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(HANSARD)

Thursday, November 20, 2014

The Honourable NOËL A. KINSELLA
Speaker

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THE SENATE

Thursday, November 20, 2014

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

Prayers.

[Translation]

SENATORS' STATEMENTS

LA FRANCOPHONIE

Hon. Paul E. McIntyre: Honourable senators, today I want to thank our friends from la Francophonie who, following the events of October 22, sent me messages of solidarity and encouragement.

I wish to share with you and all Canadians a few excerpts from the messages I received as president of the APF after a man armed with a gun invaded the place of Canadian democracy, our Parliament.

Pascal Terrasse, parliamentary secretary general of the APF, wrote the following:

I strongly condemn the events that took place today at Canada's Parliament. I wish to express my solidarity with the people of Canada. My thoughts are also with all the parliamentarians and officials of Canada's Parliament at this difficult time.

Marco Viérin, President of the Aosta Valley Regional Council in Italy, wrote the following:

I wish to express our solidarity with the people of Canada following the terrible attack on their Parliament. We are horrified at this event, which was an assault on the heart of Canadian democracy. It is an unacceptable act in a country that is so welcoming and a society that is so open to intercultural dialogue.

Laurent Wehrli, President of the Grand Council of the Canton of Vaud, Switzerland, wrote the following message:

We support you in the fight against gratuitous and terrorist violence at the hands of people or movements that attack democracy.

Patricia Marme, Chair of the Andorran section of the APF, wrote the following:

Our thoughts are with the people of Canada and all parliamentarians and officials of Canada's Parliament at this difficult time.

Jean-Pierre Dufau, president of the French branch of the APF, wrote the following:

We were shocked and saddened to hear of the shooting that took place in Canada's Parliament. [...] This vile and despicable act, like all forms of violence, is reprehensible and incompatible with our concept of democracy. [...] We also extend our compassion, friendship and solidarity to the Canadian people, with whom the ties and values of the Francophonie bind us.

Honourable senators, know that we are not alone. Our friends in the Francophonie stand by us.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

TWENTY-FIFTH ANNIVERSARY

Hon. Céline Hervieux-Payette: Honourable senators, like my many colleagues who thought of it, I am proud to wear the symbol of the 25th anniversary of the Convention on the Rights of the Child, which I would like to talk about today.

The international community recognized that children are people who have rights, just like adults. In other words, there are no rights that belong exclusively to children and other rights that belong exclusively to adults. There is only one set of rights.

The convention states that children, as people, have the following rights:

- the right to protection from abuse, exploitation and harmful substances;
- the right to education, health care and an adequate standard of living;
- the right to participate in family, cultural and social life; and
- specific protection for vulnerable populations such as Aboriginal children and children with disabilities.

Canada ratified the convention on December 13, 1991. Gradually, various levels of government and educational organizations changed laws, policies and practices to protect the rights of the child.

Unfortunately, too many children still suffer from poverty, homelessness, abuse or neglect, preventable illnesses, unequal access to education and justice systems that do not recognize their special needs.

In particular, Canada has still not abolished section 43 of the Criminal Code, as required by the Convention. This section, dating back to the 19th century, allows parents to physically abuse children.

In fact, Canada continues to send the message to Canadian parents that the use of force is an acceptable means of educating children.

This must change.

That is why I seized the opportunity on this national children's day to announce in this chamber that my Bill S-206 to repeal section 43 has received the full support of the Canadian Medical Association, which represents more than 80,000 Canadian doctors who recognize that the physical and mental health of children is at risk when parents hit their children.

The future of our society depends on the optimal development and unconditional protection of our children.

[English]

THE LATE REYHANEH JABBARI

Hon. Linda Frum: Honourable senators, I rise today to remember Reyhaneh Jabbari, a 26-year-old woman hanged three weeks ago in Iran, and to condemn the Iranian regime's brutal and arbitrary so-called judicial system. Ms. Jabbari was arrested seven years ago and found guilty in 2009 of murder, despite her contention that she had stabbed the deceased in self-defence when he tried to rape her.

The United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran urged a review of her trial by Iranian authorities and a retrial. He wrote:

Ms. Jabbari's case raises serious due process concerns, particularly with regard to her interrogation and the reluctance of the court to take into account all relevant circumstantial evidence into its judgment . . .

According to the UN, reliable sources say that the victim, Mr. Sarbandi:

. . . arranged to take Ms. Jabbari to his office, but instead took her to a residence where he physically and sexually forced himself upon her. Ms. Jabbari reportedly stabbed Mr. Sarbandi in the shoulder in self-defense, fled for safety, and called for an ambulance out of concern for her alleged attacker.

After her arrest, there was tremendous international outcry about Reyhaneh Jabbari's show trial, her probable torture and her unjust death sentence. President Rouhani claimed that his government tried to get her sentence repealed, making the laughable assertion that the Iranian government has no control over the judiciary, but the death sentence held. Further, the victim's family declined to show mercy to Ms. Jabbari, as allowed for under Iranian law.

Many questions surround Ms. Jabbari's alleged guilt and the fairness of her trial, but there is no question that the Iranian regime has murdered as many as 967 people since August 2013,

according to the Iran Human Rights Documentation Center. That is an astonishing number, second only to China's judicial death toll, and the highest rate per capita in the world.

Ottawa human rights advocate Shabnam Assadollahi suggests that Iran is using the rise in executions, persecution and human rights violations for political purposes as it seeks to influence the Obama administration to relieve sanctions and permit concessions to allow Iran to continue acquiring a nuclear weapons capability. Unfortunately, this scenario seems only too plausible.

I'm sure all senators will join me in condemning the hanging of Reyhaneh Jabbari, as well as Iran's ongoing judicial brutalization of its citizens.

• (1340)

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

Hon. Nick G. Sibbeston: Honourable senators, an important step has been taken today in the ongoing struggle to get the federal government to address, in a systematic way, the matter of missing and murdered Aboriginal women in Canada. We are all familiar with the shocking statistics revealed in an RCMP report that shows Aboriginal women and girls are three times as likely to be made missing and four times as likely to be murdered as other women and girls in Canada.

Hardly a week goes by without the report of another case where an Aboriginal woman or girl has disappeared or been murdered. Yet the government still refuses to move forward with a national inquiry, preferring piecemeal approaches that are clearly not working.

A national inquiry would accomplish many things. It would highlight that this is a matter of national importance that requires focus, determination and resources to solve. It would lead to a comprehensive understanding of the causes behind these statistics and lead to innovative approaches to stopping this ongoing assault on Aboriginal women and girls. More than anything, it would educate the public and build real momentum towards achieving results.

As a result of one of our open caucus sessions earlier this year, the Senate Liberal caucus has come up with a new approach. If the government is not prepared to act to protect the lives and security of Aboriginal women as required by section 7 of the Charter, then the courts should be asked to step in to require a national inquiry.

In a legal briefing prepared by Senator Joyal and adopted by the caucus, it has been determined that a petition to the courts could be successful in forcing the government to act on this matter. I applaud Senator Joyal and Senator Dyck, as well as our leader, Senator Jim Cowan, for presenting this information at a press conference this morning.

This petition could be brought by a victim or aggrieved party and could be supported by Aboriginal organizations or groups concerned with human rights and social justice. We have also called on lawyers to provide pro bono assistance and invite members of the public to contribute to the costs of moving these cases forward.

We often speak of the need for reconciliation between Canada and the Aboriginal peoples. Addressing violence against Aboriginal women is a vital part of our shared future and I am proud to lend my support to this initiative.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of broadcast journalist and mass communication educator Cecilia “Cheche” Lazaro, the Canadian Embassy in Manila’s 2014 Marshall McLuhan Fellow. She is accompanied by Carlo Figueroa, Public Affairs Officer at the Canadian Embassy in Manila. They are the guests of the Honourable Senator Enverga.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE TABLED

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

The audit report declares that the financial statements present fairly, in all material respects, the financial position of the Senate of Canada for the year ending March 31, 2014. The financial statements were prepared in accordance with Canadian generally accepted accounting principles for the public sector and were audited by the firm KPMG. The auditors did not find any errors that required them to recommend adjustments to the financial information they reviewed. KPMG has given the Senate a clean, unqualified opinion of its financial statements and were very complimentary of the professionalism and cooperation of the Finance Directorate and the office of Internal Audit and Strategic Planning.

Independent audits are an integrated, regular feature of our ongoing financial process to ensure a clear accounting of the administration’s financial affairs. The Senate of Canada’s

financial statements have been audited since the 2008-09 fiscal year, and the Senate has received a clean, unqualified report each year. It is a process we are proud of as we continue to work toward a more open and transparent accountability for our institution.

BLACK APRIL DAY BILL

NINTH REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

Hon. Salma Ataullahjan, Deputy Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, November 20, 2014

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

NINTH REPORT

Your committee, to which was referred 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, has, in obedience to the order of reference of October 29, 2014, examined the said Bill and now reports the same with the following amendments:

1. *Preamble, page 1:* Replace lines 12 and 13 with the following:

“War and the establishment of the Socialist Republic of Vietnam Government;”.

2. *Preamble, page 2:* Replace line 19 with the following:

“as “Black April Day”, or alternatively as “Journey to Freedom Day”, and is, therefore, an”.

3. *Clause 1, page 2:* Replace line 33 with the following:

“1. This Act may be cited as the *Journey to Freedom*”.

4. *Clause 2, page 2:* Replace line 37 with the following:

““Journey to Freedom Day”.”.

5. *Clause 2, page 2:* Replace line 38 with the following:

“3. For greater certainty, Journey to Freedom Day is”.

Respectfully submitted,

SALMA ATAULLAHJAN
Deputy Chair

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

[Translation]

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

CANADA—KOREA ECONOMIC GROWTH AND PROSPERITY BILL

NINTH REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE PRESENTED

Hon. Percy E. Downe, Deputy Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, November 20, 2014

The Standing Senate Committee on Foreign Affairs and International Trade has the honour to present its

NINTH REPORT

Your committee, to which was referred Bill C-41, An Act to implement the Free Trade Agreement between Canada and the Republic of Korea, has, in obedience to the order of reference of November 5, 2014, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

RAYNELL ANDREYCHUK
Chair

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

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

• (1350)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Reverend Sok, Dong-Ki, President of the Korean Church Council of Ontario; Reverend Song, Min Ho; Reverend Lim, Hyeon Soo; and Reverend Joo, Kwon Tae. They are all senior pastors of Korean churches in the Greater Toronto Area. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

THE HONOURABLE FERNAND ROBICHAUD

NOTICE OF INQUIRY

Hon. Fernand Robichaud: Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to the end of my mandate in the Parliament of Canada's upper chamber.

QUESTION PERIOD

FINANCE

BUDGET—CHILDREN AND YOUTH

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. We will stay on the topic of the day, specifically, children. Today is Universal Children's Day, as well as the 25th anniversary of the Convention on the Rights of the Child, so I'm sure it comes as no surprise that my question is on that topic.

According to a 2013 UNICEF Canada report, when it comes to the well-being of children, unfortunately, Canada ranked 17th out of the 29 richest countries in the world, and made almost no progress in six years compared to other countries with similar economic profiles.

Furthermore, Canada performed the worst on children's health and safety, as we ranked second-last in that category.

Mr. Leader, can you tell us what policies your government intends to introduce right away to help our children and address this problem? What budgetary envelopes, in the most recent budget, do you plan to allocate to those policies?

Hon. Claude Carignan (Leader of the Government): Thank you, senator, for your question. As you know, every family with children in Canada will benefit from our recent tax breaks, including an increase and expansion of the Universal Child Care Benefit, which will be worth nearly \$2,000 a year for children under six and \$720 a year for every child between six and 17, as well as lower taxes for families. Low- and middle-income families will therefore benefit the most from these measures.

You mentioned UNICEF. Last month, UNICEF stated that the child poverty rate in Canada had decreased during the recession and that there were approximately 180,000 fewer children living in poverty. UNICEF said that this lower number could be attributed to our government's measures to put money

back in the pockets of Canadian families. I'd like to quote David Morley, the president and CEO of UNICEF Canada, who said the following in *Le Devoir* on October 28, 2014:

Canada is doing better than other western countries as a result of family-friendly tax credits, benefits and tax measures that were maintained or created to offset the effects of the crisis.

As I said, senator, the best way to combat poverty is to help Canadians find good jobs. Since the depths of the recession, more than 1.2 million net new jobs have been created — and most of them are full-time jobs in high-paying industries. The Working Income Tax Benefit, which we created, is helping 1.5 million families over the welfare wall and helping them find suitable employment. As a result, one million low-income individuals are no longer paying taxes as a result of our tax cuts.

Senator, I think you would agree that these are concrete actions that put money back in the pockets of families and that significantly help reduce child poverty. These meaningful actions and positions have been recognized by the president of UNICEF Canada.

Senator Hervieux-Payette: The figures are not out for 2014 yet. I was quoting 2013 figures from UNICEF, which ranks us 17th out of 29 countries. I hope that, with what you announced, the situation will be reflected in the 2014 report and we'll see where we rank. However, we still have a lot of ground to cover before we can rate among the top three.

However, Mr. Leader, it is not a coincidence that the Scandinavian countries had the top scores in most categories based on the criteria used in UNICEF's study, which is international in scope. It is because those countries chose to use their budget to support children.

I would also like to remind honourable senators that Norway, Finland and Sweden banned corporal punishment in schools over 25 years ago. Once again, their performance in that area is not a coincidence.

Mr. Leader, is your government prepared to make children a priority and appoint a national children's commissioner so that all of the important decisions that are made in this country, such as those related to the budget, would take into account the interests of children, as was done for women? That would make it possible to screen every measure taken and every law passed to determine whether they would support or benefit children.

Senator Carignan: Given all of the measures that we are taking to help families and children, including those I mentioned, I think that you can easily conclude that our priorities and actions centre on children. We much prefer to give more money to families than to create new bureaucracies, so that the money can go directly into the pockets of families rather than toward covering bureaucratic costs. Our priorities translate into real action.

Senator Hervieux-Payette: Mr. Leader, I am from Quebec and things are done differently there. Quebec taxpayers ensure that there is almost universal access in the province. That means that

young Quebecers are less likely to be involved in crime and, when it comes to school performance, they are among the best in subjects such as math. So, yes, when the government considers the future of children, it does indeed have an impact.

On another note, and since you have a close relationship with cabinet, I learned that former British Prime Minister Gordon Brown recently spoke out in the press to call for an international court to protect children's rights.

As you know, throughout the world, young girls are kidnapped, raped, and forced to marry; young boys are recruited as soldiers; children do not have access to education, are used as cheap labour or are kidnapped for organ trafficking. These children are people and must be protected just like everyone else, especially given that they are more fragile, both here in Canada and abroad.

Mr. Leader, would your government be willing to support Gordon Brown's initiative and campaign in favour of an international court to protect children's rights around the globe?

Senator Carignan: Senator, as you know, our government believes that every child has the right to live, learn and play without falling victim to violence, exploitation or abuse. We also believe that children have the right to be healthy, and that is why we are focusing our international development assistance on improving maternal and child health around the world. We are helping developing countries create systems and legislation that will protect girls and boys, as well as their rights.

Canada is working with numerous partners to ensure that children in developing countries are protected. I will list some concrete examples, since I know you prefer that I go into specifics.

For one, we are encouraging birth registries so that children can be given crucial vaccines and go to school. We are putting an end to child labour, preventing sexual violence and ensuring that children can attend safe schools. In addition, we are working to put an end to dangerous practices such as child marriages, underage marriages and forced marriages.

• (1400)

Senator, thanks to the concrete actions taken by the Prime Minister, and particularly his leadership on health, rest assured that children can truly count on Canada and the Prime Minister to protect them.

Senator Hervieux-Payette: Mr. Leader, I am astounded by the magnitude of your interventions. I think there is still a lot of work to be done when it comes to government policy. As you probably know, the suicide rate among Aboriginal youth boggles the mind, as do the rate of diabetes and the lack of education.

What does the government intend to do to ensure that these young people have access to the same services as all other Canadians and that they enjoy the same right to live in an environment that will allow them to become independent citizens who contribute to the future of Canada?

Senator Carignan: Our government is of the opinion that First Nations students, like all Canadians, deserve to have access to a top-quality education system. That is why, since

2006, our government has invested more than \$10 billion to provide access to primary and secondary education to roughly 117,500 First Nations students living on reserve. Our government has invested about \$1.7 billion in school infrastructure and it continues to work with the parents, teachers, schools and First Nations chiefs on improving the quality of education on reserves.

Since 2006, the government has allocated more than \$400 million to primary and secondary education programs for First Nations in order to improve the scholastic capacity and results on reserves. It has devoted \$100 million over three years to the strong schools, successful students initiative, thus promoting support for literacy among young children and services and partnerships with the provincial school systems — all within the framework of the 2012 budget, a budget you voted against.

We invested \$268 million over five years and \$75 million in permanent funding through the Reforming First Nation Education Initiative. We also announced a historic investment of \$1.9 billion in the 2014 budget to support reforms to First Nation education, and you opposed that too.

Senator Hervieux-Payette: Mr. Leader, your mega-budgets cover just about everything and are very confusing. They rob parliamentarians of the opportunity not only to study but also to amend bills that would benefit from the talents of people on both sides of the chamber. We feel straitjacketed when we have to study a budget on which your government will brook no amendment. I think it would be difficult to give carte blanche budget after budget.

I was planning to talk about education programs available in Quebec. In Quebec, there is an extraordinary initiative — the director, Manon Barbeau, was recognized as a great Quebecer and was awarded a prize two weeks ago. She started a training program for Aboriginal youth on reserves across Quebec, but your government cut the funding for that initiative and never explained why.

You like to flaunt big numbers like the \$10 billion that is not dedicated solely to children's education, but to all kinds of other projects, such as water purification, home construction, fixing all of the problems on reserves and even supervision, which is something we agreed with.

As for that small project, which cost just \$350,000, can you explain why your government would refuse to support such important initiatives that could really rehabilitate young artists? These young people have published their writing and composed music that has won accolades around the world. Why did your government cut that funding?

It is all well and good to give us the big amounts. But I think that we should look at the small amounts, those that the people on the ground receive; I think it would be useful to assess, community by community, what people are given in order to receive the required training.

Senator Carignan: Senator, I am a little concerned by your preamble regarding the size of the budget and the amounts. If you have forgotten that in budget 2014 we actually

invested \$1.9 billion to support reforms to First Nations education, especially given that you are a member of the National Finance Committee, allow me to worry about the work done by your side in that regard.

I think we have to ensure that these amounts get to the communities and make a difference. It is important to our government that we take meaningful action that will make a difference, in the interest of Canadians.

[English]

JUSTICE

VOTER SUPPRESSION—MICHAEL SONA

Hon. Wilfred P. Moore: My question is for the Leader of the Government in the Senate. Yesterday, a 26-year-old former Conservative Party staffer was sentenced to nine months in prison for voter suppression. Do you think that this is a sufficient solution to this sordid affair?

[Translation]

Hon. Claude Carignan (Leader of the Government): I am not sure that I understood your question. Do you want to know who made the decision? A judge seems to have sentenced him to nine months in prison.

[English]

Senator Moore: Let me try to clarify for you. A sentence of nine months in prison for voter suppression with regard to the sordid robocalls affair was handed down to a young man yesterday by Mr. Justice G. F. Hearn of the Ontario Court of Justice. Do you think that should be the end of this matter?

[Translation]

Senator Carignan: It seems that the person who was found guilty was the person who was sentenced yesterday. Obviously, voter suppression is a very serious matter. The people responsible for such actions should be prosecuted to the full extent of the law.

That is why we contacted Elections Canada when we were informed of the reprehensible events that occurred in Guelph and did everything in our power to assist the agency. As we have always said, the Conservative Party conducted a clean and ethical campaign. The party was not involved in what happened in Guelph. During our election campaign we focused on identifying supporters and getting them to vote.

It is clear that we in no way took advantage of the events in Guelph, and we will continue to act in the same fashion.

[English]

Senator Cowan: Good thing there's no television. You can say that with a straight face.

Senator Moore: It may be a surprise, leader, but I have a supplementary. This young man, a former Conservative Party staffer, has maintained his innocence throughout. Both the defence and the prosecution intimated that he did not act alone. Indeed, at his conviction in the Ontario Court of Justice, the judge stated:

Although the evidence indicates he did not likely act alone, he was party to the offence and, as noted previously, there will be a finding of guilt registered.

Throughout this scandal, it has been obvious to all involved that this individual did not act alone. Do you believe this young man concocted and executed this entire affair on his own?

[Translation]

Senator Carignan: Senator Moore, if you have information that could identify someone who has broken the law, and if you are aware of any wrongdoing, I invite you to communicate with Elections Canada. I also ask that you do everything in your power to help this agency. That's what we are doing.

[English]

Senator Moore: I don't think that was an answer to my question. Do you think that this young fellow put this plan together and did it all on his own?

[Translation]

Senator Carignan: I believe that the act of preventing people from voting is a serious deed, and the courts recognized that.

• (1410)

That is why we contacted Elections Canada ourselves as soon as we became aware of the wrongdoing committed in Guelph, and we did everything in our power to help the agency.

If you have any information about any other acts that may have been committed, if you know of anyone who has broken the law, or if you witnessed anything that leads you to suspect that other offences were committed, I urge you to report them by contacting Elections Canada.

[English]

Senator Moore: If I had, leader, you can be well assured that I would have let my knowledge be known long before this.

I have a supplementary. In his investigation, Mr. Justice Mosley found that the CIMS database of the Conservative Party was the likely source used to make the misleading phone calls.

I don't know how that jibes with the statement of Mr. Jason MacDonald, who is Mr. Stephen Harper's Director of Communications. He says the party was not involved with this

conduct that was the subject of the case in Guelph. Mr. Justice Mosley found that the source was likely this Conservative Party database. Mr. MacDonald says, "We had nothing to do with that."

So I'm wondering: Does the Conservative Party intend to investigate the misuse of its database which has resulted in this criminal conviction for this young man?

[Translation]

Senator Carignan: As I said, Senator Moore, the Conservative Party ran a clean, ethical campaign. The party was not involved in the actions that took place in Guelph.

I repeat, if you have any information about anyone who has committed a serious offence, such as discouraging or preventing people from voting, those are despicable acts and I urge you to contact the appropriate authorities.

[English]

Senator Moore: So, are you saying that, even though the party's database was misused, you don't want to know who did that and get to the root of it so it won't happen again?

[Translation]

Senator Carignan: Senator Moore, Mr. Sona was sentenced to nine months. We condemn his actions. Furthermore, we spent time during our campaign rallying our supporters and working hard to encourage them to vote, after having run a clean, ethical campaign. The party was in no way involved in the actions that took place in Guelph. I will say once again, if you have any information about anyone who has committed a serious offence, such as discouraging or preventing people from voting, I urge you to contact the authorities.

[English]

Senator Moore: Well, maybe that's what I'm doing here today.

The Minister of Justice is responsible for the Director of Public Prosecutions. In light of the findings of the Ontario Court of Justice in the case of *R. v. Sona*, has the minister advised the department of public prosecutions to continue to investigate until all those who may be involved in this matter are brought to justice? Is he pursuing that, do you know? We're told that your database was illegally used, so is he now pursuing those who may have done that?

[Translation]

Senator Carignan: The closer we get to the election campaign, the more red I see on your side. The closer we get to the election, the more partisanship we will see.

Voter suppression is very serious. The people responsible for such actions should be prosecuted to the full extent of the law. That's why we communicated with Elections Canada when we became aware of the wrongdoings committed in Guelph, and we did everything in our power to provide assistance to the agency.

As we have always said, the Conservative Party ran a clean, ethical campaign. The party was not involved in the situation in Guelph. Over the course of our campaign, we identified party supporters and worked hard to convince them to vote. It's clear that we in no way benefitted from the actions committed in Guelph.

[English]

Senator Moore: I have a supplementary question. One of the persons who was an integral part of your party's campaign was a Mr. Ken Morgan. He was the campaign manager. Do you know whether any of the legal authorities or whether the Commissioner of Canada Elections requested and were able to interview Mr. Morgan with regard to this case?

[Translation]

Senator Carignan: Senator, I think it's important to focus on the facts.

As I said — and you mentioned this in your question — Mr. Sona was sentenced to nine months. Voter suppression is very serious and the people responsible for such actions should be prosecuted to the full extent of the law. If you have information about anyone who has committed a serious offence, I urge you to cooperate with the investigative agencies, as we did, to ensure that these wrongdoings are tried and punished.

[English]

Senator Moore: As you may well recall, leader, I have spoken many times in this chamber — and indeed in the Legal and Constitutional Affairs Committee — about the heinous nature of this crime. I find it unfortunate that this young man, who was only 22 at the time, ends up taking the fall for everybody else.

I want you think about this: We recently went through the changes to the Canada Elections Act and we attempted to give the Commissioner of Canada Elections the authority to subpoena persons to get evidence under oath. In view of what's happened here and this young man taking the fall for something — I doubt that he put all this together and did it all on his own — would you not agree that it would be appropriate to amend the act to give the Commissioner of Canada Elections the authority to do that, to subpoena people, to investigate and to get to the facts in a timely way?

[Translation]

Senator Carignan: Senator Moore, the Commissioner of Canada Elections completed his investigation into the robocalls during the general election. He found that the evidence did not confirm that the calls were made with the intention of preventing or trying to prevent people from voting or encouraging them to vote or abstain from voting. As we have said all along, and as Elections Canada has now determined, the Conservative Party ran a clean, ethical campaign. We take advantage of our campaigns to identify our supporters and convince them to vote.

Over the past two years, the opposition parties have made unfounded allegations, which Elections Canada has now proven to be incorrect. Senator, we are going to continue to focus on the issues that matter to Canadians, namely the economy and job creation.

Some Hon. Senators: Hear, hear!

[English]

Senator Moore: I don't know what you're applauding about, because it was a terrible answer to a very serious matter. I don't know why we would not want to make our system as good as possible. I don't know why we wouldn't be trying to put a system in place so that this cannot happen to another perhaps misled young person.

• (1420)

With regard to your comment with respect to the decision, the statement made by the electoral officer, he said that on the basis of the information —

Some Hon. Senators: Oh, oh.

Senator Moore: Do you want to have a turn? You're next.

He made his decision on the basis of evidence that he had before him, leader. That's what he did and he said that, so I think you should not allude that everything was rosy. He only had so —

Some Hon. Senators: Oh, oh.

Senator Moore: May I have some order here, Mr. Speaker?

The Hon. the Speaker: Order.

An Hon. Senator: I think it misses the point, really. I don't think he's very comfortable.

Senator Moore: No, I don't think so.

I just want you to keep in mind the context and the content of the election officer's comments. He said on the basis of the evidence before him, he was not given the opportunity, leader, to get all the evidence in a timely way that he could have. I was asking whether or not you thought he should have that opportunity.

[Translation]

Senator Carignan: Honourable senators, I just want to remind you that we passed the Fair Elections Act, which you voted against. The Fair Elections Act, which Canadians agree is a reasonable law, is based on the principle of equality, and universal suffrage garnered broad public support. In fact, 87 per cent of Canadians believe that voters should have to provide proof of identity to be able to vote.

Our government examined the legality of the Fair Elections Act and we are convinced that it is constitutional. The Fair Elections Act, which received Royal Assent in June, requires voters to

provide proof of identity to be able to vote. Voter information cards, which are often riddled with errors, will no longer be accepted as a form of ID. From now on, the Commissioner of Canada Elections will be independent and will manage his own staff, budget and investigations. There will also be a new registry for voter contact calling services, which will protect Canadians from fraudulent calls. The premature release of results will be allowed and various other practices will be prohibited.

I know that you do not like to be reminded of the good bills that have been passed and that you voted against. I understand that it is difficult for you, that perhaps now you regret it and that, now that you have had some time to think about it, you would change your decision. However, I can assure you that the Commissioner of Canada Elections and the police have similar investigative powers, for example, the power to request a search warrant or a production order. The commissioner therefore has all the tools he needs to oversee and enforce the law.

Some Hon. Senators: Hear, hear!

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a delegation from McGill Women on the Hill, who number among their delegation: Anna Kourilova, Julia McGarry, Busra Karasu, Alexandra Kanters, Lana Belber, Natasha Howell, Jocelyn Micallef, Constance Cordier, Justine Brien, Amy Miller and Pooja Jen.

Honourable senators, the delegation are the guests of our colleagues Senator Frum and Senator Fraser, as well as other senators.

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

Hon. Senators: Hear, hear!

ANSWERS TO ORDER PAPER QUESTIONS TABLED

PRIVY COUNCIL OFFICE—PUBLIC APPOINTMENTS

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 19 on the Order Paper by Senator Downe.

CANADIAN HERITAGE—DO NOT CALL LIST

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 21 on the Order Paper by Senator Downe.

[Senator Carignan]

CANADIAN HERITAGE—FINES ISSUED FOR VIOLATIONS OF THE DO NOT CALL LIST

Hon. Yonah Martin (Deputy Leader of the Government) tabled the answer to Question No. 22 on the Order Paper by Senator Downe.

ORDERS OF THE DAY

ENERGY SAFETY AND SECURITY ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Scott Tannas moved second reading of Bill C-22, An Act respecting Canada's offshore oil and gas operations, enacting the Nuclear Liability and Compensation Act, repealing the Nuclear Liability Act and making consequential amendments to other Acts.

He said: Honourable senators, it's my pleasure to speak in support of Bill C-22, the Energy Safety and Security Act.

I'm certain all senators are aware of the crucial role Canada's natural resource industries play in supporting the quality of life that we enjoy in this country. Together, these industries account for more than 13 per cent of our gross domestic product and more than one half of our merchandise exports. When you include the supply chain that provides goods and services to the resource sectors, natural resources account for almost one fifth of all economic activity in this country. Directly and indirectly, the jobs of some 1.8 million Canadians depend upon our natural resource industries.

The natural resource sector will continue to grow as it takes advantage of the demand for raw materials and energy needed to fuel the rapidly-expanding economies in the Asia-Pacific region and elsewhere in the world. Indeed, colleagues, the scale and pace of resource development in Canada is truly remarkable. There are hundreds of major natural resources projects under construction or planned over the next 10 years, representing a total investment estimated at as much as \$675 billion.

Our government is committed to ensuring that this development proceeds in a responsible way, a way that will ensure the protection of our environment and the health and safety of Canadians. That is a commitment we have made to Canadians and that is a commitment that the passage of Bill C-22 will reinforce with new measures to ensure safety and security in Canada's offshore and nuclear energy industries. These are measures that will ensure Canada's already very strong regulatory regime for these industries remains world class.

With the passage of Bill C-22, Canadians will be assured of new and stronger measures to prevent incidents and, in the unlikely event an incident does occur, assurance that the response will be both rapid and effective.

There are two parts to this bill. The first deals with the Canadian nuclear industry, and the second deals with the offshore oil and gas industry.

I'd like to begin by highlighting how Bill C-22 enhances safety in the nuclear sector.

Our government supports nuclear energy as a key part of Canada's low-emission energy mix. Our nuclear industry is an important source of jobs and economic opportunity. The nuclear energy sector produces about \$5 billion in annual revenues and supports 17,000 direct jobs. In addition, uranium mining accounts for over \$1 billion per year in exports and directly supports another 5,000 well-paying jobs. We are committed to providing responsible stewardship to support a strong and safe nuclear sector.

It is partly due to our nuclear power that Canada can boast a non-emitting electricity mix of 77 per cent.

Under Bill C-22, the absolute operator liability limit will be significantly increased from the \$75 million current Nuclear Liability Act to an amount of \$1 billion. I think all senators would agree that the current limit is unacceptable. This new \$1 billion limit is an amount that has been determined to be sufficient to deal with the consequences of a controlled release of radiation, within the capacity of insurers to provide insurance at reasonable costs, and in line with liability limits in other countries. In fact, this \$1 billion limit will put Canada's liability limit among the highest internationally. For example, the United Kingdom, France, Spain and other European nations are just now moving to an operator limit of \$900 million.

Bill C-22 also includes a number of other improvements to safety in the nuclear sector. These are broadening the number of categories for which compensation may be sought; extending the period for claims for bodily injury from 10 to 30 years; improving the procedures for delivering that compensation; and allowing Canada's participation in the international convention on supplementary compensation for nuclear damage.

• (1430)

That international convention will bolster Canada's nuclear civil liability regime and clarify liability and compensation rules for transboundary transportation incidents.

Colleagues, safety, security, health and environmental stewardship continue to be the Government of Canada's top priorities for the nuclear sector. The government has supported a strong and independent regulator, the Canadian Nuclear Safety Commission, by ensuring it has the leadership and financial resources it needs to deliver its critical mandate. Our government will continue to take action to ensure that Canada continues to have a world-class safety system for our nuclear sector.

I'd like now to focus on the second part of the bill, which increases the safety and security in the offshore petroleum sector. Before talking about safety, though, I'd like to say a few words on the importance of the offshore petroleum sector in Canada.

The offshore petroleum industry has made incredible improvements to the economies of Atlantic Canada in a very short period of time. The industry has created thousands of high-paying jobs and generated billions in revenues for governments to pay for important programs, including health care and education. Today, the offshore petroleum industry accounts for roughly 28 per cent of the Newfoundland and Labrador GDP and over \$2 billion of expenditures by industry annually. This provides 12,800 direct and indirect jobs in the province. That is nearly 6 per cent of the provincial employment, achieved through the responsible development of Canada's offshore resources.

Senators, the offshore oil and gas sector is vital to the Canadian economy today and will be for many decades to come. The International Energy Agency projects that global energy demand will increase by more than one third by 2035. Given this growing energy demand, extraction from remote and unconventional energy sources, such as those found offshore, will be needed.

Currently, about a third of all global oil and gas production comes from offshore operations. As offshore oil and gas exploration and development increases in the coming decades, it will bring economic growth and opportunities to Canada. Therefore, with these expected increases in activity, it is vitally important that Canada's liability regime protect both the environment and Canadian taxpayers.

Bill C-22 will accomplish this by enshrining the polluter-pays principle into law, a law that provides Canadians with a billion-dollar protection.

Similar to the nuclear sector, the bill will raise the liability limit for the offshore sector to \$1 billion. That is a substantial increase, to say the least. The current liability limit in the offshore is \$30 million in Atlantic and \$40 million in the Arctic. I think all honourable senators and indeed all Canadians would agree that these current limits are out of date and unacceptable. That is why our government has taken action. The proposed limit of \$1 billion brings Canada's liability regime to a respected level in the international community.

It is important to note that, similar to the proposed changes to the nuclear liability limit, this is absolute liability. Operators in the offshore oil and gas sector will be held responsible for any damages up to \$1 billion, even if they are not found at fault or not found to be negligent for any incident. If an operator is, in fact, found at fault, then the liability would be unlimited.

Furthermore, the bill will require operators to demonstrate that they have the financial capacity to meet this obligation at all times.

Senators, we can be confident that the \$1-billion figure also strikes an appropriate and necessary balance between protecting Canadian taxpayers and holding companies accountable in the event of an accident. This is one of the key features of Bill C-22. The bill fulfills our government's commitment, in the Speech from the Throne, to enshrine the polluter-pays principle into law.

Our government is focused on what matters to Canadians, including creating jobs and economic growth. That is why we brought forward a comprehensive plan to develop Canada's abundance of natural resources responsibly. Through our plan for responsible resource development, we are undertaking aggressive measures to create a world-class tanker safety system, increase oil and gas pipeline inspections, double the number of comprehensive audits of pipelines and implement new safety measures for oil tankers to ensure the safe and reliable transport of energy resources through our waterways. The proposed changes to the offshore legislation will build upon these measures to ensure that Canada's offshore regime is the strongest in the world. We recognize that in order for all Canadians to benefit from the opportunity our natural resources present, we must modernize our offshore safety system so that it continues to be world-class.

In addition to raising the absolute liability limit, I would like to note that this legislation also has a number of other important changes, including allowing governments to pursue financial compensation for environmental damages from operators responsible for spills; requiring the public release of environmental emergency preparedness plans; providing offshore boards with the authority to levy administrative and monetary penalties for non-compliance with laws, regulations or orders; and providing the offshore boards with the necessary tools to conduct environmental assessments under the Canadian Environmental Assessment Act 2012.

This legislation also permits the safe use of spill-treating agents. This will create a new tool for operators to use in response to the very unlikely event of an offshore spill, by allowing regulators to authorize the use of spill-treating agents as part of spill response activities.

Let me be clear. These agents will be used only after it is determined that there is a net environmental benefit in doing so.

Finally, we are increasing transparency by making emergency planning, environmental plans and other documents filed with regulators available to the public. This will enable Canadians to review and understand the steps operators take to prevent incidents and to respond to them when they occur.

Honourable senators, Bill C-22 builds on a sound system that is overseen by strong regulators who are empowered to ensure that Canada continues to have a world-class safety system. This legislation is the result of many years of consultation and extensive discussions with many stakeholders. The liability limits bring us back to the forefront internationally. Importantly, Bill C-22 provides a number of additional tools to allow regulators to help to prevent damaging events from occurring.

I urge all senators to support Bill C-22. I would be happy to take any questions.

(On motion of Senator Fraser, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of November 19, 2014, moved:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, November 25, 2014 at 2 p.m.

Hon. Leo Housakos (Acting Speaker): Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1440)

EASTERN SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN CANADA ACT

PRIVATE BILL TO AMEND—THIRD READING

Hon. David Tkachuk moved third reading of Bill S-1001, An Act to amend the Eastern Synod of the Evangelical Lutheran Church in Canada Act.

He said: Honourable senators, in essence, this private bill is designed to grant an exemption to the Eastern Synod of the church, which stretches east from the Manitoba border to and including Nova Scotia. The exemption is with regard to the requirements under the Canada Not-for-profit Corporations Act of 2009 to hold annual general meetings and allow the synod to continue, as it has done for the past three decades, to hold biennial meetings rather than annual meetings. Due to the large cost to the synod and the attending delegates to such meetings, biennial meetings have proven to be the best frequency for this institution.

The Eastern Synod of the Evangelical Lutheran Church in Canada is a body corporate. It was originally incorporated as a synod by an act of Parliament of Canada, being chapter 32 of the Statutes of Canada, 1885. It requests an amendment to the Eastern Synod of the Evangelical Lutheran Church in Canada Act to provide the same as has been afforded to the ELCIC, so that it may continue to call regular and special meetings under the Eastern Synod of the Evangelical Lutheran Church in Canada Act, despite certain provisions of the Canada Not-for-profit Corporations Act, by amending section 12 of the Eastern Synod of the Evangelical Lutheran Church in Canada Act to read:

Despite section 294 of the *Canada Not-for-profit Corporations Act*, subsections 160(1) and 168(1) of that Act do not apply to the Corporation.

Thank you for your consideration, and I urge you to expeditiously pass this bill.

Hon. Wilfred P. Moore: I want to mention to the chamber that Canada's oldest Lutheran congregation is located at the Zion Evangelical Lutheran Church in Lunenburg, Nova Scotia. I have been keeping Pastor Richard Pryce advised of the progress of this bill, and I am pleased to say that I will support it, Senator Tkachuk.

An Hon. Senator: Question.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

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

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO
STUDY CHANGES TO SENATE'S RULES AND
PRACTICES THAT WILL HELP ENSURE SENATE
PROCEEDINGS INVOLVING DISCIPLINE OF SENATORS
AND OTHERS FOLLOW STANDARDS OF DUE
PROCESS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator McCoy, seconded by the Honourable Senator Rivest:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on changes to the Senate's Rules and practices that, while recognizing the independence of parliamentary bodies, will help ensure that Senate proceedings involving the

discipline of senators and other individuals follow standards of due process and are generally in keeping with other rights, notably those normally protected by the *Canadian Bill of Rights* and the *Canadian Charter of Rights and Freedoms*; and

That the committee submit its final report to the Senate no later than November 30, 2014

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, Motion No. 9 stands adjourned in Senator Cools' name, and I'm aware that she does wish to speak. May I take the adjournment at this time and put on record that Senator Cools is still preparing for this?

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

Hon. Senators: Agreed.

(On motion of Senator Martin, debate adjourned.)

[Translation]

DISPARITIES IN FIRST NATIONS EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Claudette Tardif: Honourable senators, I intend to speak to this inquiry. I have not concluded my research and I would like to move the adjournment for the balance of my time.

(On motion of Senator Tardif, debate adjourned.)

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

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