



# DEBATES OF THE SENATE

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1st SESSION



41st PARLIAMENT



VOLUME 148



NUMBER 37

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OFFICIAL REPORT  
(HANSARD)

Tuesday, December 6, 2011

The Honourable NOËL A. KINSELLA  
Speaker

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Published by the Senate  
Available from PWGSC – Publishing and Depository Services, Ottawa, Ontario K1A 0S5.  
**Also available on the Internet: <http://www.parl.gc.ca>**

## THE SENATE

Tuesday, December 6, 2011

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

Prayers.

### SENATORS' STATEMENTS

#### FINANCIAL LITERACY

**Hon. Donald H. Oliver:** Honourable senators, I rise today to call your attention to the financial literacy leader act, which was introduced in the other place last week by the Honourable Jim Flaherty, Minister of Finance. The purpose of this act is to allow the appointment of a financial literacy leader who will exercise national leadership to strengthen the financial literacy of Canadians.

As honourable senators will know, many leaders throughout our country have recently expressed concern about the high rate of consumer debt in Canada. Our government strongly believes in helping Canadians better manage their money.

In 2009, the government conducted the Canadian Financial Capability Survey. It provided insight into the level of financial literacy of the Canadian population. Some of the results were troubling.

As a result, in June 2009, Prime Minister Harper appointed the Task Force on Financial Literacy, which was mandated to make recommendations to the Minister of Finance on a national strategy to improve financial literacy in Canada.

Eighteen months later, the task force delivered its final report to the Minister of Finance. One of the recommendations was to create a national leader, a champion directly accountable to the Minister of Finance, to execute a national strategy on literacy. The financial literacy leader act will do just that.

Minister Flaherty said it will ensure that “Canadians have the tools and knowledge to make responsible financial decisions . . . for their personal well-being and for the strength and stability of our financial system as a whole.”

All honourable senators understand that the basics of money, credit, and investment are crucial. The range of financial products on the market today is rapidly expanding. The complexity of such products can make it difficult for Canadians to fully comprehend the risks, fees and potential returns.

This volatile environment means that improved financial literacy is vital to restoring users' confidence and ensuring the long-term prosperity of our banking system.

As honourable senators know, the Senate Banking Committee explored financial literacy in 2009 as part of its study on the debit and credit card systems. During these hearings I posed a number of questions to witnesses on the importance of education programs to promote financial literacy.

As stated in our report to the Senate, our committee “believes that financial literacy is like two sides of a coin. On the one side, consumers bear some responsibility for understanding the financial products that they use. On the other side, financial services providers also bear a responsibility to communicate in a clear, concise and useful manner . . .”

[Translation]

#### L'ÉCOLE POLYTECHNIQUE DE MONTRÉAL— VICTIMS OF TRAGEDY

##### SILENT TRIBUTE

**Hon. Céline Hervieux-Payette:** Honourable senators, I rise today to remind senators of a tragic event that took place 22 years ago, the murder of our young women at École Polytechnique.

Instead of speaking about these women, I would like us to rise and observe one minute of silence in their honour.

*Honourable senators then stood in silent tribute.*

#### INTERNATIONAL DAY OF PERSONS WITH DISABILITIES

**Hon. Jacques Demers:** Honourable senators, I am pleased to speak today to highlight the International Day of Persons with Disabilities, in honour of which I was a guest speaker last Friday in Montreal.

In recent years, a number of measures have been taken to improve the lives of persons with disabilities to enable them to integrate into the workforce and enjoy all its benefits.

This December 2 celebration highlights the role that persons with disabilities play in our society. Approximately 15 per cent of the world's population is made up of persons with disabilities, and most of them face a number of challenges in their everyday lives.

Persons with disabilities are people just like us. They should have our support to have equal rights and to maintain their dignity. The International Day of Persons with Disabilities was created by the United Nations in order to help people understand the issues related to disabilities.

I hope that my speaking to you today will make you aware of improving the living conditions of persons with disabilities in our society. They are very deserving.

[English]

## NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**Hon. Catherine S. Callbeck:** Honourable senators, in 1991 the Government of Canada designated December 6 as Canada's annual National Day of Remembrance and Action on Violence Against Women. This day marks the anniversary of the senseless murders of 14 young women at l'École Polytechnique in Montreal in 1989.

Sadly, violence against women and girls remains a serious problem in Canada. Women and girls are more likely to experience certain types of serious violence and assault. The spousal homicide rate for Aboriginal women is more than eight times that for non-Aboriginal women. Senior women are twice as likely as senior men to be victims of violent crime perpetuated by a family member. Young women are four times more likely to be victims of sexual assault by family members than boys. On average, nearly 180 women were killed every year between 1994 and 2008.

As a memorial to the lives cut short by the Montreal Massacre, and to help eliminate all forms of violence against women, the Prince Edward Island Advisory Council on the Status of Women established its Purple Ribbon Campaign, which runs between November 25, the UN's International Day for the Elimination of Violence against Women, and December 6, Canada's National Day of Remembrance and Action on Violence Against Women.

When this campaign began in my province in 1992, it was a small undertaking that produced just 500 ribbons. This year, hundreds of Island volunteers prepared 35,000 purple ribbons for distribution to schools, churches, groups associated with law and justice, and the general public. Memorial services are being held today in locations throughout Canada to remember all women who have died violently or who even now live with abuse.

• (1410)

I wish to commend the Prince Edward Island Advisory Council on the Status of Women on their Purple Ribbon Campaign and all its volunteers for their work in carrying out such a valuable initiative as, according to Statistics Canada, 51 per cent of Island women have experienced violence in their lives.

Honourable senators, the National Day for Remembrance and Action on Violence Against Women is an opportunity to remember those 14 young women in Montreal and to remember all the other women who have died violently in this country. It also serves as a call for action for us to assist women who live with violence every day. This violence keeps them from participating in society and leading full and productive lives. We must all do our part. I look forward to the day that such a campaign is no longer necessary.

### HONOURABLE MARJORY LEBRETON, P.C.

#### CONGRATULATIONS ON WOMEN'S EXECUTIVE NETWORK AWARD

**Hon. David Tkachuk:** Honourable senators, I wish to draw your attention to a special recognition that has been given to one of our colleagues.

For the past nine years, the Women's Executive Network has celebrated the professional achievements of 100 women across Canada with their annual "Canada's Most Powerful Women" award. These outstanding women are recognized as Canada's highest achieving female leaders in the public, private and not-for-profit sectors.

This year, the Top 100 Advisory Board chose five women out of that 100 that they wanted to pay particular honour to through an unsolicited nomination. I am pleased to say that our colleague Senator LeBreton, the Leader of the Government in the Senate, was one of the women selected.

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

**Senator Tkachuk:** Honourable senators, on December 1, Senator LeBreton was presented with an award in the Public Sector Leaders category, in recognition of her lifetime at the centre of Canadian federal politics — from her start, as a Progressive Conservative party staffer and her work for former Prime Ministers Diefenbaker, Joe Clark and Brian Mulroney, to her position today as Leader of the Government in the Senate in Prime Minister Stephen Harper's cabinet.

That journey, from staffer to cabinet minister and trusted adviser to the Prime Minister, tells us something. It tells us that behind that kind and friendly exterior is a strong, determined and very smart woman — a woman who has championed seniors and combated elder abuse as part of her cabinet duties, and a woman who has been engaged in health care issues and is the past national chairperson of Mothers Against Drunk Driving.

I know I speak for all honourable senators in congratulating Senator LeBreton and all her fellow recipients on receiving this special honour.

### INTERNATIONAL VOLUNTEER DAY

**Hon. Elizabeth Hubley:** Honourable senators, yesterday, December 5, was International Volunteer Day. Created in 1985 by a United Nations General Assembly resolution, International Volunteer Day is an opportunity to recognize and thank the millions of volunteers who are hard at work in our communities. Volunteers are often the unsung heroes who, whether coaching children's sports teams or responding to an emergency situation, lend their skills, time and boundless energy to making the world a better place.

I once heard volunteers referred to as "an enormous renewable resource of social, economic and environmental problem solving throughout the world." I think that is certainly true and a great way of thinking about volunteerism. We all have our own unique talents and abilities. By sharing them, we can create something very powerful.

In my home province of Prince Edward Island, I belong to the CUSO-VSO Circle. CUSO-VSO is Canada's oldest volunteer-sending organization. They have so far sent 15,000 volunteers overseas. These volunteers are usually older people who have had

professional careers in Canada and have developed highly specialized knowledge and skills. By matching these individuals with needy communities in Central and South America, Asia and Africa, CUSO-VSO has helped to create partnerships that have built everything from schools to websites.

In honour of International Volunteer Day, I wish to take this opportunity to thank all of the volunteers out there. Your contributions have not gone unnoticed and, in fact, are making an incredible difference in the lives of your fellow citizens.

In Canada, we have almost 13 million volunteers. Together, they contribute more than two billion hours of community service every year. That is truly remarkable.

### AFGHANISTAN

**Hon. Pamela Wallin:** Honourable senators, violence erupted again in Afghanistan earlier today, a brutal reminder of the importance of Canada's role there — training Afghans to defend and protect citizens, as is any nation's first obligation.

I have recently returned from Afghanistan, where I had the opportunity to see Canadian training operations in Kabul up close. Kabul is where we first took our place in the battle against terrorism in the weeks and months following 9/11. Along with our allies, we went on to mount a combat mission in Kandahar, where we kept the Taliban at bay and earned the rightful reputation amongst our allies as fierce warriors and powerful humanitarians, breathing life into doctrine of counter insurgency. Throughout the combat operation, we worked with our Afghan partners, training and mentoring. We will now dedicate ourselves to that task full time.

More than 120,000 soldiers and police have already graduated and thousands more are learning to read and write, being readied to defend and secure their own country when the international security forces take their leave by 2014.

Visiting the makeshift tent classrooms was quite an experience. The young soldiers, with notebooks and pencils in hand, all had the eager look of the first grader. I asked one if he could write "Canada and Afghanistan are friends" on the white board precariously hung on the tent wall. Pure pride propelled him past any fear as he carried out the assignment perfectly.

I met with the Afghan commander, General Patyani, who pleaded once again that we see this through and that we stand with them until they can stand on their own, and we will.

As Minister Baird stated at the tenth anniversary gathering on Afghanistan's future in Bonn, Germany, yesterday:

We are not fair-weather friends and will continue to support the women, children and men of Afghanistan.

As the last of our troops exit Kandahar by mid-December, they have — just as they did in combat — mounted a most impressive exit operation, showing heart and common sense and a frugality to match the times. So as one mission winds down another gears up.

As we toured the training sites, we watched a new class of would-be soldiers arrive. Canadian Colonel Minor, Commander of the Kabul Military Training Centre, explained that Canada is engaged in what is an incredible act of faith, inspired by the knowledge that if we educate and train the next generation of citizens and soldiers, we will truly be giving peace — and Afghanistan — a chance.

As Minister Baird reminded us, many of our soldiers, women and men, have made the supreme sacrifice to protect the Afghans from a return to repressive rule. Canada also strongly believes that the success of transition and transformation can only be ensured through the understanding, by the Afghans and the international community, of the principle of mutual accountability.

"Mutual accountability" means that the Government of Afghanistan must affirm its commitment to work to achieve peace. It must develop a society based on democracy, the rule of law, effective and transparent governance and full respect of human rights. In return, we must continue to assist Afghanistan to assume full responsibility.

Honourable senators, it is more important than ever that we maintain our focus on ensuring that transition is a success and that hope remains possible.

[Translation]

### NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I would like to add my voice to those of my colleagues and draw the attention of the Senate to this National Day of Remembrance and Action on Violence against Women.

Established in 1991 by the Parliament of Canada, this day marks the sad anniversary of the murders of 14 young women in 1989 at l'École Polytechnique de Montréal. They died because they were women.

As well as commemorating the victims of this act of violence, December 6 provides us with an opportunity to reflect on the phenomenon of violence against women in our society and to think of the women and girls for whom violence is a daily reality.

Despite the tremendous progress that has been made in the advancement of women's rights over the past few decades, violence against women still exists in many forms.

On average, every six days a woman in Canada was killed by her spouse or ex-spouse in 2009. The same year, over 17,000 women reported to the police that they had been sexually assaulted.

Every day in 2010, some 3,000 women sought refuge in emergency shelters to escape domestic violence.

Violence against women has special significance and seriousness.

• (1420)

Women are more likely to be victims of violent acts perpetrated by men they know, such as their intimate partner, a family member or an acquaintance. Violence causes physical, emotional and psychological scars that often leave its victims suffering in silence. In addition, violence limits the freedom of its victims and their participation in social and political life and thereby compromises the development of any society that tolerates it.

This day reminds us that there is a great deal more to be done to prevent and eliminate violence against women. It also provides us with an opportunity to consider tangible measures to combat the attitudes and conditions that make it possible for this violence to continue.

Therefore, I invite Canadians to participate in one of the vigils that will take place across the country today, December 6, and to share their strength in a fight that concerns us all: to put an end to violence against women in Canada and elsewhere in the world.

[English]

**Hon. Nancy Ruth:** Honourable senators, the National Day of Remembrance and Action on Violence against Women was established in 1991 and was inspired by the tragic deaths of 14 young women on December 6, 1989, at the École Polytechnique in Montreal. This national day reminds us to first mourn and then work for change.

Canadians are doing just that. Across the country, Canadians honour those women who have been killed through vigils, memorial services or special projects that raise awareness about the issue of gender-based violence.

A resolve to eradicate violence underpins the nature of events marking December 6. These events help to fuel the momentum for change that lasts throughout the year. As a result, Canadians are undertaking initiatives that are full of power to bring the vision of a peaceful society closer to reality. We must all be active partners if we are to achieve our shared vision of ending gender-based violence.

[Translation]

## ROUTINE PROCEEDINGS

### APPROPRIATION BILL NO. 3, 2011-12

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-29, An Act for granting to Her Majesty certain sums of money for the

[ Senator Tardif ]

federal public administration for the financial year ending March 31, 2012.

(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.)

[English]

## SAFE STREETS AND COMMUNITIES BILL

#### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-10, An Act to enact the Justice for Victims of Terrorism Act and to amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act and other Acts.

(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.)

[Translation]

## FIRST NATIONS ELECTIONS BILL

#### FIRST READING

**Hon. Claude Carignan (Deputy Leader of the Government)** presented Bill S-6, An Act respecting the election and term of office of chiefs and councillors of certain First Nations and the composition of council of those First Nations.

(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.)

[English]

## PARLAMERICAS

REGULAR SESSION OF THE ORGANIZATION  
OF AMERICAN STATES GENERAL ASSEMBLY,  
JUNE 5-7, 2011—REPORT TABLED

**Hon. Percy E. Downe:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation respecting its participation at the Forty-First Regular Session of the OAS General Assembly, held in San Salvador, El Salvador, from June 5 to 7, 2011.

[Translation]

## DOHA DEVELOPMENT ROUND

### NOTICE OF INQUIRY

**Hon. Mac Harb:** Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the importance of Canada playing a proactive role in bringing about the successful conclusion to the Doha Development Round.

## QUESTION PERIOD

### JUSTICE

#### SAFE STREETS AND COMMUNITIES BILL

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate.

An article that appeared in *Le Devoir* on November 28 indicates that Nadia Pollaert, the Director General of the International Bureau for Children's Rights, considers that Bill C-10 violates the United Nations Convention on the Rights of the Child that Canada ratified in 1991.

The convention is very clear about the obligations that states have with regard to children in conflict with the law. Article 37(b) reads:

The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time

Ms. Pollaert specified that the main reason for the special treatment given to minors is that they have not fully matured psychologically and many so-called young offenders have had difficult lives and suffered a great deal as a result of dysfunctional family environments.

Does the Conservative government think that international law is only about free trade and the WTO, and that it can ignore the rights of young Canadians?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, Bill C-10 has just passed through the other place and has been received in this chamber as of a few moments ago. I believe there will be quite a number of opinions of people on various aspects of Bill C-10.

• (1430)

With the bill now before the Senate, there will be ample opportunity to study it when it is referred to committee, where witnesses will be called to testify. I do not believe that the statements read into the record are relevant to the bill. Obviously, various officials drafted the bill and it received a full airing in the House of Commons. If the honourable senator has any particular questions about the relevancy of the comments by people who are interested in expressing their views on this bill, there will be ample opportunity to do so in the Senate.

**Senator Hervieux-Payette:** On a supplementary to the leader, by allowing the proliferation of arms in Canada, while imposing minimum sentences for young offenders regardless of their personal history or their chances of rehabilitation, the government has shown that it is either insensitive to the needs of young Canadians or ignorant of the actual research done in that sector.

The government has created, or is in the process of creating, a society of permanent temptation coupled with systematic repression. Your selective freedom stops at the door of judges who are handcuffed by your minimum sentences. Does the Conservative government believe that morality can exist only by adopting a populous law aimed at pleasing its reformist electoral base or by abandoning its Christian values in favour of the powerful American gun lobby?

**Senator LeBreton:** Oh, my goodness.

With regard to young offenders, Bill C-10 reflects the government's commitment to respond to problems posed by youth crime by using fair and appropriate measures to hold young people to account when they break the law. This fact is clear: No one under the age of 18 years will serve time in an adult prison. This bill and other government measures create a balanced approach that includes prevention, enforcement and rehabilitation.

I believe I pointed out before that many of the concerns of Quebec's Minister of Justice were taken into account by the federal Minister of Justice when this bill was being drafted.

**Senator Hervieux-Payette:** Could the honourable leader table a report on the study that will prove what she has said?

**Senator LeBreton:** I am answering the questions put by the honourable senator, even with her excessive, overblown rhetoric about the motives of people on this side, which is totally unacceptable. There will be ample opportunity when the bill is before committee, as I indicated to Senator Fraser when she asked

a question about this very matter. The commitment made by the government was to work to pass this bill, which has been before Parliament for a long time in various forms. It has been debated in both chambers on many occasions. Our commitment was to seek passage of this bill before the end of 100 sitting days of Parliament, which, I believe, will be the middle of next March. The honourable senator will have ample opportunity to make her views known here and in committee.

**Senator Hervieux-Payette:** Honourable senators, maybe I will get the answer to my next question.

We could work together on a question and consult Canadians by putting that question in a poll. Would the government be willing to finance that poll provided there is agreement on the question?

**Senator LeBreton:** Honourable senators, since we are talking about polls, I will cite one that was made public yesterday by *Policy Options*. The poll found that 64 per cent of Canadians support the direction of the government.

**Hon. Wilfred P. Moore:** Honourable senators, I have a supplementary. Could the Leader of the Government in the Senate provide the house with the report or the study done in connection with the costs to implement this bill? Many concerns have been expressed by the provinces as to what this may cost them; they do not know. Could the leader table in the Senate the report setting out those numbers, please?

**Senator LeBreton:** Honourable senators, I will use the same answer I have used before. The cost of implementing Bill C-10 is far, far less than is the massive cost to victims of crime. The bill is before the Senate, so there will be ample opportunity for senators on both sides to question officials and experts involved in the drafting of this bill. There is ample time between now and when the bill is finally passed to answer all of those questions.

**Hon. James S. Cowan (Leader of the Opposition):** On a supplementary to Senator Moore's question, if the minister is not in a position to tell us today what those costs will be, will she assure honourable senators that officials will be available to appear before the committee to answer questions when it studies the bill?

**Senator LeBreton:** It is interesting that the honourable senator rose in the Senate many times to ask about two studies that were done and accused the government of hiding these studies, although one was not the property of the federal government. I did not hear Senator Cowan rising to acknowledge that we had provided all of the information that he requested. Of course, it was appended to the record on the day that it was tabled.

As I said to Senator Moore, the cost of crime on our society far exceeds the cost of fighting crime. A 2008 Department of Justice study on the costs of crime estimated that the total cost of crime in Canada is about \$99 billion. The vast majority of the costs of these crimes is borne by the victims. As I have said in response to earlier questions, last spring we provided a House of Commons committee with hundreds and hundreds of pages of documents that detail how we costed these bills. Minister Nicholson has tabled a summary of these documents at the House of Commons

Justice Committee. They show that the federal cost of Bill C-10 will be \$78.6 million over five years. We believe that, working in collaboration with the provinces and territorial partners this will be money well spent in ensuring a strong justice system across the country.

**Senator Cowan:** On a supplementary to correct what the minister said, going back as far as two years I repeatedly asked her for two reports. After two years' delay, she tables one in this place and tells me that she cannot table the other because it is in the hands of the provinces. That is not the full disclosure that she pretends it is.

My question was not with respect to the cost of crime but rather to follow up on Senator Moore's question with respect to the cost of these bills. I want the leader to assure this place that if she cannot provide those details today, she will ensure that officials are available to appear before the Standing Senate Committee on Legal and Constitutional Affairs to provide answers to those questions before honourable senators are asked to vote on it.

**Senator LeBreton:** To clarify matters, I did as the honourable senator asked and sought the information from the Department of Justice. We fully tabled one report and the other report is not the property of the federal government but that of the provinces. Therefore, we are not in a position to table a document that does not belong to us.

Honourable senators, as is the case with all bills that come before the Senate and are referred to committee, the Minister of Justice will appear and departmental officials will appear. Why would this be any different from the past? I cannot remember any piece of proposed legislation where officials have not appeared. First, the minister appears, followed by the officials to answer all questions to the best of their ability.

## ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

### ATTAWAPISKAT FIRST NATION

**Hon. Marie-P. Poulin:** Honourable senators, my question is for the Leader of the Government in the Senate.

• (1440)

The issue of unacceptable living conditions in Attawapiskat in minus-20-degree weather is suddenly focused back on the federal government with the appointment of a third-party manager who was immediately ejected. That manager, Jacques Marion, has departed at the insistence of Chief Theresa Spence. Will the Leader of the Government in the Senate please give us a complete update?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the situation at Attawapiskat is, of course, receiving much attention from the federal government, the provincial government and the Red Cross. Emergency Management Ontario is there at the moment.



Our government, as I indicated last week, is committed to ensuring that residents, especially children, have warm, dry places to sleep. We urge the band council to be part of the solution. We have placed Attawapiskat under third-party management in order to address urgent health and safety needs.

It is clear that a significant investment in this community of \$90 million since 2006 has not resulted in adequate living standards for residents. We are very concerned about the news to which the honourable senator refers. Preventing the third-party manager from working on the site will only delay urgently needed housing for residents. The Minister of Aboriginal Affairs and Northern Development is working very hard to resolve the situation of the chief rejecting the third-party involvement.

**Senator Poulin:** Honourable senators, Aboriginal Affairs Minister John Duncan is quoted as saying that Jacques Marion wished to “respect the volatile situation” at the reserve and that he left. The manager is reportedly still in full control of all the funding and everything related to the reserve. The minister is saying that the federal government will work with the community.

[Translation]

This seems to be a very complicated situation, which is creating increased conflict between the government and the community.

Can the leader tell us how this is going to work?

[English]

**Senator LeBreton:** We certainly do not want to be in a position of confrontation. Minister Duncan is simply pointing out to the chief that not cooperating with third-party involvement is only hurting her own people, particularly the children.

Hopefully this situation will be resolved as meetings continue, because no one wants children and their families to be living in these conditions, especially in the decreasing temperatures.

As I mentioned, Emergency Management Ontario and the Red Cross are there. There are people on the ground trying to resolve the situation, which, as I am sure the honourable senator will acknowledge, is not an easy one to deal with.

[Translation]

**Senator Poulin:** Does this mean that the leader can assure us today that the living conditions in Attawapiskat will be improved before Christmas?

[English]

**Senator LeBreton:** Honourable senators, it is obvious that the two levels of government and the Red Cross will not turn away from this community without ensuring that the living conditions of the residents have improved.

**Senator Poulin:** Honourable senators, I heard a little contradiction in the news over the weekend that I would like the leader to explain. Minister Duncan repeatedly asserted that he had heard about this situation during the month of October 2011 and that he was quite surprised to hear about it. Former Minister of Aboriginal Affairs Chuck Strahl said publicly that he knew

about the situation for the last year. Could the minister explain this contradiction between a former minister and the current minister?

**Senator LeBreton:** I do not think it is a contradiction. I think everyone knew. Certainly the member of Parliament, Charlie Angus, should have known, as it is in his constituency.

I have seen the news reports. I have not sought exact clarification, but I believe there was some difference of opinion about exactly when the state of emergency was declared. I did not see former Minister Strahl, but I think he was pointing out the ongoing situation of some of the communities, especially remote ones. Of course we saw the situation in Kashechewan a few years ago. I do not think the reports are at odds. I think they were talking about two different sets of circumstances.

[Translation]

**Hon. Rose-Marie Losier-Cool:** Honourable senators, I have a supplementary question. Like many Canadians, we are embarrassed to see the situation facing Aboriginal people. This is not the time to point fingers. I am pleased to know that the Minister Responsible for Aboriginal Affairs, Mr. Duncan, is going to visit the community.

Do we plan to send other ministers to accompany Mr. Duncan? I am thinking of the Honourable Rona Ambrose, Minister Responsible for the Status of Women, who is very aware of women's issues, and the Honourable Leona Aglukkaq, Minister of Health, among others.

[English]

**Senator LeBreton:** Honourable senators, the situation warrants action. However, I do not understand how a trail of people traipsing through the community will do anything other than get in the way of those who are trying to help these people.

This is a terrible situation, but Minister Duncan put the third-party manager in place as an immediate response, in the interest of the people. Hopefully the chief will agree to this. I know that she has rejected it until now, but surely the interests of the children and their families are paramount here, and that is what the government is focusing on.

There are people who were there and are very knowledgeable and they have fully informed the government, particularly the minister, of the conditions. We will not do one thing to help these individuals by having yet another person going to have a look. We know that the situation is dire. There are people living in unheated tents. There are other facilities that need upgrading. There are some vacant homes. These are the various conditions at the moment. We need people up there fixing these things, not wandering around looking at them.

**Senator Losier-Cool:** I do not think the purpose is to look but rather to show those people that we are interested in them and have compassion for them.

My question was this: Has it been considered that other members of the cabinet could eventually visit those people, talk with them and show them compassion?

• (1450)

**Senator LeBreton:** Honourable senators, two members of the cabinet are Aboriginals and understand full well the challenges that face our Aboriginal communities. For the honourable senator or anyone to suggest that we are not very concerned and compassionate about the state of affairs is frankly unfair and quite wrong.

The Government of Ontario, the federal government, the Red Cross and Emergency Measures Ontario have been on site. Everyone is doing everything possible to make sure that those families living in the substandard, freezing conditions are tended to first and foremost.

The news media have been up there and have done an admirable job of informing Canadians of what is actually going on. I do not think anyone would look at those pictures and stories and not have a lot of compassion for people living in those conditions.

I do not know what else to say to the honourable senator. Everyone is trying to do their very best, and I am sure they will. We have to have a little bit of faith in human nature and in the compassion of the people who are up there that they will not walk away and leave people living in the same conditions that they found them in two weeks ago.

**Hon. Lillian Eva Dyck:** Honourable senators, I have a supplementary question. I really do fail to understand how third-party management will solve any of the issues in Attawapiskat. The community has been under co-management for about a decade. Aboriginal Affairs and Northern Development has known for years and approved the budgeting that goes on with the community. Putting in third-party management now is too late. They have known about this problem for many, many years.

The minister talks about the women and children. We know very well that all across Canada the Aboriginal population is the youngest and the fastest growing. The population of Attawapiskat has increased enormously over the last five to ten years, but the funding has not. How can third-party management solve that? They are getting more and more young children and babies, and the minister is talking about children being at risk. Well, those are the children at risk. How can third-party management help them?

**Senator LeBreton:** Honourable senators, at this point, something has clearly gone very, very wrong. Significant amounts of money have been spent in the last four or five years at Attawapiskat. Going forward, other measures will have to be taken. For the moment, we are facing a crisis. For the moment, with the various people who are up there, the government's moving to have a third party move in there to get control of the situation, this is a measure that was taken for this particular circumstance we are in.

Going forward, with regard to this reserve and other remote reserves, obviously other measures will have to be taken. That is one of the reasons, and it is no secret, that legislation is being tabled in the other place with regard to the management of monies that have been sent to various bands. There has to be more accountability. Clearly accountability was lacking here. That will have to be corrected. However, for the moment, the important thing, priority number one, is ensuring that the families, the children, are moved from unsafe and unhealthy conditions into warm living quarters, especially because the temperatures now are hovering around minus 20 Celsius.

**Senator Dyck:** The minister said there has been a lack of accountability by the First Nation at Attawapiskat. How can that be true? It is not true, because they are under co-management. Every year, they have to submit a budget to what used to be called Indian and Northern Affairs Canada. That budget has been scrutinized and approved, so how can they not be accountable? They have been accountable. The minister's answer does not make any sense. How can she make those claims?

**Senator LeBreton:** Honourable senators, we have all seen the news coverage, and I will not comment on the various news stories about the expenditure of monies. Perhaps it was accounted for, but perhaps there has to be more scrutiny and management. That is something that the department and the minister will take into account when advancing monies in the future.

**Hon. Sandra Lovelace Nicholas:** Honourable senators, I also have a supplementary question. Where does the money come from for these third-party managers that take care of these communities? Does it come from the government, from the province, or from part of the communities' budget?

**Senator LeBreton:** Honourable senators, I believe it is from Department of Aboriginal Affairs and Northern Development, although I would have to clarify that. I will provide that answer by written response.

## ANSWERS TO ORDER PAPER QUESTIONS TABLED

### VETERANS AFFAIRS—STAFFING

**Hon. Claude Carignan (Deputy Leader of the Government)** tabled the answer to Question No. 16 on the Order Paper by Senator Downe.

### HUMAN RESOURCES AND SKILLS DEVELOPMENT—CLOSURE OF EMPLOYMENT INSURANCE PROCESSING CENTRES

**Hon. Claude Carignan (Deputy Leader of the Government)** tabled the answer to Question No. 22 on the Order Paper by Senator Callbeck.

[Translation]

## ORDERS OF THE DAY

### FINANCIAL SYSTEM REVIEW ACT

#### BILL TO AMEND—SECOND READING— DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Housakos, for the second reading of Bill S-5, An Act to amend the law governing financial institutions and to provide for related and consequential matters.

**Hon. Céline Hervieux-Payette:** Honourable senators, I would like to make a few comments about Bill S-5. Last week, we received information about this bill, but there was also mention of consultations with financial sector associations and consumer groups.

I do not necessarily deplore this bill, but I deplore the fact that no report was submitted to the Standing Senate Committee on Banking, Trade and Commerce and that we were never consulted. We do not know the terms of reference.

This is the second time since I have been a member of the Senate banking and commerce committee that, when new rules are established, I have seen us denied the privilege of carefully examining the situation with all stakeholders in the financial sector, including, obviously, Canadian society and the people responsible for protecting consumers.

I remind senators that since the famous 1995 Bank Act was established under a Liberal government, our banking system has been considered one of the best in the world. Mr. Speaker was there when we revised that. We crossed Canada and we heard from all the interest groups for a year. We also heard from the public. Average citizens could come at the end of our meetings to share their ideas and concerns. The review was done and it was detailed.

When the 1995 bill passed, we had a majority, like the current government, but this bill still reflected the work of a committee. The study was done in accordance with accepted practices. Parliamentarians receive opinions from the public, report on them and then the government can draft its bill.

Today, and for the second time, given that the same thing happened with the previous bill, Bill C-37, the Minister of Finance has come before us with a *fait accompli*, thereby undermining the role of our committee.

• (1500)

I am not saying that these are bad measures; I am simply saying that we are taking a piecemeal approach. Today we are studying yet another bill that has come to us at the last minute and that must pass by April 20, 2012, because it includes a deadline.

I think it is unfortunate that we are not taking this matter seriously enough and that we are not placing our trust in Canadians and in our institutions, and inviting them to join us in a public forum to discuss these basic matters.

If anyone currently believes that the whole question of financial institutions — the best system in the world, we are told — has been resolved, they have not read the report released last week by Moody's, which states that if we were to face a sudden increase in interest rates, a recession or a general shift in the Canadian government's financial framework, this could have a very serious impact on Canadians, whose debt-to-income ratio is 148 per cent. Canadians would obviously find themselves in a very difficult situation.

Today, we can look at other countries and say that we are lucky because we made changes in 1995. That was a few years ago, but the time has now come to start thinking about taking a comprehensive view of trends in the global economy to determine what instruments we will need.

We made some very important changes that allowed banks to acquire investment banks. Last week, representatives of the Canadian Banking Association only spoke about the banking system and the fact that they were not affected by the crisis. We obviously did not talk much about investment banks or insurance companies.

Insurance companies were practically saved from bankruptcy at the eleventh hour by our financial system. But we are also forgetting that we gave ourselves some tools. I have been a member of the Standing Senate Committee on Banking, Trade and Commerce for a long time and, to my great surprise, when we gave the Governor of the Bank of Canada more power it was to allow him to advance \$75 billion through the CMHC to buy thousands of mortgages from our banks and put them on a solid financial footing.

The Bank of Canada intervened and injected billions of dollars into our Canadian banks. Yes, on the one hand, we had the tools; however, on the other hand, our banks had invested heavily in mortgages because the rules were copied from the American rules. It was possible to buy a house with practically no down payment and the repayment term was extended to 30 years.

The government eventually closed that door. However, it was the government opposite that opened the door to this excess by putting a national institution at risk and requiring intervention.

We also put a few billion dollars into the automotive sector and a few billion into BDC to help people who had trouble financing their inventory. BDC played an admirable role. However, we should not put our heads in the sand and claim that we have all the solutions and that the state did not intervene.

We need to revisit and rethink the future because there is still enormous pressure to allow banks to sell insurance. We see this situation in provincial financial institutions in Quebec: having a financial institution that can issue shares, lend money and provide

insurance. They cannot insure you because there are impermeable barriers between the sectors. They cannot insure the owners of small and medium-sized businesses who are so well served by this system, even though I think they might disagree.

We must give business people the option of choosing the institution that will offer them more, and I think that competition demands it.

Although the committee spent several months examining the issue of credit cards, the only result was a wish list. I regret to inform you that, yesterday, my credit card was renewed at an interest rate of 29.9 per cent. I hope I have the money to pay the balance at the end of the month because, if I do not pay it each month, by the end of the year, I will have paid 100 per cent interest on the money I used to buy goods and services.

What I want to say is that Bill S-5 could have addressed this issue because it creates measures stipulating that banks and financial institutions cannot charge fees for cashing government cheques of less than \$1,500. Thus there was a little concern shown for consumers, but I doubt that they were consulted about credit card interest rates.

Let us also remember that, as we speak, limits on credit card interest rates have been set by the American government. Legislation was passed there, and yet we are still sitting on the sidelines and allowing astronomical interest rates to be charged on credit cards in Canada.

I would like to point out certain aspects of the bill that still cause me some concern. The minister will likely have the opportunity to explain why he now has authority that used to be held by the Office of the Superintendent of Financial Institutions.

On one hand, the government is saying that it has a fantastic, solid financial system but now, in this bill, the government is shifting responsibility in one of the sectors — the superintendent's responsibility to approve certain transactions is being given to the minister, particularly in the area of international banking matters.

Here is the issue: either our system is stable and we do not necessarily need to change who is in charge because things have worked well for years now, or there are flaws that we are unaware of. We would like to know why the minister is interested in taking this responsibility instead of leaving it to the professionals and I mean the representatives of the Office of the Superintendent of Financial Institutions, who do extraordinary work. Those representatives have made regular appearances in our committee and they illustrate the harmony that exists between the various players who control the financial sector.

The other measure that still bothers me is the one whereby a foreign government can own shares and have voting rights in a Canadian bank. We have to remember that there are a maximum number of bank shares that any shareholder can acquire. That is why our banks remain Canadian, otherwise some would no longer be, but 20 per cent is a lot. If we are talking about

controlling shares, for many years the standard was 10 per cent, but now it is 20 per cent. The minister needs to tell us what Canadian interests he is defending by allowing a foreign government to vote on these shares. It should also be noted that every taxpayer here probably owns shares in a bank through their pension funds and could never vote directly. We need an answer on that.

The other issue I want to cover, which was the subject of a press release issued by the Bankers Association, concerns the increase in consumer protection fines from \$200,000 to \$500,000. If no one does anything wrong, it costs nothing and they have nothing to worry about.

• (1510)

The officials said that it was harmonized with other laws. If the penalty were increased in other laws, the amount would be \$500,000. I suppose in this case, it would be up to the judge to determine whether the amount would be \$200,000 or \$500,000. Since this is the financial sector, there is no minimum penalty, as there is the case in another sector in particular. The government should be commended for giving judges the latitude to determine the fines that will be imposed on anyone who breaks the law.

I will conclude my overview of the bill with the following comments. We know that we must study this bill. However, we have very little time to do so, since the holiday break is approaching. We will study the bill carefully. The minister will be asked questions about the need to review the act. We have no choice; the law forces us to do so. Nevertheless, I encourage the government to think seriously about conducting a review of the financial sector in 2012 to assess the strength of our financial institutions. In light of the situation with pension funds, insurance companies and the poor performance of our institutions, we have to wonder what the future will be like for Canadians when they retire. We must ensure that all the pillars of our financial sector are secure.

(Debate suspended.)

[English]

#### DECLARATION OF PRIVATE INTEREST

**Hon. David P. Smith:** On a question of privilege, honourable senators, I was out of the country last week with the Foreign Affairs Committee. I only became aware of this bill a couple of days ago. As I am an independent director of a foreign bank that has a subsidiary in Canada, it is theoretically possible that there may be items in this bill that could have an impact on the bank. I believe the appropriate thing for me to do is to rise, note it on the record and not participate in the discussion on this bill and not vote on it.

**The Hon. the Speaker *pro tempore*:** Honourable Senator Smith has made a declaration of private interest regarding Bill S-5, a matter before the Senate. In accordance with rule 32.1, the declaration shall be recorded in the *Journals of the Senate*.

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Greene, seconded by the Honourable Senator Housakos, for the second reading of Bill S-5, An Act to amend the law governing financial institutions and to provide for related and consequential matters.

**Hon. Wilfred P. Moore:** Will Senator Hervieux-Payette take a question?

**Hon. Céline Hervieux-Payette:** Yes.

**Senator Moore:** I was listening to the honourable senator's remarks. I think she said that if a Canadian bank wants to increase its assets by more than 10 per cent of its current value, then that transaction must be reviewed by the Minister of Finance. Is that the purport of what she was saying?

**Senator Hervieux-Payette:** Yes, one can go to clauses 53, 101, or 118, which require the minister to approve foreign acquisition by a Canadian entity that would increase the size of that Canadian entity by at least 10 per cent.

The honourable senator is right. It is important to address that question for the simple reason that we know that previously our banks often invested a great deal in some developing countries. We have had some sad stories in some countries. I will not name them, however, because I work quite a bit with parliamentarians from these countries. We just have to ensure that our Canadian banks will be secure with this new form. Also, I want to know why it is now the minister who will have to overview this question.

**Senator Moore:** Honourable senators, I am trying to get a handle on how this will work in practice.

Is it for the bank, in the situation the honourable senator has outlined, to go to the minister and say, "I think we may be increasing our value," or "This acquisition will be more than 10 per cent;" or does the bank have to submit all of its transactions to the minister, who would then say, "Well, that one is under; you are okay. That one is over."? How will this work in practice?

**Senator Hervieux-Payette:** The honourable senator and I sit on the same committee. We heard the superintendent tell us last week that they make sure that the Canadian rules are followed. Of course, Basel II and, eventually, Basel III will be respected as far as the liquidity of banks is concerned. They have designated what is an asset that complies with Basel because, before, there were some strange assets that were part of that consideration.

In this case, honourable senators, we will have some questions for the government about why this would have to go. We have had a few transactions lately that took place with some of our large banks and some insurance companies that went beyond 10 per cent. If it were under 10 per cent, would it stay with the superintendent? I do not know. With this legislation, we are talking about at least 10 per cent. I suppose if it was more than that, then it would impact a lot on the financial statements of the banks.

**Senator Moore:** The honourable senator mentioned that the bill enables foreign ownership to increase from 10 to 20 per cent. I do not know what that would mean in terms of minority shareholders who would now hold 20 per cent. Does that have any impact under Canadian law vis-à-vis makeup of the board and having a large say in how our chartered banks operate? Has that been considered?

**Senator Hervieux-Payette:** In the Bank Act, there are no measures directed at foreign investment. It says in this case that we are talking about foreign governments. Foreign investments were limited and capped at 20 per cent. It used to be 10 per cent, but it was changed.

Right now, a foreign government will have the right to hold shares and vote as a shareholder. I guess they will be submitted to the same kind of foreign investment review as any other individuals or, in fact, other banks or foreign banks that would take some but do not belong to a government. We know that some governments own banks. There used to be the German Landesbanks which were provincial banks belonging to provincial governments. In this case, they had great difficulty during the crisis. Some of them were not even saved. The government that owned them suffered a lot and they had to legislate and restrict the foreign investments of these banks. Therefore, they can exist, but only in their country.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

• (1520)

MULTIPLE SCLEROSIS AND CHRONIC  
CEREBROSPINAL VENOUS INSUFFICIENCY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cordy, calling the attention of the Senate to those Canadians living with multiple sclerosis (MS) and chronic cerebrospinal venous insufficiency (CCSVI), who lack access to the "liberation" procedure.

**Hon. Jane Cordy:** Honourable senators, I believe passionately that those Canadians with MS should have access to our medical system. One of the five principles of the Canada Health Act is accessibility, yet many Canadians with MS have been treated badly by the system or have even been refused treatment.

I know that the minister has recently announced that there will be clinical trials, Phase I, and this comes after her previous announcement in June of this year. I am still researching the minister's comments so I would like to adjourn the debate in my name for the remainder of my time.

(On motion of Senator Cordy, debate adjourned.)

### PRIVATE MEMBERS' BILLS

#### INQUIRY—DEBATE ADJOURNED

**Hon. Stephen Greene** rose pursuant to notice of November 23, 2011:

That he will call the attention of the Senate to the modernization of the practices and procedures of the Senate Chamber with a focus on private members' bills.

He said: Honourable senators, I wish to offer my thoughts on the issue of the modernization and greater efficiency of Senate practices. Today I will focus on private members' bills.

As you know, we are always talking about Senate reform. What we are really discussing when we talk about it is reforming the way in which senators come to sit in these chairs and how long they will sit in them: elections, no elections, term limits, and for what length, and so on. Everyone here has heard about this for a long time and, no doubt, will continue to hear about it because it is a very worthwhile debate. However, today I will not be talking about that kind of Senate reform.

Today I wish to offer my views on a different kind of Senate reform, which I call modernization. It is a reform that I believe is badly needed. Today I wish to draw your attention to modernizing the way Senate business is carried out.

Maybe it is because I come from the private sector, but it is my view that if we were a company, our penchant for inefficiency and unfocused work would have put us out of business long ago. Some might wag their finger at me and say, "My, my, things have been this way for almost 150 years. They can't be changed on a whim." Well, it would be the height of silliness to say a business must not change its daily operations after nearly 150 years, and so it is with this chamber.

Indeed, I was criticized in this chamber by Senator Tardif not too long ago for daring to question the value of Question Period. Indeed, I think Question Period is one of the least valuable things we do here. It is completely irrelevant to what we are mainly here for, which is to scrutinize government legislation. However, I reserve my comments on Question Period for another day.

That the efficiency of the Senate is a worthy topic of inquiry has been recognized by our own expert on the chamber, Senator Serge Joyal. On page xxv of the introduction to his wonderful collection of essays on the Senate, *Protecting Canadian Democracy: The Senate You Never Knew*, he writes:

... changes to the Senate ought to be designed so as to improve the efficiency of the Upper Chamber and enhance its working relationship with the House of Commons and the federal Cabinet.

I agree with that. Of course, we are not a corporation, so a concern for efficiency should not drive every single thing we do. That does not mean, either, that principles that are universally espoused in the private sector, such as adapting to the times, pursuing efficiency, and modernizing procedures and practices, should not be tried here. I believe that activity and productivity from this place can increase. Such things as productivity are hard to measure. We could perhaps strike a productivity index that would measure bills per hour or bills per dollar spent and compare ourselves to other legislatures, but how do you measure ideas, which we also generate? On the other hand, quite frankly, I worry that some of the work we do in this chamber would strike some Canadians as busywork, or paper shuffling — the kind of work that some bureaucrats, whether public or corporate, engage in to look busy for their employers or managers. However, in my view, we have to do something.

Most days I am thankful that the debates in this chamber are not televised. We do televise our committee work, as we should, but in committee we discuss and propose solutions to problems that Canadians are interested in. That is not generally so in this chamber. I hope some of the modernization ideas I will be proposing will eventually enable me to become a supporter of televising these proceedings. For example, I would never be a supporter of televising these proceedings as long as we have Question Period, at least in its present form.

Honourable senators, now let me get straight to the matter of private members' bills. The inspiration for my research into private members' bills comes from an impromptu speech given by Senator Comeau on October 4, when he rose in his place to say there was too much clutter on the Order Paper, which was slowing down the business of the chamber, and that one of the culprits was private members' bills. He alleged that they had been increasing in number.

Was Senator Comeau right? He always is; but I was determined to prove it.

Let us first go back in time. During Prime Minister Trudeau's 1968 to 1979 tenure, comprising 11 years, there were 66 private members' bills tabled here in the Senate, or an average of 6 private members' bills per year. None were tabled in Joe Clark's 9 months. During the Mulroney years, from 1984 to 1992, comprising 9 years, there were 54 private members' bills tabled or, once again, an average of 6 private members' bills tabled per year. Thus, for a period running roughly from 1968 through to 1992, or about 25 years, there were about 6 private members' bills tabled each year. During the entire Chrétien-Martin years, from 1993 to 2005, comprising 13 years, we saw an increase to 10 private members' bills tabled each year, for a total of 135.

Since 2006, in the past five years, a staggering 172 private members' bills have been tabled. From an average of 6 per year for 25 years, we have jumped to 172 over the past 5 years, or an average of 34 bills per year — a sixfold increase over the average of 6.

These numbers look bad enough, but they become worse when put in context. If private members' bills, no matter what their number, were but a mere drop in the bucket of the total legislative output of this place, there might not be much to worry about. However, this is not the case. The 45 private members' bills tabled in 2009, for example, represented 86 per cent of all the bills tabled in the Senate that year.

I hope my honourable colleagues can agree at least on my first point, that the number of private members' bills has increased dramatically over the past few years.

Moving now to the quality of private members' bills — a very tricky subject indeed — we find that of the 172 private members' bills that have been tabled since 2006, a grand total of 8 have received Royal Assent. That is 8 out of 172. During the 1968 to 1979 period, which I referenced earlier, when 66 private members' bills were tabled, 36 received Royal Assent. That means that the success rate for private members' bills has fallen from about 55 per cent 40 years ago all the way to now where the success rate is less than 5 per cent. This indicates that many recent private members' bills were nothing more than a waste of time.

How can the current very low success rate be explained? The reason, I think, is two-pronged; first, I believe that many private members' bills today reflect the pet issues of the senators who put them forward. In this way, they cannot be taken seriously because they have little chance of becoming government policy or of being passed. Second, the twisted nature of political gamesmanship has been infused into the tabling of many of these bills, where the intended outcome of the private bill is not to pass a law, but instead to force the government of the day into a corner by saying “no” to a bill, and then painting them as being wholly against the goals of the bill, or as being unsympathetic to the cause, even if they are indeed sympathetic to the goals and the cause but are opposed to the method of satisfying the goals.

• (1530)

Let me offer two examples, one from each party, that illustrate each of these two points. Please note that I am taking one private bill from each side of the chamber in order to underline that this inquiry is not partisan in nature but should be one of general interest in the Senate.

The first example I would like to mention is from the end of the last Parliament. The bill was entitled, *An Act Respecting Giovanni Caboto Day*. I do not think I need to go into too many details regarding this bill, other than to say that we saw Senator Di Nino's legitimate desire to have the Italian roots of our country recognized in a significant manner. This is all well and good, but we must see clearly that this is a pet issue — one that is, of course, dear to our colleague's heart, but not one that is of vital national importance to the extent that a law must be passed.

My second example comes from the other side of the chamber and is one that illustrates my opposition to private bills when they

are purely partisan. It was entitled *An Act to Amend the Income Tax Act* (carbon offset tax credit). What we have here is a bill that is entirely partisan in nature and, because of that, belongs in the other place, not in this chamber. It is a bill that functions completely outside of the government's plans in this area, which have been drawn and continue to be expanded upon by Canadians who have been elected to bring direction to a very complex and critical public policy area. The use of private bills as a political tool belongs in the other place. The kind of political manoeuvring represented by this bill gets to the heart of what I mean about the culture of private bills in this place and begs that we speak about the elephant that is always in the room when discussing the Senate. That elephant, of course, is that we are not elected.

It may shock some honourable senators to realize that we are not elected, except perhaps for one of us, Senator Brown. I remind you that we are not elected because I believe it takes a certain amount of hubris, pretentiousness, chutzpah or sense of phony self-importance for an unelected senator to expand the Senate's law-making authority to legislation-creating. We must not forget that our “unelectedness” defines our role in this place. We are here primarily to scrutinize proposed legislation from the other place and to bring consideration where the hasty and sometimes emotional drive of politics might blur the coherence of bills tabled by the government. That is our true value and, if we abuse it, I fear the consequences.

To repeat, our primary role is to pass proposed government legislation, to offer amendments where and when needed, or to reject that proposed legislation. We are not here to be the driving force behind new legislation, because we have no direct mandate from the Canadian people. We are not here to do the heavy lifting in the law-making business of the country. To any senator who disagrees with this statement or who does not like it, I say, “Resign your seat, face the Canadian people and get elected to the other place democratically; and then propose your bill.”

The reason I draw such a hard line is that we are not accountable in a democratic way. What if, indeed, a senator had what he thought was a great idea and got a private bill passed? Then a few years down the road, what if that legislation led to unforeseen consequences that were wholly unpalatable to the Canadian public, as can sometimes happen? Well, that senator could simply deflect blame by shrugging and saying, “Oh, I guess I was wrong. What's for dinner?” That senator could not be booted out of this place for bad legislation, as is the right and need of the good people of Canada or any democratic country when dealing with law-makers in the context of laws that have bad ramifications. The fact that many of these bills do not get passed most of the time is proof that these bills regularly are not serious attempts at legislation. All they do is take up time or embarrass someone.

Our current rules have led to wasted time and wasted taxpayers' money. Luckily, we have options. We can modernize our rules or, even more simply, adapt our practices. We can work to avoid some of the efficiency pitfalls that are allowed in the current practice of private bills. I offer two possible solutions and rule changes that might deal with the explosion of private bills.

First, a senator proposing new legislation must find a co-sponsor for a private bill from across the aisle. Certainly, anyone who believes in this place as a non-partisan house would agree with that.

Second, a lottery system, such as that in the other place, whereby only a certain number of private bills can be present in the system at any one time, should be instituted. I would submit that that number be six, which was the yearly average number prior to the recent explosion. Moreover, these two ideas are not mutually exclusive.

I also feel it necessary to make my point in relation to our rights and privileges as Parliamentarians. By these suggestions, I do not seek to abridge or limit the rights and privileges of senators, because we have inquiries, motions and statements at our disposal to raise any issue we wish. I would seek — perhaps expressly — to halt the trend of the expansion of our rights into areas they are not intended to go.

I, for one, am ready to be proactive in seeking change. No matter what we decide to do as a chamber, for my part I will require a little more effort and explanation from my colleagues on both sides in the future if I am to support their private bills. Perhaps I will require bi-partisan support as a pre-condition for mine. Perhaps I will simply be stubborn due to the number of them appearing on the order paper and, on principle, never vote in favour of a private member's bill regardless where it comes from.

Of course, I hope honourable senators do not think that I believe the concerns of some of their private bills are not valid. However, I believe that pet issues and partisan shenanigans must bow to the strains of what the Senate is designed to do: offer efficient scrutiny of proposed government legislation and pass such legislation when merited; and to do good committee work, including the many very interesting reports that we are so fortunate to work on.

**Hon. Wilfred P. Moore:** Honourable senators, I would like to take the adjournment of that rather nonsensical rant.

(On motion of Senator Moore, debate adjourned.)

[Translation]

## EUTHANASIA AND ASSISTED SUICIDE

### INQUIRY—DEBATE ADJOURNED

**Hon. Andrée Champagne** pursuant to notice of November 29, 2011:

That she will call the attention of the Senate to euthanasia and assisted suicide.

She said: Honourable senators, the issue of euthanasia and assisted suicide is making the headlines once again.

[ Senator Greene ]

In Quebec over the past few months, a travelling commission has been seeking the opinion of my fellow Quebecers on these emotionally charged subjects. As far as I know, the commission's report has not yet been published.

A few years ago, the subject was discussed at length when Sue Rodriguez wanted her very difficult life to come to end without causing any legal problems for those who would help her to die.

In our Parliament, in the last few weeks before her illness forced her to retire, member of Parliament Francine Lalonde introduced a private members' bill to decriminalize euthanasia and assisted suicide. The bill was defeated in the other place and never made it to the Senate.

Now another woman from British Columbia is turning to the courts to seek the same permission and the subject is once again on everyone's lips:

Should we decriminalize euthanasia? Should we allow assisted suicide?

Others talk about simply allowing a person suffering from an incurable disease to die in what some refer to as "dignity."

Can we allow a doctor to knowingly put an end to the pain of an incurable patient? That seems to happen in our hospitals. There are times when doctors serve up a final cocktail to a patient condemned by science.

If a doctor is convinced that recovery is improbable, close to impossible, and that treatment will only prolong the patient's intense pain, can the doctor decide to stop treatment?

When can the family decide that the time has come to take a sick person in respiratory failure off the ventilator? Should we prolong the life of a person who can only live with the help of a machine?

When can a family, with the doctor's approval, decide that force-feeding has to stop?

Of course, it seems obvious that, in the face of imminent death, a patient who could say so would choose to stop the pain. But if the patient cannot make his wishes known, if he cannot express his desire to die, what do we do then?

It is difficult to draw the line between euthanasia or assisted suicide and what could be considered pure and simple murder.

I would like to present what I consider to be the other side of the coin.

In 2007, when I developed septicaemia — blood poisoning — after contracting meningitis, when my kidneys stopped functioning and dialysis kept me alive, when I had a heart attack, when I lost the ability to breathe reflexively and when a machine had to breathe for me, many believed that I was on the road of no return. The doctors asked my family what they wanted the medical staff to do if I were, by chance, to have another heart attack.

Should they do everything possible to revive me?



• (1540)

Fortunately for me, in unison, they all said yes. A few days later, after three episodes of septic shock, after 40 days in a deep coma, the other question came up: it had been so long since I had moved or given any signs of waking up, it was looking quite possible that I would remain in that vegetative state for a very long time. In addition, my immune system was completely gone, since my white blood cell count was at zero. As long as my bone marrow was not producing white blood cells, I remained extremely susceptible to infection. I could catch all kinds of other infections, each more dangerous than the last.

In addition, when I woke up, if I were to wake up, they could not predict the condition of my brain. Considering that possibility, my family was told that very soon, it would be time to think about the possibility that stopping treatment might be the best thing to. Think about it, they were told.

Once again, the family council had a meeting. My husband, my children and my sister agreed that anyone who knew me at all would know that if there was even the slightest chance of survival, as soon as I woke up, I would fight for my life.

A few days later, a cry of joy and hope rang out around my bed, I am told. For the first time in a month and a half, the little container used to collect urine was not empty. That meant that my kidneys had started working again. Would my bone marrow also start doing its job?

A few days later, I came back to life. Of course, in the hours that followed, I struggled with a very serious depression. I could not speak. I, who had spent my life as an actress and politician — what would become of me if I could not utter a sound?

It was explained to me that the tracheotomy, which was still present even though I was no longer intubated, was preventing my vocal chords from vibrating. I was assured that as soon as I could breathe on my own again, the tube would be removed from my throat and I would be able to speak normally. I have the scar to show for it.

One thing is certain: if my family had allowed the medical team to stop giving me all the treatment that was available, I would not be here today to tell you that I hope that we will never legalize euthanasia in cases where the patient is not able to give his her consent.

Clearly, I am not talking about someone who is clinically dead and who is being kept on life support, perhaps for the purpose of organ transplantation. In fact, organ transplants should be mandatory in our society. This would prevent the deaths of many people each year who die while waiting for an organ that would allow them to extend their life by decades.

I will always believe in miracles. Miracles do not always happen, but science is still making progress that was once unimaginable. A few years ago, if a person was diagnosed with pancreatic cancer, it meant he had only a few months to live. However, a few weeks ago, a scientist who spent his life

researching this subject died from the disease, but quite a few years after his diagnosis was confirmed. So, there is hope.

I still do not believe that doctors should end the life of a patient who is unconscious because they cannot know what the patient's choice would be if he could express it. Euthanasia would likely save our health care system a lot of money. However, if the doctors had stopped treating me, I would have died, and God knows how much I appreciate every moment I am given.

A bill to decriminalize euthanasia and assisted suicide does not make any sense to me. I will always believe in miracles. And, after all these weeks and months of relearning how to walk, how to use a pencil, how to open a jar of jam and how to memorize telephone numbers, I live every moment with great joy. I am here.

I am thrilled that I was allowed to live and to relearn how to breathe. I certainly still experience some after-effects. It is still painful for me to go up and down stairs. Every day, when I come into this building, I thank those who invented elevators.

Let time take care of things.

[English]

**Hon. Terry Stratton:** Honourable senators, I would like to take the adjournment of this debate.

This is a fascinating topic that was studied by this chamber seven or eight years ago. It is something that will stay with us whether we like it or not, and I think it should be more fully debated.

(On motion of Senator Stratton, debate adjourned.)

## NATIONAL FINANCE

### COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

**Hon. Irving Gerstein,** pursuant to notice of December 1, 2011, moved:

That, until December 31, 2011, for the purposes of its study of Bill C-13, An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011 and other measures, the Standing Senate Committee on National Finance have the power to sit even though the Senate may then be sitting, with the application of rule 95(4) being suspended in relation thereto.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Wednesday, December 7, 2011, at 1:30 p.m.)

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