



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Thursday, May 10, 2012

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Thursday, May 10, 2012

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

Prayers.

### SENATOR'S STATEMENT

#### ROLLING RAMPAGE ON THE HILL

**Hon. Yonah Martin:** I rise today to remind honourable senators of an event that took place on April 26, 2012, right here on Parliament Hill. The seventh annual Rolling Rampage on the Hill was co-chaired by the Honourable Senators Di Nino and Munson in collaboration with the Canadian Foundation for Physically Disabled Persons. I wish to extend special thanks to all senators, MPs and staff who took part this year.

The exciting day consisted of a wheelchair relay race between parliamentarians, followed by a wheelchair relay race of elementary schoolchildren from the Ottawa-Gatineau region and, finally, a 10-kilometre international road race of 13 elite disabled athletes competing for a prize purse of \$30,000.

[Translation]

More than 2,000 elementary students from about 50 schools joined us in watching the victory of two great Canadian athletes, Josh Cassidy and Diane Roy, who also won the race last year. I am proud, as a Canadian, to see my country produce such high-calibre, phenomenal athletes.

[English]

Rolling Rampage is not only a day of competition; it is a day of celebration for everyone to gather and applaud the commitment and self-discipline of disabled athletes.

[Translation]

They are a living symbol of determination and strength and they are an inspiration to us all. I am very pleased that the annual Rolling Rampage gives us an opportunity to showcase world-class elite athletes.

[English]

I would also like to recognize the Korean embassy for sponsoring this event and preparing two teams to compete in the relay. The Republic of Korea was the only embassy present this year. Its demonstrated cooperation in advancing good causes serves as a promising prelude to the fiftieth anniversary of diplomatic relations between Korea and Canada in 2013. Hyundai also sponsored a Korea athlete, Mr. Gyu Dae Kim, who finished fifth in the highly competitive race.

[Translation]

I am happy and honoured to have been asked to co-chair Rolling Rampage in 2013 with Senator Munson. The event was

held in Toronto for five years and last year was the first year it was held in Ottawa, the nation's capital. This year, we designated three new co-chairs to reflect the growing popularity of this important activity.

[English]

Lastly, I would like to acknowledge one of the greatest champions of people with physical disabilities and the visionary behind the Rolling Rampage on the Hill, our former colleague, the one and only Honourable Vim Kochhar, and his wonderful team who are so dedicated and tireless in bringing together the annual Rolling Rampage on the Hill.

## ROUTINE PROCEEDINGS

### STUDY ON USER FEE PROPOSAL

PASSPORT CANADA—FOURTH REPORT  
OF FOREIGN AFFAIRS AND INTERNATIONAL  
TRADE COMMITTEE PRESENTED

**Hon. A. Raynell Andreychuk,** Chair of the Standing Senate Committee on Foreign Affairs and International Trade, presented the following report:

Thursday, May 10, 2012

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

#### FOURTH REPORT

Your Committee, to which was referred the document “*Passport Canada's Fee-for-Service Proposal to Parliament*, dated March 2012, pursuant to the *User Fees Act*” has in obedience to the order of reference of Thursday, March 29, 2012, examined the user fee Proposal and, in accordance with section 5 of the *User Fee Act*, recommends that it be approved.

Respectfully submitted,

A. RAYNELL ANDREYCHUK  
*Chair*

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

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

• (1340)

[English]

## BREAST DENSITY AWARENESS BILL

### FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-314, An Act respecting the awareness of screening among women with dense breast tissue.

(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.)

## CANADA-EUROPE PARLIAMENTARY ASSOCIATION

WINTER MEETINGS OF THE ORGANIZATION  
FOR SECURITY AND CO-OPERATION IN EUROPE  
PARLIAMENTARY ASSEMBLY,  
FEBRUARY 23-24, 2012—REPORT TABLED

**Hon. Francis William Mahovlich:** Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the Eleventh Winter Meetings of the Organization for Security and Co-operation in Europe, held in Vienna, Austria, from February 23 to 24, 2012.

[Translation]

## FRENCH EDUCATION IN NEW BRUNSWICK

### NOTICE OF INQUIRY

**Hon. Rose-Marie Losier-Cool:** Honourable senators, pursuant to rules 56 and 57(2), I give notice that two days hence:

I will call the attention of the Senate to the current state of French language education in New Brunswick.

## ACCESS TO JUSTICE IN FRENCH

### NOTICE OF INQUIRY

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to access to Justice in French in Francophone Minority Communities.

## QUESTION PERIOD

### ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

#### POUNDMAKER FIRST NATION

**Hon. Lillian Eva Dyck:** Honourable senators, Poundmaker Cree Nation, located near Cut Knife, Saskatchewan, holds its elections under a community custom code. Poundmaker has exercised its inherent customary laws for many decades and has never been subject to the Indian Act for selection of its chief and council. Their method worked fine for many decades because it was respected and implemented by the electorate.

Recently, however, there has been resistance to abide by the long-standing custom of disciplining and removing elected officials. There have been ongoing problems of governance with the Poundmaker chief and council and, in July 2011, after a six-year investigation by the RCMP, a total of 46 charges for fraud, theft and breach of trust were laid against nine individuals, including the current chief and several councillors.

My question is for the Leader of the Government in the Senate. Band members have made numerous calls to Aboriginal Affairs and Northern Development Canada and written to the minister asking for help to resolve the situation over the past 10 years. With criminal charges laid against the chief and several councillors in July 2011, why did the Regional Director General of AANDC not conduct an assessment of the situation?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question, however, I am not certain whether or not this matter is before the courts. It is obviously in regard to a legal matter. Therefore, I am not in a position to comment, but I will take the question as notice and seek a written response.

**Senator Dyck:** Honourable senators, I have some supplementary questions that perhaps the leader could take as written notice and also follow up on.

Poundmaker has a written election code that states that the removal of a chief and councillor can occur if they abuse their fiduciary obligation to the band membership and are convicted of an indictable offence, such as fraud.

On April 16, 2012, the current chief and several councillors pled guilty to charges of fraud and theft under the Criminal Code of Canada. Despite demands by band members for the guilty parties to resign, they have not. Worse yet, the department continues to recognize the guilty parties as legitimate council members.

Why have the minister and the department continued to recognize the guilty parties as legitimate council members? Why has the minister not taken action to remove the names of the guilty parties as the officially recognized chief and council members?

**Senator LeBreton:** I thank the honourable senator for that additional information. This is a matter specific to one band and I will, of course, include the honourable senator's further questions in my request for a written response.

#### FIRST NATIONS ELECTIONS

**Hon. Lillian Eva Dyck:** These questions are band specific, but they do apply to a number of bands across Canada. When First Nations bands contact AANDC with custom election complaints, why does the department not explain the Custom Election Dispute Resolution Policy to them, or at least give them a copy of it? Why does the minister or the department not outline, as standard procedure, the actions that the community can undertake, instead of telling them the department can do nothing?

**Hon. Marjory LeBreton (Leader of the Government):** Again, the honourable senator is referring to documents specific to what is going on in that particular band. I am not privy to those documents. I doubt that most of my colleagues here in the Senate are even aware of the situation. I appreciate the question and will seek a written response to all of the issues raised.

**Senator Dyck:** Honourable senators, the last question is more general in that it applies to all bands that hold custom code elections and that is, if I remember correctly, about 340 First Nations; it is not just one.

It is truly ironic that we passed Bill S-6, the First Nations elections bill, just a few weeks ago. The Minister of Aboriginal Affairs and Northern Development insisted on retaining clause 3(1)(b) that allows the minister to order a First Nation having protracted leadership disputes to come under its provisions. Yet, the minister has refused to intervene in the protracted Poundmaker leadership dispute, despite being asked to do so repeatedly. No doubt members of the Poundmaker band feel abandoned by the minister.

How can the department argue that it needs the legislative power within clause 3(1)(b) in Bill S-6 to intervene on the basis that it does not want to abandon First Nations having protracted leadership disputes when it has most certainly abandoned Poundmaker?

**Senator LeBreton:** Honourable senators, Senator Dyck commented that the minister has refused to meet. I will have to get the other side of the story. We do have a minister who has been very engaged in the various files in his department, and I am quite certain that much of what the honourable senator has asked will receive reasonable responses. I will add the further questions to my inquiry.

• (1350)

**Senator Dyck:** I thank the leader for that. Also, could the honourable leader ask the department to respond to how many other First Nations have been abandoned by Aboriginal Affairs and Northern Development Canada when asked for help? How many other First Nations have asked the department for help in resolving protracted leadership disputes, and how many have been turned down?

**Senator LeBreton:** Again, honourable senators, I think it is unfair to say that any band has been "abandoned." That is perhaps the honourable senator's take on it. I believe that there will be a very serious response to her questions prepared and I do not want to impugn motives on either side until we get that response.

#### JUSTICE

##### FORMER MINISTER HELENA GUERGIS LAWSUIT

**Hon. Wilfred P. Moore:** Honourable senators, my question is for the Leader of the Government in the Senate. The Prime Minister is choosing outside counsel, Robert Staley, to represent him in the Helena Guergis lawsuit. In dollars, what is the hourly rate for this counsel?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. This is a practice that has been followed for many years. I do not have the information that the honourable senator requests, but I will be happy to take the question as notice.

**Senator Moore:** Will the government commit to making this information public?

**Senator LeBreton:** Honourable senators, as I have said in the past, I can make no commitments; I will make no commitments. I will simply make an inquiry on the senator's behalf.

**Senator Moore:** Honourable senators, I have a supplementary. Can the Leader of the Government tell the chamber if Mr. Staley donated \$1,100 to the Conservative Party of Canada in both 2008 and 2009, and whether this was a consideration in hiring him?

**Senator LeBreton:** Honourable senators, as a government and as a political party, we took very vigorous steps to change the donation practices. The limit that any one individual can give to a political party is \$1,100. People in this country are free to give to whatever political party they wish. Many donations are given to political parties on both sides. I would dare say that is the beauty of this kind of donation: \$1,100 would not influence anyone or any decision. It would be simply a statement of a person's desire to give money to a political party. I think the intent of the senator's question is quite unfair.

**Senator Moore:** Let me try something else, honourable senators. Maybe the honourable senator will consider this a bit fairer.

The Prime Minister referred to the RCMP unsubstantiated rumours about former cabinet minister Guergis, as were provided to him by a private investigator. The RCMP later stated that there was no evidence of wrongdoing.

What were the costs incurred by the RCMP for the investigation of this frivolous case?

**Senator LeBreton:** Honourable senators, the Prime Minister did as any prime minister would in such a situation. When information was provided to the Prime Minister, he simply referred the information to the appropriate authorities — nothing more, nothing less.

The RCMP work without interference. With all of the investigations that the RCMP conducts on many fronts, it would be quite impossible for them to narrow it down to a dollars-and-cents exact value. However, in this case, the Prime Minister acted totally appropriately, and the RCMP apparently did as well.

**Senator Moore:** Honourable senators, I was not questioning the appropriateness of the actions of the Prime Minister. I want to know what the costs incurred by the RCMP were in the investigation of that matter. I would like to have that information.

**Senator LeBreton:** Honourable senators, there were never any files opened, by the way. I do not believe the question is in order. I am not responsible, and I do not think the RCMP would agree to provide such information. I stand to be corrected, but the RCMP is an arm's-length organization, and I do not think it would be proper for any one of us to inquire of the RCMP what the costs are for any of their investigations on any individual of any political party, past or present.

**Senator Moore:** I have a supplementary, honourable senators. With no evidence of wrongdoing, Canadians should know why the RCMP wasted its time and resources on this matter when it could have been dealing with other actual crimes in the country.

I ask the leader: Will she table the letter sent to the RCMP outlining the allegations against former Minister Guergis?

**Senator LeBreton:** First, honourable senators, when matters are turned over to the RCMP, they are obligated to investigate. That is what the RCMP does. The ultimate decision is for them to decide.

I believe the Prime Minister acted properly in this matter, and I will make no such commitment to answer the question or table any letter.

[Translation]

## CANADIAN HERITAGE

### NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate. For the past 26 years, Library and Archives Canada has been supporting over 800 local Canadian archives working to preserve and make available unique archival documents pertaining to the history of Canada and its people.

Since 2006, that financial support has been distributed through the National Archival Development Program, which was shut down by the government on April 30.

As the chair of the Canadian Council of Archives stated in a letter to the Minister of Canadian Heritage, this decision will have a far-reaching and devastating impact on the Canadian archival community and its ability to preserve our nation's history.

Why did the government choose to cut the long-standing funding that our national archives need to continue the important work of preserving and sharing Canada's heritage?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I am sure the honourable senator has noticed, as I have, much to my chagrin at times, that we have moved into a new age of technology, which some of us still find difficult, but are managing.

Library and Archives Canada is moving into the digital age, and more services will be available to Canadians online. The evidence thus far is that Canadians are utilizing and accessing information to a much higher degree than they ever did in the past.

This is very good for Canadians, who will be able to access historical content regardless of where they are located. The new Canadian Feature Film Database, as well as the Lest We Forget Project, which some of us are very well aware of, are just two initiatives aimed at making Library and Archives Canada more accessible than ever.

Again, the honourable senator often asks questions — as she did the other day — along with the Honourable Senator Chaput, about the Canada Periodical Fund. When I did some checking on it, this fund has not changed at all, despite the allegations from the other side.

[Translation]

**Senator Tardif:** Honourable senators, I suggest that the government leader check her sources because, according to our information, which is from primary sources, that is not at all the case.

Back to my question. The government leader mentioned that the work of Library and Archives Canada will continue its work using new technologies. According to the Canadian Council of Archives, the National Archival Development Program also funded the development of a national online archival catalogue, as well as provincial and territorial versions, so that all archival institutions, even the smallest ones, can reach Canadians. According to the Canadian Council of Archives, the recently announced cuts will sabotage all of the work done to date, including advances involving new technologies. Why?

[English]

**Senator LeBreton:** First, honourable senators, no government — and certainly not a government that cares as much about our history as this government does — will engage in practices that would in any way diminish the ability of Canadians to access archival material.

• (1400)

However, Senator Tardif made a specific comment — I did not get the name of the board — and, just as I did on the periodicals, I will seek further information in order to satisfy the honourable senator that the government takes these matters very seriously.

[Translation]

**Senator Tardif:** Honourable senators, it was the Canadian Council of Archives. Let me give an example of the impact these cuts will have by quoting the CCA's chair, Lara Wilson. She said:

Canada will celebrate the 150th anniversary of Confederation in 2017. Archives have been building toward this anniversary so all Canadians have access to their documentary heritage, but elimination of NADP will seriously jeopardize the effectiveness of how this celebration can be accomplished.

While the government is spending over \$11 million to recreate the War of 1812, it is abolishing a program that gave only \$1.7 million to the CCA, an amount that has not changed since the 1990s. The CCA will have an essential role to play during the celebration of the 150th anniversary of Confederation. Why is it experiencing the greatest cuts in the heritage sector?

[English]

**Senator LeBreton:** Honourable senators, perhaps Senator Tardif did not listen to my first answer, because we are doing just the opposite. We are providing more services to Canadians, not fewer, and engaging in new programs to properly educate Canadians and ensure they are aware of our great history. I reiterate that we have increased the services. We are putting more information online and more services are available.

It is very hard for me to stand here and accept that somehow or other we are undermining or cutting back on a very important service that is provided to Canadians, especially when we have important events like the 200th anniversary of the War of 1812 this year and the upcoming 150th anniversary of Confederation.

## ENVIRONMENT

### CLIMATE CHANGE STRATEGY

**Hon. Grant Mitchell:** Honourable senators, critical to developing markets for our oil and to getting permission to build our many projects is the social licence that we get from people, from societies, from countries to allow us to do these projects.

Counterintuitively, in the process of trying to sell the Keystone or Northern Gateway pipelines, this government has cut 1,700 jobs from the Department of the Environment, cut countless numbers of scientists — to the point where people are really worrying about the scientific credibility of that department — cut countless research stations that have been focused on climate change, shut down the National Round Table on the Environment and the Economy, attacked environmental charities in Canada, attacked international environmental foundations, diminished the environment review process, and delayed regulations on the oil sands.

What possible good can it do to send that kind of message to Canadians, to the world of people concerned about our projects and to the people who need to give us social licence so we can sell our products and build our projects? It does not make any sense.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, thank goodness they are not listening to Senator Mitchell or they would believe all that hyperbole. He has cited a long list which he claims as fact, but it is factually incorrect. Rather than try to convince him of what the government is doing in the environmental front — which of course would be impossible, and would have as much impact as me spitting in the ocean — I will provide him with a detailed response.

**Senator Mitchell:** Honourable senators, we have enough environmental problems without spitting in the ocean.

How counterproductive is it that, in the middle of trying to sell the Northern Gateway project to people worried about spills, the government is actually shutting down the B.C. office of the Environmental Emergencies Program and sending it 3,000 or 4,000 miles away to Quebec?

**Senator LeBreton:** At least if I spit in the ocean, honourable senators, my spit is salty and it will match.

I will, of course, take the honourable senator's question as notice. I have made up my mind that I am not going to respond to his diatribes any longer.

**Senator Mitchell:** I do not think the leader has ever responded, really, but that will not stop me. If she is not going to do her job, then we should dock her pay.

It has been reported today that a former premier of Alberta has suggested that the Wildrose party failed in Alberta's recent election because it denied the science of climate change. I will quote former premier Stelmach, who said:

These are serious matters. You're going to go to Europe today and tell them you don't believe in climate change and you're going to sell them oil?

How does that approach resonate in markets in Canada and abroad, when we need social licence and certain key members of caucus in the Commons and here in the Senate are clearly announcing that they deny the science of climate change? Even the Minister of Natural Resources stood in the house and would not admit that he accepted the science of climate change. What good does that do when we are trying to sell our products and build our projects in Canada and around the world if we cannot have any hope whatsoever of getting the social licence that we need to do that?

**Senator LeBreton:** Honourable senators, I never thought I would see the day when the failed leader of the Liberal Party in Alberta would be quoting a Conservative premier. In any event, the Minister of the Environment has said and done no such thing. I will take the honourable senator's question as notice.

**Senator Mitchell:** Honourable senators, when I was leader of Liberal Party in Alberta we got more seats than the Wildrose party got two weeks ago. We campaigned on Kyoto. It was interesting. Lots of Albertans accept that we need to do something about climate change. It is very unfortunate that this government does not include many of those Albertans.



The leader does not have to believe or disbelieve what Mr. Stelmach said about the science of climate change. That is not the issue. Customers are demanding it. If the government is selling black suits and its customers want white, what will it do? Convince them that black is white? Is it not the case that government has to come to grips, tell the world that it accepts the science of climate change, begin to take true, concrete measures to reduce emissions, and get identifiable results to show that it has reduced them? Only then will it have some credibility in the world, and only then can we build our projects and sell our products.

**Senator LeBreton:** Honourable senators, we do have a lot of credibility in the world. I just looked over at Senator Brown and shook my head; I cannot believe Senator Mitchell would say these things as an Albertan. In any event, I will take the question as notice.

[Translation]

## CANADIAN HERITAGE

### NATIONAL FILM BOARD AND CANADA PERIODICAL FUND

**Hon. Maria Chaput:** Honourable senators, my question is for the Leader of the Government in the Senate. The National Film Board has just cut the position of bureau chief and producer responsible for French productions west of Montreal.

Once again, it is the francophones in Western Canada who are paying the price. Part of the history of this French-speaking community will be forgotten and there will be fewer and fewer French Canadian documentaries from Ontario and western Canada. The government has just done away with a vital tool of the French community that has existed for over 40 years. There will no longer be any producers on site for francophones in Western Canada. What will happen to the French projects in this part of the country?

Did the NFB conduct a study on the impact on productions by francophones in Western Canada before making its decision? Could the leader find out?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I certainly will. I am not aware of National Film Board policies. However, just as was the case last week when, on several days, Senator Chaput raised questions about minority language publications in the West — and, of course, I went to the trouble of inquiring and found she was obviously misinformed because the policy has not changed — I will take this question as notice.

As I have stated before, this government is fully committed to Canada's linguistic duality and our Official Languages Act. Under the road map which this government embarked upon, we have had incredible success with all kinds of laudatory comments from minority language groups in, for example, New Brunswick and Nova Scotia.

• (1410)

I will take the honourable senator's question as notice.

[Translation]

**Senator Chaput:** Honourable senators, I have two supplementary questions. First, could the government intervene in the decision by the NFB, an agency that reports to the Department of Canadian Heritage? Could the leader inquire as to why this decision, and not another, was made?

Honourable senators, if I have understood correctly, Senator LeBreton said that I was misinformed when I asked a question about periodicals last week.

Perhaps my question was not clear. The Canada Periodical Fund is a very good fund. However, using the current criteria, financial support cannot be provided to some newspapers in Alberta, Saskatchewan and Manitoba because of their very special situation. That is what I wanted the leader to inquire about. I will give her some additional information about this.

I will go back to my first question. Could the leader intervene in the NFB decision and find out why this decision, and not another, was made?

[English]

**Senator LeBreton:** Honourable senators, we have to be realistic. Most of the agencies of government operate at arm's length. They make decisions based on their knowledge of a particular set of circumstances. We have excellent people running the various independent agencies of government, and I do not think anyone would suggest that government oversees every decision they make. However, I will make an inquiry about the National Film Board, as the honourable senator requested.

The criteria used for the operation of the Canada Periodical Fund are not at my fingertips. However, these publications receive more support than ever before under the program that our government created. It is unfair to stand and accuse the government of not supporting these organizations when we have increased the support.

[Translation]

**Senator Chaput:** Honourable senators, I am not levelling accusations at the government, quite the opposite. The Canada Periodical Fund is a good fund and it works well. However, there has been an oversight in the criteria. Francophone minority communities realize that, if they are not vigilant, they will be forgotten because they are not part of the majority. When I pose questions, it is not to criticize, but to ask the Leader of the Government in the Senate to make an inquiry and return with an answer.

[English]

**Senator LeBreton:** The honourable senator asked specific questions with regard to that. I ascertained that the fund is still in existence and, in fact, has more resources. I did inquire and I am awaiting a written response to the specific questions.

## ORDERS OF THE DAY

### PREVENTION AND ELIMINATION OF MASS ATROCITIES

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to Canada's continued lack of commitment to the prevention and elimination of mass atrocity crimes, and further calling on the Senate to follow the recommendation of the United Nations Secretary General in making 2012 the year of prevention of mass atrocity crimes.

**Hon. Art Eggleton:** Honourable senators, I rise to speak to the inquiry of the Honourable Senator Dallaire on the prevention and elimination of mass atrocity crimes.

General Roméo Dallaire, as he was known then, was the UN Force Commander during the genocide in Rwanda. At that time, as he does now, General Dallaire spoke passionately about the duty to intervene and the necessity to save innocent lives. He made the convincing case that we must not avert our eyes but instead engage our resources, not ignore the truth but embrace reality.

In 1999, when I was Canada's Minister of Defence, General Dallaire's urgings turned into action. In Kosovo, the situation that had developed was one that could be neither tolerated nor condoned. More than 470,000 people had been displaced from their homes, and the campaign of terror that then Yugoslav President Slobodan Milosevic had started showed no signs of slowing down. Of course, we would much rather have avoided conflict altogether, and we explored every corridor of diplomacy. Indeed, we were sometimes criticized for giving Milosevic too many chances, but when our hope for a peaceful solution failed, force became necessary.

Canada's Prime Minister at the time, Jean Chrétien, together with the North Atlantic Treaty Organization, agreed when much of the world did not. Canada played a fundamental role in Kosovo because the wounds from Rwanda were still fresh and letting thousands more die was simply not an option. We had a responsibility to protect, and that is what we did.

Our actions in Kosovo declared, in no uncertain terms, that mass murder is an act of moral repugnance, not the prerogative of a sovereign state. An important step was taken toward a world in which certain fundamental rights are not the privilege of citizenship, but the birthright of humanity. That is why in 2005 Canada's then Prime Minister, Paul Martin, led the charge in the United Nations to enshrine the concept of the responsibility to protect into UN doctrine. Canada demonstrated that while respect for state sovereignty is important, the protection of the innocent is paramount.

Since then, a great deal of debate and discussion has taken place around the legitimacy of the responsibility to protect and how to put it into practice. However, I believe that intervening at the

precipice of a crisis is no longer enough. We must make prevention, and not only military intervention, a primary objective. The question, though, is "how?"

General Dallaire's searing experience in Rwanda led him not to merely curse the darkness, but to light a candle. Together with Frank Chalk, General Dallaire led a research project and published a book entitled *Mobilizing the Will to Intervene: Leadership and Action to Prevent Mass Atrocities*. In it they set out a number of recommendations that would cement the responsibility to protect into Canadian and American foreign policy.

The United States, to its credit, has recently stepped up to the plate under the leadership of President Obama on this issue and announced:

Preventing mass atrocities and genocide is a core national security interest and a core moral responsibility of the United States.

• (1420)

They have created the Atrocities Prevention Board, which will bring together senior officials from the White House, the State Department, the Pentagon and a myriad of other agencies to coordinate a whole-of-government approach to engage "early, proactively and decisively" to prevent and interdict mass atrocities. The board will identify the economic, diplomatic and other tools to intervene.

In Canada, I hope our government moves to implement a plan similar to that of the United States. Our voices here in the Senate, if together, can go a long way to influence the government to act.

General Dallaire's emphasis on prevention is key. The ideas he laid out in his speech are necessary because building international capacity and prevention, through the UN or within individual states, is more cost-effective and would save lives. The capacity would identify fragile states and design appropriate prevention measures. At the core, we must see humanitarian intervention as a part of a continuum, one with both civil and military dimensions, and allocate our resources appropriately. Our response will often be civil in nature, where we work to build peace and prevent atrocities by supporting development, increasing economic capacity, building democratic institutions and supporting better governance in fragile states — in essence, building the foundation for peace and advancing democracy, safety and security for the people of these fragile states. As a last resort, when all else fails, we may need to mobilize military intervention.

Building capacity like this would not be an easy job — far from it — but I argue that it is not only necessary but essential in the fight to prevent mass atrocities. I believe that we, as senators, can move this idea forward within our country and internationally. Together we can work to ensure that this becomes a reality. Together we can ensure that Rwanda, Kosovo, Darfur, Libya, Syria and all too many others are never forgotten but also never repeated.

I recognize that for those who believe that state sovereignty should still trump human rights, responsibility to protect is perhaps a step too far for them. However, I believe that this is

precisely the time that Senate voices must be heard, that Canada's values must prevail and that human dignity must be paramount. We can argue over definitions of genocide or quibble over the hierarchy of rights, but, as former Prime Minister Martin said so eloquently, "We must not let debates about definitions become obstacles to action."

I say to you, honourable senators: The cause is right. The time is now.

(On motion of Senator Tardif, debate adjourned.)

## FOOD BANKS

### INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Other, Inquiry No. 35:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Robichaud, P.C., calling the attention of the Senate to the importance of food banks to families and the working poor.

**Hon. Wilfred P. Moore:** Honourable senators, it is my privilege to stand in this chamber and speak about Food Banks Canada and the Hunger Awareness Week initiative, which, of course, is this week. I would like to thank all of those who participated across Canada, in the other place and in this chamber. I would also like especially to point to the efforts of Senator Mockler, who delivered a great speech last week and who supported this cause so well. Our day of fasting yesterday served to remind us, in a small way, of the plight of many of our fellow Canadians. Honourable senators, it is time that we did our utmost to cut the use of food banks in Canada.

Food banks were created in the 1980s as a response to a growing problem of hunger that occurred during that period of economic downturn. The fact that a national charity had to be created demonstrates the breadth and scope of the problem that existed then and that has grown since.

Food Banks Canada has performed exemplary work in attempting to provide nourishment for those who find themselves in the position of not being able to do so for themselves. The work that food banks do each and every day in Canada relies on volunteers, who give their time and money to carry out a mandate that need not exist in one of the wealthiest countries on the planet.

The Standing Senate Committee on Social Affairs, Science and Technology conducted a study of poverty in Canada. Indeed, our Banking Committee looked at personal debt levels in Canada. We learned from those studies that there is a growing problem, and that it is avoidable. These studies also reminded us that a great number of people in this country hover very close to that line between having the resources to feed themselves and not having them. The very real danger of losing a job or encountering health problems can be all the impetus it takes to find oneself on the wrong side of that line. We have created a situation in Canada

whereby the less well off among us have been left to make stark choices when it comes to everyday existence. Canada has a huge lack of affordable housing. That lack of affordable housing translates into people having to decide between paying their rent or paying their bills or purchasing groceries. That is an unfair choice to have to make in a country as wealthy as ours. Choosing between food, heat and a roof over their head is not what Canadians should be worried about on a day-to-day basis. We all know that the problem exists; we see it every day, whether on our walk to work, on the news, in the correspondence we receive in our offices or from the charities that hold events to bring our attention to what is happening in our communities. This was really pointed out by Senator Robichaud in his discussion about the need to address these issues in his province of New Brunswick.

Studies exist that demonstrate how a lack of proper diet can cause many problems for children and seniors. Starting the school day with an empty stomach does not create the conditions for filling the developing brain with knowledge. The elderly, who worked very hard their entire lives and find themselves in need of help but are too proud to go to a food bank, deserve so much better.

Senators, 1.1 million kids in Canada live in poverty and are always hungry. As a response to this, it is estimated that over 3,000 community-based, child-feeding programs are operating in Canada. One such organization is Show Kids You Care. It is a national organization that provides breakfasts, snacks and lunches in 150 communities, carrying out 460 programs and serving 130,000 kids each week. It is amazing that such organizations exist. It shows the concern of ordinary citizens who do not want to see children go hungry. These numbers are staggering and are growing. Breakfast and supper time are not only for nutrition; they are for family time as well. Many people work so hard today to make ends meet that there is little time left for family. These moments spent together at dinner or breakfast are often the only quiet times for families to be together.

It is sad to think that 1.1 million children and their parents, across the country, are being deprived of that.

In my own province of Nova Scotia, for example, as we learned from last year's Hunger Count report, 22,000 people accessed food banks. Of that number, 32 per cent were children. What about the social stigma that those adults and children may feel upon having to resort to that food source?

Senators, one in 10 people who access food banks in Canada are First Nations, Metis or Inuit. That is a national disgrace. It is not in keeping with a nation that professes to care for its own.

Food Banks Canada has provided the statistics and presented them to Parliament and to Canadians so as to make us aware that, although food banks and their legion of volunteers are trying, the number of those who require assistance is growing, and it is very difficult to keep up.

We need to remember that food banks are supposed to be a temporary means of dealing with a solvable problem.

• (1430)

We need only look at the recommendations by Food Banks Canada to ensure that we, as one of the richest societies on the planet, no longer need food banks to feed such a large segment of

our population. The recommendations of Food Banks Canada are, one, increase federal and provincial support for the creation of affordable housing subsidies; two, at the provincial level, design an income support system of last resort to help our most vulnerable citizens become self-sufficient; three, increase the Guaranteed Income Supplement to ensure that no senior lives in poverty; four, improve Employment Insurance to better support older workers facing permanent layoffs and to better recognize Canadians in non-standard forms of unemployment; five, prioritize at the federal level the need to drastically improve the labour market outcomes of disadvantaged workers; six, invest in a system of high-quality, affordable, accessible early learning and child care; and seven, commit, at the federal level, to maintain the current annual increase of 3 per cent to the Canada Social Transfer to provincial governments.

Honourable senators, Food Banks Canada has done admirable work across the country since its creation in the 1980s, but it is time that we listen to their advice. It is time that we as legislators do all we can to alleviate the problems that lead to such widespread food bank use. While we may always need to extend a helping hand through food banks, we must make sure that our fellow Canadians have the necessary tools and climate to be able to provide for themselves.

It is my hope that, as parliamentarians, we might see beyond the differences between our parties, work across the aisle and come to the conclusion that hunger is non-partisan and that it will require an absolutely non-partisan effort to conquer it.

(On motion of Senator Tardif, debate adjourned.)

[Translation]

### **STUDY ON FEDERAL GOVERNMENT'S RESPONSIBILITIES TO FIRST NATIONS, INUIT AND METIS PEOPLES**

#### **THIRD REPORT OF ABORIGINAL PEOPLES COMMITTEE—GOVERNMENT RESPONSE TABLED**

Leave having been given to revert to Tabling of Documents:

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the government's response to the third report of the Standing Senate Committee on Aboriginal Peoples, which was tabled on December 7, 2011.

### **THE SENATE**

#### **MOTION TO URGE THE GOVERNMENT TO MODERNIZE AND STANDARDIZE THE LAWS THAT REGULATE THE MAPLE SYRUP INDUSTRY ADOPTED**

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Andreychuk,

[ Senator Moore ]

That the Senate call upon the Government of Canada to modernize and standardize the laws that regulate Canada's maple syrup industry, which is poised for market growth in North America and overseas, and which provides consumers with a natural and nutritious agricultural product that has become a symbol of Canada;

That the Government of Canada should do this by amending the Maple Products Regulations, in accordance with the September 2011 recommendations of the International Maple Syrup Institute in its document entitled "Regulatory Proposal to Standardize the Grades and Nomenclature for Pure Maple Syrup in the North American and World Marketplace", for the purpose of:

- (a) adopting a uniform definition as to what constitutes pure maple syrup;
- (b) contributing toward the development of an international standard for maple syrup, as it has become very apparent that the timing for the introduction of such a standard is ideal;
- (c) eliminating non-tariff measures that are not found in the international standard that may be used as a barrier to trade such as container sizes and shapes;
- (d) modernizing and standardizing the grading and classification system for pure maple syrup sold in domestic, import and export markets and through interprovincial trade, thereby eliminating the current patchwork system of grades that is confusing and fails to explain to consumers in meaningful terms important differences between grades and colour classes;
- (e) benefiting both marketing and sales for an industry that is mature, highly organized and well positioned for growth;
- (f) enhancing Canadian production and sales, which annually constitutes in excess of 80% of the world's annual maple products output; and
- (g) upholding and enhancing quality and safety standards as they pertain to maple products;

And on the motion in amendment of the Honourable Senator Nolin, seconded by the Honourable Senator Lang, that the motion be amended as follows:

- 1) By replacing the words "which is poised for market growth" by the words "which wants to pursue its dynamic development";
- 2) By replacing paragraph (d) in the motion by the following:

"Modernizing and standardizing the grading of pure Maple syrup sold in domestic, import and export markets and through interprovincial trade which would explain more clearly to the consumer the classification and the grading system;"

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I am pleased to rise today to speak to Senator Raine's motion, amended by Senator Nolin, regarding the Canadian maple syrup industry.

I grew up on a farm in a region with a significant maple syrup industry. I have been enjoying maple products since I was very young. I will never forget my grandmother's maple fudge, which she made with what she called *le sucre du pays*, which is an old expression for maple sugar.

This industry has been very important to the rural regions from an economic standpoint, but it is also a symbol of Canada since we produce roughly 85 per cent of the world's maple syrup. In fact, this industry provides 12,000 full-time jobs in Canada; in Quebec, more specifically, roughly 13,500 maple producers on 7,400 maple farms work every year to contribute to Canada's production of maple products.

Senator Nolin's motion specifies that the maple industry wants to "pursue" its development in North America and overseas. This amendment is justified because our producers are already distributing their products in more than 45 countries. However, it is clear that our maple producers could be even more present in the global marketplace.

The main motion seeks to standardize the laws that regulate Canada's maple syrup industry. We know it is the responsibility of the Canadian Food Inspection Agency to ensure the safety and quality of maple syrup, but this agency is also responsible for the federal classification of maple syrup in three categories: Canada No. 1 (extra light, light and medium); Canada No. 2 (amber) and Canada No. 3 (dark).

This classification is important for reassuring the consumer about the quality of all sorts of products on the market. Since the maple syrup industry is so important for our country — in Quebec, Ontario, New Brunswick and Nova Scotia in particular — it is important for the government to protect and support it.

It is also important to point out that in Quebec, classification of bulk maple syrup is mandatory, and the Federation of Quebec Maple Producers' sales agency is fully responsible for classification. It has developed high-tech tools to assess maple syrup according to various criteria. The FQMP supports the International Maple Syrup Institute's proposal to standardize maple syrup grading, and, in fact, is already converting quickly and efficiently to the proposed new standards. However, this applies to bulk sales. Elsewhere in Canada, techniques are not as advanced. For example, the colour of maple syrup is assessed by eye, but in Quebec, it is determined according to light transmittance, which is much more precise.

The proposed new standards would apply to maple syrup classification across Canada. This proposal will clearly enhance maple syrup's reputation by making systematizing and structuring its classification.

Among the main advantages of the proposal are the systematic classification of maple syrup, the prohibition on packaging syrup with flavour defects, and the introduction of a clear definition of what can be called "maple syrup," which does not include the imitation syrup that tarnishes the reputation of real maple syrup.

Nevertheless, we also have to take into account the producers that sell their products directly to local merchants or individuals. Like many Quebecers, I discovered the wonders of maple syrup in traditional sugar shacks. Many small producers have no plans to expand their consumer base, and the new standards have to take that reality into account. We have to pay attention to these particular differences in drafting the proposal to standardize maple syrup classification.

The traditional character of sugar shacks must not be destroyed by excessive standardization. I invite the main proponents of this standardization project to include, in the analytical grid used to assess the options, this very special aspect of an ancestral tradition that has made our country famous but, above all, has etched unforgettable memories into my mind of family outings to the Chez Roger sugar shack in Saint-Prospère-de-Champlain.

I will unreservedly support Senator Raine's motion and Senator Nolin's motion in amendment, and I request that this honourable chamber proceed to the vote on this motion immediately.

[English]

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

**Hon. Senators:** Question.

**The Hon. the Speaker:** The question that we deal with first is the motion in amendment.

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

**Hon. Senators:** Agreed.

(Motion in amendment agreed to.)

**The Hon. the Speaker:** Honourable senators, the question now before the house is the motion as amended.

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

**Hon. Senators:** Agreed.

(Motion agreed to, as amended.)

• (1440)

[Translation]

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I simply wanted to ask my honourable colleagues opposite if there would be a jar of maple syrup for each member of this chamber now that the motion has been adopted.

**Hon. Fernand Robichaud:** Honourable senators, I believe that if the request for a bottle of maple syrup were granted, it could sweeten the comments in this chamber.

[English]

## INVOLVEMENT OF FOREIGN FOUNDATIONS IN CANADA'S DOMESTIC AFFAIRS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Eaton calling the attention of the Senate to the interference of foreign foundations in Canada's domestic affairs and their abuse of Canada's existing Revenue Canada Charitable status.

**Hon. Hugh Segal:** Honourable senators, I am delighted to contribute to the inquiry launched by our colleague Senator Eaton and spoken to already by Senators Wallace, Finley, Larry Smith, Plett, Nancy Ruth and Cowan. While I have agreed with some interventions and disagreed with others, there were, in all the speeches, points I am delighted to embrace and points that I could not. However, this debate, an inquiry, has been an important airing of substantive questions with respect to tax policy, and I want to thank Senator Eaton for her initiative and all our colleagues for participating to date.

As a Conservative I believe in freedom of expression and a very modest role for government. One cannot, as a Conservative, do other than recoil from any suggestion that tax laws or regulatory intervention should limit freedom of expression in any sector of society, including the charitable sector. The notion that anyone might advise any government to use tax audits to limit freedom of expression has a bit of a Nixonian feel to it, which is not the Canadian, democratic, civil way to proceed, and not what I believe the present government is doing in any way or should do.

That being said, I support the concerns expressed by the Minister of Natural Resources about endless environmental hearings that go on forever without any constructive resolution. These hearings often end up being not about a sound technical or scientific evaluation of project risk around something like a pipeline as much as they can be about abuse of process. Legislation that seeks a balance between the rights of opposed intervenors, expert witnesses — which are by the way not the same as opposed intervenors — and the rights of the public to a realistic, timely hearing decision is reasonable law proposed for reasonable reasons.

The oil sands are a vital global resource under explicit Canadian sovereignty and Albertan constitutional control. They are a vital economic resource for the world, and their vilification is unwarranted and unjustified.

Some years ago, some in parts of the environmental movement adopted what was called the precautionary principle that would exclude any initiative of any kind that had any risk associated with it at all. This approach, of course, had it been applied retroactively, would have made initiatives like Aspirin, the internal combustion engine, the automobile, insulin, the St. Lawrence Seaway, the railway, air travel, Caesarean sections or the ulcer drug Tagamet utterly unacceptable. Those who would

apply this principle to their opposition to energy projects have, of course, every right to do so, but they should not have an unlimited, endless time frame within which to do it at the expense of the many economic, social, workforce, investment and development and trade benefits associated with any particular energy or pipeline initiative related to the oil sands, the environmental footprint of which is competitively responsible against many other sources of energy worldwide.

As to the core question of whether charitable dollars can finance research and education on matters of the environment, there is nothing in present tax law or CRA regulation that says otherwise. Historically, in Canada, charity law defines the allowable purposes of charity very simply and directly: religion, health, welfare and education, *point final*.

This definition goes back to the 18th century British common law. There has been no change. However, in the mid-1990s, as part of the Voluntary Sector Initiative, pursued by the Chrétien-Martin administration, CRA entered into negotiations with the charitable sector over some modernization of the regulatory framework. Not-for-profit organizations like Imagine, which sought to have companies lend human resources to charitable good works, the United Way and various community foundations were part of this broad discussion.

At the time, Imagine was headed by a sterling individual by the name of Martin Connell; an energy entrepreneur, an outstanding business person and a great philanthropist who happened to be associated with the Liberal Party of Canada. The chairman of Imagine was Arden Haynes, who was the chairman of that hardcore, left-wing environmental organization, Imperial Oil. He, of course, was a prominent Conservative.

At the very same time as those negotiations, Premier Harris appointed a senior adviser in his office for charitable and not-for-profit development. Prime Minister Cameron in the United Kingdom sees charitable and not-for-profit organizations doing better on some community issues than government bureaucracy or the private sector might do. He calls this the "big society" initiative. So, too, did leaders like Mike Harris take the same view. That was what the Voluntary Sector Initiative was all about.

The hard reality, honourable senators, is that if jurisdictions were rated around getting a licence for a charitable organization, and those jurisdictions where it was easy were rated a nine out of ten and those jurisdictions where it was hard were rated zero out of ten, Canada would be about a four. I am not critical of that, I just point out that we are not the easiest place in the world to get a charitable licence, nor should we be. This is neither good nor bad, but simple reality.

Let me suggest that the so-called 10 per cent rule that limits open advocacy was proclaimed by CRA in the 1990s to allow a measure of advocacy beyond research and education. Their definition at the time, if I may say so, was very clear. If an organization wanted to send to every member of this chamber their views on a particular piece of legislation their background and research, that would be fine. If they then followed by saying "We call on you to vote for it or against it," you would be breaking the rule. You would be in a different territory, inappropriate for charitable activity.

The truth is that I would suggest that this 10 per cent rule should really be viewed as the 90 per cent rule about what the main thrust of charitable dollars and activities must be: religion, health, welfare and education.

What would be the appropriate way forward? First, I think we should establish the principle that CRA audits be based on an impartial application of the law. They are done at random, they are done for a series of purposes to verify the nature of filings and they should never be driven by the politics of any issue, any government, any opposition party or, for that matter, any budget.

Canada could learn from the United Kingdom which has, for many years now, separated out the large statutory charities, like universities that have their own act, hospitals that have their own act and the smaller charities that do not. They have established something entitled the U.K. Charity Commission, which is there to assist, regulate and investigate complaints, if necessary. It acts as a mentor to smaller charities. It assures that U.K. charities meet all their legal requirements and work with their trustees to solve problems.

It is stated on the commission's website:

Whatever their size or purpose, an essential requirement of all charities is that they operate for the public benefit and independently of government or commercial interests.

This would address many of the issues about intent raised by many of my colleagues in the speeches in this chamber.

We would do well to consider the British model, which has served to encourage, mentor, educate and advise charities that are newer, smaller or differently directed. It is about encouraging a diversity of views and approaches, not suppressing them.

• (1450)

The notion of greater disclosure is good, but it should be applied across the board to all those who favour and oppose particular energy or development initiatives. Hearing bodies might well consider having the costs supporting interventions on all sides declared on a public register for all to see, to build on a suggestion made by Senator Nancy Ruth.

We are an open society with the free movement of people, goods, services and capital. This has always been the goal of those of us who are free traders at heart. Limiting this freedom for charitable foundations would be a destructive and retrograde step. My sense of a free society, and a more open North American market also includes the free movement of ideas. Transparency should allow all to judge motivation and purpose of any intervenor, or any participant in national debate or discussions. Restrictive tax audits, fuelled not by impartial application of the tax laws but by one set of views versus another, have no place in a free society. How far might this instrument go if it was abused? Threaten the United Church's charitable status because of the views of some of its adherents on the Middle East? Threaten an evangelical church's right to promote its views on abortion? Spare me. However one disagrees with the lawful opposing view, the right of the organization to espouse it should never be limited in a free society. That is not the Canadian way. It should not be limited by this chamber, by the other chamber, by any court or by any department of government.

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

**Senator Segal:** Honourable senators, any effort by government to do so, which I do not believe the Conservative government intends in any way to do, might well succumb to a Charter challenge and justifiably so.

There is — no doubt, close to Senator Eaton's heart — a foundation, the World Wildlife Federation, that promotes the conservation and promotion of the polar bear. Another organization, Coca-Cola, which is no hard left anti-development lobby organization, does the same. I would not for a moment be for a tax audit on either of these two, even though, unlike Senator Eaton, I remain loyal to the beaver as our national symbol.

It was an American president who wrapped it up this way:

We are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies, and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.

That was John Fitzgerald Kennedy.

My friends, we are not afraid of the people in this chamber. We defend their interests to assert, advance, dissent, and express their views any way they deem appropriate. That is the Canadian way, and that is how I think we should deal with the issues before us in this important inquiry.

**Hon. Grant Mitchell:** Would the honourable senator accept a question?

**Senator Segal:** Yes.

**Senator Mitchell:** Senator Segal — and I thank him for his comments, very compelling — mentioned that he would hope that certain charities had not been singled out for a CRA audit by any other means than some random selection process. It seems to be more than a coincidence that Tides Canada has been at the top of that list. I am wondering if the honourable senator has any way of knowing or determining how groups and NGOs, Tides Canada and others, have been selected for these special CRA audits.

**Senator Segal:** I thank the honourable senator for that question. I understand from the newspapers that the audit of that organization began long before the recent budget was made public, and the various concerns raised about whether the charity principle was being recognized, in fact, had been addressed by a member or minister of the Crown. I do not see a relationship, if I may say so, between that particular audit, which I assume is random, and any statements that have been made since.

**Senator Mitchell:** Thank you.

**Hon. Michael Duffy:** Honourable senators, I rise to take the adjournment of this debate today, but having listened to my eloquent friend I have to throw in a few words.

I want to pay tribute, first, to the important work being done by Vivian Krause, the independent Vancouver researcher, who has done the nation a great service by bringing the facts to the

attention of the general public. As a reporter, I found the most important question in a story was: Why? In this case, why are the Rockefeller brothers and their American billionaire friends spending hundreds of millions of U.S. dollars to help — and I put the word “help” in inverted commas — why are they so keen to save Canada? Could it be they have their own commercial agenda?

Financial experts tell us the amount that U.S. oil companies pay for Canadian oil. Rockefellers, oil; does it connect? Canadians are receiving between \$20 and \$30 less a barrel for Canadian oil going into the United States than we would receive if we had an alternative market in which to sell that oil, and we were able to sell it at a competitive price. Senator Moore, that would mean millions — billions, in fact — of extra tax dollars for Canada. Those dollars could be used for worthwhile purposes like social programs, senior citizens, medicare, food banks and all of those things. We would have money for that, but we are selling Americans oil at a huge discount. Why do the Rockefeller brothers not want us to have an alternative market for our oil? Could it be that it would drive up the price and allow us to receive the world price of oil?

Is that the real agenda here? Do they really want to keep Canada dependent on the U.S. market, where they get to dictate the price? Are these American billionaires using well-intentioned Canadians in pursuit of an agenda that has nothing to do with Canada's interests but has everything to do with the interests of big business in the United States?

Despite their protestations of innocence, we are learning more every day about how some of these groups are abusing the Canadian tax system. This is not only an abuse of the Canadian taxpayer, it unfairly casts a shadow over the vast majority of charities that do great work and that follow the rules. I salute Senator Segal for pointing that out; but these few who choose to flout the law are putting a cloud over the many who do important work every day.

We must bring these foreign-funded abuses to an end before further damage is done to the honest, hard-working, good, Canadian charitable sector.

On that note, I move the adjournment in my name.

(On motion of Senator Duffy, debate adjourned.)

• (1500)

## VOLUNTEERISM IN CANADA

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer calling the attention of the Senate to Canada's current level of volunteerism, the impact it has on society, and the future of volunteerism in Canada.

**Hon. Jim Munson:** Honourable senators, my great friend Senator Mercer is doing extensive research as I speak — well, as much research as Senator Duffy has done. We are both in television; we know about research, right?

[ Senator Duffy ]

I would like to reset the clock. It is the fourteenth day. Do not worry; Senator Mercer will be back.

(On motion of Senator Munson, for Senator Mercer, debate adjourned.)

## CHARTER OF RIGHTS AND FREEDOMS

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cowan calling the attention of the Senate to the 30th Anniversary of the *Canadian Charter of Rights and Freedoms*, which has done so much to build pride in our country and our national identity.

**Hon. Marie-P. Charette-Poulin:** Honourable senators, I would like to thank Senator Andreychuk, who has adjourned the debate on this inquiry. Senator Andreychuk has graciously accepted that I speak today on Senator Cowan's inquiry.

Honourable senators will recall that Senator Cowan called the attention of the Senate, on April 24, 2012, to the thirtieth anniversary of the Canadian Charter of Rights and Freedoms, which has done so much to build pride in our country and in our national identity.

[Translation]

Honourable senators, with your permission and that of the author, I would like to read to you the text of an opinion piece that appeared in *La Presse* on April 12, 2012, and in *The Globe and Mail* on April 17, 2012.

The author is Bernard Amyot, a lawyer from Montreal and former president of the Canadian Bar Association in 2007 and 2008. I quote:

Canadians have reason to celebrate Tuesday's 30th anniversary of the Charter of Rights and Freedoms. Entrenched in the wake of our Constitution's patriation, as a result of a bill passed by the British Parliament, the Charter is one of the most significant milestones in our country's history, along with the adoption of federalism in 1867.

This watershed moment meant Canadians could henceforth amend their own Constitution without having to go begging to London to do so. Besides consecrating Canada's legal sovereignty, this move enshrined the rights and freedoms of Canadians. It also consecrated the rule of law, which makes all citizens equal before the law and protects them from discrimination and arbitrary state actions.

Since the Charter was ushered in, our courts, including the Supreme Court of Canada, have sanctioned all acts of public authority that violate the rights and freedoms of citizens beyond the constraints allowed within the realm of a



free and democratic society. Furthermore, Canadians respect the role of courts in this area, viewing them as impartial guardians of their rights. On occasion, citizens even accept that courts defend “unpopular” causes, so long as the Charter’s principles are maintained.

The advent of the Charter has also encouraged Parliament to pass legislation that takes into account the principles of fairness and equality. If, at times, legislators perceived the need to uphold a violation of those principles, they would be duty bound to pass such a law, notwithstanding the Charter, with the political repercussions that would entail.

Given that so few people take to the streets to protest against the decisions of our courts in that regard, I would argue that the public sees the balance achieved, albeit imperfect, as healthy and equitable.

It’s thanks to the vision and efforts of Pierre Trudeau and his justice minister, Jean Chrétien, that the Charter has become the central pillar of our constitutional system. Today, it’s the envy of millions of people around the world who dream of having their democratic rights and civil liberties similarly protected.

More important still: Canadians, including most French-speaking Quebecers, now see these founding events as positive and useful. Besides, this is what polls confirmed at the time. It’s noteworthy to underline that Francophone Quebecers adhere to the Charter to the same degree they adhere to the Charter of the French Language.

No doubt, this can be explained by their deep attachment to the principles of freedom and individual responsibility. From their origins as *coureurs de bois*, they’ve understood that innovation and creativity arise mainly from the individuality of each person and that the prosperity thereby created generally benefits the entire community.

Besides being the cornerstone of our values and national identity, the Charter also protects minorities and language rights. Indeed, as a result of this 1982 constitutional amendment, Francophone minorities across the country, as well as the Anglophone minority in Quebec, have been able to demand services in their language, as well as schools for their children.

Finally, Canadians cherish the Charter and adhere to it. They know about it, understand that it protects their rights and trust that impartial courts will uphold them. All of which gives us much reason to celebrate its 30th anniversary.

[English]

I thank Bernard Amyot for this thoughtful reminder to all Canadians, including members of the chamber of sober second thought.

(On motion of Senator Charette-Poulin, for Senator Andreychuk, debate adjourned.)

## RECREATIONAL ATLANTIC SALMON FISHING

### ECONOMIC BENEFITS—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Meighen, calling the attention of the Senate to the economic benefits of recreational Atlantic salmon fishing in Canada.

**Hon. Wilfred P. Moore:** Honourable senators, I am putting together my remarks, and I undertake to do a full speech next week, so I ask that the matter be adjourned in my name until that time.

(Order stands.)

• (1510)

## ABORIGINAL PEOPLES

### COMMITTEE AUTHORIZED TO REFER PAPERS AND EVIDENCE FROM STUDY ON BILL S-11 DURING THIRD SESSION OF FORTIETH PARLIAMENT TO CURRENT STUDY ON BILL S-8

**Hon. Dennis Glen Patterson,** pursuant to notice of May 8, 2012, moved:

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during its study of Bill S-11, An Act respecting the safety of drinking water on First Nation lands, in the Third session of the Fortieth Parliament, be referred to the Committee for its study on Bill S-8, An Act respecting the safety of drinking water on First Nation lands (*Safe Drinking Water for First Nations Act*).

**Hon. Suzanne Fortin-Duplessis (The Hon. the Acting Speaker):** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to.)

## NATIONAL SECURITY AND DEFENCE

### COMMITTEE AUTHORIZED TO REFER PAPERS AND EVIDENCE FROM STUDY ON BILL S-13 DURING THIRD SESSION OF FORTIETH PARLIAMENT TO CURRENT STUDY ON SUBJECT MATTER OF BILL C-38

**Hon. Pamela Wallin,** pursuant to notice of May 8, 2012, moved:

That the papers and evidence received and taken and work accomplished by the Standing Senate Committee on National Security and Defence during its study of Bill S-13, An Act to implement the Framework Agreement on Integrated Cross-Border Maritime Law Enforcement Operations between the Government of Canada and the Government of the United States of America, during the

Third Session of the Fortieth Parliament, be referred to the committee for the purposes of its study on those elements contained in Division 12 of Part 4 of the subject-matter of Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures, during the current session.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

### BANKING, TRADE AND COMMERCE

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

**Hon. Claude Carignan (Deputy Leader of the Government)** rose pursuant to notice of Senator Irving Gerstein on May 9, 2012:

That the Standing Senate Committee on Banking, Trade and Commerce have the power to sit from 1 p.m. to 3 p.m. on Wednesday, May 16, 2012, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, I move the motion on behalf of Senator Gerstein.

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

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, could I ask why the honourable senator is requesting that the Banking Committee be allowed to sit when the Senate is in session?

**Senator Carignan:** The purpose of the motion is to allow the Standing Senate Committee on Banking, Trade and Commerce to sit from to sit from 1 p.m. to 3 p.m. on Wednesday,

May 16, 2012, specifically, since the Minister of Finance, Jim Flaherty, is available to appear before the committee that day.

[English]

**Hon. Wilfred P. Moore:** That committee is scheduled to sit normally at 4:15 on that day. I am on the committee. I would ask the deputy leader if that 4:15 session has been cancelled, or will we have two sessions that day?

[Translation]

**Senator Carignan:** Yes, there may be two sessions. It will be up to the Subcommittee on Agenda and Procedure to determine whether the second session at 4:15 p.m. is still necessary. If it is, there will be two sessions that day.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### ADJOURNMENT

#### MOTION ADOPTED

Leave having been given to revert to Notices of Motions:

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 15, 2012 at 2 p.m.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, May 15, 2012, at 2 p.m.)

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