hon. the Speaker:** On third reading, the Honourable Senator Hubley.

**Senator Hubley:** Honourable senators, I rise today to speak to third reading of Bill S-218, An Act respecting National Fiddling Day. Since introducing this bill in early April, I have been overwhelmed by the level of support I've received from both sides of the chamber.

Last evening's committee hearing on this bill was truly unique. In the art world, we would call it a "happening." A "happening" is an event that occurs when something is expected to happen but something much more happens. It far exceeds one's expectations. This is exactly what happened last evening. It was a truly joyful occasion.

I would like to offer my thanks to the many people who helped make yesterday's hearing possible. Thank you to the committee chair, Senator Ogilvie, and to the contributions of committee members, the deputy chair, Senator Eggleton, Senator Seth, Senator Cordy, Senator Enverga, Senator Chaput, Senator Eaton, Senator Merchant, Senator Nancy Ruth, Senator Seidman and a special thank you to Senator Stewart Olsen, co-sponsor of the bill, for her enthusiasm and support throughout the process.

**Senator Munson:** Hear, hear!

**Senator Hubley:** As well, I would like to thank the clerk, Jessica Richardson, for going outside the norm to make this hearing possible.

I would also like to recognize my staff, Joanne Ghiz and Joel Tallerico, for going above and beyond to make sure the step dancers had plywood to dance on. The ability to carry a sheet of plywood from the Canada Day staging site on Parliament Hill to the Victoria Building is certainly not in their job description, but never question their ability to come up with what is needed.

Yesterday's witnesses were truly outstanding. I was absolutely delighted that we were able to have three of Canada's finest fiddlers and a doctor in ethnomusicology appear to offer their support for this bill.

From St. Paul, Alberta, we had Calvin Vollrath. Calvin has been recognized over and over again for his amazing stage presence and for his ability to bring his audience to their feet. He is a true musical prodigy. To date he has composed over 500 tunes and has to his credit 60 of his own albums.

From Toronto, we had Dr. Sherry Johnson. Dr. Johnson grew up step dancing and playing the fiddle, and is currently an associate professor of music at York University. Her PhD dissertation in ethnomusicology asked how fiddlers within the Ontario fiddle and step dancing contest circuit conceptualized "tradition." At this time, she is working on two projects. The first explores the links between stepdancing in Britain and Ireland with that of various regions of Canada, and the second examines the role of fiddling and stepdancing in the Canadian North.

• (1640)

From Kingston, Ontario, we had Kelli Trottier. Kelli is a champion fiddler and stepdancer, as well as a singer and songwriter, performing and teaching across Canada. She has toured internationally with the sensational string ensemble Bowfire for nine years and has performed on four tours for our Canadian military in the Far North and the Middle East.

From Moncton, New Brunswick, we had Ivan Hicks. With over 68 years of playing old-time music, Ivan is an award-winning fiddler, known throughout North America for his contributions to the preservation and promotion of old time fiddling. His wife, Vivian, was in the audience and has accompanied Ivan for years on the piano.

The music played by these extraordinarily talented musicians was simply amazing. As well, the stories they shared about the importance of the fiddle in their country were beautiful.

I would like to share one told by Calvin Vollrath. Among Calvin's many fiddling accomplishments, he is also a fiddle instructor and taught at the first fiddle camp in Canada, held in Emma Lake, Saskatchewan, in 1988. In 1996, a young teacher from Sherridon, Manitoba, teaching in a one-room schoolhouse for grades 1 to 8, with 24 students, thought it would be wonderful to teach fiddle to the kids.

The teacher didn't own or play a fiddle, but he did know a lot about the kids he was teaching, who came from troubled homes and troubled lives. He set off for Emma Lake Fiddle Camp, bought a fiddle along the way and took the beginner class. At the end of the week, he stopped at the same music store in Prince Albert and bought 24 fiddles himself so that he could teach the kids in northern Manitoba. After teaching them for a few months, he invited Calvin to come for a workshop and then a fiddler from Winnipeg, as well.

These kids' lives truly started to change, and it wasn't just because of the fiddle music. The teacher would take the kids out to play at different community events in the area, and the kids learned confidence and social skills.

Other schools started to recognize what was happening, and the Frontier School Division, in northern Manitoba, now teaches fiddling in all of their schools to over 5,000 kids. Many of the students have gone on to become fiddle instructors throughout Canada. This teacher saw an opportunity to better the lives of the children he taught through the fiddle, and he was very successful.

Honourable senators, I envision National Fiddling Day as a day when fiddlers give back to the community by entertaining and sharing their talents to make people happy, to lift their spirits and to celebrate the unifying nature of this country through the magic of music and the universality of this beautiful instrument.

I envision National Fiddling Day as an opportunity not only to celebrate the fiddle as an instrument, but also to celebrate fiddling itself, the men and women who bring this music to life, to entertain, to come together as family, friends and community, and to celebrate our unique and distinctive culture, which finds such a melodic expression through the fiddle.

**Hon. Carolyn Stewart Olsen:** Honourable senators, I rise today to speak to third reading of Bill S-218, national fiddling day. As in my previous speech, I'll be quite brief. As committee members learned yesterday, fiddles are better heard than spoken of.

I want to thank the members of the Standing Senate Committee on Social Affairs, Science and Technology and all of the people who work in that committee for their willingness to open their minds to a different way of doing business in the Senate. I want to thank them very much for that. We had a lot of fun. We heard from extremely talented musicians, not to mention Senator Hubley herself, who joined the group to give us the benefit of her playing as well.

We know that fiddling styles are extremely diverse. The fiddle followed the territorial expansion of our country, and the traditions were established by the many peoples who settled in Canada. Members of the committee last evening heard the demonstrations of this skill and the diverse playing styles in what was surely the first Senate kitchen party.

Colleagues, Senator Hubley's bill shows the best of what I believe the Senate should be. Bill S-218 touches thousands of Canadians and validates the historical impact of the fiddle and its music on the evolution of our country.

We heard, yesterday, from the finest musicians in Canada. We heard about fiddle camps where thousands of young people are learning to play, and we heard about the lifechanging differences these camps can make in the lives of our youth, especially our Aboriginal youth.

I approach this bill in a non-partisan way, with an understanding of a value of a Senate that is in touch with real people, the people every senator must reach out to and represent in their regions.

To me, this bill is one of the finest examples of how the Senate can be there for ordinary Canadians. It recognizes how a simple gesture can make people feel that Ottawa is in touch with them in a very real sense. Bill S-218 is a very positive bill for the Senate. It is an opportunity that connects the Senate with ordinary Canadians and honours a Canadian tradition.

Colleagues, I urge you to support this bill and bring Canadians a national fiddling day.

[ Senator Hubley ]

**Hon. Jane Cordy:** Honourable senators, I wasn't going to speak on this bill, but how could a Scottish girl growing up in Cape Breton not comment on a bill dealing with a national fiddling day?

Fiddling was a way of life for me growing up in Cape Breton, and, whenever my parents had a house party, there were always fiddlers and lots of dancing. That was the way in many households in Cape Breton. In Cape Breton today, we have Celtic Colours, where people from all over the world travel to Cape Breton and put on concerts not only in the city of Sydney but also in all of the rural areas, in small church halls and community halls, bringing back the Scottish tradition of fiddling, dancing and singing.

We heard yesterday — and I have no doubt about this — that the old-style Scottish fiddling is more likely to be found in Cape Breton than it is in Scotland. In fact, I remember when my husband and I travelled to Scotland. When we came back to Nova Scotia, our comment was that Cape Breton is actually more Scottish than Scotland in more ways than just the fiddling.

We heard fiddling witnesses last night who said that fiddling unites us all around the country and, certainly, that is very true. It didn't matter where you were from in our committee last night. You could see the toes tapping and a few people taking off their shoes and dancing. As Senator Stewart Olsen said earlier, we were delighted that our own Senator Hubley played the fiddle along with our witnesses last night. Senator Hubley called it "a happening." If you were in Cape Breton, you would refer to it as a kitchen party or a ceilidh. Whatever we call it, it was a great committee hearing last night.

I also want to say that, in Cape Breton, we have the Gaelic College, and the CEO of the Gaelic College is a former Premier of Nova Scotia, Rodney MacDonald, who, in his own right, is a very talented fiddle player.

I'm delighted to stand up and support this bill. I also want to join with Senator Stewart Olsen in thanking committee members for what was a much-needed break in listening to speeches and to have our witnesses playing the fiddle last night. It was a lot of fun,. I want to thank Senator Hubley very much for bringing this bill forward and Senator Stewart Olsen for seconding this bill.

**Hon. Terry M. Mercer:** Honourable senators, I, too, was not going to speak on this bill, but I thought I should give people some advice. Senator Cordy has talked about kitchen parties and ceilidhs in Cape Breton. If you happen to find yourself at a Cape Breton kitchen party, I have one piece of advice for you: Do not stand next to the fiddler. The reason is that, when the fiddler gets tired at one of these parties, they simply pass the fiddle to the person next to them. So you are expected to play.

There's a little bit of advice, but, if you get a chance, go to it. It's a great time.

• (1650)

**Hon. Nancy Greene Raine:** I, too, would like to congratulate Senator Hubley on this wonderful bill and everyone for supporting it so wholeheartedly.

I'd like to remind everybody that there's nothing that makes you move more than a fiddle. A fiddle invites you to get up and move and dance, and it is associated across our country with physical activity.

I invite you, Senator Hubley, to join me on National Health and Fitness Day and bring along your fiddle.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill, as amended, read third time and passed.)

## BOARDS OF DIRECTORS MODERNIZATION BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Fraser, for the second reading of Bill S-217, An Act to modernize the composition of the boards of directors of certain corporations, financial institutions and parent Crown corporations, and in particular to ensure the balanced representation of women and men on those boards.

**Hon. Linda Frum:** Honourable senators, I rise to speak to Bill S-217, An Act to ensure the balanced representation of women and men on certain corporate boards, financial institutions and parent Crown corporations.

This is the fourth appearance of what is essentially the same bill proposed by the same honourable senator. There was Bill S-206 in the last session of the previous Parliament, reported to the Senate by the Banking, Trade and Commerce Committee with a recommendation not to proceed; there was Bill S-203 in the last session of this Parliament, which never emerged from committee; there was Bill S-212, dropped from the Order Paper earlier this year after first reading; and now we have Bill S-217.

I admire Senator Hervieux-Payette for her persistence in trying to significantly improve the balance between men and women on corporate boards of directors. It is an outcome I fully support and which is strongly supported by this government both in word and deed.

The sponsor of Bill S-217 was right when in her speech said that the present situation is "both socially unjust and economically counterproductive." Where I do not believe she is right, however,

is her solution to this problem, and that is to legislate gender imbalance through quotas, with sanctions for non-compliance.

In her second reading speech, Senator Hervieux-Payette insisted that Bill S-217 would "not establish quotas for women on boards of directors. The concept of quotas is not consistent with the spirit of the bill, and the concept of quotas for women even less so."

Honourable senators, this is not logical. When you require that at least 40 per cent of certain corporate boards be women and at least 40 per cent be men, how is that not a quota? At least 4 in 10 must be women, with the possibility of 6 in 10 if 4 in 10 are men.

And what of Senator Hervieux-Payette's sanctions for not complying? They are severe. The Director of the Canada Business Corporations Act shall not issue a certificate to any such corporation, and the minister may not issue letters patent under the Bank Act, the Cooperative Credit Associations Act, the Insurance Companies Act and the Trust and Loan Companies Act.

There are further problems with Bill S-217. It imposes federal law on provincially and foreign incorporated public companies operating in federally regulated industries which may be beyond the scope of Parliament. It undermines corporate and shareholder democracy by mandating quotas and implementing a complicated, inefficient election process for directors. It doesn't address what are considered the true barriers to diversity, such as lack of networking and mentorship programs. And it could leave qualified candidates being excluded from boards.

As you can see, the honourable senator's proposal is both prescriptive and intrusive. It is the wrong way to proceed.

I find it particularly regrettable that the creator and sponsor of this bill has misrepresented the government's views on the importance of there being far more women on corporate boards. She has been quoted on the Liberal Senate Forum website as saying, "The Conservatives have a particularly aggressive view of women in our society. In this case, they absolutely do not believe they are entitled to equal representation with men on boards of directors of our companies."

Honourable senators, this is an outrageous assertion by my honourable colleague. The fact is, we Conservatives absolutely do believe women belong on corporate boards, and in far greater numbers and across the entire spectrum of corporate Canada than at present.

There is nothing more important to the existence and survival of Canada than the private sector. Business is our economy and our economy is business. Without the private sector and the corporations which are its bedrock, we would have nothing and be nothing.

Women are similarly vital to this country and not just to its social fibre. We make up more than half of the population and we make a huge contribution to the nation's well-being — I'd venture to say at least in proportion to our numbers given that in addition to being part of the working world, we also take the lead in raising Canada's children and running its households.

The contribution of women continues to grow as Canada evolves and matures. Canadians increasingly understand that it hurts this country and it holds us back from our full potential as a nation not to make fullest possible use of women's intelligence, abilities and talents. Of course, that includes having qualified women take far more seats on boards of directors and in other corporate leadership positions to add to the diversity of talent and points of view that drive the creativity, competitiveness and prosperity of corporate Canada. We must do better not only for women but also for all of us — and the situation is improving.

I note that the honourable senator has cited research by the global organization Catalyst, the leading non-profit organization, with a mission to expand opportunities for women and business. She herself told this chamber about Catalyst's research showing that in 1998 women held 6.2 per cent of the seats on the boards of directors of Canadian companies on the *Financial Post* 500 ranking. In 2013 that figure was 15.9 per cent of those same seats. That represents a doubling of female representation over a 15-year period, or an increase of over 300 per cent. We are headed in the right direction.

There is more good news on progress in Canada without quota legislation. As reported on February 2 this year in *The Globe and Mail*, the headline reads "Canada's firms outpace peers for female directors." The article quotes a study by Spencer Stuart, a leading global executive search consultancy. The study, reports *The Globe and Mail*, shows that:

Women now account for 20 per cent of directors on the boards of 100 of Canada's largest companies, while comparable-sized U.S. companies have 17 per cent women and British boards have reached 18 per cent after starting from a lower base five years ago.

So there has been significant progress within Canada's largest corporations. They understand the importance of having a much higher proportion of women on corporate boards. They are a beacon and example of leadership for all Canadian corporations.

Why is this happening? It is not because they have been forced by legislation to do better. They are committed to do it because they know it is the right thing to do and because of encouragement to do better from within the private sector itself, including from men.

For example, Women on Board is an initiative of the non-profit organization Catalyst, selecting and pairing women corporate director candidates with mentors and champions and by promoting the women's candidacy for corporate boards in Catalyst's online listing, Women on Board Source.

And of course there is the Canadian Board Diversity Council headed by Pamela Jefferey, one of whose missions is to increase the participation of women on corporate boards. The Board Diversity Council asks: "Are quotas the answer?" And answers: "The Council does not support quotas at this time. Instead, we support a made-in-Canada approach."

In an opinion piece in the *Financial Post*, Ms. Jeffrey wrote, "... quotas could do more harm than good in helping pave the

way for women to earn seats on Canada's corporate boards. They could provoke a backlash and resentment . . ."

The publication *Canadian Business* put the question "Are quotas the answer?" to several Canadian business leaders last fall. Isabelle Courville, Chair of the Laurentian Bank of Canada said, "I don't think we should use quotas." Monique Leroux, Chair, President and CEO of Desjardins Group, said, "I'm really in favour of having a voluntary, transparent commitment."

• (1700)

Eileen Mercier, Chair of the Ontario Teachers' Pension Plan Board, said: "The only way I could say I could support quotas is if we tried a bunch of other things and they don't work."

Sue Paish, CEO of LifeLabs, I think puts it very well: "If you're there overtly because somebody has a quota to fill, I can't help but think you may feel somewhat compromised and your colleagues may feel differently about you than they do about others."

Exactly. If I were appointed to a corporate board because the company was required to fill a quota, I could never be sure I was there on merit, and neither could any other woman — even if we were supremely qualified to serve.

How seriously could one take a corporate director whose presence was mandated?

Many of the corporate leaders polled by *Canadian Business* favoured an approach such as the Ontario Securities Commission has been studying — "comply or explain."

The OSC is looking at requiring that companies disclose the number of women in high-ranking positions and what they are doing to diversify their boards, including how they find and select candidates.

The Government of Canada, by its actions, has shown that we too completely support promoting significant increases in the participation of women as directors on corporate boards and in corporate leadership.

It is the position of the government, as stated by Status of Women Canada, that "having zero women on a board is unacceptable." Status of Women says: "Principal levers in the federal and business sectors need to be examined to foster change."

In Budget 2012, the economic action plan, the government committed to creating a council to advise the government on how best to proceed with increasing the presence of women on boards.

A year ago, the Advisory Council for Promoting Women on Boards was appointed by Minister Ambrose. I was privileged to sit on that council, with 15 women and 7 men, almost all of them leading figures from the private sector.

The government is now considering the advisory council's guidance and input and is looking to come forward with a plan of action. At the same time, the government is pleased by the efforts

of the Ontario Securities Commission to promote the participation of women on corporate boards and looks forward to their final report.

The way to go is not quotas; it is, rather, encouragement — by promoting mentorship, coaching and networking, by and for women in corporate Canada, by actively supporting the idea that far more women belong on corporate boards of directors through positive peer pressure.

**Hon. Terry M. Mercer:** Would the honourable senator take a question? It is curious that you say there shouldn't be discrimination, et cetera. I read an article in *The Canadian Press* today where the Minister of Justice was responding to a *Toronto Star* report Wednesday about an Ontario Bar Association meeting at which he was asked about the lack of women and visible minorities on federally appointed benches. Minister MacKay answered the question by saying that women don't apply to be judges because they fear their job will take them away from their children and that children need their mothers more than their fathers, the *Star* report said.

**Senator Cordy:** Shame.

**Senator Mercer:** Wouldn't you agree that the systemic discrimination against women by people like the Minister of Justice of this country is what is drawing this inequity of female representation at senior levels of government or on the bench in this country?

**Senator Frum:** Senator Mercer, I reject the concept that there's systemic discrimination against women in this government. The fact is that women's lives are very complicated, and women do tend to balance more in their lives than men. That's a reality. It should not prevent them from any kind of progress. But I don't think there's anything wrong with acknowledging that women's lives, in fact, are more complex, and I think we're proud of it. Those of us who do balance all these items in our lives, we're very proud of it.

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

**Senator Mercer:** There's no question in my mind that women have to balance more, and indeed most of them are smarter. I certainly made it a point in my life to marry a woman much smarter than I am. But let's go on to talk about judges.

**Senator Day:** Not to mention richer.

**Senator Mercer:** Now 24 of 81 federally appointed judges, fewer than 30 per cent, are female. Are you telling me that this government is paying attention to the equality of women to be represented on benches? I haven't even talked about how many of those people are from visible minorities because that number would be even more staggering.

Senator Frum, I understand your debate against Senator Hervieux-Payette's bill, but you cannot tell me that you actually believe that the government is pulling its weight with respect to the equality of women in this country.

**Senator Frum:** Well, I certainly do. I think if you look at Canada's civil service, you will see that the numbers are robust. In fact, they represent more than 50 per cent of workers. But I think that we are now well far away from the scope of Bill S-217, which focuses on corporate boards. That's what we're here to talk about this afternoon.

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

**Senator Carignan:** Question. Question.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Would Senator Frum take another question? This is in the nature of seeking clarification.

When you were citing statistics for the proportion of women on boards, I thought I heard you say that over a 15-year period, I guess it was, the proportion of women on boards had doubled; and then I thought I heard you say that is a 300 per cent increase. But to double something is to give it a 100 per cent increase. What did I miss?

**Senator Frum:** The exact numbers are that it went from 6 per cent to about 18 per cent.

**An Hon. Senator:** That would be three.

**Senator Frum:** That's three. It's triple.

**An Hon. Senator:** Six times three is eighteen.

**Senator Fraser:** Yes, but it's not a 300 per cent increase.

**Senator Frum:** I said "approximately." I said "in that neighbourhood." I think my math is in the correct neighbourhood.

**An Hon. Senator:** It's not good enough.

**Senator Cordy:** It's still not good enough.

**Senator Carignan:** Question.

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

**Senator Carignan:** Yes.

**The Hon. the Speaker pro tempore:** It is moved by Senator Hervieux-Payette, seconded by Senator Fraser, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Senator Carignan:** On division.

**The Hon. the Speaker *pro tempore*:** It will be read for the second time.

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

[*Translation*]

#### REFERRED TO COMMITTEE

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

(On motion of Senator Hervieux-Payette, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.)

[*English*]

### CANADIAN COMMISSION ON MENTAL HEALTH AND JUSTICE BILL

#### SECOND READING

On the Order:

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

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I rise today as the critic on Bill S-208, An Act to establish the Canadian Commission on Mental Health and Justice.

Bill S-208 proposes the creation of a Canadian commission on mental health and justice. While I can agree with the bill's objectives to address the issue of mental illness in the criminal justice system, I also have concerns about the creation of such a commission that may duplicate many of the efforts that have already been made in addressing this very important and concerning issue, particularly in the existing federally funded Mental Health Commission of Canada.

It seems the bill does not recognize existing progress that's already being made on this issue through other federal government initiatives and programs, and through the collective efforts of federal, provincial and territorial governments. It is a shared responsibility with the provinces and territories; and much collaboration, much effort and many initiatives have been undertaken.

I can cite many of these examples, but in respect to the time that remains today, as well as the fact that I do commend the efforts of Senator Cowan — and I understand why he has put this forward — I will take some time this summer to continue to examine this bill very carefully.

I am confident that with respect to the committee to which this bill will go, a committee on which I have previously served, the Senate Standing Committee on Social Affairs, Science and Technology, the members are very dedicated and versed in this very topic. While I was on the committee, we looked at this issue very seriously.

With that, I will express my concerns, but I am agreeable to referring the bill to committee today after second reading.

• (1710)

**Hon. Jane Cordy:** Will Senator Martin take a question?

**Senator Martin:** Yes.

**Senator Cordy:** Thank you very much. As a member of the Social Affairs Committee that was instrumental in bringing forward the Mental Health Commission, as it was one of the recommendations in our report on mental illness and addictions, you said there would be no need for this commission on mental health and justice because of the work that the Mental Health Commission is currently doing.

I've heard rumours — and I certainly hope that they're incorrect — that the funding for the Mental Health Commission will only be for 10 years and then the Mental Health Commission will be gone. Would you dispel those rumours and tell us that, in fact, that is false and that the Mental Health Commission will be around long past 10 years?

**Senator Martin:** Thank you for the question. I'm not in a position to dispel any rumour. If it's a rumour, it is a rumour. All I can say is I will acknowledge the good work of the commission and the work that has been done at both the provincial/territorial level as well as the federal level, the kind of collaboration that is already taking place with various stakeholders and those responsible for administering the different programs and initiatives.

I am not answering your question, *per se*, but I will simply say that the existing commission is doing very effective work.

**Senator Cordy:** Would you agree that the Mental Health Commission has done excellent work, particularly in the field of reducing the stigma of mental health and mental illness, and that indeed it should go beyond the 10-year mandate?

**Senator Martin:** It's not up to me to make such a statement, but I will simply agree with you that it has done excellent work.

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

**Hon. Senators:** Question.



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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Fraser, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

## CRIMINAL CODE

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, for the second reading of Bill S-214, An Act to amend the Criminal Code (exception to mandatory minimum sentences for manslaughter and criminal negligence causing death).

**Hon. Paul E. McIntyre:** Honourable senators, I rise today to speak to Bill S-214, An Act to amend the Criminal Code (exception to mandatory minimum sentences for manslaughter and criminal negligence causing death).

First and foremost, I wish to commend Senator Jaffer for introducing Bill S-214. By doing so, she exposed and brought to our attention the gruesome and horrible picture of battered woman syndrome.

However, the bill goes further than simply addressing the issue of battered woman syndrome. It seeks to amend the Criminal Code to remove the mandatory minimum sentence for manslaughter and criminal negligence causing death with a firearm committed by a battered woman.

Bill S-214 would create an escape clause from the otherwise applicable mandatory minimum penalty of four years for the use of a firearm in committing the offence of either criminal negligence causing death or manslaughter.

The criterion that would trigger this clause is where “the victim engaged in a pattern of conduct constituting physical, sexual or psychological abuse of the offender.”

In plain language, honourable senators, this bill would render inapplicable the existing mandatory penalties associated with the

use of firearms, penalties which Parliament has deemed appropriate to attach to the two offences in question.

[Translation]

Let’s be clear: mandatory minimum sentences send a clear message that legislators denounce serious crime. These sentences help protect the public by neutralizing and removing from society offenders who commit serious crime.

A judge sentencing an offender for a minor offence is restricted when the offence in question is punishable by a mandatory minimum sentence.

For example, an offence punishable by a mandatory prison sentence cannot result in a conditional sentence, otherwise known as house arrest or a discharge. A provision to allow the mandatory prison sentence to be reduced would lessen the denunciatory value and eliminate from sentencing the certainty and clarity needed to deter the commission of certain violent crimes.

[English]

Criminal negligence causing death and manslaughter are obviously serious offences that result in a person’s death. They both carry the maximum term of life imprisonment.

Whereas murder is the offence associated with intentionally causing someone’s death and is punishable by a mandatory term of life imprisonment, criminal negligence causing death and manslaughter are both offences that are, generally speaking, aimed at actions which unintentionally cause death.

The use of firearms in the commission of an offence is a very serious matter, and it receives special treatment under the Criminal Code for a number of important policy reasons. This is true whether or not an individual intended to discharge the firearm. First of all, firearms are generally more deadly than other weapons and by their very nature pose a much greater risk to human life than other weapons. The use of firearms can more often result in fatalities than other weapons, and firearms can cause multiple fatalities in a very short period of time.

Firearms can also be discharged carelessly, leading to accidental death relatively easily. This is especially important in relation to manslaughter and criminal negligence causing death specifically.

In 1995, the Chrétien government recognized this fact and introduced the Firearms Act (S.C. 1995, c. 39) which, among other things, created mandatory minimum penalties for several gun crimes. The Chrétien government enacted the Firearms Act, which introduced 19 mandatory minimum penalties for firearm offences. In particular, the government established mandatory minimum penalties for criminal negligence causing death and manslaughter when a firearm is used in the commission of an offence.

Under the Firearms Act, offenders of these crimes were subject to a one-year mandatory minimum penalty on their first offence and a three-year mandatory minimum penalty on the second offence.

[Translation]

The legal use of firearms is highly regulated. When a firearm is used in the commission of a crime, that justifies a harsher sentence than when other weapons that are not regulated or monitored are used.

For all these reasons and many others, the legislator decided to denounce the unsafe handling and deliberate discharge of firearms.

[English]

Bill S-214 would diminish these important considerations by giving the court full sentencing discretion, regardless of the fact that a firearm was used. This would introduce inconsistency into the existing regime of mandatory terms of imprisonment for use of firearms in the commission of offences.

As I mentioned at the beginning of my speech, this criterion described in Bill S-214 is “a pattern of conduct constituting physical, sexual or psychological abuse.”

In this regard, it is critical that honourable senators appreciate that self-defence will often apply to the situations Bill S-214 seeks to address. Also, senators may recall that Parliament passed amendments to the regime of self-defence in 2012. The Citizen’s Arrest and Self-defence Act came into force in March 2013 and modernized and simplified the law of self-defence, which has for decades been criticized as overly detailed and complicated and nearly impossible to understand.

The law now is quite clear. A person is not guilty of a crime, any crime, if they acted to defend against the use or threatened use of force against them, if their perception of the threat was reasonable and their actions were also reasonable in all the circumstances. Self-defence is a full and complete defence.

Obviously, we stand behind Canadians who take action to protect themselves and anyone else who is at risk of being attacked.

With respect to Bill S-214, criminal negligence causing death and manslaughter would occur where the handling of a firearm was reckless, the gun discharged accidentally and death was caused unintentionally. Therefore, it is difficult to see the relevance of a past history of abuse suffered by the offender to the determination of a fit sentence for having accidentally discharged a firearm.

For all these reasons, Bill S-214 would bring inconsistency to a sentencing regime that reflects the concerns of Canadians about

[ Senator McIntyre ]

the dangers of firearms and it would only raise many more questions about other mandatory penalties in our criminal laws.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

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

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

#### BUSINESS OF THE SENATE

**The Hon. the Speaker *pro tempore*:** Is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of the Deputy of His Excellency the Governor General?

**Hon. Senators:** Agreed.

(The Senate adjourned during pleasure.)

• (1740)

[Translation]

#### ROYAL ASSENT

His Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, His Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Criminal Code (mischief relating to war memorials) (*Bill C-217, Chapter 9, 2014*)

An Act to amend the Criminal Code (personating peace officer or public officer) (*Bill C-444, Chapter 10, 2014*)

An Act to give effect to the Tla’amin Final Agreement and to make consequential amendments to other Acts (*Bill C-34, Chapter 11, 2014*)

An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts (*Bill C-23, Chapter 12, 2014*)

An Act to amend the Canada-Newfoundland Atlantic Accord Implementation Act, the Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act and other Acts and to provide for certain other measures (*Bill C-5, Chapter 13, 2014*)

An Act to implement the Free Trade Agreement between Canada and the Republic of Honduras, the Agreement on Environmental Cooperation between Canada and the Republic of Honduras and the Agreement on Labour Cooperation between Canada and the Republic of Honduras (*Bill C-20, Chapter 14, 2014*)

An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment) (*Bill C-394, Chapter 17, 2014*)

An Act respecting the Qalipu Mi'kmaq First Nation Band Order (*Bill C-25, Chapter 18, 2014*)

An Act to change the names of certain electoral districts and to amend the Electoral Boundaries Readjustment Act (*Bill C-37, Chapter 19, 2014*)

An Act to implement certain provisions of the budget tabled in Parliament on February 11, 2014 and other measures (*Bill C-31, Chapter 20, 2014*)

An Act to amend the Criminal Code and the Corrections and Conditional Release Act (restrictions on offenders) (*Bill C-489, Chapter 21, 2014*)

The Honourable Andrew Scheer, Speaker of the House of Commons, then addressed His Excellency the Governor General as follows:

May it Please Your Excellency:

The Commons of Canada have voted supplies to enable the Government to defray certain expenses of the public service.

In the name of the Commons, I present to Your Excellency the following Bills:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015 (*Bill C-38, Chapter 15, 2014*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015 (*Bill C-39, Chapter 16, 2014*)

To which Bills I humbly request Your Excellency's Assent.

His Excellency the Governor General was pleased to give the Royal Assent to the said bills.

The Commons withdrew.

His Excellency the Governor General was pleased to retire.

(The sitting of the Senate was resumed.)

• (1750)

[English]

## CORRECTIONS AND CONDITIONAL RELEASE ACT

### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator MacDonald, seconded by the Honourable Senator Wallace, for the second reading of Bill C-483, An Act to amend the Corrections and Conditional Release Act (escorted temporary absence).

**Hon. George Baker:** Your Honour, I have to congratulate Senator MacDonald for his presentation of the second reading of this bill. Looking at the bill, we're looking forward to its being sent to committee to be examined.

I listened very carefully to his description of the intent of the bill, which only affects persons sentenced to imprisonment for life imposed as a minimum punishment, and that would cover only first- and second-degree murder and high treason. The purpose of the bill, then, is to allow victims or observers to witness and be part of the last three years of the sentence, in other words — life imprisonment, 25 years, and then the possibility of parole — to have that three-year period in which a parole hearing would be heard transferred from the warden to the parole board.

I just note, though, one thing that the honourable senator should raise with us at committee. An amendment was made to the bill by the government just before it left the Commons, and the amendment would practically negate that purpose of the bill. Let me just read the one sentence. It says:

(2) If the Parole Board of Canada authorizes the temporary absence of an inmate . . . and the temporary absence is not cancelled because the inmate has breached a condition, the institutional head may authorize that inmate's subsequent temporary absences with escort . . .

So it's only for one hearing that it goes back to the parole board. Then it goes back to the warden, the institutional head. We'll have to investigate that change to see if, in fact, that doesn't negate the entire purpose of your bill, and we look forward to you appearing before the standing committee to explain to us the ramifications of that late amendment. Thank you.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

#### REFERRED TO COMMITTEE

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

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

### CORRECTIONS AND CONDITIONAL RELEASE ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Beyak, for the second reading of Bill C-479, An Act to amend the Corrections and Conditional Release Act (fairness for victims).

**Hon. George Baker:** Your Honour, I have to congratulate Senator Boisvenu for his introduction of the bill. I think it describes the intent of the bill. I have a little more of a problem with this bill, however. It's a private member's bill in the other place.

It says that a parole hearing need not be held for five years if the person does not succeed on the first parole hearing. The problem with that, Senator Boisvenu, is that this will apply, as you pointed out, to all prisoners who are in prison because of violent acts. Schedule I of the Corrections and Conditional Release Act defines violent acts, and there are about 80 sections of the Criminal Code listed in Schedule I. It includes, for example, common assault, section 266. If I make a motion toward you, an aggressive motion, that's common assault. If I throw a pencil at you with intent to hit you, that's common assault with a weapon. If I break and enter for the purpose of carrying out an indictable offence, that's a violation of section 384 of the Criminal Code, but I could be breaking into a warehouse to conduct a robbery, indictable offence.

Those are just two examples that are in Schedule I. So it's not those people who are convicted of a violent offence against individuals. That's my point.

Why is that important? That's important because most people who seek parole do not have parole granted on their first hearing. Okay. The majority of people in prison, about 12,000 under

Schedule I, are there for from two to four years. If you on their first parole hearing then deny them another parole hearing for five years, then the whole system of corrections is negated because the prisoner will no longer voluntarily take part in the things he or she should be taking part in in order to qualify for parole. You look forward to parole and you behave yourself and you take part in all the programs assigned to you. That's my major concern about this, and I don't know if this was entered into evidence in the House of Commons, but it's a reality.

I'll tell you, Senator Boisvenu, what I really have a problem with in this bill is the last section of the bill. Now, don't forget, you're denying people a parole hearing for five years for an offence that you're in jail for over two years, average three years; the person is covered. You're denying them a parole hearing.

• (1800)

Now, here's the last section. In other words, they could be in jail for longer than they would normally be in jail for if this became law.

Here's the last section that really jumped out at me and caused me to be concerned. I'm quoting now from subparagraph (3), transitional provisions:

... apply in respect of an offender even if they were sentenced, committed or transferred to a penitentiary before the day on which this section comes into force.

In other words, it's people who are already sentenced and imprisoned. This really stood out to me because in the drawer here, I had the case of *Whaling v. Canada (Attorney General)* where the Senate was instrumental in pointing out to the minister and the department —

**The Hon. the Speaker:** Honourable senators, it being six o'clock, shall I not see the clock?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Senator Baker.

**Senator Baker:** I have to point out that this decision was made on March 20, three months ago exactly. Let me read for you the one paragraph of this Supreme Court of Canada decision. This was based on the Senate committee hearing of this bill and the caution that the Senate committee made, Conservatives and Liberals — they sit in this house today — that perhaps this may be unconstitutional because it contained a retroactive provision. We called it retrospective. Do you remember? It was a retrospective condition. The minister was Mr. Toews at the time, and he admitted it was retrospective. He knew it was retrospective because he was an experienced Crown attorney; he knew the law. A Conservative member — I won't name the

person — who accompanied me talking to the minister before the meeting, said, “Look, bring it up because this is important.” It wasn’t spoken of in the House of Commons, and it was put on the record.

The Supreme Court of Canada then agreed with the Senate committee in this decision of three months ago. At paragraphs 8 and 9, let me read the two sentences:

The question before this Court is whether the retrospective application of the delayed eligibility for day parole —

— which is what this bill is —

— to incarcerated offenders who had been sentenced before the APR provisions were repealed . . . .

That’s exactly what we’re doing here in this bill.

For the reasons that follow, I find that s. 11 (h) applies to the respondents’ claim. The retrospective application of delayed day parole eligibility violated the respondents’ s. 11 (h) right not to be “punished . . . again”, and that violation was not justified under s. 1 of the Charter.

That’s exactly what this bill does.

Now, in defence of the committee in the House of Commons, I sent this down this morning to the library to find out the date it went through the committee in the House of Commons. It was March 4. Don’t forget that the decision of the Supreme Court of Canada was March 20, so the Supreme Court of Canada decision came after the House of Commons committee report and approval of the bill. They could be excused in that they wouldn’t know that the law would forbid this section of the code. I got the library to give me a copy of what happened in this committee and why they brought in this clause of retrospective application of the law, or retroactive, as some people call it. Retroactive is when you date it back, but retrospective is when you date it today but it could apply to a sentence that was given in the past as to their future.

Anyway, if that’s clear, here’s what Ms. Roxanne James said. She is now the Parliamentary Secretary to the Prime Minister. I have to congratulate the Legal Affairs Committee in the Senate and Senator Runciman, who sent a letter to the House of Commons Procedure Committee yesterday saying they have to do something about their procedures that don’t allow us to amend or change any bill that a parliamentary secretary now in the House of Commons or a Deputy Speaker had supported, and put forward in the House of Commons which then went to the Senate. You’re not allowed to change one word in that bill because it ends. A parliamentary secretary cannot sponsor a bill that comes back into the House of Commons. That’s somewhat of a foolish rule in the House of Commons, to say the least, because it prevents anybody from amending the legislation.

I have to congratulate the wording of the letter sent yesterday by Senator Runciman to the House of Commons.

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

**Senator Baker:** Here is what Ms. James, now a parliamentary secretary, says as to the reason for this amendment, amend line 31:

This clause clarifies that Bill C-479 will affect the following classes of federal offenders: . . . offenders currently serving a sentence after the first scheduled parole or detention review following the coming into force of this particular bill.

Then she says this:

The reason for this amendment is that currently, as the bill was drafted, it would only apply to offenders who had not yet been sentenced at the time the law was changed, and in fact we wouldn’t see the fruits of this particular bill until many years into the future.

No, because you can’t make it retroactive or retrospective in application. That was the very reason for bringing in the amendment, to make it retrospective as far as parole hearings are concerned.

So with those observations, I think the bill should be sent to the committee for us to examine it thoroughly, and we look forward to Senator Boisvenu giving us a full explanation of this. If amendments are needed, as I rather suspect they are, the committee will take full cognizance of this ruling of the Supreme Court of Canada, which agreed specifically with the Senate Legal and Constitutional Affairs Committee.

[*Translation*]

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

**Hon. Senators:** Question!

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

[English]

## NATIONAL HUNTING, TRAPPING AND FISHING HERITAGE DAY BILL

### SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Beyak, seconded by the Honourable Senator Wells, for the second reading of Bill C-501, An Act respecting a National Hunting, Trapping and Fishing Heritage Day.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Well, colleagues, I'm not a lot wiser about hunting, trapping and fishing than I was the other day. I know a little bit more about how many thousands of Canadians work in fields related to these activities and the value that they bring to Canada, apparently over \$10 billion a year in these industries.

• (1810)

What really interests me about this bill is that it's not setting up a hunting, fishing and trapping day; it's setting up a national hunting, trapping and fishing heritage day. I think that's really important. More than in many countries of the world, the vast majority of the inhabitants of our country, until comparatively recently, depended to at least some extent on hunting, fishing and trapping for survival — Aboriginal peoples, of course, but all those settlers and pioneers who came here from other lands. Before we built our cities and moved into modern, largely urban economies, they all needed hunting, fishing and trapping.

I find the idea of a day to remind us of what is, after all, our heritage is really quite attractive. I am content to have the question called on this bill.

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

**Some Hon. Senators:** Question.

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

(Motion agreed to and bill read second time.)

### REFERRED TO COMMITTEE

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

(On motion of Senator Beyak, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.)

## THE SENATE

### MOTION TO HONOUR SOLDIERS WHO FOUGHT IN THE ITALIAN CAMPAIGN DURING THE SECOND WORLD WAR—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Frum:

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.

**Hon. Joseph A. Day:** Honourable senators, this matter is adjourned in the name of Senator Meredith. I've spoken to Senator Meredith, and he is content to allow me to speak before him and that the matter would revert to his name at the time I finish, if that's acceptable.

Honourable senators, I want you to know that I support this motion, but this gives me an opportunity in supporting it to speak of a number of interesting activities that took place in the Italian campaign.

First, let's look back to June 6. On June 6, we commemorated the seventieth anniversary of the Allied invasion of Normandy, a pivotal moment in our history that would ultimately lead to the defeat of Nazi Germany. It's hard to overstate the importance of this moment in our military history and the sacrifices of those who landed on Juno Beach on June 6, 1944. The sheer weight and scale of that day, though, has had the unfortunate effect of overshadowing Canada's other contributions to the Allied war efforts, specifically the Allied invasion of Italy, where Canadians played an important role in bringing down the end of fascism in Italy and ultimately in Germany.

Senator Plett has introduced this motion that would recognize four Canadian soldiers who saved the life of a young boy, Gino Farnetti-Bragaglia, during this campaign, caring for him and nursing him back to health after having found him starving and almost dead on the fields after a military battle.

Mr. Farnetti-Bragaglia was introduced in the Senate Chamber earlier this week. This motion would pay respects to the families of the four soldiers, as well as honour the bravery and sacrifice of all Canadian soldiers who fought in the Italian campaign during the Second World War.

The opening salvo of the Allied invasion of Italy was named Operation Husky. That assault on the island of Sicily was to be the prelude to the invasion of mainland Europe. The invasion was assigned to the Seventh U.S. Army under Lieutenant-General George Patton and the Eighth British Army under General Sir Bernard L. Montgomery. The Canadians were to make up part of the British army. The invasion force consisted of 3,000 Allied

ships and landing craft and began on the night of July 9, 1943. This invasion of Sicily would last for 38 days, where the Allied forces faced heavy resistance and took substantial casualties.

Operation Husky was a success. Benito Mussolini was overthrown and the Italian government surrendered. However, the Germans immediately seized control of Italy, and the Allies stationed in Sicily would be forced to conduct an assault on the mainland of Italy to drive the Germans back.

The vacuum left by the collapse of fascism meant that the Allied invasion force was the only source of government for some Italian towns. One Canadian soldier, then Lieutenant Syd Frost of the Princess Patricia's Canadian Light Infantry, found himself as de facto mayor of the Sicilian city or town of Ispica for two weeks in the summer of 1943. In his own words:

At the ripe old age of 21, I had taken over the administration of a town of more than 13,000 inhabitants, without any real authority from my superior officer or from anyone else. During the next two weeks I ran the town with hardly any outside help, not even from the headquarters of my own 4 Battalion, still 15 miles away in Pachino, near the beaches. But I thoroughly enjoyed every minute and concluded that perhaps a benevolent dictatorship was not, after all, a bad thing!

Carrying on from a quote from his book:

In only a few weeks I had seen the people of Ispica shake off the terrible yoke of Fascism and make a fresh start on the road to democracy. They had worked hard to rebuild their town and their Sicilian way of life; they had found new confidence and hope for the future.

At the end of the lieutenant's tenure, the townspeople were sorry to see him go despite his short time there. It was clear how appreciative the people of Ispica were for the actions of the Canadians stationed there, a sentiment that ran through all of Italy as the Allied invasion force pushed the Germans back up the boot of Italy.

Crossing the Strait of Messina, the Allied forces would fight the Germans northward for almost two years. It is often the case that Canadians were in the forefront, supporting the British assault at Termoli, participating in the Battle of Monte Cassino, as well as the Battle in the Liri Valley.

I have the honour of representing New Brunswick in this chamber, honourable senators, a province that produced one of the longest-serving armoured regiments in the Canadian army, the 8th Princess Louise's Hussars. They have units in Hampton, Sussex, Sackville and Woodstock, New Brunswick. Sailing from Britain and landing in Naples, this regiment served during the Italian campaign, distinguishing itself as one of the best tank regiments of the 5th Canadian Armoured Division during a particularly bloody two weeks from August 30 to September 14, 1944.

Here, the 8th Princess Louise's Hussars took on two of the best divisions of the Germany army at the Gothic Line in northern Italy. It proved to be the bloodiest battle for Hussars during

World War II. The offensive on the Gothic Line forced the Germans to keep 23 divisions fighting in Italy while the Allies built a firm bridgehead in Normandy.

A story reminiscent of Gino's story, some Hussar mechanics discovered an injured foal in the Coriano area during their assault on the Gothic Line. They nursed the horse back to health and eventually named the horse Princess Louise in honour of their regiment. The horse would grow strong and eventually accompany the regiment in the liberation of the Netherlands in 1945 and then on home to New Brunswick later on. As a young boy growing up in Hampton, I recall the horse on parade, and she is buried in the cenotaph in Hampton at this time.

• (1820)

Senators, the soldiers who fought in the Italian campaign would be the first to tell you that they participated in several D-Day landings before the Allied invasion of Normandy in 1944. Following June 6, 1944, it quickly became apparent to the Allied forces in Southern Europe that the bulk of attention and resources were being diverted to the fighting in Northern France. They began to call themselves "the D-Day dodgers," a bitterly sarcastic moniker given the intensity of the German resistance they faced in Italy.

At its peak levels, Canadian Forces in Italy reached a strength of nearly 76,000. By the end of the Italian campaign, they had seen 25,000 casualties, with more than 6,000 dead.

The Canadians who served in Italy made significant military accomplishments, but they also made significant humanitarian contributions to the communities in Italy, including saving the life of Mr. Farnetti-Bragaglia.

**Hon. Don Meredith:** Honourable senators, it was only a few weeks ago in this chamber that our colleague from the great province of Manitoba, Senator Donald Plett, shared with us the moving story of Gino Farnetti-Bragaglia, a 75-year-old Italian gentleman whose life is perhaps owed to the actions of four brave and compassionate Canadian soldiers so many years ago during the Italian campaign of the Second World War.

Today I'm pleased to add my voice in support of Senator Plett's motion and the greater significance of Mr. Farnetti-Bragaglia's trip to Canada. He found it necessary to come to the Senate of Canada and personally thank Canada for the selfless actions of those four young servicemen so many years ago.

I understand how his story helps reinforce this country's legacy of human compassion — no matter where — now and into the future.

Honourable senators, I do support Senator Plett's motion, which asks us to recognize the valour of our Canadian soldiers. He particularly cites the actions of four army privates, Lloyd "Red" Oliver, Paul Hagen, Mert Massey and Doug Walker. I was proud that Mr. Farnetti-Bragaglia sat in our gallery as our colleagues channeled his esteemed request that we, the Senate, also convey our respect and gratitude to the families of those men.

I listened intently to the remarkable story about a little Italian boy. I listened to the account of how the brave 1st Canadian Division moved up the Italian peninsula and how, in the dark night aftermath of a deadly battle in May 1944 against German armoured units, those four Canadian soldiers came across that 5-year-old orphan. He was suffering from malnutrition. He had no siblings. His father had been killed in the war. His mother was missing. He had no relatives — no one to feed him, clothe him or take care of him.

Those soldiers had a choice, honourable senators. They had a choice to ignore him, a single orphan out of many, and carry on with their already difficult business. Taking him on in any way would have compromised their ability to carry out their mission. He was not their responsibility. No one would have held it against them. He was a casualty of war.

But they were Canadians. Embedded deep in their beings were those righteous values of human compassion. These were values that had been passed on to them by their parents, by their communities, by their country.

They decided that they could not leave him there in the dark and in the middle of the night. They chose to help him. They chose to take care of him. They chose to clothe him and feed him. Others turned a blind eye, but those Canadians did not allow selfishness to preserve their own lives. They turned their efforts to caring for this little Italian boy. How many more of these little boys and girls were left behind?

I was touched as I learned how over time he was given a uniform and became a mascot for the company. Young Gino was taught the English alphabet, numbers and the Bible, and he was even later given a little bicycle, became a dispatch rider and lived with those Canadian soldiers until the day they left Italy. They left him with an Italian family that would adopt him formally.

Colleagues, it touched me to learn that on December 16, 2012, after years of work by a number of researchers, Gino's birth certificate was located, giving him back his true identity.

Thus, he came to Canada to tell his story and to meet the families of the Canadian guardian angels that saved and cared for him. Truth be told, it is a familiar story of bravery, of compassion, of grace under fire. Quite simply, it is a story of the Canadian way.

Personal accounts like that of Mr. Farnetti-Bragaglia reassure us about our social conscience as Canadians: Lest we forget.

I join with Senator Plett and Mr. Farnetti-Bragaglia in expressing gratitude to the four Canadian soldiers. I also join them in conveying appreciation to their surviving family who sustain the memory and honour of those great ambassadors of Canada. We are proud and inspired by their good example. It is perhaps incumbent upon us to seize every viable opportunity to honour and support our troops as we continue writing the great story of Canada. It is a very compassionate story that embraces and benefits from the strength in its components of diversity.

As only the fourth African-Canadian and first Jamaican-Canadian ever to serve in the Senate of Canada, I bear a unique appreciation for the sacrifice and compassion of so many good women and men throughout history. This includes the courageous contributions of so many women and men of African descent.

As I reflect on the service of those four young men who cared for young Gino, I am drawn to the memory of great Canadian heroes in that era like Lieutenant-General Julian Byng who commanded the Canadian military during the epic battle of Vimy Ridge. We suffered 10,000 Canadian casualties in what continues to be known today as the pinnacle of Canadian military achievement.

There is the story of Thomas Prince whom we remember for his service through the Devil's Brigade, an elite Canadian-American special forces unit during World War II.

Honourable senators, our history of sacrifice did not just begin in World War II. It was evident many generations earlier. It includes the story of William Hall, the first Canadian seaman regardless of race to receive the Victoria Cross, the British Empire's highest award for military valour. He earned this in the First World War in an era of racial challenges.

Honourable senators, you would appreciate that as a person of African descent, William Hall had to overcome so much and in so doing he helped set an example for others to follow. That is why I continue working on an initiative to have a bust erected in his honour at the Valiants Memorial in Ottawa. His would be alongside the busts of the 14 other Canadian heroes currently in the memorial. I am doing this with the support of a committed working group, which includes family members, sons, daughters, grandkids and other relatives of Canadian service persons.

You will agree that a bust of William Hall on this site will help tell a fuller, more comprehensive story of Canada's history. By extension, it would honour the story of Private Mark Graham, a Jamaican-born Canadian who represented us well in the 1992 Barcelona Games. He loved this country and channelled those very Canadian values of compassion and goodwill during his service in Afghanistan. He gave his life trying to help others. Private Mark Graham is buried at the National Military Cemetery right here in Ottawa. It is this very appreciation of our capacity to do good in the world as Canadians that I continue drawing attention to the current crisis in South Sudan. There are many innocent people, including children and women, who could use a bit of Canadian compassion.

Earlier this month, I was proud to stand shoulder to shoulder with thousands of Canadians on Parliament Hill as we marked the National Day of Honour for the 158 Canadian soldiers who fell in Afghanistan. Our thoughts and prayers remain with their families.

Honourable senators, yes, I believe wholeheartedly that we must give gratitude to those whose sacrifice helped bring about the more peaceful world we live in today. That is why I host each year a Remembrance Day ceremony, in collaboration with Ryerson University in Toronto, to ensure that their memories are kept alive.



• (1830)

And, yes, I agree with Senator Plett's motion, which rightly asks us to give thanks to the families of those four soldiers. It is true that the family members were not on the battlefield. But make no mistake, their loved ones bear the emotional, psychological and physical burden of their service. They are the vanguard of the memory of those who stood courageously in harm's way in our global humanitarian quest. They are ultimately the front-line stewards of a proud legacy. We stand on the shoulders of our soldiers, who in turn stand on the shoulders of their families, which often include their young children. They deserve our gratitude.

To paraphrase Mr. Farnetti-Bragaglia, they deserve our sustained encouragement as they continue the good work, shepherding compassion the Canadian way in places they deserve no less. That Canadian way includes the capacity to make good decisions, even when no one is looking.

It wasn't just the life of Mr. Farnetti-Bragaglia that was saved by those four Canadian soldiers 70-odd years ago, honourable senators; it was a deeper essence of our nature as a people. It was perhaps one of the many actions that ushered a clear signal to the international community about the deeper values that we gather around as Canadians.

They had the choice to do nothing about this little Italian boy, but those four soldiers chose to do the right thing, the righteous thing. They chose an action beyond the normal duties expected of a soldier in a theatre of battle. They chose human compassion over apathy. Perhaps their actions can be captured in the words of our then-sitting prime minister during the Great World War, Mackenzie King, when he stated: "Self-denial and self-discipline . . . will be recognized as the outstanding qualities of a good soldier."

To me, as a faith leader, self-discipline infers one's inherent capacity to stay true to his or her values. When it comes to the capacity of care and the capacity to help our fellow human beings, this is a land that knows no boundaries.

Those four soldiers understood that their duty as Canadian soldiers was not only limited to fighting dangerous adversaries in the Italian theatre of battle, but it was equally vital to save the life of a child, regardless of ethnic or national origin. Generations later, we have inherited a rich and vibrant mosaic of people from all around the world, and that includes Italians, Filipinos, Ukrainians, Africans and those from the Caribbean. Today, in continued commitment to those higher values of hope and human compassion that define us, Canada continues to open doors to the world, and in such courage and empathy that shapes Canada's well-earned reputation around the world.

That is why it is easy for me to embrace the story of Mr. Farnetti-Bragaglia. His visit here was important. His visit was gracious. To him and to all those who share in the gratitude of the courage and compassion of our Canadian service people, I say that I am with you.

Just a side note, I had the privilege to shake his hands and, in his broken English, he said, "Thank you."

In the same World War II era, Winston Churchill stated:

Courage is rightly esteemed the first of human qualities because it's the quality which guarantees all others.

In closing, honourable senators, the story of Mr. Farnetti-Bragaglia is simply another endorsement and testimony that we have been doing the right thing, and the best way we can endeavour to pay tribute to the contributions and sacrifices of our servicepersons is to do our part to ensure that Canada continues to be the beacon of hope and human compassion, no matter the place or conditions.

It is in this spirit that I continue striving to make a difference in my work here in the Senate of Canada, as well as in the advocacy work as a volunteer ED at the GTA Faith Alliance Learning Centre in Toronto. That legacy is to continue doing what I can, how I can, alongside my colleagues right here in the Senate and everywhere to help create a better world for me that includes continuing in my efforts to engage, encourage and empower all Canadians to a full appreciation of the value of our Canadian servicepersons. In so doing, we build a better country where values of peace, justice, freedom and democracy are marshalled together for generations to come.

Thank you.

**Hon. Leo Housakos:** Honourable senators, I rise today to lend my support to the motion by our esteemed colleague Senator Plett. As such, I also wish to express my gratitude to Canadian heroes Paul Hagen, Lloyd Oliver, Mert Massey and Doug Walker, as well as all the brave men and women who fought in World War II for the cause of justice and democracy.

[*Translation*]

The story of those four Canadian soldiers touches me deeply because it represents what we are as a people: a compassionate nation that values rights and freedoms and whose devotion to those ideals can never be questioned, even in circumstances of great danger.

Although my goal today is to join with our esteemed colleague in honouring those four courageous Canadians, I feel that words alone cannot suitably express the true meaning of their acts of bravery. Their actions not only helped to save the life of a child, they also symbolize the efforts of an entire generation of our fellow Canadians.

[*English*]

If each of us present can stand in this chamber today to debate issues, voice our individual opinions and collective concerns, it is precisely because of their sacrifice and service for Canada and our way of life. What we take for granted today in our great nation — the right to live democratically and free of tyranny — we owe to men and women such as Paul Hagen, Lloyd Oliver, Mert Massey and Doug Walker.

Regrettably, what we take for granted in Canada is, as we all know, not necessarily the norm in every corner of the world. There is still much work to be done and Canadians proudly continue to lead the way.

My fellow senators, it is critical that we never forget the lessons of the past. As we all know, the Second World War was preceded by the Great Depression and, while so many had already suffered a great deal, an entire generation of Canadians was nonetheless asked to place its dreams aside to fight for an idea — democracy that was under siege. Like their American counterparts, our soldiers, including the heroes we seek to honour here today, were just small-town boys whose selfless acts compelled respected journalist Tom Brokaw to proclaim them the greatest generation, because they fought not for fame or recognition, but because it was the right thing to do.

[Translation]

Thousands of young Canadians of that greatest generation, men and women, felt that they had to “do the right thing” and join the army, many of them as teenagers. Some, like Paul Hagen, one of the heroes we pay tribute to today, were too young and lied about their age in order to be able to serve their country. George Beurling, a proud son of Verdun in my native province of Quebec, is another example of heroism. Beurling survived a dangerous Atlantic crossing in U-boat infested waters, after defying his parents, who had begged him not to go into the army, and after initially being turned down by the Royal Air Force in Britain because he had no birth certificate.

[English]

Eventually, Beurling got his opportunity to serve and fought in the Battle of Britain before being transferred to the nearly suicidal air defence of Malta, where he became one of the most revered fighter pilots in the history of the Royal Canadian Air Force. His bravery led to his being awarded the Distinguished Service Order, the Distinguished Flying Cross and two Distinguished Flying Medals — how very brave, how distinguished, how Canadian.

My fellow senators, as I speak to you in support of our colleague's motion to honour four Canadians heroes of the Second World War, I cannot help but think of the recently commemorated seventieth anniversary of the D-Day invasion of Europe. More specifically, I am referring to the initial exposure the world had to the terrifying realities of that day, thanks to the soldiers of the Canadian Army Film Unit who recorded events as they unfolded. As the world stood still craving an understanding of the D-Day invasion, the first footage of that dramatic day was filmed not by American or British soldiers, but by Canadian troops. The world for the first time was exposed to the horrors of war in a very real way.

• (1840)

Today, those moving pictures are famous worldwide and we all have viewed them repeatedly. At that time, it brought home the reality of the invasion to a horrified world. Movietone News, which was American, produced a newsreel entitled *Allies Land in France*, narrated by Ed Thorgeron, a famous American radio

personality, and incorporated that Canadian footage in their newsreel to fully sensitize the American public. The efforts of our men in uniform served as an example to all.

[Translation]

Still, in order to appreciate how critically important the D-Day landings were, it is important to consider the heavy fighting encountered by the four heroes we are honouring today. Paul Hagen, Lloyd Oliver, Mert Massey and Doug Walker fought for Canada in the Italian campaign. In fact, if the Italian campaign had failed, D-Day likely would not have happened.

[English]

The Nazis had to be defeated in Italy, and Rome had to be taken. To accomplish this, the Allies had to achieve victory in small coastal towns such as Ortona, Italy. To do so, Canadian troops were called upon during the Christmas period of 1943 in some of the bloodiest house-to-house combat of the war. The Battle of Ortona quickly became known as the Italian Stalingrad. Our heroic Canadian troops faced off against some of the most elite German forces and fought hard for every metre of territory taken.

A great deal of courage was displayed by Canadian men, such as Captain Paul Triquet from the Royal 22nd Regiment, affectionately known as the Van Doos by their English Canadian counterparts. Triquet was awarded the Victoria Cross for his bravery against overwhelming forces and became a legend to his men for his battle cry: “Ils ne passeront pas.” With casualties mounting to alarming levels, the Germans were eventually pushed back and this led to the Allied liberation of Rome.

In true Canadian fashion, the four Canadians we honour today fought for their country and for democracy in Italy, and yet found it within themselves to help an orphaned child. This is what we must recognize today.

Colleagues, history has taught us that among other efforts, the success of the Italian campaign allowed the Allies to plan for D-Day. Not only did our troops play a key role in Italy, but they were vital on the beaches of Juno and instrumental in keeping the supply lines open as Allied troops marched through Europe. Canada's contribution to this massive effort was profound and appreciated.

[Translation]

We have many things to be proud of as a country. That is why we must join together today, out of respect for this greatest generation, and support Senator Plett's motion. Let us speak as one and give him the honour of expressing our thanks and gratitude to all our soldiers for their services by formally recognizing these four young Canadians who not only fought for freedom, but also —

(Debate suspended.)

[ Senator Housakos ]

## ROYAL ASSENT

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

## RIDEAU HALL

June 19, 2011

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 bill listed in the Schedule to this letter on the 19th day of June, 2014, at 6:07 p.m.

Yours sincerely,

Stephen Wallace  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bill Assented to Thursday, June 19, 2014:

An Act to amend the Citizenship Act and to make consequential amendments to other Acts (*Bill C-24, Chapter 22, 2014*)

## THE SENATE

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

On the Order:

Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Frum:

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.

**Hon. Leo Housakos:** Honourable senators, I was saying that this is why we must join together today, out of respect for this greatest generation, and support Senator Plett's motion. Let us speak as one and give him the honour of expressing our thanks and gratitude to all our soldiers for their services by formally recognizing these four young Canadians who not only fought for freedom, but also helped a young boy so many years ago.

[English]

Their story is our nation's story. Let us honour our nation by supporting this motion which, quite simply, is the Canadian thing to do.

**Hon. Wilfred P. Moore:** Honourable senators, I, too, would like to join in the debate of this motion by Senator Plett. It is a very worthwhile motion, senator. I particularly wanted to speak to honouring the bravery and sacrifice of all Canadian soldiers.

I had the pleasure and the honour of going to Italy upon the occasion of the sixty-fifth anniversary of the Italian campaign with the former Minister of Veterans Affairs, the Honourable Greg Thompson, who was a very gracious leader of our delegation. He led us to most of the battlefields in around Monte Cassino and the Liri Valley that has been spoken of here today. We visited most of the battle sites, including one where my wife's uncle, Lieutenant Charles Ritcey from Lunenburg, Nova Scotia, who was a platoon leader, fought and died in the Liri Valley; and he's buried there.

It is interesting that one of your guests here today is Professor Gianni Blasi from Italy, who was our welcoming and informative guide when we were there. He certainly knows the area. If you ever get a chance to go there, senator, he's your man. He has made a study of it. He teaches the young people in high schools about the Canadian contribution, about the sacrifices made by our women and men in battle over there.

I'm just so happy that you did this. It gives us a chance to speak to those who have gone before and on whose shoulders we stand.

You certainly have my support for your motion.

**The Hon. the Speaker:** The *Rules of the Senate* state that it is a requirement of the Speaker to advise the house that Senator Plett now speaking will have the effect of closing the debate.

**Hon. Donald Neil Plett:** Honourable senators, I will be very brief. I want to make a few remarks. I thank all colleagues for their interest in this motion and certainly the colleagues who spoke to it.

I had the opportunity last night to be at the War Museum just down the street to speak at a wonderful event commemorating "Operation Husky" and Gino's story. There were about 250 people present, including diplomats, veterans of the Italian campaign, and current serving members of the Canadian Armed Forces. Many prominent guests had heard what we were doing in the Senate and expressed their deep gratitude. I want to share with you at least one humorous story because, even though this is a very serious issue, there is some humour attached to it.

Yesterday, we had Gino sitting up on the stage and Gianni Blasi, the gentleman whom Senator Moore referenced, was moderating. Gino was sitting on the stage, and he was going to tell us some stories of what happened while he was in the army camp. Of course, they had made him their mascot, given him the honorary corporal title and a bicycle. They also gave him a holster

and an old firearm; so he was very proud of that. We saw many photos of him standing with his holster and his revolver in his holster.

Mr. Blasi asked the question: “Gino, what did you do during the day?” Well, of course, he delivered messages back and forth, and he helped Mert Massey in the shop, who was one of the mechanics. One thing he needed to do every day was make sure he had a clean weapon, because every morning they would have weapons inspection; and Red Oliver was in charge and he insisted that Gino have a clean weapon. And so in the evening he scrubbed this weapon down and he polished it and he thought it was about as clean as could be. In the morning, of course, they had weapons inspections and Red Oliver asked to see his gun. He showed him his gun and Red Oliver chastised him and said, “You know, that is not the Canadian Army way. That is not a clean weapon, soldier, and you have to do a better job and tomorrow morning we will have another weapons inspection.”

• (1850)

So the next morning he lined up again. This time he had done everything that he needed to do; it was perfectly spotless. And they lined up again and Oliver looked at his gun again, and again it was not clean enough. So now he was a little angry. So the next day when Oliver went out, he went to Mert Massey and he said, “I want a rag from your mechanics shop, a white rag, completely spotless white. Now I’m going to polish this thing and if he tells me this is not clean I’m going to rub this white rag on it and I’m going to show him there isn’t a spot on my gun.”

The next morning they had their weapons inspection and, of course, Red Oliver looked at his gun and he said, “That is not acceptable,” and now he was angry. He took his white rag and he rubbed it and he showed Oliver, and he said, “There’s nothing there.” Oliver took the gun and he pointed at a little spec, and he said, “That’s not good enough.”

What’s he going to do? He was very frustrated by this time. Of course he was talking in Italian and Mr. Blasi was interpreting, but now he started talking — I imagine most Mennonites do this and most Italians maybe as well — he started talking with his hands and he was getting frustrated and so, with the motions that he did, we didn’t really need the translation anymore because we could see what he was doing. He was showing where he had his gun. He took his gun out and he showed where he walked and he put the gun on one desk and you could see he was grabbing another gun and he put that gun in his holster and away he went. Of course this was being interpreted.

Now, the following morning, they were having weapons inspection. And this was the day that the colonel came in to do the weapons inspection. He walked along and he looked at little Gino and he said, “Soldier, show me your weapon.” And so Gino tried to get it out and it was stuck because the gun was bigger. Of course he had taken Red Oliver’s gun. He took the gun, finally he got it out, and he showed it to the colonel. The colonel looked at it and got furious. “Whose gun is this?” This was a loaded pistol that little five-year-old Gino had. So, of course, they had to do some explaining that night.

Gino thought all was forgotten. Every evening he had to say his prayers. So he had been at his bedside on his knees and he said his prayers, he had his pajamas on and he finished saying his prayers.

He was going to jump into bed and Oliver said, “Just a minute. There’s something else to be done here.” Gino was sitting down and he showed where Oliver took him and put him over his knees, pulled the pajamas down and whap, whap.

Too bad Senator Hervieux-Payette isn’t here to hear this; I’m sure she would want to do something about this even in hindsight.

**Senator Mercer:** In hindsight!

**Senator Plett:** Gino said the next day he was not able to walk. He realized that certainly it wasn’t the right thing to do to take somebody else’s weapon, and so he reverted back to his weapon again.

That was one of the humorous stories we heard, but we heard others. I was particularly moved by the words of our Prime Minister. He said:

I was moved by this poignant account of Canadian heroism during the campaign to liberate Italy from fascism. Our soldiers had great compassion for Italian civilians living under the terrible shadow of total war. Amidst the carnage they found a boy, malnourished, with no family and no home. Benevolence led four honourable soldiers to shelter and protect the boy. The story of Gino Farnetti-Bragaglia’s second chance is representative of the kindness and goodwill our troops extended to the people of Italy.

Additionally, our Minister of Veteran Affairs, the Honourable Julian Fantino, shared the following words:

Gino’s story as an orphaned Italian boy rescued from the ruins of war by four Canadian soldiers resonates with me in a profoundly personal way. Some of my earliest childhood memories as a young boy growing up in a poor Italian village are of the Allied soldiers who befriended us after the war. They seemed larger than life. It is how I imagine Lloyd “Red” Oliver, Paul Hagen, Mert Massey and Doug Walker were too.

Of course Gino and the group of researchers were at the event as well and could not have been more appreciative of the reception they received right here in our Senate. Professor Gianni Blasi closed the discussion with comments about the Canadian way. Our colleague, Senator Meredith, has talked much about the Canadian way. He mentioned how it is difficult for us as Canadians to get a perspective on how great this country truly is. He said that he, as an Italian citizen, is removed and is able to have a profound appreciation. He compared it to looking at a beautiful painting. He said:

If you’re standing two inches away from the painting, you can’t grasp the magnitude of its beauty. But if you view the painting from a distance, you see the whole picture.

Our international friends are very aware of the Canadian way. That is something to be proud of.

He spoke of the compassion and the Canadian way of the soldiers who saved Gino. He then shared several anecdotes to highlight the proof of this Canadian way. He concluded his talk

on the Canadian way by telling the crowd about the Italian group's visit to our chamber. He said:

I have travelled the world. Tell me in what other country would a Senate stop what they're doing to pay recognition to a boy who was rescued 70 years ago in Italy? In what other country would senators pay him a standing ovation and where the Speaker of the Senate would leave his seat and come and greet him? That is the Canadian way.

He said that this experience exceeded all of their already high expectations of Canada.

Thank you for showing that, honourable colleagues. I cannot remember a time where I felt more proud to be a Canadian and proud of our Senate for the impact it had on this group. Again, I want to thank all of you for the warm reception you gave Gino and his group. They will never forget this experience.

Passing this motion tonight will demonstrate that we, too, will never forget the sacrifices of all the Canadian soldiers who fought in the Italian campaign.

Thank you, colleagues, for your support.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## THE HONOURABLE CATHERINE S. CALLBECK

### INQUIRY—DEBATE CONCLUDED

**Hon. Jane Cordy** rose pursuant to notice of June 18, 2014:

That she will call the attention of the Senate to the career of the Honourable Senator Callbeck in the Senate and her many contributions in service to Canadians.

She said: Honourable senators, it is my pleasure to rise today to honour our esteemed colleague, Senator Catherine Callbeck. A pioneer in Canadian politics, Senator Callbeck blazed a path for women in Canada. She was the first woman elected leader of a political party in Canada to win a general election. In 1993, she became Premier of Prince Edward Island, as she led the Liberal Party to a majority win.

I agree with Senator Fraser's comments yesterday that there will be statues of Senator Callbeck in the future. Someone else yesterday — I believe it was you, Your Honour — suggested that perhaps we should have a stamp honouring Senator Callbeck as the first woman premier elected in Canada.

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

**Senator Cordy:** Catherine was an MLA from 1974 to 1978, and an MP from 1988 to 1993. She was elected leader of the Liberal Party of Prince Edward Island and premier from 1993 to 1996. Then she was named to the Senate, a great decision by Prime Minister Chrétien, in 1997.

• (1900)

I do remember when I was first appointed to the Senate in 2000 and was sitting on the Social Affairs Committee. Who came in and sat beside me but Senator Callbeck, and I can remember thinking, "Oh, my gosh; I'm sitting next to Senator Catherine Callbeck, and please let me not say anything stupid."

Senator Callbeck is ending a truly remarkable political career that serves as an inspiration, not just for young women but also for all people in Canada, as to what a model for making a difference in political life is. Senator Callbeck is a dedicated advocate and champion in the Senate for her region and for the province of Prince Edward Island. Whether during debates or Question Period in this chamber or in Senate committee meetings, what was best for the people of P.E.I. was always first and foremost on her mind.

How many times have we heard her start a speech, a question or a statement with the words "the people of Prince Edward Island" or "in my province of Prince Edward Island"? Islanders were and still are well represented by Senator Callbeck.

Over the past 17 years, there has been no better champion of Prince Edward Island than Senator Callbeck. We were members of the Social Affairs, Science and Technology Committee together when the committee held countless hearings across the country and developed two excellent reports. One was on Canada's health care system, and the other was, of course, our report on mental health, mental illness and addictions titled, *Out of the Shadows at Last*.

I must also applaud Senator Callbeck's dedication to post-secondary education and her desire to find solutions to make education at the post-secondary level accessible to more Canadians. She was instrumental in the committee's report on this topic titled, *Opening the Door: Reducing Barriers to Post-secondary Education in Canada*, which was released by our committee in December of 2011.

Prince Edward Island is losing a great advocate, and the Senate is losing a passionate and dedicated voice in the Senate. Catherine, it has been an honour and a privilege to work with you and to call you a friend. I wish you all the best in your retirement, and I'm certain that you will continue to be a strong voice for your Islanders.

**Hon. Terry M. Mercer:** Honourable senators, I would like to take a few moments to recognize someone who has been very valuable to us, both inside and outside the chamber, for many years, the Honourable Catherine Callbeck. Since her appointment to the Senate in 1997, on the recommendation of the Right Honourable Jean Chrétien, she has done outstanding work as a Liberal, as a representative of Prince Edward Island and as a strong political figure for both men and women. Sadly, it's time to say goodbye to our longtime colleague and my friend.

From Central Bedeque, Prince Edward Island, she has done so much for the place she calls home. The senator was the first woman elected as a member of Parliament for Malpeque in 1988. This made her the second woman to be elected to the House of Commons for P.E.I. and the second woman elected to the Legislative Assembly of P.E.I. in 1974.

Honourable senators, her presence and participation in P.E.I. has not gone unnoticed. She was presented with the Rural Beautification Shaw Award in the fall of 1997 for her contributions towards the betterment of rural life in Canada. Having served with her for a number of years on the Agriculture Committee in this place, I know her deep concern about rural life across this country. Having served as the first female Minister of Health and Social Services from 1974 to 1978, she also served as the Minister Responsible for the Disabled and the Minister Responsible for Non-Status Indians. Her impressive past does not stop there.

Of course, on January 25, 1993, she was sworn in as Premier of Prince Edward Island. She became the first woman in Canada to be elected premier. Needless to say, the senator has seen many firsts during her time. It would be interesting to talk to the various other premiers in this country today who are females and have been premier over the last number of years because the trail has been blazed by Senator Callbeck. She opened the door for this to happen for the Premier of British Columbia, the Premier of Alberta, the Premier of Newfoundland, the Premier of Quebec and, of course, the Premier of Ontario. These women have followed in Catherine Callbeck's footsteps.

Catherine's reputation as a female role model in Parliament and politics has been nothing short of spectacular. In November 2002, she was appointed by Prime Minister Chrétien as the vice-chair of the Task Force on Women Entrepreneurs. This group aimed to ensure the right and ability of women to make equal use of their skills and talents in Canada's economy. As a businesswoman in Prince Edward Island, she is eminently qualified for this.

I remember travelling with her one time when we were in Prince Edward Island. At lunchtime, we stopped. We were all having lunch, and she was off talking to some gentleman. Being nosy, I asked who the gentleman was. Of course, he was the manager of her business. She was checking on the daily sales.

In November of 2006, she was named one of Canada's Top 100 Most Powerful Women by the Women's Executive Network in Toronto. She was also the first person to enter the Canadian Women in Politics Hall of Fame, which recognized the continuous and outstanding contributions of female politicians. Rightfully so, I would say.

Catherine has also been a constant presence in both charitable and public service groups, as well as serving as a member of numerous committees during her time in the Senate. As I've said, I've had the pleasure of serving, on a couple of occasions, with Senator Callbeck on the Standing Senate Committee on Agriculture and Forestry. There are some great memories we've had and some good debates that we've had. Some of them are also a little humorous.

I remember being in a very small, cramped plane flying from Charlottetown, Prince Edward Island, to Corner Brook, Newfoundland, as we were conducting our study on rural poverty. She's not a short woman, and there was not a lot of room on that plane. We all had to cram in.

I also remember the story, when we were doing our most recent study on innovation, the committee visited Oxford Frozen Foods in Oxford, Nova Scotia. We were meeting with John Bragg, the

President and CEO of Oxford Frozen Foods. To get into his boardroom, we had to walk up these stairs. The committee was walking up the stairs, led by Senator Mockler and others, going up and shaking hands with Mr. Bragg. I've known John Bragg for a number of years. He said, "Hello, Terry; good to see you." He kept looking over my shoulder. I said, "What are you looking for, John?" He said, "Isn't Catherine Callbeck on this committee?" I said, "Yes, she is, but she didn't come on this part of the trip." He said, "Oh, darn it." I said, "Why?" He said, "She was my first date at Mount Allison University."

For all of your years of hard work and dedication, thank you, Senator Callbeck. I'm sure I speak for everyone in the chamber when I say that it has been both a privilege and a true honour to work alongside you. You will be greatly missed, my friend. Good luck and good health in your retirement.

**Hon. Paul E. McIntyre:** Mr. Speaker, this week the Senate is paying tribute to three honourable senators, namely Champagne, Buth and Callbeck. Briefly, I would like to take this opportunity to pay tribute to all three.

Senator Callbeck, history will show that you had a long and outstanding career in public life, serving as an MLA, MP, first woman in Canada to be elected as Premier of P.E.I., senator and much more. Recently, I purchased a copy of your book covering your outstanding career. I found the book of great interest and enjoyable to read. I need to say no more. Your presence in the Senate and the book tells it all. You will also be greatly missed by all of us. Happy retirement.

Senator Buth, although you have only been a senator for three years, you have managed, during that short period of time, to leave a mark on this wonderful institution with your dedication and hard work. I understand that you are moving back to the private sector to continue your career in the agriculture sector. I wish you well in your new career. I'd like to add that, together with Senators Dallaire, Segal, Champagne and Callbeck, your departure marks a great loss to this wonderful institution, and you will also be greatly missed.

[Translation]

It's your turn now, dear Andrée!

Unfortunately, I was not able to say goodbye on Tuesday, because there wasn't enough time.

• (1910)

There were too many admirers waiting in line.

Of course, we were sad to hear recently that you are leaving as the time for retirement has come. People have said many fine things about you: mother, grandmother, actress, writer, member of Parliament, minister, deputy speaker of the House of Commons, senator, president of the Canadian branch of the APF, international president of the APF, and the list goes on.

Honourable senators, this past Tuesday, Senator Champagne announced that I will be her successor in July as international president of the APF. Speaking of which, I have to tell you a little

story. As soon as I became a senator, Senator Champagne asked me to become a member of the APF and I readily agreed. Shortly afterwards, without my knowledge, she arranged for me to become the president of the Canadian branch of the APF, knowing full well that, in that capacity, I would automatically succeed her as the international president of the APF. Her goal was to complete her second two-year term, which expires in July 2015. I objected, but it was a lost cause, alas.

With her charm, her cunning and her tenacity, she had already selected me as her successor. Andrée, thank you for that great vote of confidence. I hope to rise to the occasion, as you have always done.

I understand that André-Sébastien and you went through quite a difficult time, as illness affected you both. However, the tide quickly turned, and I see that you are already planning your life ahead with confidence and serenity.

Good luck and much happiness.

[English]

**Hon. Art Eggleton:** I'm pleased to join my colleagues in expressing appreciation for the contributions to both the Senate and the people of Canada by Catherine Callbeck.

Before I proceed, as my colleague did a moment ago, I wish to express appreciation to Senator Champagne and Senator Buth for their contributions to this institution as well.

Senator Callbeck, our colleagues have talked about your career extensively, as well as the great distinctions and accomplishments that you have made. There's no doubt that in the history of Canada, the distinction of being the first woman to be elected premier of a province is going to stand out.

So much more that you have done in your career shows your dedication to serving the people of this country. I know particularly of your work on committees because we've sat on two committees together for a period of time: Finance and Social Affairs.

The thing that has impressed me the most about you is your work ethic. You always do your homework. When I go to a meeting, I find that you're already there. You've got your notes and your questions ready, and you've studied the matter. I think that is a very admirable thing to have been able to do, time in and time out. It shows your dedication to the job.

In Social Affairs, I can recall our having a discussion about the need to deal with post-secondary education — you know, as do all of us, how important that is in our country and for our future economic and social well-being. I was happy that I was able, in some small way, to help facilitate your request for a study to be able to come before the committee, and a good study it was. I'm very happy to say that, like many of the studies that you were involved with at the committee, we managed to reach an agreement on both sides and come out with a unanimous report, with the hope that some of it would find its way into legislation. Indeed, a great deal of it has.

I also note that when you stood up in this chamber to ask questions, you asked them in a very non-partisan way, I felt, but while looking after the interests of your province of Prince Edward Island, as many of these questions were related to that.

I believe that you have served this country with great distinction. I want to wish you well and health and happiness in future. Thank you, again, for your service to this country.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise to speak about a colleague whom I have respected for many years — even before I came to the Senate. Senator Callbeck, I observed you from a long distance when you became a MLA in P.E.I., then a MP and then the first female premier, which was a source of pride for every woman across the country. Not only were you the first woman premier in P.E.I. but in all of Canada, and then a senator.

You truly are the voice for the people of Prince Edward Island. Your commitment and hard-working habits are something you have taught us. I have learned from you that it doesn't matter what your health is or what your personal circumstances are — you're always there to serve the people of Prince Edward Island and those across Canada, whether it is with statements or questions or whether you're working on National Finance.

I worked with you on the Social Affairs committee and what impressed me most is that on a subject I thought I knew really well, you took the time to understand. When we had the immigration bill at Social, it impressed me how much time you took to do your homework. Even more important was how you cared about people across the country.

As you leave this chamber, I'm sure you will have many other adventures and challenges, but I want you to know that you have made a difference in the lives of many people in Canada, whether it was your stand on legal aid or your stand on EI. Today, the quality of the lives of almost 20,000 veterans and their spouses are different because of the stands you took to make sure that they got benefits.

Catherine, as you leave this chamber, I want you to know that you gave me many gifts, but one gift you gave me was that you showed me that no job is too small. Every job is important if it matters and changes the lives of people. You stood up for the people of your province and for Canadians, and you taught us a lot. Thank you very much.

[Translation]

**Hon. Marie-P. Charette-Poulin:** Honourable senators, I rise today to pay tribute to our colleague, Senator Catherine Callbeck, with whom I have had the pleasure of serving for the past 17 years.

Over the course of our 17 years as colleagues, senators and friends, I have witnessed Senator Callbeck repeatedly offer her support for the issues that are important to the Canadian francophonie, and I sincerely thank her for that.

When I was thinking about what I wanted to say, I realized that Senator Callbeck could be considered the poster girl for the

Senate, since she embodies everything that Canadians expect from their senators. She is truly a model parliamentarian.

Senator Callbeck was able to put to use her vast experience and know-how as a businesswoman, a teacher, a member of the Legislative Assembly of Prince Edward Island, a federal member of Parliament, only the second woman from Prince Edward Island to sit in the House of Commons and the first Canadian woman to be elected as a provincial premier. The senator has also always been very involved with various organizations, and I want to thank her once again for that.

• (1920)

As a senator, she did an excellent job of representing her region and she was a staunch defender of Prince Edward Island's interests. She capitalized on every opportunity to shine a light on important issues that, in many cases, we had neglected to study thoroughly or at all. There are far too many to list, but I will mention a few: the lack of passport services for Canadians in rural areas, and Prince Edward Island in particular; funding for veterans, low-income seniors, low-income families and students; job cuts at Service Canada in Prince Edward Island; lobster fishermen's concerns; employment for persons with disabilities; the need to implement a national mental health strategy; and just recently, a new health accord and the important role immigration plays in the prosperity of Canada's regions.

**Hon. Ghislain Maltais (The Hon. the Acting Speaker):** Senator Charette-Poulin, your time is up. Would you like a few more minutes?

**Senator Charette-Poulin:** Yes, please, if my colleagues agree.

**The Hon. the Acting Speaker:** A few extra minutes.

**Senator Charette-Poulin:** As a Canadian woman, the senator is a pioneer, and as all of our colleagues have mentioned, she is known for having paved the way for women as well as men in the political arena. She was an inaugural inductee into the Canadian Women in Politics Hall of Fame and was named as one of Canada's Top 100 Most Powerful Women by the Women's Executive Network in Toronto. She was recently named a nation builder by Famous 5 Ottawa.

Senator Callbeck, in addition to being a colleague, is a friend to everyone. She will be missed in this chamber.

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

[English]

**Hon. George J. Furey:** Honourable senators, I rise today to pay tribute to my colleague, friend and seatmate Senator Callbeck as she prepares for her retirement from the Senate. Much has already been said about Catherine, and far more eloquently than I am able to say it, but I would be remiss if I did not add a few comments of my own.

Catherine's first profession was as an educator, before she moved on to work in her family business. This, however, was only the start of her celebrated career; she was the second woman

elected to the Legislative Assembly of Prince Edward Island in 1974, where she served as the first female Minister of Health and Social Services.

In 1978, she left provincial politics to return to her family business, but the call of public service was heard and again she returned to public life. In a long career of firsts, Catherine became the first woman elected as the Member of Parliament for Malpeque in 1988, making her the second woman ever to be elected to the House of Commons from the province of Prince Edward Island. In 1993, she became the first elected female premier in our country's history.

As Canada's first female premier, Catherine became a guiding light to women everywhere who wished to enter politics. In her quiet and unpretentious way, she let the entire country know that young women belonged in the highest offices in the land.

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

**Senator Furey:** Catherine's many accomplishments in business, education and politics are far too many to mention here today. But, honourable senators, it is her many lofty achievements that, I must confess, leave me feeling both awed and humbled to have such a seatmate. I am always so impressed by Catherine's accomplishments and by her professional and courteous demeanour. Her approach to life reminds one of something Aristotle once said:

Excellence is never an accident. It is always the result of high intention, sincere effort, and intelligent execution; it represents the wise choice of many alternatives — choice, not chance, determines your destiny.

Catherine's determination and steadfast dedication in making the right choices has always been a hallmark of her accomplishments.

It has indeed been both a privilege and a pleasure serving with a colleague of such remarkable character, whose achievements will be celebrated and remembered in the history books of Canada for generations to come. Catherine's grace and dedication to public service also brings to mind another female pioneer in politics, Margaret Thatcher, who once said:

Look at a day when you are supremely satisfied at the end. It's not a day when you lounge around doing nothing; it's a day you've had everything to do and you've done it.

Catherine, you have approached every day as if you had everything to do and, indeed, you have done it — you have done it with pride, you have done it with respect, you have done it with dignity, and above all, you have done it with distinction.

Senator Callbeck, you will be missed in this institution, and I wish you the very best as you move to the next challenges in your already bountiful and accomplished life. Good luck and my very best wishes to you, my friend.

**Hon. Grant Mitchell:** I rise to join so many colleagues in expressing admiration and applauding the clear accomplishments of Senator Callbeck. So much has been said, so well, that I will

[ Senator Charette-Poulin ]



simply leave it to say that I would like to associate myself with those particular compliments and the recognition, the acknowledgment of great accomplishment by Senator Callbeck.

I would like to add, however, a western perspective. It was in the late 1980s and the early 1990s that a revolution on politics of a sort was occurring in Alberta. We were actually winning Liberal seats after 21 years, and there was a tremendous sense of excitement. Throughout that excitement, there was a cultural element in the development of the Liberal Party that was really focusing on women's equality and the establishment of women's presence in politics, in business and in senior leadership positions in our society, and particularly in the province, for whatever reason. It was just the mix and the blend of people, perhaps, who were involved in the party.

It became very apparent by 1993, at that moment when Senator Callbeck was elected the first woman premier in the country, that it was a culmination of the kind of excitement and this trend of thought in the Liberal Party in Alberta. I remember very clearly that moment, amongst colleagues in our caucus and in our party, how significant it was and how well-thought-of and how well known Senator Callbeck was, in a sense, in Western Canada, in Alberta.

I will never forget how many women candidates in particular — because we were building up to an election just months later — mentioned explicitly that they had been inspired by the great accomplishment of Senator Callbeck, then Premier Callbeck, at that moment, a moment in history for women in this country, for all Canadians, and certainly for the Liberal Party and for women in politics in Alberta. I will never, ever forget that.

In fact, I could go on to say that really, in one sense, Senator Callbeck is the poster person for Equal Voice; and Equal Voice gains a great deal of momentum, I'm sure, every time they mention her and think of her.

I will also mention another personal perspective. As we all try these days, and in the past, to establish the presence, significance and importance of the Senate, I often list the names and describe colleagues in the Senate in order to establish what a great place it is and the quality of people here. At the top of that list I mention Senator Catherine Callbeck, each and every time. It is remarkable how well known she is amongst the people with whom I speak — particularly in Alberta, once again — in the public in general, and how impressed they are that somebody of that quality clearly reflects the nature and significance of the Senate and what we do in the Senate.

• (1930)

I will say, Senator Callbeck, what others have said, just in summary, that you have had a career that is beyond compare. You are unequalled in your accomplishments. Some people simply rise above their peers no matter where they are and what they do. You are clearly one of those. I have admired the way you have done politics — the dignity, the grace and the way you remain so issue-focused and representative. You're such an advocate for your region and for all Canadians.

I will close finally by saying that somehow you have remained absolutely understated in a very powerful way, while always overachieving. It's with that that I will say thank you very much for all that you have done. It has been a privilege to know you, to have worked with you, to observe you, and I am very grateful to have had that chance. I wish you the best with whatever you go on to do.

[Translation]

**Hon. Pierrette Ringuette:** Honourable senators, it is very difficult to rise after Senator Furey, who spoke so eloquently and sincerely about Senator Callbeck. I join all of you in paying tribute to the exemplary political career of Senator Catherine Callbeck. With her concern for the well-being of her fellow citizens of Prince Edward Island, she never hesitated to work with non-profit organizations, which are too numerous for me to list.

In 1993, Senator Callbeck was the first woman in the history of our country to be elected as a provincial premier, after serving as a member of the Legislative Assembly of Prince Edward Island and a member of Parliament. With her pioneering spirit, training and experience, Senator Callbeck is always willing to promote the active participation of women in all socio-economic sectors.

[English]

Honourable senators, allow me to say how pleasant it is to be part of a committee with Senator Callbeck, as I was for many years on the Standing Senate Committee on National Finance. Senator Callbeck always does her homework. She would arrive at committee with great questions based on serious research. Undeterred by her physical pain — sometimes we noticed that, Catherine — and by superficial answers to her questions, Senator Callbeck never raised her voice. She would pursue answers that were warranted.

No wonder Islanders repeatedly elected her. Relentless in front of challenges, whatever they are, she softly commands respect for the people she represents and the issues that are problematic to their well-being.

Now, Catherine, since yesterday afternoon when Senator Cowan related to us the story of you and the Barenaked Ladies, I have this vivid imagination and I just can't see you going around in a circle with your eyes really like this, wanting to know why bare-naked ladies were coming to the Island. I think that will stay with me forever.

Another issue that I think is certainly warranted in your regard, in 2017 Canada will be celebrating its one hundred and fiftieth year. You have been a great representative, a political leader for the Island that is also the founding legislature of our country.

Can I have two more minutes?

**The Hon. the Acting Speaker:** Thank you.

**Senator Ringuette:** In Ottawa, just outside this chamber, we have a great tribute to Canadian women, and that is the Famous Five. I would think that next to the PEI legislature, celebrating

the one hundred and fiftieth anniversary of our country, as a woman pioneer, a statue of you called “The Extraordinary One” should be erected.

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

**Senator Ringuette:** Catherine, I am certain that Islanders are happy on the one hand that Senator Callbeck will be among them more often, but they, as we, will miss the quality of your representation on their behalf in the Senate. Senator Callbeck, I have the utmost admiration for your dedication and your integrity. We will miss you and wish you a little rest — a little rest — before you move on to new challenges.

Thank you for your dedication, Catherine.

**Hon. Pana Merchant:** Honourable senators, in her farewell speech yesterday, Senator Callbeck made reference to her participation on the Prime Minister’s Task Force on Women Entrepreneurs, of which she was the vice-chair.

My first connection with this great Canadian was in the assistance I could offer when the task force was in Regina, where the task force was very enthusiastically received.

This important investigation of the continuing challenges facing Canadian women in 2002 remains topical and current. Senator Callbeck was a key player in the planning and execution of this task force and in the preparation and submission of the final report.

The task force held hearings across Canada. It was a comprehensive investigation to which she gave passionately and extensively of her time. It was particularly noteworthy that these hearings were not restricted to the big cities but took place in a multitude of smaller communities from coast to coast: Kelowna, London, Bracebridge, Kenora, Orangeville, Laval, St. John’s and others.

Hundreds of Canadian women entrepreneurs were presenters and witnesses before the committee. All manner of topics associated with the particular barriers that women face in the world of business were discussed, including child care, RRSP limits, cultural policies, business taxes, access to micro capital and greater venture capital, the woman immigrant, dispute resolution frameworks, insurance issues and skills and training.

Honourable senators, I did not want Senator Callbeck’s retirement to pass by without this acknowledgment of her work on this task force, for which she was well prepared, having had an elected legislative background, small business background and the important experience of having been not only at the cabinet table in her home province but also the leader of that table as provincial premier.

Catherine, I wish you every happiness. It has been a delight, an honour and a pleasure to be here with you.

**Hon. Jim Munson:** Honourable senators, I have a brief personal story which I think sums up Catherine Callbeck.

First of all, I can hear them building the statue already by the Famous Five. There’s a sound in my ear but I guess, like Mr. Chrétien, I’ve “been around since a long time.”

In any case, I want to reflect back to the year 1976. Guess who became leader of the Progressive Conservative Party? Well, it was Joe Clark. The headline the next day in the major newspaper was, “Joe who?”

• (1940)

So the next day after that, Peter Mansbridge and myself and a few other reporters were up in Joe Clark’s office, and the newspaper was put down there like this: “Joe who?” So we asked: Who is Joe Clark? And Joe had a lot of fun with that. He had to live with that moniker and that was that. That was 1976.

I covered the Mulroney election, then went overseas for about 10 to 12 years, came back to Canada in 1992 and was one of those smart-assed national/international reporters who thought I knew everything about what was going on when generally I knew a lot of things but specifically not very much.

I was asked to race to P.E.I. to cover this great election in 1993. Here I was, a national reporter in a news conference with the newly elected Premier of P.E.I., and I looked out at her and thought, “Okay, I can make another smart move to see if I can catch somebody off guard in a new position.” I said, “Madam Callbeck, back in 1976 we all asked ‘Who is Joe Clark?’” I said to her, “Madam Callbeck, who is Catherine Callbeck?” She paused and said, “I am Catherine Callbeck.” And that was it: “I am Catherine Callbeck.” Say no more.

**Hon. David P. Smith:** I might be the last, but that’s where I usually belong in a line.

Catherine, I just want to say that you are special. You’re really nice. You are hard working. You bring genuine insights of the province you represent to the needs that they have there. You are elegant, you’re a lady, and I wish quite frankly I had more opportunities to work with you. For whatever reasons, I don’t think we were on committees together, and I wish I had been. I have always admired you, respected you and, quite frankly, really liked you. We will all miss you, and I’m in that group. So thank you very much.

## CANADA BORDER SERVICES AGENCY ACT

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

**Hon. Wilfred P. Moore** moved second reading of Bill S-222, An Act to amend the Canada Border Services Agency Act (Inspector General of the Canada Border Services Agency) and to make consequential amendments to other Acts.

He said: Honourable senators, I rise today to speak to second reading of Bill S-222, An Act to amend the Canada Border Services Agency Act and to make consequential amendments to other Acts.

Honourable senators, Bill S-222 is the result of several years of building concerns regarding oversight of our national security agencies. We have all heard the call from various bodies to provide more oversight as the security establishment has evolved to possess many powers, which prior to the events of 9/11 were unprecedented in this country or indeed in the world.

The Canada Border Services Agency came into being on December 12, 2003, as Bill C-26, An Act to establish the Canada Border Services Agency, was introduced by the government of Prime Minister Paul Martin. The bill was in response to the terrible events of September 11, 2001, and the report of the Auditor General of 2003, which in itself was part of a broader effort entitled the National Security Enhancement Initiative, which was announced in Budget 2001.

The CBSA was a part of changing times. The attention of the world was focused, as it remains today, on the security of nations and their citizens in the wake of terrorist attacks on the United States of America and throughout the world.

The CBSA took over some of the responsibilities of the Department of Citizenship and Immigration, the Canadian Food Inspection Agency and the Customs and Revenue Agency by order-in-council under the Public Service Rearrangement and Transfer of Duties Act.

This was confirmed in the other place during the debate on Bill C-26 in 2004, and I quote:

[CBSA] has assumed the intelligence, interdiction and enforcement programs and the immigration program at ports of entry from Citizenship and Immigration Canada. In addition, it includes the import inspection at ports of entry program, previously with the Canadian Food Inspection Agency . . . .

In addition, the Minister of Public Safety was created in 2003, taking over the responsibilities of the Solicitor General to oversee the new domestic security department, Public Safety Canada. The new agency had assumed responsibility for 90 laws governing trade and travel and a major shift towards coordinating security at the border.

CBSA today is composed of a president, seven vice-presidents, and eight regional directors. The CBSA currently employs more than 12,000 people, and physically the CBSA operates some 1,200 service locations, 119 border crossings, 3 seaports, 3 mail centres and 4 detention centres. It was and is truly a momentous undertaking that continues to grow.

On February 10, 2014, Martin Bolduc, Vice-President of Operations at CBSA, when appearing before the Standing Senate Committee on National Security and Defence stated:

Last year the agency processed approximately 100 million travellers to Canada, cleared 5.4 million trucks and 14 million commercial releases. We made 93 seizures of child pornography and approximately 400 seizures of restricted and prohibited firearms. The agency also seized

over \$300 million worth of illegal drugs. Those numbers have been growing steadily over the last several years, placing increasing demand on Border Services.

Senators, no one is underestimating the important workload which CBSA faces every day. No one is questioning the quality of work performed by CBSA keeping Canadians safe. Indeed, we thank them for their work. There's not a day that passes without those headlines informing of another seizure of illegal goods at the border. For example, there was a \$9 million drug bust in Edmonton on June 11, and 16 kilograms of cocaine were seized at Pearson airport on May 30. These are a couple current examples of one aspect of the agency's duties.

But CBSA is much different today than it was in 2003. The powers possessed by this agency are now quite startling, even in comparison to other agencies of the security establishment.

The report by Justice O'Connor in 2006 was probably the first official instance where more oversight into the CBSA was called for. It has been nine years since that report and still there is no oversight body for the CBSA. And there is no independent authority to whom a complainant can go to for a hearing of his or her complaint.

A major issue which has been at the forefront of complaints relates to the lack of oversight of the CBSA. Let me quote from Sukanya Pillay, Executive Director and General Counsel of the Canadian Civil Liberties Union, appearing before the Standing Senate Committee on National Security and Defence this past March.

The CBSA is an agency that enjoys sweeping powers, including law enforcement powers. CBSA officers can arrest, with or without a warrant, permanent residents or foreigners if they believe these individuals pose a threat to public safety or are illegally in the country. CBSA also has the power to detain foreigners and permanent residents, including asylum seekers. As mentioned, the CBSA also works closely with other agencies, including the RCMP and CSIS, in information sharing that the CBSA may rely upon in determining who may be a threat or who may illegally be in the country.

• (1950)

In a country such as Canada, we should be alarmed that such powers are wielded by an agency with no independent oversight, with no recourse for those who have been subjected to these powers in a manner allegedly inconsistent with the guidelines and rules of the agency.

CBSA is also running its own informant program. On January 15 of this year, various media outlets reported about a briefing document prepared by the Minister of Public Safety. It describes a situation where these informants have a confidential human source officer, and are labeled a "CSH participant." Further, the note describes covert surveillance by CBSA officers. The danger of this type of activity is not only to the privacy of those under surveillance, but the lack of oversight for the agency, which could lead to abuse.

Privacy concerns have been expressed by the Chantal Bernier, Interim Privacy Commissioner, when appearing before the Standing Senate Committee on National Security and Defence in April 2014. I quote what she said:

... over the past three years, we have expended considerable effort examining privacy risks connected with border security. In our communications with CBSA and other agencies, we have flagged concerns touching on the widening scope of sensitive personal information being collected, the expanding uses and sharing of this information with authorities, the need for clear complaint and redress mechanisms and retention periods for sensitive personal information that would have to be justified.

This is a major problem as information can be shared with third countries under the current regime, third countries which may have unenviable human rights records. The risk in this is obvious and cuts to the heart of the O'Connor report as well.

It was also revealed through an access to information request that CBSA approached telecommunications companies over 18,000 times in 2012, looking for information about customers, and, in those requests for records, only 52 involved a warrant.

CBSA says 99 per cent of the time they're looking for basic subscriber information. In any case, they can compel the information through ministerial authority, not judicial. CBSA has been forthright in this disclosure, which is commendable, but, as we have seen in the case of CSEC, an independent body should be overseeing this type of information gathering.

Colleagues, under access to information, documents obtained by the media disclosed there were 1,428 complaints filed against CBSA in 2008-09, and a further 1,100 complaints registered against CBSA in the first half of 2011. Again, these numbers are obtained by access to information. They're not readily available to Canadians. The nature of these complaints is unknown, but we know from the press that they cross a very broad range.

I spoke in this chamber before about an elderly yachtsman who single-handedly sailed into Canso, Nova Scotia, on July 1, 2010. Upon learning that this historic port had no customs or immigration office, he contacted the RCMP. I should note that Canso does not have a CBSA office. If you arrive there from sea, you can telephone CBSA for an inspection during civil work hours, Monday through Friday, 8 a.m. to 4 p.m. Despite all the hype about border security, this is the case in pretty much every port and cove in sea-bound Nova Scotia.

A member of the RCMP came and checked out the visitor's papers and his yacht. Following his inspection and finding everything to be in order, the Mountie told him to report to Canada Border Services Agency when he got to Halifax. He was on passage to Lunenburg where his daughter and family planned to visit. On arriving at Halifax a few days later, the yachtsman officially reported to CBSA, and that is when his nightmare began.

Honourable senators, since he arrived at a wrong port, that is, Canso, which does not have a CBSA office, armed border guards turned his world upside down. Searching for contraband, they

confiscated his boat and tore it apart, throwing his food, stores, spare parts and gear all over the place and destroying an expensive refrigeration unit. I quote:

"It was like vandals had got in and trashed the place," the skipper told Dan Leger, then Director of News Content for *The Chronicle Herald* newspaper in Halifax.

Most upsetting was the unprofessional bullying behaviour towards this visitor, yelling at him and intimidating the man whenever he protested their actions. They accused him of consorting with criminals in Vancouver, a port he had never visited. They repeatedly called him a liar and threatened him with jail. He was told he had no civil rights and they could do with him what they pleased.

The agents did not find any contraband but demanded he pay a \$1,000 penalty for landing at a wrong port. They gave him 24 hours to pay or he would face a \$30,000 fine. They said they had entered his name into a database so that wherever he goes, he will be under suspicion.

This is but one example which cries out for an independent CBSA complaints process.

At the other end of the spectrum is the case of Lucia Vega Jiménez, who died in a CBSA detention centre in Vancouver in December 2013. The news of her death was released one month after it happened. The coroner's inquest is being held, but, senators, this type of incident involving a Canadian government agency points specifically to the need for independent oversight.

When testifying before the Senate Standing Committee on National Security and Defence in February this year, Martin Bolduc, who I mentioned earlier, when questioned about this incident by Senator Campbell stated:

I know there has been a lot of inaccurate reporting in the media about this case. Yes, CBSA is fully cooperating with the coroner's investigation.

But isn't that part of the problem? We can obtain so very little information regarding the operation of CBSA. This situation alone confirms the need for independent oversight.

Colleagues, Bill S-222 has been written to respond to the concerns of those mentioned above and to the persons mentioned who were subjected to the actions they experienced at the hands of members of the CBSA. There is clearly a need for an independent oversight body for CBSA, a body which can investigate complaints and provide review for Parliament.

Bill S-222, as stated in its summary:

... provides for the appointment of an Inspector General of the Canada Border Services Agency with the authority to report on and make recommendations concerning the Agency's activities and the capacity to receive and investigate complaints about the Agency.

The Inspector General would be appointed by the Governor-in-Council, after consultation with the leader of every recognized party in the Senate and House of Commons, and the approval of said appointment by resolutions of the Senate and the House of Commons. The appointment provides for a seven-year term with re-appointment for one or more further terms of not more than seven years each.

In the event of absence or incapacity, the qualified person may be appointed for not more than six months. The Inspector General shall have the rank and all powers of a deputy head of department. The Inspector General will have the power to hire staff on a full-time basis but also engage experts on a temporary basis. The mandate of the Inspector General under this legislation is, one, to monitor and report on the activities of the CBSA in carrying out its mandate, which may include making observations and recommendations concerning the procedures and performance of the CBSA in relation to any of its activities; and, two, to carry out investigations in relation to complaints made to the Inspector General.

Bill S-222 provides the guidelines for investigations conducted by the office of the Inspector General. There are general provisions of Bill S-222 for investigations. Any person may make a complaint with respect to any act or thing done by the CBSA. The Inspector General, however, reserves the right to refuse to investigate further if he or she feels the investigation is unnecessary, if the complaint is frivolous or is made in bad faith, or if the complaint falls outside the authority of the Inspector General.

The bill stipulates that before commencing an investigation, the Inspector General shall inform the minister and the President of the CBSA of the intention to investigate and the nature of the complaint. The investigation itself will provide the opportunity for the complainant and the CBSA to make representations to the Inspector General to provide evidence.

- (2000)

Bill S-222 provides the inspector general in the course of an investigation with powers such as one to summon and enforce the appearance of individuals and compel oral and written evidence under oath and to produce documents the inspector general considers necessary to the investigation; two, the inspector general may administer oath.

If the inspector general finds the complaint to be well-founded, he or she shall provide the Minister and the President of the CBSA with a report containing findings and recommendations, and request that within a specified time period, any actions or proposals that have been or have not been taken in response to the report's recommendations be so undertaken. The results of the investigation shall be reported to the complainant.

The second major aspect of Bill S-222 is the reporting component of the bill. Under this legislation, the inspector general would, within three months after the end of the fiscal year, submit a report on the inspector general's activities that year to the Minister of Public Safety. The inspector general may also prepare and submit to the Minister of Public Safety a special

report, the content of which may contain any matter that the inspector general deems urgent enough to warrant submission to the minister before the annual report.

In turn, the Minister of Public Safety is required to table either the annual or the special report before each house of Parliament within 15 days of receiving the report.

Senators, the third major component of this bill concerns remedies. According to this legislation, anyone who has made a complaint to the inspector general may apply to the Federal Court for a remedy. The complainant may apply to the court within 60 days of the date on which the investigation results are reported or the date on which the complainant has been informed that the inspector general has refused to investigate the complaint.

Furthermore, if the court concludes the complaint is well-founded, the court may grant any remedy that it considers appropriate and just. The inspector general also reserves the right to apply to the court for a remedy for the complainant, if the complainant consents, and the inspector general may appear before the court on behalf of any person who has applied for a remedy.

In considering the content of this bill, it became evident that the issue of remedies was an important one to be addressed. I believe it is critical to provide a process for filing a complaint that results in a fair and timely experience for the complainant, whether his or her complaint is valid or not. I feel that the process provided in Bill S-222 is fair and will lead to a much more balanced system than currently exists. As you may know, a complaint today is processed by CBSA internally. There is no independent oversight. The current complaints process does not give a complainant a sense of transparency and of the likelihood of a fair hearing.

Colleagues, there are many other general provisions in the bill that deal with confidentiality requirements, security requirements for the inspector general and staff, access to information to the office of the inspector general, as well as consequential amendments to other acts.

As I mentioned at the start, there have been demands for oversight of the CBSA from the time of its creation, and specifically since the O'Connor report in 2006.

In closing, I therefore submit that the provision of independent oversight of CBSA is long overdue and we would be doing a great service to Canadians and visitors by passing Bill S-222 into law.

**The Hon. the Speaker *pro tempore*:** I see a senator rising. Is it for a question?

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Yes. Would you take a question, Senator Moore?

**Senator Moore:** Yes.

**Senator Fraser:** You make a most compelling case for the creation of such oversight. As I was listening to the list of powers that you would propose for the inspector general, I was

wondering how this would compare with other oversight mechanisms that exist in the federal apparatus. Did you take a model somewhere or is this a whole new, unique approach?

**Senator Moore:** I worked with legal counsel who reviewed other review processes of other agencies within the Government of Canada, and this was the best of the ideas that they could come up with.

I think it's important that we have an independent agency such as provided here so that the man or woman who fills that office can do an independent investigation of complaints, must report to the minister and the President of the CBSA so they know what's going on, and must also report to the complainant. Today, there is no such thing. The example I gave of that yachtsman, he did not bother to go on; he sailed back home to the United States.

We can do better than that, and this gives lots of authority to the minister as well — he's totally in the picture all the time — and as well to the President of CBSA, who is advised of the complaint and the nature of it and can make representations, or his agent can, if the agency may be involved. I think it provides a fair balance. I think it's greatly needed.

**An Hon. Senator:** Question.

**The Hon. the Speaker *pro tempore*:** Colleagues, please, just have respect for those who are speaking. If you have an interesting conversation, maybe you can use the reading room.

We will listen to a question of Senator Baker.

**Hon. George Baker:** I have a very short question.

Senator Moore, you're right that there is no appeal right now. There are a great many Superior Court decisions regarding mainly women, Canadians, who have been strip-searched at Pearson International Airport coming back into Canada. The procedure is that they have a roaming team that, for seven countries in the world, when there's a return flight, they monitor carefully, and then based on a suspicion — and they have various guidelines for their employees — they select somebody for secondary processing. If there's a suspicion, they take them into a room. In the two most recent cases of women, they empty their purse. If there's any objection, they handcuff the woman; they strip-search the woman.

In the most recent case, they did it because there was a bottle of liqueur that had some white particles in the liqueur. The inspector claimed, "That looks like cocaine." This entire process was gone through while her husband and children were waiting for 15 hours in the waiting area of Pearson International Airport.

At the end of the entire process, weeping, crying and everything else, they let her go. They said, "Yeah, we have a test kit." Police officers know. Senator White and Senator Dagenais know that there are test kits that one can use practically immediately on drugs.

There is no real apology. Then she's let go. Her children and husband have been waiting for 15 hours.

You go back to those cases in the Superior Court of Ontario, but the judges have always ruled this way. It's because of the way we word the act. Nobody in this country, including police officers, has the right to handcuff you based on a suspicion, but that's what's in the legislation that we passed. When we passed the bill, it says "suspicion." That's why Senator Dagenais told us one day in committee, in evidence, that they usually wait for the person from customs to come to be able to actually intercept the vehicle and search the vehicle because the Sûreté doesn't have the grounds. It's the same thing with the Ontario police. It's because of that word "suspicion" that's throughout the act.

Each one of those cases was thrown out. In the last case that I remember reading, the woman had to pay expenses.

**Senator Fraser:** What?

- (2010)

**Senator Baker:** The only reason she went to court was because she felt her rights were violated. The judge said, "No, because this is the way the act is worded." You know if you start a civil matter in this country, if you lose, you normally pay the court costs, and that's what they end up paying.

What you're suggesting is that this oversight body could then come back to the woman I'm talking about who had complained to the oversight body. The oversight body would look at it and say, "Oops, the legislation permits these people to do that on a suspicion." A summer student, on suspicion, can do that. The complaints commission that you're suggesting would probably suggest to the government, "Look, change the word 'suspicion' to 'a reasonable belief.'" Is that what you're saying?

**Senator Moore:** Yes, Senator Baker. I've looked at some of those cases as well, and that is the way the law is written today. It's unheard of, the powers are so sweeping. You don't need to have a reason to believe, you don't need any inkling of evidence that might lead to the fact that this person is trying to do something illegal or improper. The inspector general would be able to hear the case of the lady that you spoke of, bring in the agents who conducted the investigation and search of her and her possessions, hear the case, decide on a remedy and indeed go to Federal Court on her behalf as a witness to help in her case.

**The Hon. the Speaker *pro tempore*:** Senator Baker, do you have a supplementary question or were all your questions asked at once? I'm not trying to tease you.

**Senator Baker:** We have some experts in this place. You're an expert yourself on the criminal law. We have experts on police powers. Two of them are sitting together over here. They are experts, and they can tell you even for an investigative detention, you've got to have grounds.

The point is that if it's in legislation, which it is, and the training is conducted in the way it is, as the judges have ruled, we can't blame the people who conduct this if they're following the law we

passed many years ago that gave them the power a police officer does not have. That's why I think this bill is important.

I want to ask the honourable member: Are you saying that perhaps from this, we may even get a change of legislation pertaining to the matter?

**Senator Moore:** You are asking whether or not this bill contains a provision to amend the CBSA statute with regard to suspicion and they can do what they want. This bill does not have a provision to change that law, but I'm prepared to accept a friendly amendment.

(On motion of Senator Martin, debate adjourned.)

### BLACK APRIL DAY BILL

#### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ngo, seconded by the Honourable Senator Ogilvie, for the second reading of Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War.

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I'm not quite ready today, so I would like to move the adjournment of the debate for the balance of my time.

(On motion of Senator Martin, debate adjourned.)

### CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

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

**Hon. Terry M. Mercer** moved second reading of Bill S-223, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

He said: Thank you, honourable senators. Today I rise to speak on Bill S-223, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act that I introduced on Tuesday. The "Speakership of the Senate Act" will hopefully attract some new attention to the Senate and what we are doing here on our own initiative to make this chamber more democratic.

First, I would like to thank the current Speaker, Noël Kinsella, for his years of service to the Senate. As you know, Senator Kinsella will be retiring in November. Over the years, Senator Kinsella has helped Senator Munson and me celebrate National Child Day here in this chamber and he has worked with me to help organize Navy Appreciation Day on Parliament Hill. I do appreciate his support. The Speaker has always been a reliable

source of aid to all senators, and I believe we can all agree that he has done an invaluable job for the Senate of Canada. Thank you, Senator Kinsella.

Honourable senators, the Speaker of the Senate really is an invaluable tool that we have. For Parliament to function, it needs to run efficiently. The Speaker is our guidance counsellor and keeper of decorum. Because of that, the Speaker must be impartial, see all sides of an argument and make a judgment based on precedence but in keeping with the ever-changing needs of a democratic institution like this Senate.

Shouldn't that person be independent of a government appointment since he or she serves all senators, not just those of the government of the day?

Honourable senators, you may have been very surprised when you heard me introduce this bill, for it is not the first time this issue has come up before the Senate. In March 2003, over 11 years ago, our former colleague Senator Oliver introduced Bill S-16, which called upon the Senate to do exactly what I'm suggesting. I know you must be asking yourselves why I would be following in the footsteps of a Conservative, but I know a good idea when I see one, and I believe this should be a non-partisan debate.

Having reviewed the previous debates on the bill, I will review the arguments in order to start the debate on a topic I believe is good for the Senate, good for Parliament and good for Canadians. I will not get into the history of the Senate Speaker, but it is necessary to review the Speaker's role and how that role is carried out.

As my colleague Senator Joyal stated in the debate on Bill S-16:

I would like to underscore to honourable senators today why the Speaker exercises a very important role in our institution. The Speaker represents our institution. He is in some ways the embodiment of our institution.

The Speaker is of course appointed by the Governor General on the advice of the Prime Minister. He or she presides over the proceedings of the Senate, including debates and votes, but the Speaker also is responsible for ruling on questions that are raised with regard to parliamentary procedure in the chamber. That could include the rights and immunities of the Senate or individual senators. We should keep in mind that any ruling of the Speaker can also be confirmed or rejected by a vote, should that arise. Bill S-223 does nothing to change that.

The Speaker rarely participates in debate but can do so by leaving the chair and speaking from his place in the Senate. The Speaker has a right to vote but at the end of the process, the Speaker cannot cast the deciding vote in the event of a tie. As you know, a tie means the vote is in the negative here in the Senate. The Speaker *pro tempore* is another matter altogether.

In 1982, the Senate enacted a rule that at the start of each session, the Committee of Selection, which is made up of nine senators, is appointed to nominate a senator to preside as Speaker *pro tempore*, which is the de facto Deputy Speaker. Prior to this rule, the Speaker *pro tempore* was chosen each time the Speaker was absent.

• (2020)

The questions we need to ask ourselves are: Has the process hindered or prevented the proper functioning of the Senate? Has it stifled debate? Has it prevented a senator from acting honourably as a Speaker? The answer to those questions is “no.” So why change it? Well, why not? To answer those questions, let us review what this bill’s intentions are.

Honourable senators, this legislation amends the Constitution Act, 1867 to provide for the election of a Speaker and a Deputy Speaker of the Senate. It further amends the Constitution Act, 1867 to provide for a voting procedure similar to that of the House of Commons and provides that the elected Speaker, Deputy Speaker or whoever is presiding cannot vote except in the event of a tie. It also makes consequential amendments to the Parliament of Canada Act to allow for the absence of the Speaker and/or the Deputy Speaker in the Senate.

How does it do this? This bill provides an amendment to the Constitution Act of Canada — an amendment that I believe falls well within the scope of our powers as senators, as well as within our powers as members of Parliament. Both houses of Parliament can come together to decide on a way forward to reform this place. The bill is an amendment relating exclusively to the executive government of Canada, the Senate or the House of Commons and is therefore within the scope of section 44 of Part V of the Constitution Act, 1982 which states:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

We can interpret that as giving us the power as parliamentarians to amend section 34 of the Constitution Act, 1867, which currently states:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him —

The word “him” is in there, by the way, honourable senators.

— and appoint another in his Stead.

Bill S-223 replaces that section with this:

34.(1) The Senate, on its first assembling at the opening of the first session of a Parliament, shall proceed with all practicable speed to elect, by secret ballot, one of its members to be Speaker and another to be Deputy Speaker.

It further states:

(2) Where a vacancy occurs in the office of Speaker or Deputy Speaker, by death, resignation or otherwise, the Senate shall proceed with all practicable speed to elect

another of its members to be Speaker or Deputy Speaker, as the case may be.

In effect, the Speaker *pro tempore* would be replaced by the Deputy Speaker and both the Speaker and the Deputy Speaker would be elected by us, the senators.

The bill also changes section 36 of the Constitution Act, 1867, which now states:

Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the Negative.

That’s what it currently says. In my recommendation, it changes to:

Questions arising in the Senate shall be decided by a majority of voices other than that of the senator presiding, and when the voices are equal, but not otherwise, the senator presiding shall have a vote.

The Speaker would have no vote except in the event of a tie. I would like to point out that the current Speaker has voted on occasion. I also note that Senator Nolin has ably and diligently acted as a Speaker in his role as Speaker *pro tempore* over the last little while, and he has abstained from voting numerous times. I don’t know that he anticipated this bill or not, but I do believe it is an honourable thing to remain impartial when you have presided over deliberations.

Honourable senators, the bill also amends the Parliament of Canada Act to ensure the chair is never empty. As well, the bill amends the Parliament of Canada Act such that the Speaker must choose the Deputy Speaker to replace him or her. In the event the Deputy Speaker is unavailable, the Speaker may choose any other senator to act as a temporary Deputy Speaker — not dissimilar to what happens daily now. As well, in the event the Deputy Speaker is in the chair and must leave, the Deputy Speaker may choose a senator to replace him or her as a temporary Deputy Speaker.

When both the Speaker and Deputy Speaker are absent, all senators in the Senate would decide on who will be the temporary Deputy Speaker on that day.

This is what Bill S-223 does.

I believe we do have the constitutionally derived powers to do this because of section 44. Amending the Constitution in this way does not require the 7/50 rule or unanimous consent of the provinces. The Constitution allows the Parliament of Canada to change how we choose a Speaker of the Senate, and I believe we should exercise that right. It is time to consider this.

It has been an interesting albeit troubling time for the Senate. Regrettably, Canadians are paying more attention to the Senate because of the spending scandal and the subsequent actions of others. Unfortunately, Canadians are more attentive to the Senate’s faults rather than its true value.



The Senate of Canada is a place of important debate and sound public policy making. In order to increase Canadians' belief that the Senate is an important part in the parliamentary process, changing the institution from the inside can be accomplished.

The current government's proposed changes to the Senate were ruled constitutionally invalid; they cannot proceed with their bills to change the nature of the Senate. With this bill, we can attempt some changes from within for the public good.

The House of Commons elects its Speaker, so why shouldn't we think about doing the same? We are different from the House of Commons in many ways, yes, but why should the choice of the chair of our chamber be at the behest of the prime minister of the day? Doesn't that make us less independent?

Any prime minister, in their role as a member of Parliament, votes by secret ballot to choose a Speaker of the House of Commons. The Prime Minister is not a member of the Senate, so why does the Prime Minister have a right to appoint the Speaker when we, as senators, do not have the right to vote for the Speaker of the House of Commons — what's good for the goose is good for the gander — or the right to vote for our own Speaker, for that matter?

Honourable senators, this is not a new idea. Many Commonwealth countries elect their speakers or presidents of the Senate, including countries like Australia and many others in the Commonwealth. Right here at home, all ten provinces and three territories elect their speakers.

The bill does not emulate what the House of Commons does just for the sake of doing it. We need reforms in the Senate and we can achieve these reforms with the constitutionally defined powers of senators and members of Parliament. If you disagree with that, then let's debate it.

As well, should we not study this bill in committee where a larger, more comprehensive debate can take place? Let's have that debate — a very public debate instead of interpreting the Constitution differently and each on our own. Who is right and who is wrong?

Let us listen to the experts. Let us listen to Canadians. Let us listen to ourselves.

Honourable senators, this is again a small step we can make to improve the Senate. On Tuesday, after I introduced this bill, I wrote a letter to my former leader, urging him to consider these options in the event that he were to win an election that, even if this bill did not pass, he recognize the spirit of the bill and allow us to choose our own Speaker.

Our former leader made a step to make the Senate more independent, and here we are today as an independent caucus who happen to continue to believe in the philosophies of the Liberal Party. Others may think the move was insignificant, but I believe it has helped the Senate, and I can assure you it has helped us on this side as a group and as a team.

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

**Senator Mercer:** It's interesting that it is not recognized by all members of this chamber that the changes that have happened on this side have been significant.

• (2030)

Today my friend Senator Mitchell asked a question from a citizen, and yesterday I asked a question from someone across the country. These are important changes. Every second or third Wednesday, we have held open caucuses. Senator Tardif and Senator Eggleton are charged with the responsibility of organizing these things. They have been fabulous, rewarding meetings for us and, we think, for the public. They are open to the public, to the media and to members of all political parties. Indeed, we have had three members of the Conservative Party in attendance: two members of Parliament and one senator. Former Minister Steven Fletcher was a panelist on our discussion of end of life. These changes are not insignificant. Our former colleague Senator Segal was here to talk about oversight of security. Back to the bill.

Some of us have also talked about the regions and how we can work together to better represent our regions as the Constitution intended us to do. Senator Greene, Senator Ringuette, Senator Nolin and I have talked about this in the past. From both sides of the aisle, we're agreeing with each other — a novel concept, honourable senators, and an honourable endeavour.

Honourable senators, this bill will help the Senate to become more independent because senators will decide how it will be organized, not the prime minister of the day. The Speaker will become impartial on matters before the Senate unless in the event of a tie, when the Speaker will then cast the deciding vote. The Speaker *pro tempore* will become an elected position rather than one chosen by a committee. All good reasons to consider this bill.

This type of reform is easy, for want of a better word. If we act together and share in the goodwill to help our institution become better, we are committing ourselves to change. We are also helping ourselves. Harder decisions may be coming down the road. With some small steps now, we can lay the groundwork for better cooperation and better understanding of the goodwill we all want to have in helping to change this institution.

Honourable senators, I believe it is in our best interest to have the debate on this issue and to pass this bill. It is imperative for the Senate. It is beneficial for all of Parliament and is a worthy effort to show Canadians that we are listening to their concerns. Thank you, honourable senators. I encourage you to participate in this important debate. I ask for your support of Bill S-223.

**Hon. Paul J. Massicotte:** Senator Mercer, would you take a question?

**Senator Mercer:** Certainly.

**Senator Massicotte:** I think your proposal holds immense interest and we should study it seriously. There's no reason why we can't elect our own Speaker. Could you tell us what the House of Lords and provinces are doing relative to the election of a Speaker?

**Senator Mercer:** Of course. In the House of Lords it's an appointment. The House of Lords is interesting. The Speaker doesn't sit on the chair in the House of Lords. The Speaker doesn't designate speakers or run the part that we're used to seeing in the parliamentary system here. Of course across many countries in the Commonwealth, this happens. In all provinces in Canada, the Speakers are elected by the members of those legislatures and in the three territories. We know about down the hall in the House of Commons, where the elections have been very competitive when a new parliament comes in.

I remember in 1993 when the government changed, six people ran for the position. It took five hours to elect a new Speaker, which was amazing. When Speaker Scheer was elected, there were a number of people running. That's what democracy is all about. That's the interesting thing. I would suggest that if we were to have an election here today, it would not necessarily be only Conservatives who would run. Some Liberals might run or there may be several Conservatives who want to run. The best part is that we get to determine ourselves who sits in that chair and who has that great authority.

**Senator Massicotte:** Obviously, this is an amendment to the Constitution. Our natural reaction is that it must be complicated and require a lot of approvals from the provinces. Could you clarify how this would come to be and would it be significant with much delay?

**Senator Mercer:** Let me quote a former colleague, a Conservative senator, Senator Beaudoin, who said in debate:

In my opinion, section 44 of the Constitution Act, 1982 gives Parliament the power to amend. Moreover, there is a constitutional convention that the Prime Minister chooses the Speaker of the Senate. A constitutional convention can be changed; it can be dropped by the Prime Minister.

The prime minister can just do it on his own by refusing to appoint and forcing us to elect. It's more important that it be in statute. Senator Beaudoin continued:

The advisory opinion given in 1979 by the Supreme Court of Canada on the status and powers of the Senate disposes of that first point, in my view, that is, that section 44 applies.

I think it's quite a simple process. Under section 44, if we amend the Constitution and it passes, it goes to the House of Commons because it's a bill and they pass it and it's done. The Constitution would be changed. The next opportunity interestingly enough will be coming up in the fall at the retirement of our good friend, Senator Kinsella, so it may present itself more quickly than we anticipate.

(On motion of Senator Greene, debate adjourned.)

## STUDY ON STATUS OF CANADA'S INTERNATIONAL SECURITY AND DEFENCE RELATIONS

### TENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Lang, seconded by the Honourable Senator Housakos, that the tenth report of the Standing Senate Committee on National Security and Defence entitled: *Canada and Ballistic Missile Defence: Responding to the Evolving Threat*, tabled in the Senate on June 16, 2014, be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Defence being identified as minister responsible for responding to the report.

**Hon. Grant Mitchell:** So, you thought you weren't going to hear from me? Well, I fooled you! So there!

I rise in support of this report by the Defence Committee recommending that Canada become involved in ballistic missile defence with NORAD. I congratulate Senator Lang and other members of the committee for what I think was great collaborative work, completely non-partisan, very extensive and detailed with intense research. We travelled to NORAD, a remarkable experience for all of us. I also want to make a special note of the work of Senator Lang as chair. He's an excellent chair — very fair and gives us all a chance to participate. He's open and has provided great leadership. In the absence of Senator Dallaire, I would extend congratulations to him as well for his work in this.

When we first confronted the question of Canada's involvement in ballistic missile defence, overhanging that question was the experience of 2004-05 when the decision was made that Canada would not participate. At that time, ballistic missile defence was caught in a political context that was captured by the concept — if I can elevate it to that — of Star Wars. There was a sense that Canadians didn't want to be involved in something that would be tantamount to Star Wars and we didn't want to weaponize space.

• (2040)

In fact, what we have found very clearly is this is not Star Wars; this is not the weaponization of space. Canada's involvement in ballistic missile defence with the U.S., probably through NORAD, would rectify an important contradiction in NORAD's defence of North America.

At this time, under the current structure, if a nuclear weapon is to be delivered by an airplane, or if a nuclear weapon is to be delivered by a cruise missile — and a cruise missile is simply a missile that is fueled and fired all the way from its launch to its target — then NORAD, jointly commanded by Canada and the U.S., makes the decision to fire a missile to knock down that airplane or knock down that cruise missile. In fact, there is really no difference.

A ballistic missile is just a third way of delivering much the same kind of warhead. The difference is only that it shoots into the atmosphere, above the atmosphere, then separates from its thruster, from its engine, and falls to its target as though it were a baseball being thrown. The only difference is the arc of that particular delivery system.

Right now, the ballistic missile defence system, as structured, would be directed at knocking that down. The decision would be made solely and entirely by U.S. command because we are not included in that decision. If it comes by airplane, Canada is included. If it comes by cruise missile, Canada is included. If it's comes by ballistic missile, Canada isn't included. What problem can that create?

We have very good relations with the U.S. It was very clear. It was actually very reassuring, heartwarming in fact, to see the kind of respect the most senior generals in the U.S. command structure in NORAD had for our Canadian military, our generals, General Parent and others. It was a remarkable relationship they had between and amongst each other and a remarkable respect that General Jacoby, the overall commander, and his command personnel had for Canada and for Canadians, which is very reassuring. However, if we're not involved in that decision, there is not the same kind of guarantee that the same kind of decision to knock down a ballistic missile that may be coming to a Canadian city would occur compared to a missile that's coming to an American city.

That's not to say the Americans would abandon us. It's just to say that we wouldn't be there to have input into that decision. I'm from a city, Edmonton, which is far enough away from the U.S. that the likelihood of fallout from a rocket that hits Edmonton might not be a concern to U.S. decision makers in the split second in which they have to make that decision.

I may be exaggerating for emphasis, and I don't mean to demean in any way, shape or form the commitment of Americans and their commitment to this country. But the fact of the matter is that the command structure is fundamentally different only for what is a purely moot point — just the nature of the delivery system.

The corollary problem was that we would weaponize space. That implied that somehow we would have rockets on satellites in space that would be deployed to shoot down a ballistic missile once it entered into space. That is not the case. It would be prohibitively expensive, if not technically literally impossible, ever to put up enough satellites with enough rockets to begin to create the kind of defence structure you would need to be at the right moment, at the right time, to knock down a ballistic missile out of space. This is not the weaponization of space. This is really just addressing what seems to be a moot contradiction in the way missiles can be delivered.

I wanted to make that point. There are two other points that have been raised against our involvement in missile ballistic defence. One is that somehow it offsets the deterrence principle of mutual deterrence, but the fact is that ballistic missile defence does not address the issue in any way, shape or form or erode the issue in any way, shape or form of mutual deterrence. Mutual deterrence is what is used in our defence against the potential of an attack from a superpower like Russia or China.

You would never have enough anti-ballistic missiles to knock those down with the number of missiles that they could shoot at us, so you have mutual deterrence. The problem with a rogue state is mutual deterrence might not work and they might fire a limited arsenal, which could be knocked down by ballistic missiles.

It might not work, not only because they might not be in a decision-making process that we would see as rational, but because, for example, in the case of North Korea, you actually have a country that is so close to countries like China and South Korea that they might imagine there wouldn't be nuclear retaliation for fear of offending or damaging those two countries from fallout. So this is a form of deterrence against that kind of rogue state. That's important.

The other argument people make is that we would have to give up something or offer something to be involved with NORAD and with the U.S. in making the decision on ballistic missile defence and what that would cost. The Americans are not suggesting for a minute that they would put rockets in Canada, on our soil. That would be expensive.

The fact is that right now we have the North Warning System, which is basically a radar system that is used for defence purposes of all kinds. By 2020, 2025 it's going to be obsolete anyway and it will have to be redone. It's not net new cost.

We hope one day we will be building new naval ships and under the Aegis Combat System that can have rockets and surveillance radar. We would in no way, shape or form ever contemplate putting rockets on these ships but we could put ballistic missile defence appropriate radar. However, that radar is going to be pretty much useful for every kind of defence surveillance in which those ships would be participating in any event.

There isn't necessarily any particularly increased, enhanced net new cost because we would be involved in ballistic missile defence. This is not an affront or erosion or a threat to Russia or to China. Mutual deterrence is still the principle that operates there and, despite what the Russian ambassador is saying today, that is just spin. It is not real and Russia gets it and China gets it. They have not felt threatened by ballistic missile defence. Ballistic missile defence is directed at what we would call rogue states and now the threat that once was theoretical, particularly from North Korea and more increasingly from Iran, which was once theoretical, is now actually practical. They can probably deliver it this far.

Our participation will simply reconcile what I believe to be a strange contradiction in the way in which we have structured our defence through NORAD because it is simply a third way of delivering the same kind of warhead. We don't participate in a decision to knock it down; we do participate in a decision to knock down the other two kinds.

It is a very strong report and I recommend it to colleagues. I hope you will support it and I congratulate the chair for bringing us this far. Thank you.

**Senator White:** Great job.

**The Hon. the Speaker *pro tempore*:** Debate.

**Senator Munson:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## FISHERIES AND OCEANS

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

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Fisheries and Oceans (budget—study on the regulation of aquaculture, current challenges and future prospects for the industry in Canada—power to travel), presented in the Senate on June 10, 2014.

**Hon. Elizabeth Hubley** moved the adoption of the report.

She said: Honourable senators, I will give a brief explanation, if I could.

• (2050)

This is the second phase budget that's required for our ongoing study on aquaculture. The committee's first phase took them to Newfoundland and to Nova Scotia. We have been encouraged, through all of the witnesses whom we have seen, that we would gain much-needed insight from examining more closely the aquaculture policy and regulatory regime in place in Norway and Scotland.

In order to begin the plans that will have to be made for the fall, I request that this budget be passed tonight.

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

**Some Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## STUDY ON RESEARCH AND INNOVATION EFFORTS IN AGRICULTURAL SECTOR

### SIXTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Agriculture and Forestry entitled: *Innovation in Agriculture: The Key to Feeding a Growing Population*, tabled in the Senate on June 18, 2014.

**Hon. Percy Mockler:** Honourable senators, I move:

That the report be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Agriculture and Agri-food being identified as minister responsible for responding to the report.

He said: Honourable senators, in view of the spirit of cooperation, I will send my speech to my deputy chair for further reference.

**Senator Carignan:** Question.

**Some Hon. Senators:** Question!

**The Hon. the Speaker *pro tempore*:** Maybe you are going to ask the question?

**Hon. Terry M. Mercer:** Honourable senators, I want to thank Senator Mockler and my colleagues on the Standing Senate Committee on Agriculture and Forestry for their cooperation in the production of this very important report. I want to compliment Senator Mockler on his evenhandedness in chairing the committee and on the fair way in which it has been conducted. I want to thank the clerk, Kevin Pittman, the researchers and, in particular, I want to thank the witnesses for their forthrightness in giving us information we needed.

We had the pleasure of visiting many research centres across the country on this. This is a very important study that this committee has come up with.

To sum it up, we really need to refocus Canadians on agriculture and the production of food in this country and on rural Canada. One in eight jobs in this country is in the agriculture sector — one in eight. That is much bigger than almost every other industry. We need to move agriculture up on the government's priority list for research, and we need to re-emphasize that. We learned that all across the country.

I encourage you all, honourable senators, to support the motion put forward by me and by Senator Mockler.

**An Hon. Senator:** Question!

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

(Motion agreed to and report adopted.)

## THE SENATE

### MOTION TO URGE THE GOVERNMENT TO ESTABLISH A NATIONAL COMMISSION FOR THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF CONFEDERATION— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate urges the Government to take the necessary measures to establish a *National Commission for the 150<sup>th</sup> Anniversary of Confederation* charged with the responsibility of preparing and implementing celebrations, projects and initiatives across the country to mark the 150<sup>th</sup> anniversary of Confederation during the year 2017. Further, the Senate urges that the membership of this commission include representatives from all the provinces and territories and that, in addition to any budget voted by Parliament, the commission be able to receive contributions from Canadians.

**Hon. Carolyn Stewart Olsen:** Honourable senators, I move the adjournment of the debate for the balance of my time.

(On the motion of Senator Stewart Olsen, debate adjourned.)

### PROMOTING AND DEFENDING CAUSES THAT CONCERN THE PUBLIC INTEREST— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to the activities of some Senators in promoting and defending causes that concern public interest.

**Hon. Jim Munson:** Honourable senators, I am looking for a bit of love and empathy at this late hour because I do have a speech, but you have to understand that, in the interest of having dignified departures for our five senators this week, I gave up my time to make sure that we were able to celebrate the departures of Senator Buth, Senator Segal, Senator Callbeck, Senator Dallaire and Senator Champagne.

I just felt it was important that we all enjoyed that, with sadness at that, but Senator Nolin's inquiry has prompted me to deliver this speech. I have to warn you that I have a shorter speech later this evening on lighthouses, and I will give you light in that particular speech.

I am grateful to Senator Nolin because this is about representing and protecting minorities and their interests and defending the causes in the public interest. I am really grateful to Senator Nolin for initiating the inquiry on the Senate's guiding principles and ways we can improve our practices.

As you know, honourable senators, the objective of this inquiry is to defend the important role our institution plays in the federal Parliament. I'm all for that. I believe this exercise will help us to move forward after several months of intense public criticism and shakeups.

Reflecting on the history of the Senate and our federation is like gathering strength from the ground up. Senator Nolin has described this exercise as a reminder for some of what we and others already know as "a time for discovery and appreciation."

For my part, I have this to say. This is an historical refresher, which has been all of these things. As I set out to prepare my presentation for tonight on our role in protecting minorities, I took the opportunity to revisit Senator Joyal's excellent book, *Protecting Canadian Democracy: The Senate You Never Knew*, which has informed the theme and structure of this inquiry.

It is rare and refreshing to read such a scholarly treatment of facts, an unapologetic confirmation of the Senate's purpose and impact throughout this nation's history. I am enjoying a renewed and enhanced affiliation with this place as a result of my research, contemplation and the process of speaking tonight. Colleagues who have already participated in this inquiry have demonstrated their respect and willingness to stand up for the Senate and those we serve, and it is a pleasure to follow your examples.

I am struck by the confluence of events lately. During the weeks leading up to the Supreme Court of Canada's ruling on Senate reform, I expected the media to cover only one side of the situation. To my surprise, public anticipation of the ruling actually prompted a range of thinking about the Senate. Media coverage was relatively balanced, suggesting the potential for a new level of public consciousness and debate regarding what this place means to Canadians and within the context of Parliament.

• (2100)

Throughout the wait for the high court's decision on Senate reform, minority groups were listening intently and exceptionally. They had the opportunity to voice their points of view to a wide public audience. While in Ottawa with a group defending the interest of this country's northern territories, Norman Tarnow, counsel for Nunavut, spoke volumes to reporters with only a few words:

We have one senator. We don't want our one senator to be dis-established."

Marie-France Kenny, President of the Federation of Francophone and Acadian Communities, also summed up her position to reporters, saying:

In our current Parliamentary system, there's no other institution that is there to protect minority rights other than the Senate. We want to guarantee that our interests are protected.

This is only a small sampling of arguments against abolishing this place or altering its founding components. It is enough, though, to cast a different light on contentious matters. Constitutional provisions enable the Senate to best perform its role and compliment Parliament overall. The facts like our being here by appointment and requirements for regional representation are, as the Supreme Court decision states, not an accident of history.

In its decision on Senate reform, the Supreme Court applies the same stream of logic as Senators Nolin, Joyal and other colleagues, elaborating on what the founders of Confederation had in mind when they assigned each region an equal number of seats. In the words of the justices, the Senate has “served as a forum for ethnic, gender, religious, linguistic, and Aboriginal groups that did not always have a meaningful opportunity to present their views through the popular democratic process.”

This conclusion resonates with individuals and groups within our society for whom the principles of protecting and respecting minorities matter. It is meaningful. If only the role of the Senate were described more often so succinctly and with reference to real-life situations — stories of individual senators; Senate committees and senators reviewing legislation with consideration for minority groups; the distinct challenges they are subjected to; what it means to be truly vulnerable, to be denied opportunities to participate and thrive within mainstream society.

It is the news media that inform and influence most people's opinions about government. I was a reporter for more than 30 years, so I appreciate that Canadian taxpayers have a right to know what we are doing in the public interest. Recent events obviously haven't been helpful, but that was yesterday.

Today we must meet the challenge of a new, modern, vibrant Senate. What an opening we have.

I will give you a wee bit of history here. I wasn't in the Senate long before I began to realize how wrong I had been about the work that is done here, about the qualities and substance of my new colleagues, about the dedication of some exceptional individuals to human causes and social issues. Here is a little context.

In a 1963 report on psychiatric services in Canada, the Canadian Mental Health Association published this comment:

In no other field, except perhaps leprosy, has there been as much confusion, misdirection and discrimination against the patient, as in mental illness . . . Mental illness, even today, is all too often considered a crime to be punished, . . . a possessing demon to be exorcised, a disgrace to be hushed up, a personality weakness to be deplored or a welfare problem to be handled as cheaply as possible.

That was in 1963. The very profession established to give help and hope to people suffering from mental illness described the situation as being bleak and hopeless like this, and it says so much

that in 2006 the Senate Social Affairs, Science and Technology Committee cited these very words, as Senator LeBreton would know, in the forward to its report *Out of the Shadows at Last: Transforming Mental Health, Mental Illness, and Addiction Services in Canada*. In the context of this report, they're among the opening words. They are by no means the last words.

Senator Michael Kirby was then chair of that committee. His long-held commitment to raising awareness and resolving many of the health issues raised in this report is evident in the respectful chronicling of testimony by a wide range of people throughout the country experiencing or somehow associated with people afflicted by mental illness and addiction.

Theirs are stories of frustration, loneliness and abuse. The report not only captures these people's struggles, it also provides us with other pertinent details: evidence of courage, hope and triumph, even in the midst of desperation and human tragedy.

The Senate produces exceptional reports on the lives and social context of minority groups. *Out of the Shadows At Last* is a particularly strong example of one. Recognizing that anyone is susceptible to these conditions, the committee makes the special effort to hear from individuals who are particularly vulnerable to the symptoms of and social discrimination against mental illness and addictions: “As with other health problems, people who are poor, marginalized or otherwise disadvantaged suffer disproportionately.”

In 2014, we are careful to recognize the distinct and often acute impact of challenges like these on minority groups. With accounts of the experiences of children and youth, women, seniors, First Nations, Inuit, Metis, *Out of the Shadows At Last* could have been released yesterday, but it was eight years ago that Senators Kirby, Keon, LeBreton, Cordy, Callbeck and other strong and insightful members issued this report.

Where there is so often judgment in regard to people with mental illness and addictions, this report demonstrates compassion combined with enough objectivity to devise clear, practical recommendations for improving an extremely complicated situation affecting millions of Canadians.

The underlying conclusion of the report was that the time was long overdue for the government to commit to action and spending on this issue. And that's what the government did. It came from the Senate, from a group of Liberal and Conservative senators and a Conservative government. I have to applaud Mr. Harper for what he did in this regard.

**Senator Mercer:** Hear, hear.

**Senator Munson:** Those in the field of mental health know this; many people living with mental illness and addiction problems at that time also know. They also know the Kirby report, as it is commonly called. They know that mental health issues are on today's policy radar screen in large part because of senators, because of a Senate committee, because the Senate performs a role of protecting minority group interests.

In 2009, in an article titled “Senate Reform and Francophone Minorities,” authors Senator Claudette Tardif and Ms. Chantal Terrien opened with the observation that:

... people seem to have forgotten that without the inclusion of an upper house able to represent and defend regional and minority interests, there would have been no Confederation in 1867. . . . Quebec would have not agreed to unite with other colonies.

Although minority language groups are growing in this country, they are far from having the numbers and demographics necessary to elect adequate representation in Parliament. According to the same article:

A review of the historical data on senators show that francophones in minority settings from Alberta, Manitoba, Ontario, New Brunswick and Nova Scotia have been almost continuously represented in the Senate, with a few exceptions.

Now, I have already referred to the recognition by language rights advocates of the role of the Senate. As a result of the ongoing, meticulous work of the Senate Official Languages Committee, and the special interest activities of individual senators, the Senate is attuned to identifying weaknesses and developing ways to improve our country’s language obligations — and Canada is a better place for it.

Senator Tardif, Chair of the Official Languages Committee, is a Franco-Albertan; Senator Chaput, who is also on the committee, is a Franco-Manitoban. They are deeply appreciative of the roots and importance of official language legislation in this country. As a result of their personal backgrounds, they possess insights into the real experiences of minority language groups.

These words from Senator Tardif demonstrate an invaluable and crucial sensitivity to what equality means and doesn’t mean to official language minorities. They are a source of guidance and education for all Canadians. They are a source of guidance and education for all Canadians:

• (2110)

Official language minorities must be treated differently in accordance with their particular circumstances and needs to ensure that their treatment is equivalent to that of the majority. . . . exercising one’s language rights is not equivalent to asking for an accommodation.

What a quote.

We are who we are. We can each draw from our experiences to fuel and direct our work in the interest of others.

When the federal government recently decided to review funding for small-run, community-based newspapers, Senator Chaput recognized at once the human rights implications of this

decision. She was holding up Manitoba’s only French-language weekly as an example of what is at stake. She referred to what she knows from her roots: the paper’s 100-year history of reporting stories of francophones in Manitoba to francophones in Manitoba — stories and events that are unknown to most Canadians but charged with meaning for those people for whom this paper means so much. Thanks to Senator Chaput, the fate of these special sources of information, and those who in many ways depend on them, is being represented here. Public debate on the matter has been enriched, as well.

Canadians deserve to hear stories like these rather than having the Senate presented to them as it is currently, through the often biased media. Canadians want the truth. That is why they are so receptive of stories of senators failing to live up to their responsibilities. It’s an easy sell. The stories might be accurate, but they represent the exception to what this place is all about, to what we are about.

The strongest defence of the Senate is its purpose. Those with special needs and concerns that are not being addressed or represented adequately by Parliament’s elected lower house have a forum, a vehicle and a platform here.

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

**Senator Munson:** Yes. Could I have five minutes?

**The Hon. the Speaker *pro tempore*:** Is five minutes granted to Senator Munson?

**Hon. Senators:** Agreed.

**Senator Munson:** Thank you. I will try to speak a little faster.

Here we are talking about other minorities, about prospects and opportunities that currently elude them, where they are caught in a situation of injustice.

I would start with how we communicate with Canadians. Citizens of this country would be receptive to communicating with us, especially if they realized they are central in our thinking and commitment to a better society. Just look at those groups who have already shared their expertise and their stories with us in the committee rooms, who follow our debates, and whom we meet with in the course of advocating for special interests.

After more than 10 years here advocating for the interests of people with autism, people with disabilities, youth at risk and other causes, I know and you know that people who are vulnerable can experience tremendous isolation. Any hope of overcoming the challenges confronting them is usually sparked when they connect with others who understand and care about their situations. This has been the experience of thousands of people I’ve met through my involvement with special issues. This has also been my own experience.

Though I knew very little about autism when I first set out to learn about this place, I am today part of an extensive network — your network, their network — of the autism community, health specialists, practitioners, academics and researchers, advocates and care providers, families. My place within this network is as someone who can raise the profile of these issues, who encourages and connects people. Every day this network expands.

As many of you who are also involved in special interests know, work like this is gratifying in the best of ways. You are making a positive difference in people's lives and you are building awareness of the Senate's role in looking out for Canada's most vulnerable citizens.

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

**Senator Munson:** Autism Canada, Autism Speaks Canada, The Canadian Autism Spectrum Disorders Alliance, the Autism Society of Canada, Autism Society provincial organizations, NeuroDevNet, Stars For Life Foundation, the Sinneave Family Foundation in Alberta, South Asian Autism Awareness Centre in Scarborough, Kerry's Place in Aurora. These are just a handful of groups comprising our country's autism network and groups that I work with. There are hundreds more. Each is driven to achieve goals in the interest of Canadians — children, adults and future generations.

My involvement with disability issues has likewise given me the opportunity to meet and work with every other dynamic network of individuals and organizations, like I think most of you do: Special Olympics Canada; Special Olympics provincial organizations; Spinal Cord Injury Canada; the Canadian Down Syndrome Society; Celebration of People; and Ready, Willing & Able, which the late Finance Minister Jim Flaherty produced a paper and money to help out this particular program.

**An Hon. Senator:** Bravo!

**Senator Munson:** If I were to map out the networks for every cause all of us represent here, connect each of their parts to one another, all of the lines and linkages would exceed the dimensions of the historic murals and walls that surround us. Thousands and thousands of people connected to the same issues; millions connected to the work we do.

But the numbers are not what matter. What matters is that we give hope to minority and other vulnerable groups who, without that hope, could quite likely live their entire lives believing that no one cares about their struggles; that social isolation is their allotment; that the Canadian parliamentary system is there for others, not for them.

In closing, Senator Norm Atkins, my mentor, our former colleague and a great friend to many of us, was a senator here for more than 23 years. If anyone had an experience to base his words on, it was Norm. In his last speech in this chamber, summing up and giving thanks to the people and for his experience in this

place, he described our role in a way that inspires me to believe that what is greatest about the Senate is what has always been greatest about the Senate. Here's what Norm said:

We are here to serve Canadians and not political parties. It is my view that we must honour the privilege of being able to serve this great country.

This is a point I would like to make, because I feel that at times senators are somewhat ambivalent about their roles and duties as senators. We've got to stand up for this place. We've got to be proactive. We've got to push what we have and we've got to be visible. We've got to be out there in what we do.

A senator represents Canada at any function, at any time. It is our duty to speak not only on behalf of the Senate but on behalf of Canadians at all times."

That's Senator Norm Atkins, again.

I would like to thank again Senator Nolin for presenting us with this very worthwhile challenge to gather and share our thoughts and topics regarding the history and role of the Senate.

Before I close, sometimes reporters don't get how we work on this side and how you work on your side with the government at hand. In a very personal story — and I never had a chance to say it in a statement, but I'm going to say it now — Finance Minister Jim Flaherty became a friend, a close friend. I don't know whether it was two short guys, two Jims, a bit of Irish blood, the fact his mother was a Harkwell from Campbellton, New Brunswick. He was from Loggieville. I'm from the North Shore.

One day I told him my story, in his office, about our losing our first son, who died at the age of 1, and he cried. He cried and I cried. I said, "I want to work with you with Special Olympics programs." We talked about his son.

There was a day where he had come out of Question Period and he was getting heck from John McCallum. He had to switch gears from what is a gong show over there in Question Period and come out of there and sit down with me and the Special Olympics officials as I told the story of our son and when he was born, the year Special Olympics was born — in 1967 — and lived for a year, and why this mattered to me as a senator and what I am doing. I explained the whole story of what happened when I came to the Senate, what I'm going to do. "Well, here's what I'm going to do, and that's what I've done." And he listened. Then he looked and said to the others, "Just give me a plan."

What Jim Flaherty did at that time — and you don't want to go out and tell these stories very often because you just want to make sure that these things get done. He went back. Three budgets ago, there was more money as base funding for Special Olympics Canada. I went back to him a year later for more money. The



third time he came to me. He was walking along the hall, and he said, "Jim." I said, "Yes, Jim?" He said, "You don't have to ask me this year."

That's what we do here as senators. That's what we all do — quietly, efficiently, on every level, for minorities and the rest of it. We don't have to wave a flag; we just have to be who we are as individuals. That's why I really thank Senator Nolin for this, because I am more empowered than ever, and I've never been more proud to be a senator.

• (2120)

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

**The Hon. the Speaker:** Further debate?

[Translation]

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Before I move the adjournment of the debate, I would like to pick up on Senator Munson's eloquent comments about the Senate's contribution to linguistic minorities and say a few words about this myself. In fact, I would like to thank the deputy chair of the Standing Senate Committee on Official Languages, the Honourable Senator Champagne, who reminded us yesterday of the extraordinary work that the committee has done for what may be the most forgotten minority in Canada: the anglophones in my province, Quebec.

Thank you, Senator Champagne. It meant a lot to me that you chose to acknowledge this work in the way that you did yesterday. I also want to thank you for the work you did on the committee's study.

The work the Senate does for minorities and for other causes, as Senator Munson pointed out, is invaluable. Thank you.

(On motion of Senator Fraser, debate adjourned.)

#### ROLE IN REPRESENTING THE REGIONS OF THE CANADIAN FEDERATION—INQUIRY— DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its role in representing the regions of the Canadian federation.

**Hon. Claudette Tardif:** Honourable senators, I intend to speak to this important inquiry initiated by Senator Nolin. However, I have not had the chance to finish my research and I would therefore like to move the adjournment of the debate for the remainder of my time.

(On motion of Senator Tardif, debate adjourned.)

[English]

## UNEQUAL ACCESS TO JUSTICE

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Jaffer, calling the attention of the Senate to the issue of poverty in Canada — specifically unequal access to justice.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Colleagues, I know that Senator Jaffer was preparing to close this debate but, before she did that, I just had to say how terribly important the subject she has raised is.

The question of access to justice in this country goes to the heart of who we are and what we believe. We are a country of laws of equality. We are not only a democracy. We are a country of equality before the law, and if Canadians cannot have access to the law, then we are failing in what we most fundamentally believe about ourselves. This is an absolutely vital question, one that I believe is appropriate for the Senate to have addressed.

I know the hour is late, so let me just remind you of one statistic that Senator Jaffer cited. In 2011, the World Justice Project Rule of Law Index said that out of 12 high-income countries, Canada ranks ninth in terms of equal access to stable justice. We're one of the richest countries in the world, and we are among the most dedicated countries in the world to the rule of law and to the equal status of our citizens before the law.

As Senator Jaffer pointed out, Canadians living in poverty are disproportionately affected. It's not just Canadians living in statistical poverty but those millions of Canadians who are not statistically poor but whose income is fragile or marginal, where every penny matters.

The other day I was talking to a woman of comparatively modest means, employed, a good contributing citizen, but she needed to spend, she thought, one hour with a lawyer to get a little advice about a legal situation in which she found herself unexpectedly. That lawyer would not see her unless she produced a \$2,000 deposit. She doesn't have \$2,000 when something arises in a hurry. She could have put up \$300 or \$400, not \$2,000, so she's not going to get her legal advice. Her situation is likely to suffer because of it. It's a small example, but it happens to be a real example of a woman I know.

Colleagues, I truly urge us all to think deeply about our responsibility to those Canadians who do not have the equal access to which they are entitled.

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

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO STUDY NATIONAL SECURITY AND DEFENCE ISSUES IN INDO-ASIA PACIFIC RELATIONS

**Hon. Daniel Lang**, pursuant to notice of June 17, 2014, moved:

That the Senate Standing Committee on National Security and Defence be authorized to study and report on national security and defence issues in Indo-Asia Pacific Relations and their implications for Canada's national security and defence policies, practices, circumstances and capabilities; and

That the Committee report to the Senate no later than December 31, 2015, and that it retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

He said: Colleagues, I know the time is late, as Senator Fraser mentioned earlier, but it is important. I have been asked to bring three motions before you from the Standing Senate Committee on National Security and Defence so that we can develop and make progress on our work programs during the forthcoming summer and be prepared for the fall when we reconvene here.

The first motion, colleagues, is very clear. We're asking for the authorization to study and report on national security and defence issues and Indo-Asia Pacific relations and their implications for Canada's national security and defence policies, practices, circumstances and capabilities.

I think it's important, Mr. Speaker, to get the terms of reference for the studies on the record so when we go to steering committee they give us serious consideration. I will take a few more minutes of your time, if I can, colleagues.

I should point out first of all, as we know, presently the Foreign Affairs Committee is looking at this region from a trade and economic perspective. We're looking at this region from the perspective of national security and defence. We feel it's an important area of the world. Canada is involved in this part of the world in many aspects with respect to not just trade, not just economic opportunities, but also from the security of our country and military points of view.

I think it's important, colleagues, that you give us permission to put a work program together and we'll present it early in the fall.

**The Hon. the Speaker:** On debate.

**Hon. A. Raynell Andreychuk:** Senator Lang should know, I'm sure, that the Standing Senate Committee on Foreign Affairs and International Trade is studying the Asia-Pacific and looking at economic and security issues. I trust that it will not be duplicating our work and you will be conscious of the separation of the issues.

[ Senator Fraser ]

**Senator Lang:** I'm looking forward to working closely with the honourable member as we move forward.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (2130)

### COMMITTEE AUTHORIZED TO STUDY SECURITY THREATS

**Hon. Daniel Lang**, pursuant to notice of June 17, 2014, moved:

That the Senate Standing Committee on National Security and Defence be authorized to study and report on security threats facing Canada, including but not limited to:

- (a) Cyber espionage;
- (b) Threats to critical infrastructure;
- (c) Terrorist recruitment and financing;
- (d) Terrorist operations and prosecutions; and

That the Committee report to the Senate no later than December 31, 2015, and that it retain all powers necessary to publicize its findings until 90 days after the tabling of the final report.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### COMMITTEE AUTHORIZED TO MEET AND DEPOSIT REPORT ON STUDY OF POLICIES, PRACTICES, AND COLLABORATIVE EFFORTS OF CANADA BORDER SERVICES AGENCY PERTAINING TO ADMISSIBILITY TO CANADA WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Daniel Lang**, pursuant to notice of June 17, 2014, moved:

That, pursuant to rule 12-18(2)(b)(i), the Standing Senate Committee on National Security and Defence be authorized to sit for 2 days between Friday, June 27, 2014 and

Friday, September 12, 2014, inclusively, for the purpose of considering a draft report relating to its study on the policies, practices, and collaborative efforts of Canada Border Services Agency in determining admissibility to Canada and removal of inadmissible individuals, even though the Senate may then be adjourned for a period exceeding one week; and

That, notwithstanding usual practices, the Committee be permitted to deposit with the Clerk of the Senate the above mentioned report if the Senate is not then sitting; and that the report be deemed to have been tabled in the Senate.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## MYANMAR

### PERSECUTION OF ROHINGYA MUSLIMS— INQUIRY—DEBATE ADJOURNED

**Hon. Mobina S. B. Jaffer** rose pursuant to notice of May 8, 2014:

That she will call the attention of the Senate to the persecution of the Rohingya Muslims in Myanmar, and the mandate of Canada's Office of Religious Freedoms.

She said: Honourable senators, once again I rise to draw attention to the oppression of the Rohingya Muslims in Myanmar. The now stateless Rohingya have been called one of the most persecuted minorities on earth by the United Nations.

Honourable senators, I'm pleased to tell you that I'm working with Senator Ataullahjan and the Ambassador of Religious Freedom on this issue. The ambassador's staff has recently been in Myanmar to look at the issue of the Rohingya Muslims, and once I have had a chance to speak with them, I will continue with my inquiry. I will adjourn this inquiry for the rest of my time.

(On motion of Senator Jaffer, debate adjourned.)

## LIGHTHOUSES AS IRREPLACEABLE SYMBOLS OF MARITIME HERITAGE

### INQUIRY—DEBATE ADJOURNED

**Hon. Jim Munson** rose pursuant to notice of June 17, 2014:

That he will call the attention of the Senate to lighthouses as irreplaceable symbols of Canada's maritime heritage and monuments that enrich communities and the landscape of this country.

He said: Thank you, Your Honour, and my apologies to Senator Champagne.

[Translation]

Andrée, I apologize. Champagne, Chaput, my wife's name is Ginette. This is not my strong suit!

[English]

I just get a little too emotional, as the record will show, so excuse me.

I know it is late, and this speech won't be as long as my previous one, but once again in the interests of having wonderful receptions for all of the departing senators, I gave up this speech as well, but I promised this to the Nova Scotia Lighthouse Preservation Society. On my inquiry of Canadian lighthouses, in these darkened hours, I have come to spread the light.

I had better be careful here because my father was a United Church minister and I was a pretty mischievous minister's son, and I'm beginning to sound like my dad, so I better watch myself.

I rise today to call attention to lighthouses as irreplaceable symbols of Canada's maritime heritage and monuments that enrich communities in the landscape of this country. You might remember, honourable senators, a statement I delivered here last December on the Sambro Island lighthouse. First lit in 1758, it is the oldest surviving lighthouse in the Americas.

Once again we're talking about the Senate here, what we have done, but on June 20, Fisheries and Oceans Canada declared this lighthouse surplus. The department would no longer fund its maintenance. For more than 200 years, the Sambro Island beacon guided ships to safe passage through darkness, high winds, storms and treacherous waters. Ironically, once declared surplus, it was abandoned and left at the mercy of those same conditions of nature to erode and eventually collapse.

Soldiers off to war, the last light they saw was the Sambro lighthouse, and for those who were fortunate enough to come home, that was the first light they saw again.

The story of this one lighthouse in the community where it stands is no different than the stories of hundreds of other lighthouses in communities throughout the nation. Fisheries and Oceans also declared 975 other lighthouses surplus, a decision with stressing implications for those of us who equate these iconic structures with what is Canadian.

The department's decision is often cited as a definitive blow. This isn't really the case, though. Over decades, many developments contributed to the diminishing role of lighthouses, such as technological changes in marine safety, to staffing and automation of light stations, and budget, insurance and vandalism issues.

The growing challenges of maintaining lighthouses were well known at that time to many people and a few efforts to solve the problems were already in place. In May 2010, one month before DFO announced its decision on surplus lighthouses, the Heritage

Lighthouse Protection Act had come into effect. Drawing on the almost patriotic regard many of us hold for lighthouses, the act outlines mechanisms that enable Canadians to play a role in protecting and conserving these structures.

Its four main purposes are as follows: providing a means for the selection and designation of heritage lighthouses, preventing the unauthorized alteration of heritage lighthouses, requiring that designated federal lighthouses be reasonably maintained, and facilitating the sale or transfer of heritage lighthouses to ensure their public purpose.

In March 2011, midway through the time allotted for individuals and community groups to submit nominations for lighthouses to acquire heritage designation, the Standing Senate Committee on Fisheries and Oceans released a report assessing the implementation of the Heritage Lighthouse Protection Act. In the foreword to that report, our former colleague and Chair of the Fisheries Committee, Bill Rompkey, confirmed that the process to engage the public made sense.

Barry McDonald, President of the Nova Scotia Lighthouse Preservation Society, was one of the witnesses who provided testimony to committee members. If you have ever had the opportunity to hear Barry, you know how devoted he is to the fate of lighthouses. He encourages and supports local individuals and volunteer groups as they petition and raise awareness of the structures' historic and environmental significance. He is fully grounded in the belief that Canada's lighthouses have earned respectful treatment.

What motivates anyone who is part of the cause is this very belief. Carol Livingstone of the Prince Edward Island Lighthouse Society, for instance, has described her commitment to the cause in this way:

For more than a century, the lighthouses have looked after us as a country. It is now time for us, as the people of this country, to look after our lighthouses.

**Senator Mercer:** Hear, hear.

**Senator Munson:** This kind of dedication fuels industriousness and has resulted in some wonderful outcomes. In April of this year, MP Megan Leslie introduced a private member's bill calling on parliamentarians to support the heritage designation of the Sambro Island lighthouse. In the same week, I delivered my statement this year, and MP Geoff Regan presented to colleagues in the house two petitions with over 5,000 supporting signatures calling for federal funding and parliamentary leadership in developing a strategy to preserve the lighthouse.

Clearly, lighthouse supporters are a savvy and persuasive group. They certainly know how to get their message out. They're also plenty of vibrant examples of communities creating new roles to replace the traditional role of lighthouses.

Across the country you will find lighthouses that have been transformed by volunteer groups into museums, interpretive centres, art galleries, restaurants, bed and breakfasts, inns and

craft shops. Since every lighthouse has its own unique structure, appearance and setting, and is owned under a distinct arrangement, the scope of opportunities is vast. The Tourism Industry Association of Nova Scotia told the Fisheries Committee that lighthouses are a crucial aspect of provincial tourism worth approximately \$1.82 billion in 2009, mainly because of the province's proximity in relation to the sea.

Heritage nominations under the Heritage Lighthouse Protection Act must have included some very impressive business cases. In total, 348 lighthouses were nominated from eight provinces — British Columbia, Manitoba, Ontario, Quebec — the one in Tadoussac — New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador. The Historic Sites and Monuments Board of Canada is currently considering these nominations and will recommend to the minister responsible for Parks Canada which lighthouses should receive heritage designation on or before May 29, 2015. It's only a year away.

Former Senator Pat Carney, who was a driving force in the drafting and passage of the Heritage Lighthouse Protection Act, is a member of the consultative group that is advising that board. This assures me and should assure those who have submitted nominations that the process will be taken seriously and with respect for the significance of lighthouses to Canada and to Canadians.

I wish I could say I also felt the same assurance regarding the fate of this country's lighthouses once decisions are reached on the nominations. I anticipate there will be more hard work and obstacles ahead for those involved in the fight.

Within the Senate committee's report, there is a particular finding that is terribly valid. It is this: Lighthouse preservation won't just happen by itself. The Heritage Lighthouse Protection Act, welcome though it was, appears unable to meet the complex challenges posed by years of neglect in an unexpected move by the Department of Fisheries and Oceans to declare most of the traditional and striking towers surplus to operational needs.

• (2140)

We need something more.

The crux of most of the recommendations in the report is that the federal government leadership and funding are necessary to ensure the continued stability of Canada's lighthouses, and this is where we can work together as senators to encourage the government to do this. In its response to the recommendations, the government has generally supported calls for guidance on heritage standards and other similar considerations. However, it has flatly stated it would not support major recommendations like those for seed funding to the Heritage Canada Foundation and for federal involvement in the creation of an advisory panel to coordinate exchanges of ideas for marketing and funding options.

Whatever transpires in the coming year, one thing will remain constant: Lighthouses conjure a unique sentiment among many of us, a sentiment comprised of genuine simple emotions and release.

[ Senator Munson ]

I come from New Brunswick. I have ancestors whose lives were tied in a vital way to the Atlantic Ocean. My grandfather — his name was Miles Munson — was a captain of a two-masted schooner, along with brothers of other schooners. His father-in-law was Captain T. D. Alexander. There are many stories here, but my great-great uncle was the first lighthouse keeper.

[Translation]

Southern New Brunswick is called Cap-Enragé in French.

[English]

In English, in Albert County, it is Cape Enrage. But that was 1854. That was my great-great uncle. His name: James Munson.

There are many of you in this room who also have ancestral ties like mine. I suspect there is something fundamental and widely shared in Canadians' regard for lighthouses. I worry that we will only fully understand the importance of lighthouses in our country and our lives after it is too late.

As we prepare to break for the summer, I wish each of you, honourable senators, wonderful vacations and experiences. If you have travels in your plans, I hope they take you to a coastline or some picturesque inland shore where you might be lucky enough to see and visit a lighthouse. I also hope the experience might inspire you to think about the fate of what you see and where those thoughts carry your mind and heart.

Whatever your summer plans, I would ask you to reflect on lighthouses in light of what I have said today. I would urge you to consider future generations who deserve to know the history of our country and its people, who could benefit from understanding the role lighthouses once fulfilled and who might appreciate that their presence on our shores symbolizes respect for human life and our shared responsibility to assist one another through rough waters, because that simply is the right thing to do.

**Hon. Elizabeth Hubley:** May I ask a question?

**The Hon. the Speaker:** Yes, questions and comments.

**Senator Hubley:** Thank you very much, Senator Munson. I was on the fisheries committee when we had a wonderful tour of Canada and visited some of these wonderful lighthouses. I'm going to underline your comment that we should all value this part of our heritage. I wanted to let you in on an invitation that I had received. This is what the Island is going to do to celebrate Senator Catherine Callbeck's retirement, which is coming up. I'm going to share that with you and extend the invitation to you all.

On Friday, July 25, 2014, from 4 p.m. to 7 p.m. at the Seacow Head Lighthouse on Lighthouse Road in Fernwood, P.E.I., you are all invited to entertainment, cake and ice cream.

(On motion of Senator Mercer, debate adjourned.)

[Translation]

## BUSINESS OF THE SENATE

**Hon. Claude Carignan (Leader of the Government):** Honourable senators, before we leave for the summer break, I would like to thank all the Senate staff, especially the people in the chamber. I am always impressed by the quality of their work and the fact that they are here even at a fairly late hour, after long work days.

I would like to take this opportunity to thank the parliamentary reporters, the interpreters, the table officers, the pages, all the support staff, the security personnel and the administrative personnel. On behalf of all senators, I would like to thank them very much. I hope they take advantage of the summer to spend time with their families and recharge their batteries.

I know that some pages are leaving us to start a new chapter in their life. I wish them much success. You are extraordinary young people; you are wonderful. You are very talented and you have a promising future. I hope to see you again one day sitting on these benches instead of behind them.

I would also like to thank all of my Senate colleagues. We had an active parliamentary session that started out tumultuously. But as we know, bad weather always gives way to good weather. We are in a more peaceful and productive period.

When we were studying bills, we had some very extensive and in-depth debates. The arguments and the discussions on both sides were quite outstanding. The work in committee was just as extraordinary.

Therefore, I would like to thank everyone for their efforts and also for the camaraderie. Yes, the chamber is partisan, yes, at times there are debates and exchanges of ideas, but all of it is carried out with a sense of respect and camaraderie, and I believe that is to the credit of the members of this chamber.

We have the great privilege of serving Canadians, and I believe that we do so with a great deal of respect for them. Mr. Speaker, I would like to thank you as well for your patience, your rulings, your wisdom and your advice. It is truly an honour and a privilege to be able to sit in this chamber with you and preside over these debates. I wish you and your wife a wonderful summer.

[English]

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Colleagues, I'm rising to speak on behalf of my leader, the Leader of the Opposition, Senator Cowan, who had to be in Halifax tonight on public business. I must tell you that when I called him to say we were going to be adjourning for the summer tonight, he was, I could tell, quite irritated, not because he wanted us all to go on working like galley slaves but because he had already written a speech that he wanted to give tomorrow morning. He was going to be here at nine o'clock in the morning when we were going to be sitting and he was going to give the following speech.

• (2150)

**Senator Plett:** Thank you for sparing us.

**Senator Fraser:** You'll be glad to know that, unlike Senator Cowan, I don't have unlimited time, Senator Plett, but as I read this, try to imagine that you are hearing the words in his voice.

Before we adjourn, I want to take a moment to thank the many people who make our work here possible. The past year saw some significant changes on both sides of the aisle. Senators Carignan and Martin were given new leadership roles last fall and, for the first time in many decades, the Leader of the Government in the Senate is not a member of cabinet. I know this must have presented challenges to Senator Carignan, but he managed to navigate these with care and grace, which my colleagues and I have appreciated.

On our side, the dramatic change announced on January 29 took us by surprise, and so far as I can tell was unprecedented in the history of the Senate. We are still exploring the possibilities of our new independence, but have been gratified by the response from Canadians to the initiatives we have introduced — our open caucuses and inviting Canadians to send in questions they want asked of the government.

I do want to express publicly my admiration for my colleagues for rising to this unexpected challenge and my appreciation for their steadfast support. It has not been easy, but it has been interesting.

May I also thank you, Mr. Speaker, and our Speaker *pro tempore*, Senator Nolin, for the superb way in which both of you have presided over our often confusing and sometimes unruly proceedings. You have done so with the right blend of toughness and flexibility, coupled with a superior knowledge of Parliamentary procedure, and all with an appropriate and necessary sense of humour, and through it all with a sense of fairness, which has earned the admiration and respect of us all.

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

**Senator Fraser:** I also want to thank the support staff here in the Senate, who have done their utmost to provide all the help, support and advice that we could wish as we found ourselves in these uncharted waters. It has been much appreciated.

For that, and all their work supporting what we do here, I want to thank our Clerk, Dr. Gary O'Brien, and the truly exceptional people around him, from the clerks at the table to the staff behind the scenes in the office. We here all know the critical role that the rules of parliamentary procedure play in our work. Quite simply, without confidence in the absolute integrity, impartiality and depth of knowledge of all the table staff, this place could not function as intended and expected. Thank you.

I also want to recognize the committee staff. I think all of us point with pride to the work of our Senate committees, and their excellent reputation owes much to our excellent committee staff, who manage to juggle deadlines, conflicting demands and the

challenges of impartiality in a partisan environment, and all with grace, good humour, and, above all, absolute commitment to producing the best work possible.

I want to thank the staff of the Library of Parliament, both the researchers who staff our committees and those who stand ready to assist our offices, answering a wide range of sometimes rather arcane research questions.

I especially want to take this opportunity to thank our former Law Clerk and Parliamentary Counsel, Mark Audcent, for his many years of absolutely devoted service to the Senate as an institution and to each of us as senators. I want to welcome our new Law Clerk and Parliamentary Counsel, Michel Patrice. We are so very fortunate here to have had both such an excellent law clerk in Mark and superb deputy in Michel. I am so very pleased that Michel has agreed to take over as our chief counsel, and he agreed to do this despite having considerable knowledge of just what he was taking on.

Michel, all of us look forward to working with you in your new position; and Mark, if you read this, our very sincere thanks for your years of excellent, thoughtful advice. Our very best wishes to you for good health and happiness in a well-deserved retirement.

I also thank our interpreters, translators, reporters, the excellent staff who labour in Senate Debates and Journals, our Senate Protective Service, of course our own staff in our respective offices, and the many others who work to keep the Senate going smoothly so that we may focus on the bills and other matters placed before us. Thank you. We truly could not do our work without you.

I hope you all take some opportunity this summer, unencumbered by all of us underfoot, to take some time to relax and recharge. I know that come the fall we will return with, I am sure, many impossible demands, which somehow magically you will quickly fulfill. Thank you, and have a very good summer.

And just a few words to my colleagues on both sides of the chamber. I hope that we take the opportunity over the summer to reflect on the challenges and opportunities presented by the decision of the Supreme Court in the Senate reference, and that we return in the fall determined to work together to do what we can to improve the way we do our business for the benefit of Canadians.

My best wishes for a good summer, and I look forward to meeting again in the fall.

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

**Hon. Yonah Martin (Deputy Leader of the Government):** Thank you, Your Honour. If I may, I wish to associate myself with the words of thanks and acknowledgments made by the Leader of the Government and the Leader of the Opposition.

(The Senate adjourned until Tuesday, September 16, 2014, at 2 p.m.)

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