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(HANSARD)

Tuesday, November 22, 2011

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Tuesday, November 22, 2011

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before calling Senators' Statements, I wish to draw the attention of honourable senators to the presence in the gallery of Mr. Ales Michalevic, winner of the 2011 John Humphrey Award by the Canadian NGO Rights & Democracy organization. He is the guest of the Honourable Senator Andreychuk.

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

SENATORS' STATEMENTS

MR. ALES MICHALEVIC

2011 JOHN HUMPHREY AWARD WINNER

Hon. A. Raynell Andreychuk: Honourable senators, in many countries around the world, there are people who risk their lives day in and day out to help others. They work peacefully and courageously, often in very hostile conditions, to make sure that dignity, justice and respect for the rights set out in the International Bill of Human Rights become reality for all. Whether it is a worker demanding safe working conditions, a journalist trying to share independent and well-documented information or, as in this year's case, a presidential candidate jailed and tortured for promoting democracy, we have a responsibility to support them so that they are able to continue their work free from fear.

Today, we have in our presence Mr. Ales Michalevic, and he will be honoured by Rights & Democracy for his efforts to restore democracy to Belarus and to free all of the political prisoners who have been imprisoned there for merely expressing their opinions.

Mr. Michalevic was one such prisoner. A lawyer by training with an interest in political and civic activities, he ran as a presidential candidate in the 2010 elections in Belarus to help promote democracy and establish the rule of law in Belarus. His platform consisted of three key points: economic growth, an effective state and an active society, with an emphasis on human rights, local self-government, rule of law and real division of power.

On election night, Mr. Michalevic was arrested by troops in his apartment in Minsk and sent to prison where he was tortured and denied any medical or legal help. Mr. Lukashenko, the President of Belarus, has often been referred to as the "last dictator in Europe." His actions have intensified since the last election in 2010. These elections were criticized by international observers, including the European Union, the United States and multiple times by the Canadian government. Mr. Lukashenko called in security forces to silence the anti-government protests and to continue to severely restrict rights and freedoms and the freedom of assembly and expression.

Not a single opposition party is represented in the national assembly. In fact, since 2005, involvement in a political organization is considered to be a crime. We should all commend Mr. Michalevic's courage, not only in defending the democratic rights of his fellow citizens in the face of a bankrupt regime, but also in participating in an electoral process at such great risk to his well-being.

In receiving this award, we hope that he will continue his fight for democracy and that we in Canada continue to support him. Please join me in welcoming this year's winner of the 2011 John Humphrey Award, Mr. Ales Michalevic.

MR. WILLIAM CECIL CAIRNS

INDUCTION INTO ATLANTIC AGRICULTURAL HALL OF FAME

Hon. Catherine S. Callbeck: Honourable senators, today I would like to pay tribute to an exceptional Islander who was recently honoured with induction into the Atlantic Agricultural Hall of Fame.

Mr. William Cairns, from Lower Freetown in Prince Edward Island, graduated from Prince of Wales College in 1946 and was encouraged to enter the medical field. However, the call of the farm led him to return home, and he became part of the family farming tradition that has long characterized my home province. He operated a mixed farm — the sixth generation to operate the farm, which has been in the family since 1852. He got married, raised a family and was an active member of his community.

What made his life more exceptional, however, was his active leadership in farm organizations. Through his leadership, he helped to introduce new ideas and practices, which have been of major benefit to the agriculture industry in Prince Edward Island and beyond.

Mr. Cairns was one of the first members of the P.E.I. Junior Farmers organization and became its second president. He also became active in the Prince Edward Island Federation of Agriculture, and his advice and opinions were highly respected by his fellow members.

He was a member of the board of the Dunk River Dairy Company, one of a number of small dairies in the province at that time. His vision helped to inspire a number of smaller dairies to come together under the name of Amalgamated Dairies Limited, which today is a recognized leader in the production of high-quality dairy products serving local and export markets.

Mr. Cairns has also had a wide-ranging interest in agricultural policy. In 1952, he became the first person from Prince Edward Island to be accepted as a Nuffield Scholar. This prestigious organization is dedicated to fostering agricultural leadership and personal development through international study. Mr. Cairns' interest in production systems and policy took him to Great Britain, Ireland and other parts of Europe, and his findings were widely shared with Canadians.

Reflecting his continued interest in policies that benefited farms, in 1967 he was awarded a scholarship from the Bank of Montreal to analyze agriculture production systems in the United States. Again, his findings were widely shared and helped to influence agricultural policy discussions throughout the industry.

This induction into the Atlantic Agricultural Hall of Fame is a reflection of William Cairns' exceptional contribution to the agriculture industry. I would ask all honourable senators to join with me in extending our congratulations and best wishes to Mr. Cairns and his family on this outstanding honour.

THE HONOURABLE KELVIN KENNETH OGILVIE, O.C.

INDUCTION INTO CANADIAN SCIENCE AND ENGINEERING HALL OF FAME

Hon. Linda Frum: Honourable senators, as was recently noted in the *Halifax Herald News*, our colleague, and my dear seatmate, Kelvin Ogilvie, may be the only senator ever to sit in this chamber who can claim to have saved millions of lives.

Some Hon. Senators: Hear, hear.

Senator Frum: Last week, in recognition of his heroic contributions to science, Senator Ogilvie was inducted into Canada's Science and Engineering Hall of Fame. The Canadian Science and Engineering Hall of Fame is a central part of the Innovation Canada exhibition at Canada's Science and Technology Museum. Only 51 innovators are featured in this exhibit, and in the words of the museum's custodians:

> The accomplishments of these individuals have been so remarkable and their contributions to society so great that the museum hopes one day all Canadians will be aware of their accomplishments.

It was in the 1980s that Senator Ogilvie unveiled his two world-changing inventions. One was the life-saving drug Ganciclovir, which protects people with depressed immune systems caused by viruses such as HIV, and the other was the so-called "Gene Machine," an automated process for the manufacture of RNA, which gave scientists what they called a "flicker of life."

• (1410)

These groundbreaking discoveries catapulted Senator Ogilvie into the ranks of Canada's most respected innovators, along with such giants as Alexander Graham Bell, Lord Ernest Rutherford, and Dr. Frederick Banting, some of the luminaries with whom Senator Ogilvie now shares real estate at the hall of fame.

Senator Seidman and I were fortunate enough to attend Senator Ogilvie's induction last week, where he gave a beautiful acceptance speech. He spoke of himself as the proud son and grandson of Nova Scotian sailors, educated in a two-room schoolhouse in the Minas Basin, who, as a boy, would gaze out upon the great waters of the Atlantic Ocean and wonder how he would ever sail his own sea. He did do it, by gaining an education and harnessing his gift for science.

"I did get to see much of the world that I wanted to see," Senator Ogilvie said in his remarks, "but it never occurred to me that the voyage would take me here, to be counted among those in this organization."

Those of us lucky enough to call ourselves his friends and colleagues are not at all surprised that Senator Ogilvie's journey has brought him to this much-deserved honour. Rather, we are pleased that his rich contributions to human health are being justly celebrated and enshrined, and we share in the museum's aspiration that, for generations to come, Senator Ogilvie's accomplishments may serve as inspiration to young people across Canada who today may be children with dreams of conquering oceans, but tomorrow will become the innovators who conquer disease.

Senator Ogilvie, I am confident I can speak for all senators when I say to you: We are proud of you. Congratulations to you.

Some Hon. Senators: Hear, hear.

BOLD EAGLE

ABORIGINAL YOUTH DEVELOPMENT PROGRAM

Hon. Lillian Eva Dyck: Honourable senators, this past August I attended the Bold Eagle graduation in Wainwright, Alberta. The Bold Eagle program is the oldest partnership program between First Nations and the Canadian Forces for Aboriginal youth. The Bold Eagle program is now in its twenty-third year of operation, and over 1,000 First Nations youth have graduated.

This six-week course allows First Nations youth from across Western Canada and Northwestern Ontario to achieve basic military qualifications. This year, 70 candidates graduated from the program.

The day began with a pipe ceremony with elders and military personnel. I was very impressed by the military men and women involved in the Bold Eagle program. Their passion and dedication to the program were clearly evident. The officers spoke of how the Bold Eagle program transformed the individual cadets. They spoke of greeting a group of trainees who were perhaps somewhat unfocused when they arrived at the program but, who, after six weeks of basic military training, were proud of their Aboriginal identity and worked together as a well-disciplined team.

The Aboriginal youth programs offered by the Canadian Forces are Bold Eagle in Alberta, Raven in British Columbia and Black Bear in Ontario. Each of these regionally based programs covers applicants from across the country, with Black

Bear offering training in both official languages. These programs develop self-discipline, teamwork, physical fitness and self-confidence. In addition, graduates earn up to $5,000 for their work throughout the course.

With youth unemployment in remote communities at almost 80 per cent, these Canadian Forces programs provide a great opportunity for Aboriginal youth to earn a good sum of money, gain valuable skills and learn more about their cultural identity. These programs strive to equip Aboriginal youth with successful opportunities upon completion of any of their courses. At the end of the course, a graduate may then decide whether to remain in the Canadian Forces and enter into the regular officer or reserve entry training programs after completion of secondary school, remain in the Canadian Forces as a non-commissioned member, leave the Canadian Forces to attend university or college, or return to their respective communities with a greater array of knowledge and skills.

The partnership of the Canadian Forces and the Aboriginal community offers an excellent opportunity to inspire, challenge and prepare youth to become our leaders of tomorrow. I would like to congratulate the graduates of the Bold Eagle program, as well as the graduates of this year's Raven and Black Bear courses. Well done.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of His Excellency José González Morfîn, President of the Senate of the United Mexican States, who is leading a distinguished delegation of members of the Senate and members of the Chamber of Deputies from Mexico who have been participating in a very successful Eighteenth Canada-Mexico Interparliamentary Meeting.

On behalf of all honourable senators, we welcome you to this sitting of the Senate of Canada.

CULTURAL DIVERSITY

Hon. Yonah Martin: Honourable senators, I rise today to celebrate the cultural diversity within this great country of ours. Canada is internationally renowned and lauded for its cultural mosaic. It is a model nation with active and engaged citizens from all corners of the world.

Nowhere in Canada is the vibrancy of multiculturalism as alive as in my home province of British Columbia. Historically, B.C. has a deep and rich legacy of multiculturalism. With its prime location along the Pacific Rim, it welcomes 40,000 new immigrants to its shores each year and is home to over 180 cultures.

In my East Vancouver neighbourhood, I am a visible majority, with the current demographics that have shifted over the decades to what is now 85 per cent Asian, Chinese, Vietnamese, Filipino, South Asian, Korean and more. The result is a wonderful hybrid for businesses and tourism. Dim sum, sushi, kimchi, pho, souvlaki, gelato and fusion restaurants line the streets; cultural festivals fill the yearly calendar; and there is a continuing upward trend of biracial families. In fact, the most recent census indicated that "mixed-race" or "happa" kids are now the largest growing demographic of children. All of these markers highlight that the residents on the West Coast view multiculturalism not as an anomaly but as the way of life.

[*Translation*]

The British Columbia government highlighted the importance of this diversity during Multiculturalism Week, from November 14 to 19. The Honourable Harry Bloy, Minister of State for Multiculturalism, was behind a lot of the initiatives. Knowing that food is the key to cultural understanding, he hosted an evening of Korean barbecue for his colleagues at the beginning of the week.

[*English*]

The week culminated with the Nesika Awards at the Museum of Vancouver on a picture perfect West Coast day. Nesika, which means "we, us, our," is an award created with the belief that community building and bridging is fundamental to society. This year's recipients, Farhid Rohani as an individual, Affiliation of Multicultural Societies and Service Agencies of British Columbia, AMSSA, as an organization, and Afro News as a business, were recognized for their exemplary work in promoting cultural understanding.

On November 19, B.C. residents cast their ballots during the municipal elections. It was fitting for multiculturalism week to come to a close with this event, as it was in 1947 that Asian-Canadians were first given the right to vote.

[*Translation*]

I am grateful to the Chinese-Canadians who fought courageously not only on the battle fields but also within Canadian society to defend citizenship and voting rights. I am inspired by the contributions of remarkable Canadians like Douglas Jung who, in 1957 — a mere 10 years after obtaining the right to vote — was the first Asian-Canadian to be elected as the Conservative Member of Parliament for Vancouver Centre.

• (1420)

[*English*]

So I exercised this very right to vote, which others had so valiantly fought for, by casting my vote on November 19. Congratulations to all of the elected members, as well as those who ran. As a Canadian, I am very proud to live in a country that holds this very belief.

FIFTY-NINTH PUGWASH CONFERENCE

NUCLEAR DISARMAMENT AND CONFLICT RESOLUTION

Hon. Roméo Antonius Dallaire: Honourable senators, a headline in *The Telegram* from St. John's said that the Israeli defence chief wants to keep nuclear weapons out of Iran. I quote Israel's defence minister, Ehud Barak, who said in the article:

> I believe the world will join hands and live up to its commitment to block Iran from turning nuclear. . . . And we've said all along to friends all around the world not to remove any option off the table and I'm glad to notice many leaders . . . repeating this very phrase.

The Pugwash Council met for its 59th conference from July 1 to 4 this year. The Pugwash Council was created in a little town called Pugwash, Nova Scotia, by Cyrus Eaton in 1957. We have led the movement not only in nuclear disarmament but also in non-proliferation.

The first day, the conference was devoted to the theme of European security and nuclear disarmament. It had the Russian and American deputy foreign ministers attending and being heavily engaged. The themes of tactical nuclear weapons in Europe, revisiting the Treaty on Conventional Armed Forces in Europe, strengthening the Organization for Security and Co-operation in Europe, the role of ballistic missile defence systems in U.S.-Russian relations, and the role of Europe in the path to Global Zero dominated the discussions. Global Zero is the aim of disarmament of nuclear weapons.

The next three days were devoted to a series of working groups on nuclear disarmament and non-proliferation, prospects of peace and security in the Middle East, regional stability in Central and South Asia, the situation in Afghanistan and Indo-Pakistani relations, and European security and disarmament. The plenary sessions were held on Iranian nuclear policy — What future for Palestine? How can Europe help? — and on eliminating the weapons of mass destruction in the Middle East.

The aim or main objective of Pugwash, an international movement that we created and led, is the elimination of all weapons of mass destruction — nuclear, chemical and biological — and of war as a social institution to settle international disputes. To that extent, the peaceful resolution of conflicts through dialogue and mutual understanding is an essential part of the Pugwash activities. That is particularly relevant when and where nuclear weapons and other weapons of mass destruction are deployed and could be used.

It is fine to argue that we do not want proliferation of small arms in potentially perceived rogue countries. That is only part of the problem. The essence of the problem is nuclear disarmament and the elimination of those absolutely useless weapons systems that are an affront to our human right to security in the world.

NUNAVUT

MINING INDUSTRY

Hon. Dennis Glen Patterson: Honourable senators, today I want to bring to the attention of this chamber a number of federal government programs that have been instrumental in the successful growth of the mining industry in Nunavut. My remarks are particularly timely because today is Mining Day on the Hill, when the Mining Association of Canada and its members profile the Canadian and global mining scene, its contributions, opportunities and issues.

First, honourable senators should be aware of how critical the Mining Exploration Tax Credit, METC, is to the industry in the North and all across Canada. The METC is a measure designed to assist junior mining companies in raising new equity through the issuance of flow-through shares. The program helps to maintain Canada's competitiveness in the face of fierce global competition for exploration investment and helps to keep exploration dollars in Canada, particularly in northern and rural areas. It has been in place since 2004.

Exploration spending in Nunavut demonstrates just how successful the METC has been. Recently, Natural Resources Canada estimated that Nunavut exploration expenditures will be in the order of $322.8 million in 2011, up from $263.8 million in 2010. Nunavut's share of all Canadian exploration spending in 2011 was an amazing 10 per cent.

However, the success of the mining industry in Nunavut, which I spoke of last week in my statement on the Meadowbank gold mine and other Nunavut exploration and production projects, cannot be solely attributed to the METC. Of critical importance has been Natural Resources Canada's Geo-mapping for Energy and Minerals, the aptly named GEM program. With $100 million in funding over five years, the GEM program is currently in year four of its five-year mandate.

It seeks to complete geological mapping of the 60 per cent of the North not yet assessed to modern standards. For example, in large areas of the North, the public geosciences knowledge base is not up to the standards necessary for private-sector exploration companies to take informed investment decisions, as well as for governments to take precise land-use decisions such as the creation of parks.

Geo-mapping is particularly important to all three territories, although the need is particularly acute in Nunavut and the Northwest Territories. Adequate geological knowledge exists for only about one third of Nunavut.

With respect to accomplishments, GEM results have influenced private-sector investment decisions, including for iron ore on Melville Island in Nunavut; diamonds on southeast Baffin Island in Nunavut; and copper, gold and silver in Yukon. Econometric studies suggest that a $100 million investment in GEM will result in upwards of $500 million to be spent by the private sector in exploration and development related to the GEM results.

Finally, I want to draw your attention to the important role which HRSDC's Aboriginal Skills and Employment Partnership, ASEP, program has had in the recent success of the mining industry all across the North. ASEP has been particularly instrumental in encouraging industry to train northern Aboriginal residents for work in the mining industry.

For example, the Mine Training Societies in Yukon, Northwest Territories and the Kivalliq region of Nunavut, which receive ASEP funding, will have placed 1,400 Aboriginal employees by 2012. The average salary of these jobs is $85,000 a year plus. For many Aboriginal employees, mine training opportunity and transition to a wage-based lifestyle has fundamentally changed their lives.

In closing, Mining Day on the Hill events today included a luncheon hosted by the Economic Club of Canada, where the Honourable Joe Oliver, Minister of Natural Resources, delivered a keynote address. As well, there will be a reception this evening at the Château Laurier, which I encourage senators to attend.

MS. EVALINE APOKO

Hon. Mobina S. B. Jaffer: Honourable senators, almost a year ago today, several of us welcomed a special young woman named Evaline Apoko to Parliament Hill. Evaline, as you may remember, is a 20-year-old young woman from Northern Uganda.

Growing up in a time of political instability and conflict, she was subject to extreme tragedy. One night, when she was 9 years old, Evaline and her family sought refuge in what they thought was a safe house. Unfortunately, they were mistaken. They had walked into a house occupied by the Lord's Resistance Army.

Evaline was separated from her family and abducted. Here she was abused physically, mentally and emotionally and deprived of the most basic necessities.

One day, when she was 10 years old, Evaline was caught in an air raid where a bomb exploded near her, blowing away part of her face. She did not receive medical attention for two years.

At the tender age of 13, after being emotional scarred and physically disfigured, Evaline mustered up enough courage and successfully escaped from the Lord's Resistance Army. She managed to return home to Uganda, where she received the medical attention she desperately needed and underwent three surgeries. She then went to the United States, where she had several additional surgeries.

While Evaline was visiting Ottawa this time last year, she received a warm welcome from several parliamentarians. When I was speaking to her last week, she told me about the standing ovation she received from Prime Minister Harper and the entire House of Commons. She also informed me that she proudly put up the picture of her and Speaker Kinsella in her bedroom as she felt that he empowered her in a very special way.

• (1430)

Honourable senators, I am extremely pleased to inform you that after undergoing extensive reconstructive surgery, Evaline's face has been transformed. The shy girl who walked the halls of Parliament last year no longer needs to use a handkerchief to cover part of her face. Although Evaline was always a beautiful person, she now feels beautiful.

Today, Evaline is working hard to receive an education, which is something that she once was denied. Evaline is also reaching out to other children who have been victimized by conflict, in an effort to support and empower them and to ensure that they know they are not alone.

I have learned many things from Evaline. She has showed me that a person can find the power to fight even when they do not have access to the most basic resources. She has also demonstrated that one can triumph in the face of adversity.

Honourable senators, Evaline is a strong, beautiful and intelligent woman whom I am fortunate to call my friend. Her story gives us all hope.

PRESIDENT JOHN F. KENNEDY

FORTY-EIGHTH ANNIVERSARY OF ASSASSINATION

Hon. Wilfred P. Moore: Honourable senators, 48 years ago today, at 12:30 p.m. Dallas time, or 2:30 p.m. our time — about now, I guess — President John F. Kennedy was assassinated. His passing has haunted us to this day. What the world would have been like had he lived, we can only speculate. He provided light at a time when there seemed to be only darkness. His assassination was such a shock that, as one poet once wrote, since he was "a man so full of life even death was caught off guard."

At that time, I was serving as treasurer of the student council at Saint Mary's University in Halifax. Our executive had a meeting set for 3:45 p.m. The council president, Michael Cox of Lewiston, Maine, walked into our little office and said, "President Kennedy has been shot," whereupon the ceiling light burnt out. I shall never forget that moment.

We will always remember this day and, of course, this great president.

[*Translation*]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

FALL 2011 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the fall 2011 report of the Auditor General, pursuant to subsection 7(3) of the Auditor General Act.

[*English*]

EEYOU MARINE REGION LAND CLAIMS AGREEMENT BILL

SECOND REPORT OF ABORIGINAL PEOPLES COMMITTEE PRESENTED

Hon. Lillian Eva Dyck, for Senator St. Germain, Chair of the Standing Senate Committee on Aboriginal Peoples, presented the following report:

Tuesday, November 22, 2011

The Standing Senate Committee on Aboriginal Peoples has the honour to present its

SECOND REPORT

Your committee, to which was referred Bill C-22, An Act to give effect to the Agreement between the Crees of Eeyou Istchee and Her Majesty the Queen in right of Canada concerning the Eeyou Marine Region, has, in obedience to

the order of reference of Thursday, November 17, 2011, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

GERRY ST. GERMAIN,
Chair

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

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

KEEPING CANADA'S ECONOMY AND JOBS GROWING BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-13, An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011 and other measures.

(Bill read first time.)

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

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

COMMONWEALTH PARLIAMENTARY ASSOCIATION

PARLIAMENTARY SEMINAR FOR TRINIDAD AND TOBAGO, JANUARY 24-27, 2011—REPORT TABLED

Hon. Elizabeth Hubley: Honourable senators, I have the honour to table, in both official languages, the report of the CPA Parliamentary Seminar for Trinidad and Tobago, held in Trinidad and Tobago, from January 24 to 27, 2011.

BILATERAL VISIT TO THE CARIBBEAN, THE AMERICAS AND THE ATLANTIC REGION REPUBLIC OF TRINIDAD AND TOBAGO, FEBRUARY 19-24, 2011—REPORT TABLED

Hon. Elizabeth Hubley: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Commonwealth Parliamentary Association regarding the Bilateral Visit to the Caribbean, the Americas and the Atlantic Region Republic of Trinidad and Tobago, held in Port of Spain, Trinidad and Tobago, from February 19 to 24, 2011.

REGIONAL CONFERENCE OF THE CARIBBEAN, THE AMERICAS AND THE ATLANTIC, JULY 23-31, 2010—REPORT TABLED

Hon. Elizabeth Hubley: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation at the Thirty-fifth Commonwealth Parliamentary Association Regional Conference of the Caribbean, the Americas and the Atlantic, held in Port of Spain, Trinidad and Tobago, from July 23 to 31, 2010.

OLD AGE SECURITY

NOTICE OF INQUIRY

Hon. Catherine S. Callbeck: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence:

I will draw the attention of the Senate to the inequities of the Old Age Security Allowance for unattached, low-income seniors aged 60 to 64 years.

[*Translation*]

INDUSTRIAL ALLIANCE PACIFIC GENERAL INSURANCE CORPORATION

PRIVATE BILL—PRESENTATION OF PETITION

Hon. Michael A. Meighen: Honourable senators, I have the honour to present a petition from Industrial Alliance Pacific General Insurance Corporation in Vancouver, British Columbia, calling on the government to pass a bill authorizing Industrial Alliance Pacific General Insurance Corporation to be continued as a company under the laws of the Province of Quebec.

[*English*]

QUESTION PERIOD

CANADIAN HERITAGE

PROTECTION OF CHILDREN'S RIGHTS

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. Honourable senators, last Sunday was National Child Day, as sanctioned by the United Nations in its affirmation of the rights of the child. Of course, this coming Friday, with Senator Cochrane and Senator Mercer, we will host National Child Day I think for the sixth or seventh year, following the guidance of former Senator Landon Pearson.

Earlier this month, a report entitled *Right in Principle, Right in Practice* was released by the Canadian Coalition for the Rights of Children. Unfortunately, honourable senators, Canada received a failing grade. The government funds many initiatives that benefit children and youth, but, as Kathy Vandergrift, chair of the coalition, noted, Canada lacks a coherent policy framework for children.

Can the Leader of the Government in the Senate tell us what is being done to protect the rights and well-being of Canadian children?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, naturally, I find some of the comments in the report inconsistent with the activities of our government.

• (1440)

Whether it is on the issue of child poverty, health-related issues with regard to the education of children in our Aboriginal communities, Canada's major commitment to CIDA through the Maternal and Child Health Initiative around the world or the great efforts the government has undertaken in Haiti, I do not believe the record is a fair assessment of what the government has done in all aspects of the rights of the child. I do not agree with the findings of the report.

Senator Munson: The report did offer several sobering points for reflection. It cited figures from a comparative study on the health of Canada's children. Among 30 industrialized countries, we rank twenty-fourth for infant mortality, twentieth for child poverty and twenty-second for health and safety.

Honourable senators, this is not acceptable. What is the government doing to improve this record that the leader just talked about?

Senator LeBreton: I mentioned in my first response that I do not believe the report fairly or accurately reflects the considerable efforts the government has undertaken in many areas, not only with regard to the health and well-being of our children and the safety of our children in Canada, but around the world. The honourable senator asks for me to respond. I will be happy to provide him with a very long list of the government's considerable accomplishments. I do not accept the premise of the report that was filed. I believe it was biased against our government. I do not think it accurately reflects what the government has actually done in this area, in the country and around the world.

Senator Munson: I have a further supplementary question. There is one issue that the leader could perhaps take off that list. It is an idea that came out of the Senate under Senator Andreychuk and those of us on the Standing Senate Committee on Human Rights with Senator Jaffer. The report recommends the need for both systemic changes and action on issues affecting vulnerable groups of children. We have noted that it calls for Canada to enact legislation enshrining the United Nations Convention on the Rights of the Child with a National Children's Commissioner. We had the commissioner from the United Kingdom here a few years ago. This was a recommendation that came out of our own Standing Senate Committee on Human Rights.

Since the Leader of the Government in the Senate has been in this position for six years and has seen this report, can she explain why the government has not implemented this particular recommendation?

Senator LeBreton: Honourable senators, the government receives many good reports and valid recommendations from the Senate. The government takes all of the recommendations into consideration. In this particular case, Senator Munson, I believe — whether it is the Department of Health, the Department of Aboriginal Affairs, Foreign Affairs, CIDA, or HRSDC — we have a stellar record of advancing the rights and well-being of children. This includes many of the things we have done with regard to tax measures and helping families through the tax system for making better and more secure lives for our children.

As I indicated to the honourable senator, I could go through all of my cards, pull several and read them into the record. I rather think the honourable senator would not want me to do that, so I will provide a written answer.

Senator Munson: I will pull out one card and ask the leader to answer my question specifically. Would she seriously consider establishing a national commissioner, or at least take a look at it, and offer some positive action for Canada's children? The national commissioner is working in the United Kingdom. That is a specific question.

Senator LeBreton: Honourable senators, I believe the government did respond to that question. I could be wrong.

In the present-day situation, the government has taken many measures and initiatives to advance the lives and well-being of our children. While some countries may have a commissioner for children, I believe many of the measures the government has already taken in a host of areas are where the real action takes place.

I will seek to secure that response if it is available — because I do believe we did deal with this — and respond by written answer.

[*Translation*]

JUSTICE

PROPOSED CRIME LEGISLATION

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. Bill C-10, which the government is proposing to Canadians, is a very expensive bill. The government itself does not even know how to evaluate its budgetary impact. Let me explain. The government's official position is that it will cost $400 million over five years. The Parliamentary Budget Officer, Kevin Page, estimates that it will cost double that amount, $800 million. Our colleague, Senator Pierre-Hugues Boisvenu, believes that it could cost as much as $2.7 billion and, as though that were not enough, in the other place on September 27, the Minister of Justice, Rob Nicholson, had this to say about the members of the opposition, and I quote:

> . . .they have it wrong if this is the area in which they want to save money.

What a fine example of the Conservatives' sound management of public funds. Now, since it is November and we are about to study the bill in this august institution, can the Leader of the Government tell us the real costs that will be downloaded to the provinces?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): I must comment on the honourable senator's reference to the Parliamentary Budget Officer. On Saturday night I was interested

to see Mr. Page was presenting at the Press Gallery dinner, which was an interesting role for a supposedly non-partisan parliamentary officer to have.

In any event, there was a study done by *The Globe and Mail* with regard to the Parliamentary Budget Officer's various projections. I think *The Globe and Mail* pointed out there were 15. The Minister of Finance and the government was right on nine. There were a couple projections which were pretty well in line with each other. I believe the Parliamentary Budget Officer was only correct four times, so I would not put too much stake in what the Parliamentary Budget Officer said.

Honourable senators, the fact of the matter is that during the election we committed to reintroduce measures to bring in tough-on-crime legislation. This legislation will make its way to the Senate in the form of Bill C-10. We have debated all and parts of this bill for the better part of five years. We have now combined all of these bills into one measure; Bill C-10. It will come to the Senate in due course. It will be debated in the Senate. It will be referred to the Legal and Constitutional Affairs Committee. Witnesses will be called.

Honourable senators, the Minister of Justice has actually put out a figure of what we believe the cost of this legislation would be. When the bill does make its way to the Senate, the honourable senator can make her views known in opposition. When this bill is before us there will be plenty of time to debate its merits and, in the honourable senator's opinion, its failings.

[*Translation*]

Senator Hervieux-Payette: I have a supplementary question. I would have liked the Leader of the Government to comment on the other numbers, since she commented only on Mr. Page. I also mentioned Senator Boisvenu and Mr. Nicholson. I still have not received an answer to my question. However, I will go a little further in my supplementary question.

Recognizing the negative impact this bill will have on both public finances and public safety, the Government of Quebec tried to have Bill C-10 amended in the other place.

• (1450)

Given what Minister Jean-Marc Fournier calls a diversion by the Conservative government — and we are aware that the government is driven by its ideological stubbornness without any consideration for reality — it appears that the provinces will now have to bear the heavy burden of your policy.

I ask the leader: how does your government intend to compensate Quebec and the other provinces, particularly since it is expected that this policy will fail? The policy has already been tested and brought into question by our neighbours to the south — the United States — including Texas, which has paid the price, and California, which practically went bankrupt because of it. Can you tell us from which budget you will take the money and whether this amount will be added to the $400 million, $800 million or $2.7 billion? We will probably find out the truth once it is too late.

So, I ask the Leader of the Government, will your government compensate Quebec and the other provinces for the additional expenses?

[*English*]

Senator LeBreton: Honourable senators, I am well aware of Mr. Fournier's comments. He is entitled to his opinions. I think he is quite out of step with public opinion in Quebec. A recent Leger Marketing survey showed that the majority of people in Quebec, namely 77 per cent, think criminals should serve a sentence that reflects the severity of their crimes. We totally agree with the population of Quebec as reflected in that survey.

The other thing the honourable senator would know is that since this government took office, we have increased transfers to the provinces by 30 per cent, an increase of $2.4 billion in the last year alone. We will continue to work with all provinces in all matters, particularly with regard to the implementation of our justice bill. As I have mentioned previously, the Minister of Justice has consulted with all provinces and territories. Some are more enthusiastic, like the Premier of British Columbia, than is perhaps the Minister of Justice in Quebec.

Honourable senators know that the attempts on the other side to compare Canada's system to the system in Texas are, quite frankly, flat out false.

Senator Hervieux-Payette: I want to know, yes or no, will you compensate?

Senator LeBreton: I have answered that the government is already transferring funds and has increased funds to the provinces. I will leave it to the ministers of justice and to members of both the House of Commons and senators in this chamber to properly study this bill, as it is before them in the other place and as it will be before us shortly.

Hon. Joan Fraser: Could I take that as an assurance that in this place time allocation will not be imposed on that bill at any stage?

Senator LeBreton: Honourable senators, it is quite something for me to sit on this side and think back to when I sat on that side and reflect on the number of times that Senator Austin, and others who sat in this very seat, imposed time allocation when there was no such necessity.

Honourable senators, it is clearly stated on the public record that we made a commitment during the last election campaign that we would reintroduce our crime legislation and pass it within 100 days of Parliament sitting. I am not a mathematician, but I rather think that 100 days would indicate that it will be before this Parliament sometime before Christmas and dealt with when we resume sitting at the end of January.

Senator Fraser: With reference to Mr. Fournier, the Minister of Justice of Quebec, he asked the Minister of Justice of Canada if it would be possible for the respective experts in the two justice departments, or whatever experts they might choose to bring to the table, to sit down and see if an agreement could be reached on

amendments to the bill to make it conform with the philosophies of both the Government of Canada and the Government of Quebec on the matter of young offenders.

It is very unusual for a minister of Quebec to take such a proactive, would-be cooperative approach to legislation going through Parliament, yet the Minister of Justice of Canada simply said "No, we do not even want to have our experts talk." Why?

Senator LeBreton: First, with all due respect to Mr. Fournier, he is the Justice Minister of the Province of Quebec. We are dealing here with a piece of legislation that has been brought in by the federal government, as we promised we would, during the election campaign. It is a promise we intend to keep.

With regard to some of the cited differences between the situation in Quebec and federally, the honourable senator knows that the principles of rehabilitation and reintegration into society that have been successful in Quebec form the basis of Canada's youth justice system. The government, as we have been doing and will continue to do, will take a very balanced approach to protect Canadians while respecting Quebec's desire to continue to carry out its own youth justice approach. That is acknowledged.

Honourable senators, we are not imposing a situation; we are simply dealing here with federal legislation. Mr. Fournier is quite within his right to deal with the provincial legislation. We have other jurisdictions that are very supportive of the government's bill, Bill C-10, the Premier of British Columbia being one.

When dealing with federal legislation, obviously all justice ministers and governments will make the federal government aware of their issues and concerns. Justice Minister Nicholson has been in regular contact with the provincial and territorial justice ministers. We have a piece of federal legislation before Parliament. I would suggest that we, as parliamentarians, turn our minds to the federal legislation that has been placed before us.

PUBLIC SAFETY

PRISON POPULATION

Hon. Catherine S. Callbeck: Honourable senators, my question is to the Leader of the Government in the Senate. The government's changes to the Criminal Code have caused a huge strain on my province's correctional resources, as well as that of other provinces. According to Prince Edward Island's Attorney General, the provincial correctional facility on the Island has seen a 30 per cent jump in prisoners this year in the wake of these changes. We can only expect that it will get worse with the huge omnibus bill.

Provinces have been asking the federal government for assistance in covering these escalating costs. I know the question has been asked before, but I will ask the leader again because, with all due respect, she did not really give an answer. Does this government plan to help the provinces and the territories implement the federal changes to the Criminal Code?

Hon. Marjory LeBreton (Leader of the Government): First, honourable senators, I saw statistics the other day that do not bear out what the honourable senator has said about the increase in our prison population. I would have to determine why this is so in Prince Edward Island and not the case in the rest of the country. I do believe the head of Corrections Canada testified in the other place today to that very effect. The fact of the matter is that, as I already pointed out, the provinces and territories and the federal government have been working in broad consultation on all of these issues.

• (1500)

With regard to the crime legislation, obviously we have a clear mandate from the Canadian public. One of the concerns I always express when dealing with senators opposite is that they keep failing to mention the nearly $100 billion each year that is a direct cost to victims of crime and to our society because of crime. That far exceeds the costs that we are suggesting to fight crime.

Again, I would ask that honourable senators consider having as much sympathy for the victims as they apparently do for people on the other side.

Senator Callbeck: Honourable senators, as I said, the number of inmates in Prince Edward Island has jumped 30 per cent as a direct result of this new legislation. The increase for women is an astonishing 76 per cent.

Without additional funding, the correctional facility in my province is faced with the problem of having more inmates than it has beds. My province is in a very unique situation when it comes to corrections. There is no federal facility in Prince Edward Island. The provincial correctional facility provides a lot of services that the federal government should be providing.

As a result of all this legislation, P.E.I. is going to end up dealing with even more federal inmates. Will this government recognize Prince Edward Island's unique situation and commit additional funding for services for these federal inmates?

Senator LeBreton: Honourable senators, I will repeat the same point that I made to Senator Hervieux-Payette. Since this government took office, we have increased transfers to the provinces by 30 per cent, an increase of $2.4 billion in the last year alone.

Obviously, honourable senators, in the deliberations between the Minister of Justice and the various provincial ministers of justice, we will absolutely work very closely to ensure that we continue to help the provinces in this regard. I think the facts speak for themselves.

Again, I indicated to honourable senators that there was testimony in the other place not long ago about the increase in the number of prisoners in our institutions. The head of Corrections Canada testified that, in fact, a crisis is not happening.

I do not know what has happened in the intervening few months as to why the population has increased in Prince Edward Island. I will, as I said take the honourable senator's question as notice and ascertain to find out the facts.

Hon. Céline Hervieux-Payette: Honourable senators, I would like to come back to the increase to provinces. Could the minister give us the details of which program was increased and where

these monies were spent? I would like to believe the leader right away, but I think I need clarification as to where the money came from, where it was spent and what was increased.

Senator LeBreton: Honourable senators, I will take that question as notice.

TRANSPORT

X-RAY BODY SCANNERS AT AIRPORTS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is to the Leader of the Government in the Senate. On Monday, November 14, the European Union prohibited the use of X-ray body scanners at European airports. This was in response to the results of recent studies that revealed that body scanners used in airports, including those used in Canada, use ionizing radiation, a form of energy that is shown to cause cancer. Radiation experts have made it clear that airport X-ray body scanners violate a long-standing principle in radiation safety, that humans should not be X-rayed unless there is a medical benefit.

The European Union has taken steps to protect its citizens from the potential harm caused by being exposed to the radiation transmitted by the X-ray body scanners. When will the Canadian government take steps to protect the health and safety of our citizens?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the safety of the travelling public is, of course, the government's top priority. We invested $1.5 billion over five years to enhance Canadian aviation security. CATSA has committed to making the best possible use of all resources that have been allocated to its operations. Security will not and must not be compromised.

With regard to the health effects of the scanners, I read a report that the security scanners do not pose a health risk. Senator Jaffer seems to be citing authorities that make the opposite claim. I will be happy to seek further information as to whether scanners pose any health hazard.

Senator Jaffer: I appreciate that the leader will look into this matter to see if the X-ray body scanners hurt the health of Canadians. If her research shows that they do hurt the health of Canadians, will she undertake to impress upon our government the removal of these body scanners from airports?

Senator LeBreton: I cannot answer that question specifically, honourable senators. As I mentioned, I believe that the scanners, which are necessary for our airline security and safety, are not a health hazard. I will not take the leap into what-ifs. Let us get the facts, and then we will deal with it from there.

[*Translation*]

VETERANS AFFAIRS

NUMBER OF SUICIDES OF SOLDIERS IN THEATRE

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. Tomorrow, there will be a celebration to recognize the work of our sailors and airmen and airwomen who participated in the mission in Libya. Given that I was a member of the Canadian Army, I am looking forward to going and seeing pilots participating in a parade since we do not often see them at this type of event.

However, my question pertains to the missions that preceded the mission in Libya. The Department of Veterans Affairs does not keep track of how many soldiers and veterans commit suicide. Do the commissions of inquiry responsible for reviewing the circumstances surrounding the deaths of soldiers not recognize that soldiers who commit suicide often do so following a trauma they experienced during military operations? Should these soldiers not be counted among those who were identified as being killed in theatre? If these individuals were added to the 158 soldiers killed, the number of deaths would increase to about 200.

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, obviously, the subject matter of the question is very serious and troubling. I will definitely take the question as notice. I believe that I have heard some public discussion about this very sad and serious situation.

I appreciate the reference to the ceremonies that will take place honouring our Canadian armed service personnel returning from Libya, in particular Lieutenant-General Charles Bouchard, who led the NATO mission. I am sure all Canadians and all parliamentarians will be very happy to celebrate that particular event.

• (1510)

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Dyck on November 2, 2011, concerning Aboriginal Affairs, stained glass artwork.

[*Translation*]

Honourable senators, I also have the honour to table the answer to the oral question asked by the Honourable Senator Fraser on October 4, 2011, concerning Foreign Affairs, the European Union Political Framework Treaty.

[*English*]

Honourable senators, I have the honour to table the answer to an oral question asked by the Honourable Senator Dallaire on June 21, 2011, concerning Foreign Affairs, Canada's engagement in Sudan.

[*Translation*]

Honourable senators, I also have the honour to table the answer to the oral question asked by the Honourable Senator Jaffer on June 21, 2011, concerning Foreign Affairs, Canada's involvement in Sudan.

[*English*]

Honourable senators, I have the honour to table the answer to oral questions asked by the Honourable Senator Hubley on June 22 and November 15, 2011, concerning Foreign Affairs, United Nations Convention on Cluster Munitions.

PUBLIC SAFETY

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

(Response to question raised by Hon. Lillian Eva Dyck on November 2, 2011)

On October 27, 2011, the Honourable John Duncan, Minister of Aboriginal Affairs and Northern Development, announced that the Government of Canada will commemorate the legacy of Indian Residential Schools through a permanent installation of stained glass artwork in Centre Block on Parliament Hill.

The stained glass artwork will honour the First Nations, Inuit and Métis children who attended Indian Residential Schools, and their families and communities who were profoundly impacted by the schools' legacy.

The installation of this artwork will encourage Parliamentarians and visitors for generations to come to learn about the history of Indian Residential Schools and Canada's reconciliation efforts.

The Government of Canada will establish a panel of art experts to recommend a Canadian Aboriginal artist who will design the stained glass artwork.

FOREIGN AFFAIRS

EUROPEAN UNION POLITICAL FRAMEWORK TREATY

(Response to question raised by Hon. Joan Fraser on October 4, 2011)

The European Union (EU) and Canada are seeking to upgrade their bilateral relationship with Canada by negotiating a legally binding political framework agreement. Current high-level cooperation is founded upon the *1976 Framework Agreement for Commercial and Economic Cooperation* and subsequent MOUs and summit declarations, including the *2004 Partnership Agenda*, a non-binding declaration establishing priorities for cooperation.

The EU's position is motivated in part by its desire to ensure all its bilateral agreements reflect the new institutional developments in the EU under the Treaty of Lisbon, which entered into force in December 2009. These include new legal powers to sign treaties under the EU name, and instruction to negotiate 'political clauses' to accompany all future trade agreements. The EU would like to enshrine these clauses in a political framework agreement which spells out our consultation mechanisms and core areas of cooperation and gives direction to our bilateral relationship.

Canada and the EU recently held their first round of discussions. Ms. Alex Bugailiskis of the Department of Foreign Affairs and International Trade (DFAIT) is leading the negotiations on behalf of Canada, while the EU is represented by Mr. Tomas Dupla del Moral of the European External Action Service (EEAS), the EU's *de facto* foreign ministry. Canada's primary objective is to seek a concise, high-level agreement that reinforces our bilateral cooperation with the EU. We view the political framework negotiations as an opportunity to update our relationship by means of an enduring, evergreen document reflective of the depth and breadth of our strategic partnership. Specific issues and parameters for negotiations have yet to be confirmed, but we aim to keep discussions focused on issues under exclusive federal jurisdiction.

The opening round of negotiations was held on September 26-27 in Ottawa. At this meeting, negotiators discussed broad parameters and visions for the agreement. Subsequent negotiating rounds will likely take place via monthly electronic exchanges of drafts, and it is anticipated that negotiations could be concluded by the end of 2011 or early 2012. The political framework negotiations will proceed in parallel with, but separate from, our negotiations on a Comprehensive Economic and Trade Agreement (CETA).

A political framework agreement would put Canada-EU relations on an enhanced footing. In terms of results to be announced at a future Canada-EU summit, a political framework agreement would be an important political signal of our ongoing commitment and would send a strong message that Canada-EU relations are moving to a new higher level.

A concluded text would be subject to our domestic adoption process to bring it into force for Canada.

SUDAN

(Response to questions raised by Hon. Roméo Antonius Dallaire and Hon. Mobina S. B. Jaffer on June 21, 2011)

The Government of Canada has a fervent desire to see sustainable peace established throughout the Sudans. Canada remains committed to pursuing focused and principled engagement in both Sudan and South Sudan, based upon the fundamental values that underlie Canadian foreign policy priorities, namely freedom, democracy, human rights and the rule of law.

To this end, Canada has provided significant assistance to support the full implementation of the 2005-2011 Comprehensive Peace Agreement (CPA), which ended over two decades of civil war between Sudan and South Sudan. Canada also continues to invest significant effort toward resolving the separate conflict in Darfur. Currently,

the Government of Canada's contribution to peace initiatives in the Sudans includes the deployment of up to 25 civilian police officers and up to 50 Canadian Forces personnel to the UN peacekeeping missions in this context. Canada believes that long-term peace and stability in the Sudans will depend in large part on the effective resolution of key post-independence issues, requiring continued and engaged support from the international community.

In January 2011, in accordance with the provisions of the CPA, the people of South Sudan voted overwhelmingly in favour of secession from Sudan in a peaceful referendum. The Government of Canada recognized the credibility of this referendum process and its result, and, on July 9, welcomed South Sudan into the community of nations. Despite this significant accomplishment, several recent conflicts and on-going challenges are cause for concern, including the negotiations regarding post-CPA issues, such as oil-revenue sharing, borders, citizenship and debt.

Of particular concern is the escalation of violence in the disputed border region of Abyei. Canada has provided significant humanitarian assistance to respond to the immediate needs of the over 100,000 people displaced from Abyei and surrounding areas. On May 23, Canada's Foreign Affairs Minister issued a statement condemning both the violence perpetrated by the Northern and Southern forces and the subsequent military occupation of Abyei area by the Sudan Armed Forces (SAF). Canada then carried out a formal démarche calling on both sides to withdraw their forces, to ensure the protection of civilians, and to seek a negotiated resolution to the crisis. Canada is also supportive of the creation of the UN Interim Security Force for Abyei (UNISFA) under UN Security Council Resolution 1990, which authorizes the deployment of up to 4,200 Ethiopian peacekeepers, 50 police, and appropriate numbers of civilian personnel to the Abyei area.

The escalation of violence in Southern Kordofan is also of grave concern. On June 17, 2011, Canada's Foreign Affairs Minister issued a statement condemning the aerial bombings and attacks against civilians, and calling for an immediate cessation of hostilities. Canada also urged parties to ensure the protection of civilians as well as full, safe and unhindered humanitarian access to those in need. Canada is engaged with its international partners and stakeholders on the ground to find a peaceful resolution to the crisis. The recent signing of a framework agreement between the Sudan People's Liberation Movement — North and the Government of Sudan is a first step, as it provides a basis for negotiating political and security arrangements in the state, including a ceasefire.

Inter-ethnic violence in the South is also a growing problem. In the spring of 2011, South Sudan witnessed a sharp rise in militia activity, as the sense of Southern unity surrounding the referendum was undermined by competition for power, unaddressed grievances, and the politicization of local conflicts. According to the UN, 1,400 civilians have been killed in South Sudan this year alone. A large proportion of those casualties have been attributed to the activities of militias combating the Southern government. Other violence plaguing the South arises predominantly from cattle rustling, abductions and conflict over land use.

In this context, Canada continues to be one of the most highly engaged countries in international efforts toward alleviating the suffering of those affected by the conflict, and toward the establishment of long-term peace and stability in both Sudan and South Sudan. As part of this coordinated international effort, the Canadian government's contribution to peace initiatives, humanitarian assistance and reconstruction in the Sudans is substantial, totalling over $885 million since January 2006, in addition to assessed contributions to the United Nations (UN) in support of the UN Mission in Sudan, as well as the African Union/UN Hybrid Operation in Darfur (UNAMID).

In order to address violence and enhance peace within the South, Canada's Stabilization and Reconstruction Task Force (START) is working with experienced partners to build the capacity of the Government of South Sudan to enhance security, ensure the rule of law and deliver basic services to its population. While the Southern Government is highly autonomous, decades of conflict devastated the South and prevented the development of modern governance institutions. Canadian-funded initiatives include a comprehensive prison reform project and a program that builds the capacity of the Southern Sudan Land Commission to regulate and protect land ownership and tenure. At a community level, Canada is helping residents work with their local government to identify and address sources of insecurity, for example, by building and equipping police posts.

In terms of peacekeeping, Canada welcomed the recent UN Security Council Resolution on the creation of a new mission — the United Nations Mission in the Republic of South Sudan (UNMISS) — that came into being as of July 9, 2011. According to Resolution 1996, UNMISS has a mandate focused on state building, conflict mitigation and the protection of civilian in South Sudan. The mission is expected to include up to 7,000 military personnel, as well as up to 900 civilian police personnel, and a civilian component, including human rights experts. Canada believes that this mission is vital to stabilization and safety across the Sudans.

The Canadian International Development Agency (CIDA) has provided over $507 million in both humanitarian and development in assistance to the people of the Sudans, including $243 million for humanitarian relief throughout the two countries and for Darfuri refugees in Chad. Humanitarian assistance in the Sudans is delivered through experienced humanitarian partners, such as UN humanitarian agencies, the International Committee of the Red Cross, and Canadian non-governmental organizations, which are best placed to determine the most effective method of humanitarian aid delivery.

Foreign Affairs and International Trade Canada is in regular contact with Republic of South Sudan representatives based in Ottawa. Canada's five government officers based in Juba maintain an ongoing dialogue with Republic of South Sudan officials. Canada's officers based in Juba are

accredited to the Canadian High Commission in Nairobi, making the High Commissioner to Kenya Canada's Ambassador to the Republic of South Sudan.

The Government of Canada will continue to play an active role in promoting a just and lasting peace throughout the Sudans, with the ultimate objective of achieving two viable states at peace internally and with each other.

UNITED NATIONS CONVENTION ON CLUSTER MUNITIONS

(Response to questions raised by Hon. Elizabeth Hubley on June 22 and November 15, 2011)

The Government of Canada is pleased to have been among the 94 countries that signed the Convention on Cluster Munitions on 3 December, 2008 in Oslo, Norway. Since signing the Convention, Canada has contributed significantly to its implementation, both financially with a contribution of $1,000,000 to Lao PDR for clearance of cluster munitions as well as intellectually, with the development of the Convention's 2011 work plan which was adopted at the First Meeting of States Parties in Vientiane. Canada is continuing its work in this regard with the participation in development of the structure needed to successfully implement the Convention. This implementation architecture, which consists of the establishment of a committee structure, a coordination mechanism, an implementation support unit and a regular work programme, was endorsed by the Convention's June 2011 intersessional meeting and was formally adopted at the Second Meeting of States Parties in Beirut in September 2011.

Authority to deposit the instrument will be sought once necessary actions to ratify the convention, including domestic implementation, have been put in place.

[*Translation*]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I would like to inform the Senate that when we proceed to Government Business, the Senate will address the items in the following order: first, second reading of Bill C-16; second, Motion No. 17; third, Motion No. 18; and fourth, other government business, as indicated on the Order Paper.

[*English*]

NATIONAL DEFENCE ACT

BILL TO AMEND—SECOND READING

Hon. Daniel Lang moved second reading of Bill C-16, An Act to amend the National Defence Act (military judges).

He said: Honourable senators, the passage of the bill before you has very serious consequences for the military judicial system and I would recommend we expedite its passage as quickly as possible.

The amendments contained in Bill C-16 will satisfy the ruling that the Court Martial Appeal Court issued a short five months ago. In the ruling they found the current legislation governing the appointment of military judges does not satisfy the constitutional requirements for an independent judiciary. As part of the ruling, Parliament has been given until December 2 to remedy this oversight.

Honourable senators, the bill before us raises many questions. One that comes to mind is this: Why do we have a separate judicial system for the military? Upon examination, the answer is logical and straightforward. The military court deals with matters that pertain to discipline, efficiency and morale of the military and reaches far beyond the responsibility of our civilian courts. It should also be noted that both the Supreme Court of Canada and the Charter of Rights and Freedoms recognize the need for a separate military justice system.

The next question is this: Why are we asking to change the tenure of the appointments for military judges?

Colleagues, the legislation that is presently in force provides that military judges are appointed to a five-year renewable term. This five-year term limit was found to be unconstitutional. We are recommending it be replaced with an amendment that grants the long-term security of tenure for military judges and that will ensure the independence of the judiciary.

Honourable senators, another question that comes to mind is the following: Why is the appointment of military judges limited to 60 years of age?

At the onset it should be noted that the maximum retirement age for Canadian Forces officers under current legislation is age 60. We are recommending that this retirement age be maintained, since in order to be a military judge you must be a commissioned officer within the Canadian Forces, where, as I stated earlier, the maximum retirement age is 60.

It is also important to note that these judges, like all military personnel, must maintain a minimum level of fitness, especially given that courts martial are portable and can be held in theatres of hostilities in the middle of armed conflict. It should also be highlighted that the judge who made this decision noted that the age of retirement should be the same for all military judges.

Honourable senators, as I mentioned earlier, December 2 is the date that the courts have given Parliament to remedy this situation. It is important to note that this bill had swift passage through the other place and had unanimous support. Obviously time is not on our side, and I would strongly recommend that we expedite this bill so we can meet the December 2 date, which will help maintain the integrity of the military justice system.

Hon. George Baker: Honourable senators, I have a couple of words on this bill. Senator Lang, of course, is very familiar with introducing legislation. He served with distinction for many years in ministerial positions in the Yukon legislature. He served in many different functions and introduced much legislation.

However, honourable senators, I doubt he ever introduced legislation that created a mandatory retirement age of 60. Granted, this did pass the other place very quickly and will undoubtedly pass here in the Senate because of a deadline set, as Senator Lang said, by the Court of Appeal, which, as His Honour will know, being a former law professor, is made up of civilian judges. The Court Martial Appeal Court of Canada is made up of judges of the Federal Court.

Today all of the legislation in Canada, provincial and federal, specifies retirement ages that are far greater than 60 years of age for any judge. We know that at the Supreme Court of Canada, retirement is at 75 years of age. That was established in 1927 with the court of the admiralty, which would have been the Exchequer Court, the Admiralty Division. Senator Angus knows this quite well because he has litigated cases there and he has litigated cases before the Supreme Court of Canada.

Way back in 1927, the retirement age of 75 was established for the Supreme Court of Canada. Then along the way we made the retirement age for all superior court judges in the provinces 75. Why? That is because of the tenure-of-office requirement for judicial independence. There are three components of judicial independence. One is tenure of office. In other words, you are guaranteed to work until you eventually want to retire or you should want to retire. Second is a guarantee of sufficiency of income — in other words, a very large income. The third, which does not have to do with the Environmental Protection Agency of the United States or Governor Perry, pertains to the authority of the court.

• (1520)

There are five groups of court judges: military court judges; judges of the Tax Court of Canada; Federal Court judges; provincial superior court judges; and justices of the Supreme Court of Canada. The retirement age of those judges is 75 years at the Supreme Court of Canada, the superior courts of the provinces, the Federal Court of Canada and the Tax Court of Canada. The average age of a provincial court judge is 70 years, although it is 75 years in Alberta. I believe that Ontario changed the age from 65 to 70 years recently. That was the lowest age.

There is a great discrepancy in the tenure of office for federal judges because today we will pass into law a mandatory retirement age of 60 years. The minister's officials and the staff of the Judge Advocate General, who will undoubtedly appear before the Standing Senate Committee on Legal and Constitutional Affairs tomorrow, will have their staff read what has been said in the chamber. I hope they will pay attention because the committee passed recommendations some time ago related to military judges, and there was nothing in those recommendations about making a mandatory retirement age of 60 years. However, the requirement to eliminate the five-year period for reappointments was recommended. The second requirement is tenure of office.

The next is salary. Senator Lang makes the correct analogy that these judges were recruited from the military. No one else in the military makes over $200,000 a year as these judges make. The Judge Advocate General is tied to the wage of the superior court judges, which is $260,000 a year. Every superior court judge in this nation makes $260,000 a year, as does the Judge Advocate General.

An honourable senator said that someone makes more. Yes, the chief justices of the courts of appeal make more.

Senator Angus: The litigants make more.

Senator Baker: Honourable senators, a judge of a military court not only performs a military function, as we all know because we changed the law, but also administers the Criminal Code of Canada for people in the Armed Forces as well as for civilians. If a committee of the Senate went on a trip overseas and a senator broke the law, he or she would be tried by a military court. The senator would not have access to a Canadian court or to a court in the nation in which the offence was committed because the senator is part of a committee dealing with the military. If a senator accompanied the minister on a trip and broke the law in a foreign nation, he or she would be tried by a military court.

Military judges try every case under federal law except first degree murder and child abduction. Those only two exceptions are found under sections 280 and 283 of the Criminal Code. Otherwise, they try every single case except matters of civil law in Canada. We are dealing not only with military law but also with the Criminal Code — with every function of a provincial superior court judge in 95 per cent of his or her cases. The National Defence Act states that they are responsible for all of the duties that come under the responsibility of a superior court judge in a province.

The case reported in today's newspapers was of a soldier sentenced to four years of imprisonment yesterday because he inadvertently, according to the court, shot and killed his partner — another soldier — who was in the tent where he was staying. He was convicted of criminal negligence causing death, for which the judge said the minimum sentence is four years. He was also charged with and convicted of a matter under the military's Code of Conduct. Why was that? It was because he is in the military.

Honourable senators will also notice in that newspaper article that this was the second time this case was tried. Why was that? It was because an objection was made to the composition of the jury. Members of the Senate Legal Committee know that a jury in a military trial is not like a jury in civilian courts. The jury panel is comprised of five persons.

At the end of the same article, the lawyer for the convicted soldier said that he will appeal because of another matter in contention with the rules of the military court.

Honourable senators, in the mid-1990s we passed a law that gave military judges the jurisdiction to try everything under the Criminal Code and everything relating to federal legislation. It has been a process since 1995 of Charter violations, of correcting this and that, of striking out, and of reading in and reading down in terms of legislation. Senator Lang said that Bill C-16 will replace a provision in the National Defence Act that says a military judge is appointed after application every five years. That is not exactly correct, although I know it is in the briefing notes. The five-year provision was struck out about four years ago and does not exist today. One can read it because it is written there, but it has been excised by subsequent court judgments that determined it could not stand because it violates the Charter and is not saved by section 1 of the Canadian Charter of Rights and Freedoms.

What are we left with? I do not want to go on too long, but we are left with a bill that says we will make a mandatory retirement age of 60 years. In the committee's investigation during its study, we could find no evidence of someone saying that the retirement age should be 55 or 60 years. What should the retirement age be?

As His Honour knows from his former position as a law professor, we have many court cases and much legislation that determine retirement age. The Canadian Charter of Rights and Freedoms states at section 15(1) that you cannot discriminate against someone on the basis of age. Section 15(1)(*c*) of the Canadian Human Rights Act, which I drew out a moment ago, outlines the exceptions to discrimination.

• (1530)

Section 15(1) reads:

> It is not a discriminatory practice if

Section 15(1)(*c*) says the following, which is what prevails in federal jurisdiction:

> (*c*) an individual's employment is terminated because that individual has reached the normal age of retirement for employees working in positions similar to the position of that individual;

Who works in a position similar to that of a court martial judge who administers all the laws of Canada, both here and abroad? The National Defence Act says superior court judges. It says that, according to their salary scale, court martial judges fall between provincial court judges and superior court judges.

The Human Rights Act of Canada says it is not discriminatory for an individual's employment to be terminated because that individual has reached the normal age of retirement for employees working in similar positions. The normal age of retirement for superior court judges is 75 and for provincial court judges is 70.

The difference is tenure of office. Some military judges may only be appointed at age 55, because they must be a member of a bar for 10 years before they can be appointed. What will they do at age 60 when they are making in excess of $200,000 a year and they suddenly have to retire because of this bill, which I know that we will pass?

Did they have tenure of office for judicial independence? They had the salary requirement and the authority requirement, but did they have tenure of office? What do they do when they reach the age of 60?

The only example I can find of people who have to retire at age 60 is Air Canada pilots. This was visited just about five months ago in court, and a decision was made that this was unconstitutional and not saved by the Charter.

There is a case, honourable senators, that throws a wrinkle in all I am saying and supports what Senator Lang said. It is a case of the Supreme Court of Canada called *McKinney v. University of Guelph*. That judgment said that it is unconstitutional, but it is saved. That case had to do with a university professor.

We are not dealing here with a university professor; we are dealing with the Canadian Charter of Rights and Freedoms, which only applies to government actions. The Canadian Charter of Rights and Freedoms does not apply to private actions in the workplace, only to government actions. In other words, it applies to Parliament, federal government employees, federal government legislation, federal government action and actions of the provinces. That is written in section 32 of the Canadian Charter of Rights and Freedoms, and that is what we are dealing with here.

I suspect, honourable senators, that this bill will pass. We have to pass it.

Do not forget what the Court of Appeal has said. In a case called *LeBlanc*, Corporal Alex LeBlanc was working at the 2008 Francophonie Summit. He was sitting in a truck on alert behind a hangar in Bagotville, Quebec. He had a submachine gun behind him and was tasked, along with another corporal, to watch the F-18 jets that were on alert in case they were needed because of the summit.

The driver of the truck left to use the washroom in hangar number 7. During the five minutes that he was gone, two sergeants pulled up on the passenger side of the truck in which Corporal Alex LeBlanc was seated. The sergeants looked over and saw that Corporal LeBlanc closed his eyes for 10 seconds. The judgment of the court was that in closing his eyes for 10 seconds Corporal LeBlanc violated the National Defence Act in that he did not behave as a soldier should behave while on active duty, and he was convicted.

Corporal LeBlanc appealed his conviction to the Court of Appeal. His lawyer asked for a stay of proceedings, in other words, for the entire matter to be dropped because the judge who heard the case was not impartial. The judge was appointed every five years and looked to the Judge Advocate General, the minister and the executive to be reappointed every five years. Therefore, not having tenure of office, the judge was not impartial.

In its judgment, the Court of Appeal said that they were fed up with having courts martial make rulings that this law should not be written the way it is. The Court of Appeal struck down four sections and gave the Parliament of Canada six months from June 2, 2011, to fix it, failing which the National Defence Act would be of no effect.

Obviously, honourable senators, this bill has to pass, and it has to pass quickly. If it does not, perhaps we will see another bill, because someone will challenge the constitutionality of what we are doing here today.

Do not get me wrong, I am supporting this.

Senator Angus: It is unconstitutional to have to retire at the age of 70.

Senator Baker: That is right. It is unconstitutional, according to the law today, as Senator Angus well knows, because he looks 25 years younger than he actually is. His mental capacity, ability and agility are greater than those of any lawyer at age 45, and he should not be permitted to retire at age 75.

It is against section 15(1) of our Constitution to discriminate against someone because of age. That is why every code in every province in this country has removed the word "65." Ontario was the last to do so in 2007. Every province had done so because it is against our Charter to impose a mandatory age of retirement of 75. The requirement for retirement at age 75 is in section 99 of the Constitution Act. It is actually a part of the Constitution as far as superior court judges are concerned.

• (1540)

I would hope that the minister and the JAG, who will be appearing before the committee, will have a look at this and say, "You know, maybe there should be a change made and make it age 70 instead of age 60, or prepare for another change to be made in the next legislation."

The Hon. the Speaker *pro tempore***:** Will Senator Baker accept questions?

Senator Baker: Yes.

Hon. Roméo Antonius Dallaire: Honourable senators, it may not surprise Senator Baker that I wish to query him on his position. I have had the opportunity to discuss this matter with some former Judge Advocates General, and there is a consensus that the age of 60 makes a lot of sense in this legislation, for the reasons that were well explained by Senator Lang. I think there is no argument on that side of the house. Having sat on courts martial and so on, having that stability would be quite helpful, particularly in these complex times when we are facing ambiguous legal problems mostly in the field in the operational sense but also on garrison.

I want to query the honourable senator on the option of going beyond the age of 60 and the fact that it might be contested.

I believe the National Defence Act says that the retirement age is the age of 55, yet for operational reasons or specific reasons, that limit can be extended, I believe on a yearly basis, to the age of 60, although judges would have special dispensation with this law.

The National Defence Act also recognizes that the military is a young person's profession. One of the last things we want is an elderly general or corporal trying to be the front edge of our defences or our offences overseas, as we have seen in previous wars, which has not been particularly effective all the time. However, we want to keep that brainpower.

The option of extending the limit to the age of 70 I find rather interesting for judges. However, if we did that, we would have to then question the universality of service in the National Defence Act because they are still wearing a uniform. The honourable senator is absolutely right in that there is no other comparison with judges in the military. However, those in uniform are also a reference, so in order for them to go beyond the age of 60, we would have to amend the National Defence Act and the universality of service with regard to them being able to serve anywhere in the world over the age of 60 up to the age of 70.

Does the honourable senator believe a second step should be entertained of looking at the option of extending the limit to the age of 70 but putting into question the whole age limit of 60 for the rest of those serving in uniform and then having a bunch of people litigating against having to retire at the age of 60, even though their requirements would be an operational hindrance to the forces?

Senator Baker: There was a recent change made that brought the age to 60. The honourable senator is correct, that even beyond the age of 60, there is a provision that with the approval of the minister or the Chief of Defence Staff, one can be extended beyond that.

The reason I came to the conclusion that I came to is by reading the judgments over the years. It has been supported by such people as Chief Justice L'Heureux-Dubé, for example, just the other day in a report on the compensation of military judges, where she was on the commission that was appointed. I will just read two sentences for honourable senators. It is in the report on page 16. It says:

> Given that military judges are nominated by the federal government and that their jurisdiction extends to the whole of the country and even beyond, it defies logic and policy in my view. . . .

— we are talking about remuneration here now —

> . . . it defies logic and policy in my view that, as far as remuneration is concerned, military judges are not considered judges of the federal court as is another specialized court, the Tax Court of Canada.

Then she goes on to say, talking about the points made by the previous speakers:

> These are valid points but, in my view, they do not touch on the logic of the system for federally appointed judges. For example, *grosso modo*, the Tax court. . . .

— *grosso modo* is Italian for "roughly speaking" —

> . . . the Tax court has no jurisdiction in criminal matters and the Military court has no jurisdiction in civil matters. The inescapable conclusion is that both are specialized courts within the federal court system and it does not displace the fact that judges of both courts are nominated by

> the federal government to deal with federal matters with full territorial jurisdiction and whose both decisions are appealable to the Federal court, called courts martial as regards the Military court. In my view, these are the proper criteria which militate in favour of a unified federal court system and a similar remuneration for all judges of the federal court system.

However, honourable senators, the opinion expressed is, because the job of military judges has changed so dramatically, they deserve the tenure of office and the remuneration that other federal court judges get.

Senator Dallaire: The honourable senator is absolutely right that in fact since Somalia, Chief Justice Dickson and subsequently Chief Justice Antonio Lamer made significant changes to the National Defence Act, which expanded, clarified and made more compatible our military justice system to the civilian system. Of course, the requirements overseas are far more complicated than when we were in Germany, where the judges would be responsible for bringing in front of them the dependents, the families and children, who were tried overseas. It was through a military court.

I must return to the operational and uniform side of this. I am fully in agreement that we extend the age limit to 60, no question. The option of going to the age of 70, however, puts serious questions on the age limitations of the members of the forces and the fact that they are wearing a uniform and are subject to universality of service, which affects everyone else in the forces. If you are going to create an exception, there has to be a way to respond to that.

There are some countries whose judges are civilians of courts martial. Holland is an example. Maybe an option hopefully in the future is that they extend the age limit to 70, but perhaps they take the uniform off at the age of 60 and they continue to be a judge of a court martial court without necessarily wearing a uniform. However, that would be changing the rules significantly, and I wonder if that is going down the road that the honourable senator is hoping to see.

Senator Baker: Honourable senators, *Giroux v. Her Majesty the Queen* was Chief Justice Lamer's case, and his judgment has been referenced since 1990 by the Supreme Court of Canada. The facts have changed because of the change of jurisdiction of the judges as a result of what happened in the mid-1990s. Prior to that, of course — the honourable senator is correct — even in Canada, if military personnel was charged with an offence under the Criminal Code, he or she was not tried by a military judge; they were tried by a civilian judge. That was our system, but our system has changed. All charges are now tried in the military court.

To rebut the honourable senator's argument on the age of 60 requirement, as he pointed out, there is a provision that an ordinary officer of the military, with the permission of the Chief of Defence Staff or the minister can extend beyond the retirement age. That does not exist for the judges.

• (1550)

Hon. Joan Fraser: It is on this business of an extension. Did I understand the honourable senator to say that military judges can have their terms extended?

Senator Baker: No.

Senator Fraser: No, I did not understand him to say that. That is good, because it would have raised all kinds of alarm bells about independence of tenure.

Let me come back, then, to this question of the age of retirement, the general retirement age in the military being 55, and the proposed age for judges being 60. I thank Senator Dallaire for raising the question as well.

If I try to relate that to what happens out here in non-military land, at the time when federal judges were told they would retire at 75, most Canadians were subject to a retirement age of 65. The same reasoning applied to senators. One could argue that judges and senators were given those extra years so that the system could benefit from their wisdom and experience, but that it was deemed appropriate that they not be allowed too great an extension beyond the system that applied to most of the universe in which they operated.

If I think that reasoning is reasonable, is it then perhaps a saving argument — I do not know and am asking the honourable senator for a legal opinion here — to say that the general universe in the military is subject to 55, so that little extra grace period for wisdom and experience for military judges — a five-year allocation — would be appropriate, or does he think that argument would just fall off the table?

Senator Baker: I think, first, that Senator Lang was absolutely correct; the retirement age today is 60.

Senator Fraser: Is that for the military?

Senator Baker: Yes. However, the provision still exists for the extension. The honourable senator asked me if that applies for military judges. I read one judgment in which the judge said that it did not apply, but one judgment does not make it correct that it actually does apply. We will have to ask that question tomorrow: Does that extension apply? That would then get to the question that the honourable senator was getting to.

Honourable senators, in conclusion, let me say that I have looked at the case law recently, and I noticed that the House of Commons committees have not been quoted at all as of recent, but the Senate has maintained that high standard of being quoted in our courts. The Banking, Trade and Commerce Committee, Senator Angus and Senator Oliver have been quoted, and Senator Wallace has been quoted as well, introducing bills.

What is remarkable, honourable senators, is a decision of the Ontario Court of Appeal that took a report from the Senate, made a judgment on it, and overturned a decision of a distinguished judge of the Ontario lower court, Madam Justice Cohen. Members of the Constitutional and Legal Affairs Committee will know what I am talking about. We were dealing with youth. We went to the DNA centre of the RCMP and came up with a report. The judge had said in a judgment that the DNA records were not being kept properly. With the release of the report of the Standing Senate Committee on Legal and Constitutional Affairs, an appeal was made to the Court of

Appeal. The Court of Appeal ruled and overturned the judgment of the lower court because of new information that was supplied by the Crown, which was from the report of the Legal and Constitutional Affairs Committee.

I think that is a first for the Parliament of Canada for that happening, and I was shocked. You have to prove the new evidence you wish to introduce on appeal, because normally you are dealing with only what the trial judge was faced with, not new evidence. You must meet a very high standard in order to have new evidence brought in on appeal, but it certainly goes to the respect that this place is held in by our judges. The Senate of Canada is doing, has done, and continues to do its great job.

Senator Lang: I would like to debate.

The Hon. the Speaker *pro tempore***:** Senator Lang has already spoken. Is this by way of rebuttal to Senator Baker?

Senator Lang: Mr. Speaker, my understanding is I get to speak twice, once when I introduce the bill, and I get to conclude.

The Hon. the Speaker *pro tempore***:** Honourable senators, if Senator Lang speaks again now, it will have the effect of concluding debate on this matter.

Senator Lang: Honourable senators, I do want to conclude the debate here. I want to thank my learned colleague Senator Baker for all the knowledge that he has presented to us. I was surprised to find out, finally, at this stage in my political career, that Senator Baker is actually human. When he thinks of that third reason that he had forgotten a little earlier in the debate, I am sure he will bring it forward and we can all debate that for the rest of the day.

Honourable senators, there are a number of other elements that, perhaps, never got the emphasis they should have. Our friend Senator Dallaire pointed out that the universal maximum retirement age is 60 in the military and there are a number of reasons for that. Obviously, from the point of view of the Armed Forces, how the Armed Forces are run and the morale of the Armed Forces, there is a plethora of reasons as to why it is 60 years of age.

It should be pointed out it is not 60 years of age for everyone. It depends on the type of job that an individual takes on when he or she joins the Armed Forces. For example, my understanding is if your profession in the military is a sniper, obviously, you will be retiring earlier than 60 in that type of vocation. It is not a lock-fast age that is given to everyone in the Armed Forces. It depends on what they do, how they do it and the position they hold.

It is important to realize that what we are asking of these judges is not just from the point of view of their being a member of the military, obviously, as they have the legal background that is required to do the job that we are asking them to do. At the same time, a level of fitness is required. That is something I would submit to Senator Baker that he never highlighted or brought to the fore as part of his position brought to the house. That, to me, is a reason to have a designated age for the purposes of retirement that sees that individuals at a reasonable age can meet that fitness test. We do know that their job, as Senator Baker pointed out, is not just in Canada, but also outside of Canada. In theatres of conflict, situations can develop where individuals would be called upon to do what they would not be called upon to do in holding a court proceeding in this country.

Honourable senators, it will be an interesting committee hearing tomorrow. We have some learned witnesses who will come before us. I think that, by the end of the day, my colleague Senator Baker will be convinced, as I am, that age 60 for this type of position is more than satisfactory.

The Hon. the Speaker *pro tempore***:** Honourable senators, it has been moved by Senator Lang, seconded by Senator L. Smith, that the bill be read the second time. 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 Lang, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

• (1600)

THE SENATE

STATUTES REPEAL ACT—MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Mockler:
>
> That, pursuant to section 3 of the *Statutes Repeal Act*, R.S., 2008, c. 20, the Senate resolve that the following Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:
>
> 1. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;
>
> 2. *An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act*, S.C. 1998, c. 22:
>
> -ss. 1(1) and (3), 2 to 5, 6(1) and (2), 7, 9, 10, 13 to 16, s. 17 in respect of par. 88(1)(a) of the English version of the *Canada Grain Act* and in respect of the portion of s. 88(1) of the French version of the *Canada Grain Act* that reads as follows: "soit pénétrer dans une installation ou dans les locaux d'un titulaire de licence d'exploitation d'une installation ou de négociant en grains ou en cultures spéciales s'il a des motifs raisonnables de croire que des grains, des produits céréaliers ou des criblures s'y trouvent, qu'ils appartiennent au titulaire ou soient en sa possession, ainsi que des livres, registres ou autres documents

relatifs à l'exploitation de l'installation ou du commerce", and ss. 18 to 23, 24(2) and (3) and 26 to 28;

3. *An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts*, S.C. 1998, c. 17:

   -ss. 6(3), 7, 18(1), 19(4), 22 and s. 25 in respect of s. 47 of the *Canadian Wheat Board Act*;

4. *Agricultural Marketing Programs Act*, S.C. 1997, c. 20:

   -ss. 44 to 46;

5. *Canada Grain Act*, R.S., c. G-10:

   -par. (d) and (e) of definition "elevator" in s. 2, and

   -ss. 55(2) and (3);

6. *Canadian Wheat Board Act*, R.S., c. C-24:

   -ss. 20 to 22;

7. *Budget Implementation Act*, 1998, S.C. 1998, c. 21:

   -ss. 131 and 132;

8. *An Act to implement the Agreement on Internal Trade*, S.C. 1996, c. 17:

   -ss. 17 and 18;

9. *Nordion and Theratronics Divestiture Authorization Act*, S.C. 1990, c. 4:

   -s. 9;

10. *Preclearance Act*, S.C. 1999, c. 20:

    -s. 37;

11. *Contraventions Act*, S.C. 1992, c. 47:

    -ss. 8(1)(d), 9, 10, 12 to 16, 17(1) to (3), 18, 19, 21 to 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 with respect to ss. 1, 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16, and 85;

12. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

    -ss. 89, 90, 97, 107(1) and (3), 109, 128, 174, 175(2), 176(1), 177, 178, 180 to 186, 275, 277, 286 to 288 and 290;

13. *Firearms Act*, S.C. 1995, c. 39:

    -par. 24(2)(d), ss. 39, 42 to 46, 48 and 53;

14. *Marine Liability Act*, S.C. 2001, c. 6:

    -s. 45;

15. *Canada Marine Act*, S.C. 1998, c. 10:

    -ss. 140, 178, 185, and 201, and

    -Part 2 to the Schedule; and

16. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

    -ss. 155, 157, 158, 161(1) and (4).

Hon. Wilfred P. Moore: Honourable senators, I have taken a look at this motion. There are a number of statutes involved and there are a couple that I have some questions about, so I would like to take the adjournment, please.

The Hon. the Speaker *pro tempore***:** It has been moved by the Honourable Senator Moore, seconded by the Honourable Senator Tardif, that further debate on this matter be adjourned until the next sitting of the Senate.

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

Hon. Senators: Agreed.

Senator Moore: That is for the remainder of my time.

The Hon. the Speaker *pro tempore***:** For the remainder of your time, yes.

Hon. Senators: Agreed.

(On motion of Senator Moore, debate adjourned.)

POINT OF ORDER

Hon. Wilfred P. Moore: Your Honour, I rise on a point of order. I read Motion No. 18, and we do not have the subject matter of the motion before us. I do not know how the motion is in order. We do not have a bill before us, yet we are dealing with something that is not here; at least, the motion proposes to deal with something that is not here. I do not think it is in order, and I look for His Honour's ruling on it.

The Hon. the Speaker *pro tempore***:** Is there any further debate on the point of order of Senator Moore?

Hon. Claudette Tardif (Deputy Leader of the Opposition): Your Honour, I also have a point of order on this same motion, but not on the same issue as the honourable senator. I would look to Your Honour for guidance as to whether or not I should proceed at this time.

The Hon. the Speaker *pro tempore***:** I think we should just have debate on one point of order at a time.

On the point of order of Senator Moore, is there further debate?

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I just want to make sure we are still before the presentation of the motion. A point of order was raised according to which the time allocation motion was not before the

Senate, or that its subject matter was not before the Senate. However, I am reading Motion No. 16, which provides for the committee to conduct a preliminary study of Bill C-18. We received a proposed amendment, which we have debated and we have a vote at 5:30 p.m. on a motion to amend the main motion.

If the motion is not before the Senate, then I wonder what we are going to do at 5:30 p.m. Perhaps I have misunderstood Senator Moore's point of order. I do not see how we can say this is not before the Senate.

[*English*]

The Hon. the Speaker *pro tempore***:** Is there further debate on the point of order?

There being no further debate, the chair will take this matter under advisement and report back later this afternoon.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** My request, honourable senators, is to have a suspension for 15 minutes while I take the matter under advisement, and I will report back in 15 minutes.

Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** May I leave the chair?

Hon. Senators: Agreed.

(The Senate of the Senate was suspended.)

• (1620)

(The sitting of the Senate was resumed.)

The Hon. the Speaker: Honourable senators, an important point of order was raised by the Honourable Senator Moore that I am prepared to rule on.

As honourable senators know, it is related to Order No. 18 on the Orders of the Day. As to the matter raised by Senator Moore — rule 74 is clear and the matter has been before the Senate for some time. I want to refer honourable senators to page 76 of the *Rules of the Senate* and rule 74(1):

> The subject-matter of any bill which has been introduced in the House of Commons, but not read the first time in the Senate, may be referred to a standing committee for study.

This is the essence of the authority that we have to do a pre-study of a bill that has been introduced in the House of Commons and is not yet before the Senate. This practice is not unusual; the matter before us is not out of order.

What does cause me a little bit of concern on the orderliness of our proceedings is that when the table called Order No. 18, I was listening while signing some papers. I did not hear the question being put. The house has no idea, although the order has been called, what is the will of the house as to whether to put the question or have it stand. Order No. 18 has been called, and we need to hear from the house the disposition.

[*Translation*]

Senator Carignan: Your Honour, with all due respect, a point of order can be raised at any time. I understood that the point of order was raised before we began studying the motion, which has its consequences. I believe it is advisable to rule immediately.

I believe that Senator Tardif also indicated that she had a point of order. It seems it is about the form of the motion, so I think it advisable to rule on the issue — if there are other points raised — before moving ahead with moving the motion.

The Hon. the Speaker: Honourable senators, I believe that the first step is to move a motion before the house. Without a motion, it is difficult to know which issue is the subject of the point of order.

Senator Carignan: The motion that explained the content of the motion. I believe that the point of order was on the notice of motion.

The Hon. the Speaker: Honourable senators, this is not that complicated. We are waiting for Motion No. 18 to be moved. What is the house's intention? Will someone move the motion?

Senator Carignan: We will move the motion.

[*English*]

MARKETING FREEDOM FOR GRAIN FARMERS BILL

ALLOTMENT OF TIME FOR DEBATE— MOTION WITHDRAWN

Hon. Donald Neil Plett, pursuant to notice of November 17, 2011, moved:

> That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of the motion number 16, concerning the Canadian Wheat Board;
>
> That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the motion; and
>
> That any recorded vote or votes on the said question shall be taken in accordance with rule 39(4).

The Hon. the Speaker: I will put the motion clearly to the house so we all know what is before us. It is moved by the Honourable Senator Plett, seconded by the Honourable Senator Ogilvie:

> That, pursuant to rule 39, not more than a further six hours of debate be allocated for the consideration of the motion number 16, concerning the Canadian Wheat Board;

> That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the motion; and
>
> That any recorded vote or votes should be taken in accordance with rule 39(4).

Honourable senators, that is the question now before this house.

[*Translation*]

Hon. Ferdinand Robichaud: Your Honour, I would like some clarification. Does that mean that the point of order raised by the Honourable Senator Moore was not a point of order because the question was not put? Should he raise it again, if he believes that this question has not been put correctly?

[*English*]

POINT OF ORDER

Hon. Wilfred P. Moore: Your Honour, in view of that little lesson in Senate protocol, I would like to again properly raise the point of order. As I mentioned earlier, I fail to see how this matter is properly before us, given the fact that we do not have a bill before us. I do not think it is properly before us.

The Hon. the Speaker: Honourable senators, it is not necessary for me to hear any more arguments on that because rule 74 provides explicitly that a notice can be given and a motion be brought to the house to propose a pre-study on a bill that is yet to be received in this house. In fact, *mutatis mutandis* is what pre-study means. The house is not impeded from proceeding on this motion on this basis.

POINT OF ORDER

Hon. Claudette Tardif (Deputy Leader of the Opposition): Your Honour, I rise on a second point of order. I believe that the motion presented by the deputy leader on behalf of the government is defective. It is defective because he did not give proper notice of this motion last week.

The motion seeks to place time allocation on a motion that was not adjourned at the time that notice was given.

Your Honour, I draw your attention to rule 39(1), which states:

> At any time while the Senate is sitting the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration of any stage of consideration of any adjourned debate on any item of government business.

When the Deputy Leader of the Government rose to give notice of time allocation at the last sitting of the Senate, Senator Plett's motion for pre-study had not been adjourned. Immediately prior to this notice being given, the motion in question, No. 16, was before the Senate. An amendment was moved and a vote on said amendment was deferred until the next sitting of the Senate. There was no adjournment.

If anything, consideration of Senator Plett's motion had been suspended so that the motion in amendment of Senator Banks could be disposed of. There was no motion to adjourn debate.

• (1630)

Your Honour, the *Rules of the Senate* do not provide a definition for the term "adjournment," but we have rule 49(2), which states that:

> 49(2) A motion to adjourn the debate on any item of government business shall be deemed to be a motion to postpone that debate to the next sitting day. In this case, the item shall not stand on the Orders of the Day or the *Order Paper* in any Senator's name and may be called pursuant to rule 27(1).

The key here is the phrase "motion to adjourn." Your Honour, the rules are very clear that the adjournment of any item of government business requires a motion to adjourn.

Honourable senators, there was no motion to adjourn the debate on Senator Plett's pre-study motion before the notice of motion on time allocation was given by Senator Carignan last Thursday.

Your Honour, the Deputy Leader of the Government's motion to place time allocation on Senator Plett's motion is, therefore, not in order.

The Hon. the Speaker: Any other comments from other senators on this point of order?

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, it seems that our friends opposite have decided to raise a number of points of order for the purpose of extending the time for study of the time allocation motion.

First, in particular, concerning the point of order raised by Senator Tardif, I will make two points. The first point: rule 39(1) clearly states:

> At any time while the Senate is sitting . . .

— and in French:

> Lorsque le Sénat siege . . .

Therefore, at any time while the Senate is sitting, one can raise the fact or indicate that there was disagreement between the two deputy leaders on time allocation. On the allocation of time for what? For an adjourned debate. Thus, rule 39(1) clearly states:

> At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate, from his or her place in the

> Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration of any stage of consideration of any adjourned debate on any item of government business.

When I talked with Senator Tardif and we tried to come to an agreement on establishing a time period, the debate on the motion was adjourned. That was before Thursday's meeting and debate on the main motion had been adjourned. Amendments to the main motion had been proposed. Hence, the debate was adjourned. I will repeat the rule:

> At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration of any stage of consideration of any adjourned debate on any item of government business.

Therefore, the adjourned debate must take place before the meeting between the two deputy leaders, because the objective of this rule is that we do not propose a time allocation motion until the debate has begun. The purpose of the rule is that we begin the debate. An initial debate begins. It is adjourned and then the two deputy leaders have a discussion. If they do not agree it is the rule I mentioned that applies.

We were in an adjourned debate when we had the discussion. And if I follow the interpretation of the Deputy Leader of the Opposition, she is amending the beginning of the rule that reads:

[*English*]

> 39.(1) At any time while the Senate is sitting, . . .

[*Translation*]

That means any time while the Senate is sitting, whether or not a debate has been adjourned on a dilatory motion. That is my first point.

If I follow the same logic as Senator Tardif to the effect that the Rules apply and that, to present our notice of motion, the debate to which our notice of motion refers must have been adjourned, we are then getting into another debate. And I remind honourable senators that we were ruling on a dilatory motion to amend the main motion. Therefore, we had to vote or to rule on the motion in amendment. We decided on the motion in amendment. We were prepared to move to the question. The question was put, the vote was taken, but a standing vote was necessary. We asked that the vote be deferred, the synonym for "defer" is "adjourn."

What is the effect of deferring a vote on a motion in amendment? It forces us to postpone to another day the decision on the main motion. And when we defer the motion to another day, we adjourn. Those are the definitions in the dictionary. According to *Le Petit Druide des synonymes et des antonymes*:

> Adjourn: to postpone, to suspend, to defer.

When we defer the vote, we adjourn.

[*English*]

Oxford Dictionary: adjournment. Opposition parties forced the adjournment of the Parliament. Synonyms are "suspension," and "deferral." Merriam-Webster's definition of "adjourn" is "to suspend indefinitely or until a later stated time; to suspend a session indefinitely or to another time or place."

[*Translation*]

When we decided to take a deferred vote, we decided to adjourn the vote to today. And what was the effect of that? This had the effect of adjourning the main motion. We did not address the main motion, because it was adjourned. And today, after the vote, at 5:30 p.m., what will we do, without you even calling the main motion? We will debate the main motion that was adjourned because of the deferred vote.

That said, honourable senators, I see that our colleagues want to drag things out and buy time. We are dealing with a proposal for a pre-study of a bill to allow more time, so that people can be heard and the issue be examined more thoroughly. That is obviously not the intention of senators opposite.

This bill must come into effect before Christmas, because there are farmers who are affected and who will have to change their marketing plans. They have business decisions to make and we must examine this issue as quickly as possible.

• (1640)

It seems clear, however, that our colleagues across the way are opposed and want to delay the process. Honourable senators, to avoid being involved in this petty game, I seek permission to withdraw my time allocation motion. My colleagues across the way will certainly agree with my request.

The Hon. the Speaker: Senator Carignan moves that Senator Plett's motion be withdrawn. Is leave granted?

Hon. Senators: Agreed.

(Motion withdrawn.)

[*English*]

BUSINESS OF THE SENATE

Hon. Joan Fraser: Honourable senators, at some point — and I am not quite sure how this would work procedurally — it would be helpful, particularly in light of the fact that proposed rewriting of the rules is now before the Senate, if you could clarify the, to my mind, very novel interpretation that Senator Carignan gave to the question of when "under adjournment" comes into play. Does it come into play at the time when the deputy leader does or does not engage in consultation? There was even dispute about that. Does it refer to the point during our proceedings at which a time allocation motion may be brought? That is a very important clarification.

The Hon. the Speaker: Honourable senators, if it is the agreement of the house, I, too, find the question raised to be worthwhile to receive analysis. I will come back and present a

view. If the members of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament find it helpful, then I will be happy. If they do not find it helpful, I will not be overly offended.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON THE PROGRESS IN IMPLEMENTING THE 2004 10-YEAR PLAN TO STRENGTHEN HEALTH CARE— SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology (*budget—study on the 2004, 10-Year Plan to Strengthen Health Care—power to hire staff*), presented in the Senate on November 16, 2011.

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I move the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON ACCESSIBILITY OF POST-SECONDARY EDUCATION— THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Social Affairs, Science and Technology (*budget—study on Access to Post-Secondary Education in Canada—power to hire staff*), presented in the Senate on November 16, 2011.

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I move the adoption of this report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIRST REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament, (*Revised* Rules of the Senate*)* presented in the Senate on November 16, 2011.

Hon. David P. Smith moved the adoption of the report.

He said: Honourable senators, I rise today to start debate on the revised *Rules of the Senate* proposed in the first report of the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. If the revised rules the committee proposes are adopted by the Senate, they would take effect next September, giving all senators a considerable period of time to study them and get used to them.

Honourable senators, the committee worked hard and well on this large project. I would not want my other obligations with the Foreign Affairs Committee, seeing as we will be out of the country next week, to delay debate unduly. For this reason, I would ask that further debate on this report be adjourned in my name for the balance of my time, with the understanding that other honourable senators can speak before I resume my speech.

(On motion of Senator Smith, debate adjourned.)

CANADA'S INNATE NATIONAL MODESTY

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Banks, calling the attention of the Senate to the importance of Canada's innate national modesty.

Hon. Stephen Greene: Honourable senators, I rise to respond to the inquiry of Senator Banks that Canadians are "innately modest." I take issue with the substance of this inquiry on so many levels. In fact, Canadians are not innately modest, at least not more so than people in other countries. If they are not more modest than people in other countries, it is not worth mentioning. I believe this inquiry is so lame and so lacking in substance that only someone with a high degree of chutzpah would launch it. As we all know, anyone with chutzpah is not modest. Moreover, I believe that Senator Banks is a Canadian. If I am right that he is, he has proven by his chutzpah in launching this inquiry that he is not modest and that, therefore, not all Canadians are innately modest. Thus, his proposition fails. I could rest my case here, but I have more.

Just like Senator Carignan, I have consulted some dictionaries to find out exactly what "innately modest" means. Synonyms for that include "bashful," "demure," "meek," "resigned," "reticent," "self-conscious," "sheepish," "silent," "timid" and "chaste." I do not know how "chaste" got in there, but I do not think too many of us in this chamber are chaste, which again proves my point.

As for antonyms for modest, we find "bold," "brave," "courageous," "self-confident" and "proud," all things which I believe Canadians are.

As for innate, we find "congenital" and "inbred." Is Senator Banks trying to tell us that Canadians are congenitally demure?

I myself have never felt I was innately modest, and so, Senator Banks, I guess that makes two of us. This is not the first time I have heard this guff. I have heard it since the 1960s when, thanks to the Liberal government, Canada slid to the second

rank. Then, under Liberal governments we began to plan for it, commit resources to it, reinforce it and love and celebrate that we were second or, even worse, somewhere in the middle.

I, on the other hand, was never content with the pat on the back that we would be thankful or content to be a middle power. I have always felt it was wrong and a mischaracterization to label Canadians as "middling" or "innately modest," and this explains a lot about why I am a Conservative.

Since the 1960s, and likely much further back, it has been convenient for Liberals to use certain language to reinforce their stereotype of Canadians as being innately modest. For when you are innately modest, you do not try to reach your ultimate goal, whatever that might be. You settle for a halfway goal, and you are told by a Liberal government and the Liberal establishment, as well as the CBC, that you should feel proud to have achieved that half-goal. If you are innately modest, you do not have to strain or stretch yourself to achieve. In the Liberal way of policy design, it is convenient, if not politically expedient, to tell Canadians that they are innately modest and that they do not have to worry about not achieving because their friendly Liberal party has a social program just for them.

The Liberal vision is that you do not have to achieve in order to receive. It is a vision in which you receive because you try just hard enough to somehow qualify to win, although you did not really win.

The old chestnut about Canadians being innately modest is a weight, a drag on our personal and collective well-being that we must discard as soon as possible because it sets us up for failure and frustration. It is no way to build a nation.

A good example of what I am talking about is when the CBC had the Olympics telecast and their commentators used to go on and on and on about the value of the personal best. This annoyed most Canadians, including many of the athletes who competed to win. We did not care for personal best, really, or anything like that. We wanted to see Canadians win and be the best. The Harper government invested to make that happen. Through the Own the Podium program, Canada won the most gold medals ever by a nation in the Winter Olympics.

• (1650)

Some Hon. Senators: Hear, hear!

Senator Greene: Winning is what we like here, including the bragging rights to go with it.

The same kind of language is employed in many fields, including Liberal foreign policy. I refer to the "honest broker." This is an ideal policy for the innately modest because with that policy what Canadians want does not matter. All you engage in is moral relativism, and all that matters is that the dispute, whatever it is, is resolved. After a while you forgot what your own values are because as a professional compromiser your values are not important and you do not need them. I would much rather be on one side — the side that espouses my values of freedom and justice — than to be the one who is happy just because the argument is over.

Another good Liberal moniker is "middle power," or that awful phrase "the helpful fixer." We do not hear about them much anymore and I say good riddance. Under the Liberals we were indeed a middle power and very content to hide our light under a bushel. Under successive Liberal governments we sacrificed our military, combined the forces into one, made them wear ridiculous green uniforms and would not give them the best equipment. It was indeed a dark period. No wonder we were a middle power, although we did not have to be a middle power.

First under Mulroney and now under Prime Minister Harper we are giving our military the best, most modern equipment in the world in order to protect and promote Canadian values. We do not know what the world will be like in future, where the threats will come from or exactly who our allies will be, so we have to be able to defend ourselves and project our values. Liberals fear this kind of striving to be better.

A good example of what I am talking about is the way the Liberals treated the Mulroney government itself. Brian Mulroney was perhaps the prime minister who was the least modest. He sang "When Irish Eyes Were Smiling" with Ronald Reagan; he campaigned against apartheid; he rolled the dice on the Constitution; and he won free trade for us. The Liberal establishment hated Mulroney's lack of modesty so much that they vilified him at every turn — so much that they even lost their heads and campaigned against free trade. Free trade, of course, contemplated that Canadians were equal to Americans and could compete with them — something that Liberals could not fathom or understand.

Anyway, Canadians felt differently than the Liberal Party. They rewarded the not-so-modest Brian Mulroney with two huge majority governments. There was nothing innately modest about their votes. If Canadians were innately modest, the innately modest John Turner would have been prime minister much longer and we would not have free trade. In fact Canadians were hungry for a leader like Brian Mulroney who would promote and protect their true values, but since 2006 they have had a strong leader once again.

Now we have a Prime Minister who is very modest in his person, as Senator Banks has pointed out, but this does not mean that Conservative policies are innately modest or that Canadians are innately modest.

Now we have the best economy in the world and we are the best country in the world, and we are poised to offer the world true leadership.

Why is that? It is because Stephen Harper is the best Prime Minister in the world.

Therefore, Senator Banks, the Canadian government is indeed the Harper government and I am innately proud to call it so.

Some Hon. Senators: Hear, hear!

Hon. Grant Mitchell: Honourable senators, I would like to say a few things and then take the adjournment for the balance of my time. I need some time to collect myself and think about what has actually been said.

There is a recurring theme here, and I want to set something straight. It is amazing how the other side and that party — I do not know if we are calling it the Harper government or the Harper regime, the Reform Conservative regime, the Reform Conservative Harper regime — take what actually occurred and warp it to fit this ideological view of the world.

I wish to clarify if the term the honourable senator used was "silly green uniforms." Let us talk about "silly green uniforms." The fact of the matter is that we had green uniforms because until about 2000 our focus for fighting was in Northern Europe because we were a member of NATO. That was the major focus of where we would fight. The fact of the matter is that the moment our focus changed we began to rebuild the uniforms, and the machinery and the support for our forces. But let us never deny —

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): I would like some clarification. This is Senator Greene's speaking time. Does Senator Mitchell have a question for Senator Greene? Is he using his speaking time right now, which would be a proper thing to do? If so, he will not be allowed to use it again a second time.

[*English*]

The Hon. the Speaker *pro tempore***:** The Honourable Senator Mitchell indicated he is using his own time and he will adjourn the debate after a few minutes and resume at the next sitting.

[*Translation*]

Senator Mitchell: I want to thank Senator Carignan for the clarification. The senator's speech requires many clarifications. I will proceed with more clarifications.

[*English*]

Let us remember why it is we were in the predicament where we had to be rigorous about how we spend money. If it would only be that this government figured that out. It was because we were left with a $46-billion deficit and we had to do some things to take care of that deficit. We did not go into the Iraq War, which this government would have put us into. Thankfully we did not because it was the right thing not to do. When we did get into a war we made sure that our forces were more than adequately facilitated and supported and had the equipment and the budget they needed, and then they got the uniforms.

Yes, from 2001 to 2006 they had very good equipment. The honourable senator is trying to rewrite history, as he does over and over again, but never so clearly and never so aggressively and so brashly as he did when he said Mr. Harper — I cannot even repeat it — is some kind of Prime Minister in the history of this country. Let us start to list the litany. I tried to figure out what it is that he has done right. What is it that Mr. Harper has done right since he became Prime Minister?

First of all, he has had some achievements. He created the biggest deficit on record in the history of this country — $56 billion. He created that. Sorry, that would not make him the best. I do not think that would make him the best. The creation of the deficit was not because of the recession. He had already started to create that deficit long before the recession. In fact, one of the great distinguishing accomplishments of Mr. Harper, and one of the great definitions and branding of Mr. Harper's government — the Harper regime — when we look back as we now say in the rear-view mirror in a couple of years, will be that he has crafted one of the most effective and refined deficit-creating programs in the history of this country. Let me count the ways.

Mr. Harper created the $56-billion deficit. He did that before we began to go into recession. In fact, he denied the existence of a recession: "There was no recession." This great economist said "no recession."

Prime Minister Harper has increased spending in his first five years by 40 per cent. This is the hard-nosed, right-wing Conservative government. Do honourable senators know why he has done that? Time and time again he has not managed this government. He does not understand that you have to manage government. Therefore, we see that the environment commissioner, for example, has underlined that he has no way of measuring emissions and output and measuring the kinds of things that he says he has to measure if he is ever going to reach a 17 per cent reduction in climate change.

Honourable senators, I can go on, but let us try and think. We have 25 per cent higher unemployment in this country than when he started. There are the jobs that we have. Many of the jobs that we have are way worse. They are temporary, underpaid, and not high-tech jobs. For many of the jobs we need filled, there is no one to fill them.

We have the highest per capita debt in the history of this country. We have no estimation and no anticipation of what we will do about health care come 2014. We will be confronted by huge problems in 2014 with the health care issue. We have not paid an iota of attention to climate change, which is one of the biggest issues facing our generation. Climate change is one of the biggest issues facing this country in the history of its existence. This government has done almost nothing.

Honourable senators, if it is that someone in this country is not particularly modest, it would be this government. However, the vacuousness of their brashness is breathtaking. They have absolutely no accomplishment upon which they can say in any way, shape or form that they have accomplished anything.

• (1700)

If it is that we have a strong economy, it is because we have a strong banking system, in part. Who did that? The Liberals did that. Who wanted to deregulate the banks? Stephen Harper wanted to deregulate the banks.

If it is that we did not get embroiled in a deficit-creating and deficit-spreading war in Iraq, it is because we did not listen to Mr. Harper, who wanted us to go into Iraq.

If it is that we have a country that came through the recession better than some other countries, it is because the opposition forced this government to bring in a stimulus package.

Some Hon. Senators: Oh, oh.

Senator Mitchell: It is absolutely true.

If it is that we are confronting problems with this government's deficit-creating programs, let me count the ways.

Let us talk about what the $15-billion crime agenda will do and what their ineffectiveness in dealing with climate change will cost. Let us start talking about the $1.6 billion in three days for the G20 and the G8. If you want to talk about fiascos, that is what we have to look forward to.

The great irony is that the one group in this place, the one group in this government, the one group of Canadians that should surely be modest and should surely be understated and should not have an iota of brashness or pride for what they have done, because they have not done anything but visit financial fiscal climate change disaster on this country, is that government over there — every last one of them.

The Hon. the Speaker *pro tempore***:** It has been moved by Senator Mitchell, seconded by Senator Moore, that further debate be adjourned in his name for the balance of his time until the next sitting of the Senate.

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

Hon. Senators: Agreed.

(On motion of Senator Mitchell, debate adjourned.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY PRESCRIPTION PHARMACEUTICALS

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of November 17, 2011, moved:

> That the Senate Standing Committee on Social Affairs, Science and Technology be authorized to examine and report on prescription pharmaceuticals in Canada, including but not limited to:
>
> (*a*) the process to approve prescription pharmaceuticals with a particular focus on clinical trials;
>
> (*b*) the post-approval monitoring of prescription pharmaceuticals;
>
> (*c*) the off-label use of prescription pharmaceuticals; and
>
> (*d*) the nature of unintended consequences in the use of prescription pharmaceuticals.
>
> That the committee submit its final report no later than December 31, 2013, and that the committee retain until March 31, 2014, all powers necessary to publicize its findings.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO STUDY SOCIAL INCLUSION AND COHESION AND TO REFER PAPERS AND EVIDENCE SINCE BEGINNING OF FIRST SESSION OF THIRTY-NINTH PARLIAMENT

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of November 17, 2011, moved:

> That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on social inclusion and cohesion in Canada;
>
> That the study be national in scope, and include a focus on solutions, with an emphasis on collaborative strategies involving federal, provincial and municipal governments;
>
> That the papers and evidence received and taken and work accomplished by the Committee on this subject since the beginning of the First Session of the Thirty-Ninth Parliament be referred to the Committee; and
>
> That the Committee submit its final report no later than June 30, 2012, and that the Committee retain all powers necessary to publicize its findings until 180 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.)

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore***:** Honourable senators, pursuant to rule 7(2), the sitting is now suspended until 5:15 p.m., when the bells will ring for the deferred standing vote at 5:30 p.m. on the amendment to Motion 16.

(The sitting of the Senate was suspended.)

• (1730)

(The sitting of the Senate was resumed.)

MARKETING FREEDOM FOR GRAIN FARMERS BILL

MOTION TO AUTHORIZE AGRICULTURE AND FORESTRY COMMITTEE TO STUDY SUBJECT MATTER—MOTION IN AMENDMENT NEGATIVED—DEBATE CONTINUED

On the Order:

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

That, in accordance with rule 74(1), the Standing Senate Committee on Agriculture and Forestry be authorized to examine the subject-matter of Bill C-18, An Act to reorganize the Canadian Wheat Board and to make consequential and related amendments to certain Acts, introduced in the House of Commons on October 18, 2011, in advance of the said bill coming before the Senate;

On the motion in amendment of the Honourable Senator Banks, seconded by the Honourable Senator Moore, that this motion not now be adopted, but that it be amended by adding:

"and that the committee hold public hearings on the subject matter of Bill C-18 in the Western Canadian communities of Red Deer, Alberta; Swift Current, Saskatchewan; and Portage la Prairie, Manitoba, among others, between the date of the adoption of this motion and December 14, 2011; and

That the committee present its final report no later than December 15, 2011."

The Hon. the Speaker: Honourable senators, the question is on the amendment of the Honourable Senator Banks, seconded by the Honourable Senator Moore.

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Callbeck
Campbell
Chaput
Cordy
Dallaire
Dawson
Downe
Dyck
Fairbairn
Fraser
Furey
Harb
Hervieux-Payette
Hubley
Jaffer
Joyal
Losier-Cool
Lovelace Nicholas
Mahovlich
Merchant
Mitchell
Moore
Munson
Peterson
Poulin
Ringuette
Robichaud
Sibbeston
Tardif
Zimmer—30

NAYS
THE HONOURABLE SENATORS

Andreychuk
Angus
Ataullahjan
Boisvenu
Brazeau
Brown
Carignan
Champagne
Cochrane
Comeau
Demers
Di Nino
Duffy
Eaton
Finley
Fortin-Duplessis
Frum
Gerstein
Greene
Housakos
Lang
LeBreton
MacDonald
Manning
Marshall
Martin
Meighen
Meredith
Mockler
Neufeld
Nolin
Ogilvie
Oliver
Patterson
Plett
Poirier
Raine
Rivard
Runciman
St. Germain
Segal
Seidman
Smith (*Saurel*)
Stewart Olsen
Stratton
Tkachuk
Verner
Wallace
Wallin—49

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: Honourable senators, we are now on the main question, the motion of the Honourable Senator Plett, seconded by the Honourable Senator Patterson.

Hon. Grant Mitchell: Honourable senators, it has taken a while to get back to the substance of this matter. That is good, because 60 per cent of farmers would rather that Bill C-18 never pass because we know that it will destroy the Canadian Wheat Board, which statement conjures up the observation that can be made of the government's protestations, and that is that they protest too much.

Much of their argument hinges on the idea that this will be intrinsically positive with no downside because, of course, all farmers should have the right to market their grain and, if the Canadian Wheat Board is as good as everyone says it is, it should be able to compete and of course the Canadian Wheat Board will not die.

However, there is an interesting wrinkle in this legislation that is quite striking and surprising, and that is that the government has reserved the right to appoint the board of directors of the Canadian Wheat Board. That in itself is a step back from the democratic process under which the Wheat Board functioned where two thirds or the majority of the members of the board were elected. Now they will not be elected and one must ask oneself what it is about the new structure of the Canadian Wheat Board that makes the government want so badly to control it that they would give themselves the right in legislation to appoint the board members and the senior staff.

That is an interesting question and it is not rhetorical; I am actually going to answer it.

In addition, why is the government increasing the level of the contingency fund from $60 million to $100 million or more?

• (1740)

You take those two observations together and it comes down to they want to control the Canadian Wheat Board because they want to control that money. As an aside, I should say that money is not the Canadian Wheat Board's money; it is the farmers' money.

This is an expropriation by government. It is a tax on a certain segment of farmers in the population of Canada. It is not a broad tax; it is just a tax on those people. They have had no interest in leaving that money there. It is their money and they should have it.

The third element of this argument that I am developing is this: Why would anyone think that $60 million would be enough to invest, if it were invested in the Canadian Wheat Board, to make that Canadian Wheat Board now, under the new regime, competitive? Clearly, $60 million or $100 million will not buy the port facilities or the grain terminal facilities that would provide sufficient volume for them ever to be able to compete with the Cargills and the Archer Daniels Midlands, who have billions of dollars invested in that infrastructure.

For anyone over there to say that the Canadian Wheat Board will not fail, to make that argument credibly they would have to explain somehow why they need to control the board of the Canadian Wheat Board in order to control the contingency fund of the Canadian Wheat Board, which we know is not enough, even if it were invested, to save the Wheat Board. Clearly, they cannot argue that.

One is left with the thundering conclusion that they want to grab that money because they know it will cost money to wind down the Canadian Wheat Board. They will have to pay out severance packages; they will probably have to pay penalties on contracts; they will probably have to pay out leases. They will have a lot of expenses.

They do not want to use taxpayers' money. They are happy to use farmers' money, but it should go back to the farmer. That asset is being expropriated. This government claims it believes in property rights and freedoms. If farmers are to have the freedom to market their grain, why are they not to have the freedom to get their money back?

Let me put that into perspective, honourable senators. When the Leader of the Government in the Senate and others argue that the Canadian Wheat Board will survive, I have had to use the analogy of the Monty Python story: This parrot is dead; the clerk says, no, it is not. You know what? The clerk in this case is the Leader of the Government in the Senate: This Canadian Wheat Board will not die; it will exist.

The fact of the matter is that if that were true, they would not need to control it. They would not need to grab its money; they would not need that money for the only thing it can possibly be used for, which is to wind down the Canadian Wheat Board and kill it once and for all. It will be at no expense to the taxpayer; just rip off a group of farmers who have made that money and, in that process, some of it is taken off as a contingency. It is not needed as a contingency anymore; it should go back to the farmers.

That is an appalling observation to have to make about a government that claims it has farmers' interests at heart and believes in property rights of individuals and rights of individuals more generally. They have just thrown it in the face of that purported value they hold because their ideology is so driven to get rid of this.

Why will the Wheat Board fail? Why can it not compete? The first reason is that over 50 years, rather than taking the profits it has been able to generate and reinvesting them in terminal facilities or access to railcars or grain terminals, the Canadian Wheat Board has passed that profit along to farmers. While Archer Daniels Midland and others are taking some of their profits — most of which goes to the U.S. or to foreign investors — they are also investing in facilities.

Up to this point, legislation has required that those multinationals provide Canadian Wheat Board grain with priority access to terminal and port facilities. That is gone. If this government were at all serious about the Canadian Wheat Board succeeding, they would also have in that legislation that the Canadian Wheat Board needs access to these facilities. It cannot be at the whim of their competitors that they will now have no protection from. They will have to ask their competitors to give them the facilities that they need to be competitive. That would be like a small cellular company asking a big cellular company if it can use their cellular line facilities to sell telephone time. Those companies would never give that access to the smaller companies, except that legislation requires it.

They will not be able to compete because they will not have access to facilities, except at the whim of their competitors. What competitor the size of Cargill would ever have gotten that big if they were so kind to their competitors? That is one of the major reasons the Canadian Wheat Board will not be able to compete.

The first reason is that they have not taken the money and invested it in capital themselves because they have passed that along to farmers. The second one is that they do not have any legislative access to the facilities they need to compete. Remember that, and remember that is consistent with what this government believes in its heart of hearts it will do, which is to kill the Canadian Wheat Board.

What are the losses at stake here? There is a thing in this business called "tendering and dispatch demurrage." That means that if the grain gets to the ship and the ship is filled with the grain before the deadline, there is a bonus back to the people who have delivered the grain. In the case of the Canadian Wheat Board, they have had the leverage and the power where they could insist that that money be paid to them and, in turn, to the farmer. In 2005-06, that was $23 million. If you break up all of those farmers, they will have no leverage to get that dispatch bonus. That will probably go to the major grain companies or to the railway, but it will not come back to the farmer. The farmer will lose that.

The farmer is also going to lose a great deal of advocacy. There is a huge issue, for example, with respect to allocation of grain cars. There is real tension in trying to get what you need where you need them. However, again, because the Canadian Wheat Board had the leverage to do that, they could fight on behalf of farmers to get grain car allocation. There will be no one there to fight on behalf of farmers to get grain car allocation now. That will be gone.

The Canadian Wheat Board has been a profound advocate in trade disputes — and there have been a number of trade disputes. The U.S. starts them frequently because they see the Canadian

Wheat Board as a huge problem for them in trying to compete. They have often taken us to international courts and trade tribunals to try to destroy the Canadian Wheat Board, but they have lost absolutely every one of them over and over again.

It has been proven over and over again that the Canadian Wheat Board is not outside the rules of international trade competitiveness, but it is a significant advantage to us. There will be no one, no group with power and resources, to defend farmers in these kinds of international trade disputes.

In fact, it is very much more likely that there will be more international trade disputes because now you will see that individual Canadian grain truck movements will increase significantly in the open market, as some farmers try to drive their grain down there. They will be seen and be far more evident than they were in the way that the Canadian Wheat Board conducted its transportation of wheat. The result will be that there will be even more trade disputes. This will put more pressure on our farmers and there will be no one there to advocate for them.

There is also the issue of competition in transportation for grain farmers. Right now, there are two major railroads, CN and CP. They do nothing to allow smaller, short-line railways to use their lines. There is basically a duopoly.

Honourable senators, if you look at the difference in quotes and bills for shipping on either line — same amount, same distance, same start and finish — there is pennies' difference. That is because there is no competition. The government has not helped farmers by insisting, as they have with respect to cellular telephones, that other smaller train transporters should be able to use the lines of the two big train companies. They have done nothing to allow that.

In fact, the two big train companies use other lines in the U.S. U.S. railways are required to allow CP and CN to use their lines in the U.S., but this government has never required CN and CP to allow short-line railroad operators to use CP and CN lines.

• (1750)

The Canadian Wheat Board operation has supported the short-line railroads in Canada. That has provided at least some competition. Without the carrying of Canadian Wheat Board wheat, these short-line railroads will be in even greater peril than they have been to this point.

In fact, the major companies, the multinationals, will not use those short-line railroads because they will use their own facilities and railcars, et cetera. We will find that there will be even less competition for farmers in the transportation market.

Now they will have no protection from the Canadian Wheat Board; they will have no advocacy from the Canadian Wheat Board; they will have no market power on their behalf in the Canadian Wheat Board; they will have less competition for transportation because the Canadian Wheat Board is gone. How will that possibly be better for farmers? They will not get the $23 million they got in 2005-06 for the bonus that is paid because they delivered early and got the ships filled early. They will not have any protection from trade onslaughts from the U.S., from trade disputes with the U.S. It is very difficult to understand, therefore, how this could possibly be better for Canadian farmers. It simply will not be better.

How do we know for sure? Why do we not listen the Canadian farmers? When they had the chance to vote on it, on a real straight-up question — no doubt, no trickery — 60 per cent voted for sustaining the single-desk Canadian Wheat Board, but now that will be lost.

The question that we are left with is, how can we explain the government's actions in this way? The only way we can possibly explain their actions is ideology. There is no other explanation. They do not like the idea of having some kind of collective action. They do not mind massive collective action in the sense of duopoly or in the sense of big corporations, but they really do not like collective action on behalf of farmers. To complicate their hypocrisy, we find that they say they believe in democracy. In fact, it was the Reform Conservative Party's origins to say we needed democratic reform. Their version of democratic reform in this case is to deny the act that calls for a clear question and a clear referendum and allows the farmers to make the choice. Their vision of democracy in this case is to deny the 60 per cent result from farmers who voted in their own Canadian Wheat Board-led vote, and their version of democracy now is to take over the Canadian Wheat Board, what is left of it, and appoint the —

The Hon. the Speaker *pro tempore***:** I regret to inform the honourable senator that his 15 minutes are up. Is he asking for more time?

Senator Mitchell: I ask for more time.

The Hon. the Speaker *pro tempore***:** Is more time granted, honourable senators?

Senator Mitchell: Thank you, honourable senators. I got a chink in the armour. Senator Mockler is starting to get that look in his eyes. Just give me another five minutes and I think I can save those farmers.

Let us get to the question of democracy. What is it about this government that it just has to jam things through? For one enlightened, brief second, the house leader did withdraw his closure, showing that he is much more enlightened than his colleagues on the other side, and he should be congratulated for that gutsy move. I hope you are still sitting there tomorrow.

You can get a little bit to the right of Patrick over there; there is a little room to get further away. Anyway, we are hoping that is not the case. We do not want to lose you; you did a great job today, fantastic.

It is one of those issues that are so symbolic and representative of how the government does politics and public policy. They diminish the importance of the result, the objective, which is to, in this case, enhance the livelihood of farmers. They diminish that to their ideology or to some specific set of interests. I do not know exactly why they weigh one group of farmers' interests over another. They say they believe in democracy, but all the evidence is that they simply do not reflect that in their public policy. We are

simply saying the farmers should get to decide. Let them decide. The fact is that they say they believe in competition. How will these farmers without the Wheat Board individually be able to compete with, for example, Cargill, which has revenues of $106 billion a year? What kind of leverage does any given farmer have?

The consequence of this is that farmers will be damaged; the family farm in particular will be damaged. Corporate farms might have a better chance to survive, but we will see a massive consolidation of farms. What that will do is further damage rural economies and towns; more will close; they will lose more services; and this we know will be as a result of what has been done to the Canadian Wheat Board.

There is no justification. It is punitive and harmful. It is a point at which ignorance meets ideology, if I can coin that phrase. No good will conceivably come of this initiative. It will only harm farmers.

I was talking earlier today about the government's clear deficit-creation program, and I have about 10 or 15 examples of it that I will get to in the budget debate. I just want to raise this one. One of the key elements of it will be the fact that farmers will need more assistance now, and that will take taxpayers' assistance because they will be damaged by this. I expect that the political pressure will be so great that this government will relinquish and begin to subsidize farmers directly from the taxpayer rather than allowing the farmers to fend for themselves in a collective way, which was what the Canadian Wheat Board allowed them to do over 50 years. This was a great institution. It is a dying institution. I do not have to make that case. The government itself has made that case by now, saying in this legislation that it has to grab the power over the Canadian Wheat Board, it has to grab that money, that farmers' money, expropriate it, tax it, steal it, so that it can use that money to wind down the Canadian Wheat Board. That is exactly what is going to happen. We will probably be talking about that in a year or in 15 months. The Canadian Wheat Board will be gone and it will be a disaster for the farmer. I am very sorry to hear it.

Hon. Donald Neil Plett: Would the honourable senator take a question?

The Hon. the Speaker *pro tempore***:** Will Senator Mitchell accept a question?

Senator Mitchell: Do I have any time?

Senator Plett: The honourable senator was on such a roll that he had Senator Mockler, as he suggests, almost convinced. I am wondering why he stopped one second earlier than he had to. He might have got a few more.

The honourable senator spoke for 17 minutes on the evils of the bill and never once spoke about why he is opposed to us sending this bill to a pre-study so that we can all study the bill. The entire committee can study the bill.

My question to the honourable senator is, if he is as opposed to this bill as he suggests he is, why does he not let it go to study so that we can study it properly, the way it should be done?

The Hon. the Speaker *pro tempore***:** You have two seconds for your response.

Senator Mitchell: The fact is that it is sitting over there. It has been over there for, what is it now, two weeks. It could have come here. We just have to be extremely suspicious about why it is that we even need a pre-study. Bring it over here right now, have it reported right here, right now, and then let us start the study. However, the study has to be done in a way that is open and fair. Let us go back to Alberta, Saskatchewan and Manitoba and allow those people to have access. The real question we have to ask is, why are they holding it up over there? Why is it that you have not insisted to get it here?

The Hon. the Speaker *pro tempore***:** I regret that the honourable senator's time is up.

Honourable senators, it is now six o'clock. Pursuant to rule 13(1), I am obliged to leave the chair until eight o'clock, when we will resume, unless it is your wish, honourable senators, to not see the clock. Is it agreed not to see the clock, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker *pro tempore***:** Those who agree that I should not see the clock say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore***:** Those who agree that I should see the clock say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore***:** The session is suspended until eight o'clock this evening.

(The sitting of the Senate was suspended.)

• (2000)

[*Translation*]

(The sitting of the Senate was resumed.)

Hon. Maria Chaput: Honourable senators, the Senate has a duty to carefully study every bill that comes before us. Given the huge number of letters we continue to receive from Canadian farmers, it is clear that the government has failed here. Canadian farmers have spoken and the government did not listen.

My office has received many letters from farmers who are not only concerned about the future of the Canadian Wheat Board, but also disillusioned by our system of democratic governance, which does not seem to take their opinion into account.

Here are some excerpts from letters that I have received.

[*English*]

> We voted as to whether we wished to keep the Canadian Wheat Board, and the majority said, "Yes." It seems the government, which claims to listen to the people, has turned a deaf ear to the producers.

Another quote:

> I am very concerned about the lack of debate on Bill C-18 and the potential loss of the single desk and the effects it will have on my farm.

Another one states:

> Bill C-18 should not be rushed along, as appears to be the case. What is being proposed by the federal government now is not democratic, fair or just.

Here is another:

> I deeply resent my federal leaders limiting parliamentary debate on a piece legislation which adversely affects my livelihood, as well as that of my friends and neighbours.

Again, I quote another:

> Senators, as members of a senior legislative body with oversight responsibility, one of your essential duties must surely be that bills submitted for Senate review do not impinge on or undermine individual liberties and democratic freedom. Bill C-18 is one piece of legislation that does.

Honourable senators, here is one more:

> I support the legal right of farmers to control the Canadian Wheat Board. I believe there needs to be further study of the potential impact of this dismantling it, that a clear and transparent plan for transition needs to be presented, and that more time is required for open discussion. The bill is a larger issue than the Canadian Wheat Board. It is a question of democracy. Why the need to rush it through?

Another has written:

> I am voicing my objection to the decision to dismantle the Canadian Wheat Board on the grounds that the Prime Minister has not adequately consulted, as he is required to do, the relevant Canadian wheat and barley farmers on this matter.

There are more. This one states:

> I am disgusted with the undemocratic actions of the Canadian government against the welfare of hard-working Canadian farmers.

Again, I quote:

> I am writing to express my alarm of the anti-democratic process employed by the Harper government to dismantle the Canadian Wheat Board.

Finally:

> I have great respect for the role of the Senate and ask that you reject political influence in your affairs and uphold the honourable tradition of the Senate as the house of sober second thought.

[*Translation*]

Honourable senators, in the excerpts I read today, I left out all the financial concerns farmers have about abolishing the Canadian Wheat Board. The economic arguments for maintaining the Canadian Wheat Board and the single-desk system have already been explained by many orators in this chamber.

The letters from all the Canadians who took the time to write to us, some of them by hand, and to share their family stories also show that our farmers are truly worried about what the future holds as a result of the government's arbitrary decision to abolish the Canadian Wheat Board and, with it, their financial stability.

What the excerpts I read today demonstrate above all is the fact that Canadians are worried not only about their economic situation, but also about the deterioration of the democratic process. Indeed, I could read dozens more excerpts from letters written by Canadians who do not understand why the process of good democratic governance does not apply to them.

Honourable senators, bills never receive unanimous support across the country but, even if we never completely agree on the substance of the bill, our democratic and legislative process should allow us to agree on the procedure to follow.

In the case of the Canadian Wheat Board, the government is not only violating the wishes of our farmers on the substance of the issue but it has also adopted a cavalier attitude by rejecting the procedures of good democratic governance — the procedures by which community interests are heard and discussed and the debate is conducted in a spirit of openness and cooperation.

Honourable senators, the situation is clear and it is troubling. Our farmers feel cheated by the government's decision and they feel particularly cheated by the democratic process that should have given them the opportunity to speak their minds. I firmly believe that it is our duty not only to listen to their presentation as part of the examination of Bill C-18 but also to show them that we in the Senate respect our mandate and to re-establish their confidence in our legislative and democratic process.

[*English*]

Honourable senators, it is for the reasons I have spoken about that it is so critical that the Senate exercise care and meticulous diligence in its examination of Bill C-18 and the subject matter thereof.

Honourable senators, one of the most consequential changes to the Canadian Wheat Board proposed by Bill C-18 is the transformation of its board of directors. As such, I think honourable senators will agree that hearing from the current

board of directors is of the utmost importance. If the Standing Senate Committee on Agriculture and Forestry is to examine the subject matter of Bill C-18, it must, without question, hear from the board's current directors, be they elected or appointed.

MOTION IN AMENDMENT

Hon. Maria Chaput: Honourable senators, I therefore move that this motion not now be adopted, but that it be amended by adding:

> "and, if the Committee decides to hold hearings on the subject matter of Bill C-18, it give consideration to hearing from all the thirteen current Directors of the Canadian Wheat Board.".

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

[*Translation*]

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, it seems fairly clear to me that the honourable senators on the other side have decided to use an amendment approach to avoid conducting a preliminary study of the bill. As I explained this afternoon during the discussion on time allocation, they will have to live with the consequences of their decision not to conduct a preliminary study of the bill.

On that note, I move adjournment of the debate.

(On motion of Senator Carignan, debate adjourned.)

(The Senate adjourned until Wednesday, November 23, 2011, at 1:30 p.m.)

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