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OFFICIAL REPORT
(HANSARD)

Tuesday, May 15, 2012

The Honourable NOËL A. KINSELLA
Speaker

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

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THE SENATE

Tuesday, May 15, 2012

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

Prayers.

SENATORS' STATEMENTS

INTELLECTUAL PROPERTY IN INNOVATION AND WORLD TRADE

Hon. Joseph A. Day: Honourable senators, I rise today to discuss the importance of intellectual property in innovation and world trade.

Honourable senators will be aware that one of Budget 2012's main focuses is on strengthening innovation in Canada. Typically, we would tend to think of intellectual property in terms of physical possessions like our house or our automobile. However, non-tangible intellectual property is also a very important property right, especially in a world of growing international trade. It is, therefore, more than a coincidence that the World Trade Organization and the World Intellectual Property Organization are both located in Geneva.

The theme of this year's World Intellectual Property Day is the celebration of visionary innovators. The World Intellectual Property Organization describes these individuals as those whose "ingenuity and artistry have broken molds, opened new horizons and made a lasting impact." Notable Canadians who fit the description would be Sir Alexander Graham Bell, Mr. Bombardier and, more recently, Mike Lazaridis and Jim Balsillie, founders of Research In Motion and creators of the BlackBerry.

Intellectual property, honourable senators, encompasses patents, which deal with how something works, and trademarks, which deal with distinguishing a product such as McCain Foods or the Irving services. Copyright is an original work of art, literacy or music, and design relates to what a physical product looks like.

Honourable senators will become much more familiar with intellectual property when the anticipated copyright bill, Bill C-11, reaches this place. The bill is meant to modernize Canada's copyright laws, its aim being to clarify and set guidelines for issues like artists' rights, infringement of copyright and moral rights and issues surrounding the reproduction of copyrighted material.

This evening, honourable senators, between five and seven o'clock in room 256S, we will be hosting members of the Intellectual Property Institute of Canada, otherwise known as IPIC. The IPIC was founded in 1926 and is currently comprised of 1,800 members. As honourable senators may recall, when I spoke on this issue two years ago in this place, the membership was 1,300. Honourable senators will understand, therefore, that as intellectual property issues grow, so does membership.

This evening, attending this particular meeting will be young people who have won science fairs in their high schools, and they will be putting their displays on. They are very excited about being in the Senate to display their science projects. Members of the Intellectual Property Institute will also be there. I do hope honourable senators will take the time to drop by, congratulate them and meet with some of our intellectual property practitioners. That is from five until seven o'clock this evening in Room 256 next door.

DIAMOND JUBILEE MEDALS

Hon. Carolyn Stewart Olsen: Honourable senators, last Saturday I presented my first Diamond Jubilee Medal. For some honourable senators who are old hands at this, it probably comes easily. For me, it was a rite of passage. The very essence of our role as senators seems embodied in this small ceremony, serving the people of our region with a bit of ceremony, a great deal of humility and an even greater appreciation of those who serve.

I gave my first medal to Ms. Lilian Stright. Ms. Stright is 107 years old. She is one of the people I serve. She has lived in New Brunswick for 101 years of her life, and she taught school on our Cape for many years until she retired. She tells stories of her one-room schoolhouses and her students with a great deal of humour.

In listening, you have a small sense of the dedication with which she did her job. She worked for years to provide an education to the children of small communities along our Northumberland shore. Cape Tormentine, Cape Spear, Murray Corner, Bayfield and Port Elgin are all richer because she chose to serve all her working years as a teacher.

She now lives in a nursing care facility and has lost much of her sight, but she walked with some assistance into the room to meet me. Flanked by her family and friends, she accepted her medal with great appreciation.

She showed me that, even though I am not personally a medal and ceremony person, she and many Canadians are honoured by being the recipients of these awards. She helped teach me my duty. She has shown me that these ceremonies are appreciated and that I am lucky to be able to do this.

• (1410)

I try my best to give these medals to those who, perhaps, have not received recognition before. I want to honour the people who have given of themselves to their communities with no thought of recognition. You know these people, honourable senators. They are the ones who have always been there when they are needed. They bring food and comfort when there is a death or an illness. They drive the sick to the hospital for their treatments. They spend hours coaching our youth, baking for local bake sales and collecting money for local youth charities. You all know who I

mean. They are the backbone of our communities. They know how things got done, they know why they got done and, probably, they were instrumental in the change.

Without these community-minded people, we would be so much poorer in spirit. They keep our communities alive. They are the keepers of our history. They are the ones deserving recognition and I am honoured to be the vehicle honouring them.

NEW DEMOCRATIC PARTY

Hon. Nicole Eaton: Honourable senators, before a parliamentarian takes their seat, the member or senator must make a solemn affirmation of allegiance or loyalty to Canada. In other words, we must all make a pledge to conduct ourselves in the best interests of this country. Breaking the oath of allegiance is a serious offence.

Parliamentarians come together in both Houses of Parliament to debate, to innovate and to act in the best interests of Canada and all Canadians. That includes healthy criticism, together with suggestions for viable solutions and directions. In fact, it is our obligation and responsibility.

However, the Leader of Her Majesty's Official Opposition continually demonstrates a disturbing willingness to put the interests of a narrow band of activists ahead of the interests of ordinary Canadians. From calls for a moratorium on oil sands development to attempts at pitting region against region, Thomas Mulcair and the NDP have become a major threat to Canada's economy, to our job creation and to our unity.

The very public, very anti-jobs and anti-Canadian junket to Washington by NDP MPs Megan Leslie and Claude Gravelle to protest against our energy resources crossed the line. The NDP is all too willing to abandon Canada's interests and sacrifices — over 700,000 jobs across Canada, as well as some $65 billion in projected revenues. The NDP is clearly putting the good of special interests groups ahead of that of their own members and their country. Otherwise, how would one justify this treasonous, contemptuous display by Leslie and Gravelle, or the latest salvo from the leader of the NDP decrying the oil sands as the root of all evil, "Canada's Dutch disease"? Clearly, this is the continuation of a 700-word rant in the March 2012 issue of *Policy Options* where he referred to tar sands and dirty oil and offers up a cap-and-trade solution.

Why is the NDP's answer to everything to kill it with taxes? One can only conclude that the NDP oppose creating jobs and are attacking Canada with reckless abandon and alarming regularity. After all, the oil sands hold the potential of billions of dollars of revenues that could be used to enhance social programs at all levels of government — municipal, provincial and federal. Is this not the demographic that precipitated the birth of an ideology, the principle to shelter the blue-collar worker from unfairness and to protect the union member rather than the union boss? Yet this new team in Ottawa is doing everything it can to kill the very lifeline of their unionized comrades. They are betraying their supporters and their country, a dangerous trend.

There is a fundamental ethos here that needs exposing. This persistent, unhealthy, anti-Canadian rhetoric is very damaging. It undermines our reputation and the respect with which we are held internationally.

Honourable senators, how often do foreign legislators come here with the sole purpose of denigrating their government, harming their economy and devaluing their position internationally? My guess is about as often as we see a blue moon.

At least we can count on one thing: Our government will continue to promote Canada and the oil sands as a stable, secure and ethical source of energy in the world.

THE LATE JAMES E. MARKER

Hon. Nancy Greene Raine: Honourable senators, I rise today to talk about another iconic Canadian product. No, I will not talk about maple syrup, although I would like to thank all of you for passing my motion last Thursday. Today my subject is Cheezies. First, I have to tell you that every week I look forward to getting a bag of Cheezies from the vending machine at the Kamloops airport to snack on as I drive home. I always felt a bit guilty indulging surreptitiously in my favourite salty snack.

It was with interest that I read recently that the inventor of Cheezies, Mr. Jim Marker, had passed away in Belleville at the age of 90. I was fascinated to learn of the development of Cheezies by a young Iowa farmer who built an extruder to mould corn grain into porous sticks to feed his cattle year round.

Chicago confectioner W. T. Hawkins heard about the unusual invention and sent his son to check it out. As they were one of the largest snack food companies in North America, producing and marketing everything from potato chips to popcorn, they recognized the potential of the new process. Soon Mr. Marker left the farm to work for Hawkins on the new product, now fried in vegetable oil and coated with cheddar cheese. It was named "Cheezies" and sold in the distinctive red and white bags.

Shortly after, Mr. Marker was sent to Ontario to open a branch plant in the small town of Tweed, where land was less expensive than in the city and where the small town suited Mr. Marker's rural upbringing. Within a few years of opening their Canadian operations, the American operation of W.T. Hawkins Confections went bankrupt and Mr. Hawkins and his son moved to join the Canadian operation. In the mid 1950s, after a fire at the plant in Tweed, the company built a new plant in Belleville, where they have stayed ever since, with a staff of fewer than 100, many of whom have been with the company for decades.

Mr. Marker was vice-president of Hawkins Confectionery, involved in everything from purchasing the ingredients to getting down on the factory floor and maintaining the machines. He never married, telling people that he was married to the company. He was a wonderful mentor to young workers. In the words of one of them:

> As a student, you were almost afraid of him. . . . But once he saw you were hard-working, he would be patient and teach you.

That student is now the vice-president of finance for the company, I believe.

Mr. Marker was also very active in the community, serving as president of the Rotary Club in the 1960s and staying involved for many years. When he passed away in his home in Belleville at the age of 90 two weeks ago, he left behind a real legacy. In paying tribute, Kent Hawkins, grandson of the founder and now president of the company, had this to say:

> The Cheezie has held up over all these years. . . . Jim used to say, "It's the best snack food that's ever been created."

I salute this Canadian icon.

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

ANNUAL REPORT PURSUANT TO THE AGREEMENT CONCERNING ANNUAL REPORTS ON HUMAN RIGHTS AND FREE TRADE BETWEEN CANADA AND THE REPUBLIC OF COLOMBIA TABLED

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Annual Report pursuant to the Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia.

[*Translation*]

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON THE USE OF INTERNET, NEW MEDIA AND SOCIAL MEDIA AND THE RESPECT FOR CANADIANS' LANGUAGE RIGHTS— FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Maria Chaput, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Tuesday, May 15, 2012

The Standing Senate Committee on Official Languages has the honour to present its

FOURTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, October 5, 2011 to examine and to report on the use of the Internet, new media and social media and the respect for Canadians' language rights, respectfully requests funds for the fiscal year ending March 31, 2013, and requests, for the purpose of such study, that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

MARIA CHAPUT,
Chair of the Committee

(*For text of budget, see today's* Journals of the Senate, *Appendix, p. 1275*.)

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

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

• (1420)

[*English*]

QUESTION PERIOD

PUBLIC SAFETY

POLICE OFFICERS RECRUITMENT FUND

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. This government likes to claim that it is tough on crime. However, it was recently brought to my attention by the Canadian Police Association that the government has decided not to renew funding for the Police Officers Recruitment Fund. This fund was created in 2008 by this government, not by the previous government, and had the goal of supporting provinces and territories in "recruiting additional front-line police officers."

Parliament, as we all know, recently passed the Safe Streets and Communities Act, and I am sure the leader would agree that the best way to keep our streets and communities safe is to put more front-line officers on the street. Since this government claims to be tough on crime and styles itself as the law and order government, will the government support provincial and municipal governments and law enforcement agencies by renewing the funding for the Police Officers Recruitment Fund which is set to expire next year?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not have the information that the honourable senator speaks of before me, but obviously the government embarked upon many programs to meet an immediate need, and once that need is met, a program ceases to exist.

Since I can only imagine that this is the case in this instance, I will take the honourable senator's question as notice in order to seek clarification.

Senator Cowan: I appreciate that. I would also appreciate if the leader would find out how many police officers have been recruited pursuant to that plan, because I have heard different numbers and would be grateful for the accurate information.

Senator LeBreton: I would be most happy to add that additional request.

[*Translation*]

FINANCE

BANKING REGULATIONS

Hon. Céline Hervieux-Payette: Honourable senators, my question is for the Leader of the Government in the Senate. You have certainly heard the recent news of JPMorgan posting over $2 billion in losses in two weeks after speculating on credit derivatives.

After that debacle, U.S. President Barack Obama said that this incident only underscores why it was so important to reform the rules that apply to Wall Street and all financial sectors, and why those rules need to be fully enforced, not just on an ad hoc basis.

A few weeks ago, I asked a question about the fact that Canadian banks had received secret loans totalling billions of dollars in order to prevent some of them from going bankrupt at the beginning of the crisis in 2008.

When will the Prime Minister work with President Obama — for once, I believe that we, on this side, agree that they should work together — in order to regulate the financial system and prohibit Canadian banks from making any speculative investments, considering that the banks are funded for the most part by Canadians' pension funds?

[*English*]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, as was the case in the past and is still the case, the situation with regard to the banking system in the United States is quite different from the situation in Canada. It would not be prudent for the Prime Minister to interfere with a situation that is clearly the responsibility of the United States government.

The honourable senator did question me a few weeks ago about so-called secret bank bailouts. I did point out, I believe, that despite the conspiracy theories of left-wing think tanks like the Canadian Centre for Policy Alternatives, there was no secret bailout. The government took timely and effective action to support lending and to Canadian households and businesses through the Extraordinary Financing Framework. This was made clear to Parliament. This was publicly and repeatedly laid out for all to see. It was very clear from the beginning that this is what it was intended for, including as recently as Budget 2012.

As the honourable senator knows, and this has been acknowledged by business, this support ensured that the global credit crunch did not cripple Canada or the Canadian economy, allowing credit to flow to Canadians and Canadian businesses when they needed it most.

Honourable senators, it was very clear, despite the misinformation being perpetrated by the Canadian Centre for Policy Alternatives, that there were no bank bailouts in Canada.

Senator Hervieux-Payette: The honourable senator must remember that some banks lost billions of dollars on sub-prime loans, and this money has never been recovered. This comes mostly from pension funds. I speak with concern because $40 billion were lost by the Quebec pension fund, the one that provides us with a pension.

If things were so good, first, I question why the government wants to raise the retirement age from 65 to 67. On one side we have experts saying that the pension system is well funded. On the other side we are told that we have to raise the age of retirement. We will see from your evidence what side you are on, but there is a strong correlation between the stability of pension funds and banks.

What measures has the Conservative government taken to ensure that our banks' high-risk investments are separated from their regular operations so they can continue to lend to Canadian entrepreneurs, who stimulate economic growth? As a correlation, I must say that not long ago — and they just stopped this practice — some European governments prevented their banks from operating with hedge funds. In fact, this prevented them from going deeper into debt and lowered their losses.

Is the government prepared to look at this? I am sure the members of our committee would be happy to look at this. If the serious problems in Greece have a domino effect in Europe, will our banks be protected by investing their money in the right places?

Senator LeBreton: Honourable senators, I think it is obvious that Canada is not Greece, Canada is not Europe and Canada is not the United States. As I mentioned a moment ago, there were provisions in Budget 2012 with regard to the extraordinary financing framework.

The honourable senator mentioned Old Age Security and pensions. The opposition parties — and I include the opposition here in the Senate as well — are missing the point with regard to the government's plans for Old Age Security. This is not about savings. These changes are about the future and will put Old Age Security on a sustainable path so that it will be there when it is needed by those Canadians in the future.

• (1430)

Of course, we all know, and it is clearly stated in the budget and in the Budget Implementation Act, that these changes — which are changes that are happening all over the world, by the way — do not come into effect until the year 2023, which is 11 years from now, and are phased in over the following six years, from 2023 to 2029.

HEALTH

PROVISION OF FOOD

Hon. Robert W. Peterson: Honourable senators, my question is for the Leader of the Government in the Senate.

Last week, Canada was honoured with the rather dubious distinction of being the first wealthy nation in the world to face a probe by the United Nations Special Rapporteur on the right to food. We now rank alongside Cuba and Lebanon as countries to have been inspected for inequality of access to food.

The rapporteur, Professor Olivier De Schutter, travelled across the country visiting major urban centres like Toronto, as well as remote Aboriginal communities in Manitoba and Alberta. The probe investigated Canada's food supply chains and government policies and programs affecting Canada's legal obligation to the right to food.

As a signatory to both the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, Canada has a legal obligation to "respect, protect and fulfil the right to food." Despite this legal obligation, Food Secure Canada estimates that almost 2.5 million Canadians currently live without secure access to food. This has particularly devastating effects on Canada's youth, as research shows that food banks and food programs are drastically underperforming due to a lack of government support.

This is a serious issue. People's very lives are at risk. Would the Leader of the Government in the Senate please explain to me why no one from the cabinet accepted to meet with the UN official? Why did the government not take this opportunity to assess some of the very serious problems facing communities at risk instead of just dismissing the issue out of hand?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the senator has clearly been misinformed. The government is helping specifically First Nations communities to expand their economic opportunities and realize their full potential through skills training and employment initiatives.

With regard to the UN Special Rapporteur, we are pleased that representatives from the federal government met with Mr. Olivier De Schutter on May 7 to talk about our significant investments in First Nations' access to healthy and affordable food. Senator Peterson is quite mistaken when he says that we did not take it upon ourselves to meet with this gentleman; we most certainly did.

Senator Peterson: Is the leader then saying that the rapporteur was quite satisfied with the government's answer and that the 2.5 million Canadians who live without access to secure food are satisfied as well?

Senator LeBreton: Honourable senators, I cannot answer for the UN rapporteur; I can only answer for the government. As I just reported, the government did meet with the gentleman and pointed out the significant investments the Government of Canada has made — especially with regard to First Nations, as that is the primary area of interest of this individual — and the various programs we have embarked upon to ensure that they have access to healthy and affordable food.

JUSTICE

SEX TOURISM

Hon. Mobina S.B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate. I asked this question last March, and I ask it again: Every single year, 1 million children are exploited in the global sex trade. Last month, a troubling article published in the *Vancouver Sun* stated that Canadians are among those who travel across borders to engage in commercial sex acts with children. More specifically, this article profiled Cambodia, a country where one third of the population lives on less than $1 a day. It stated that it is Canadian men who frequent brothels and rape young girls.

In 1996, Bill C-27, which dealt with child sex tourism, passed through both houses. This bill made all sex crimes against children extraterritorial. Unfortunately, in the 15 years that this law has been in effect, only five people have been prosecuted.

I had earlier supplied my question to the leader's office, and I will ask it again: What resources has the government invested to ensure that Bill C-27 is properly enforced?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I appreciate the notice of the question. As the honourable senator correctly stated, she did ask this question a month and a half ago, and I do not believe we have provided a written response. I will look into that.

As the honourable senator knows, since she is a lawyer, prosecution of such matters falls under provincial jurisdiction; and of course she would know that I, as the Leader of the Government in the Senate, cannot comment on specific matters before the courts or that may be at the moment the subject of police investigations.

Our criminal law allows for Canadian prosecution of Canadians who engage in any prohibited sexual activity with children while abroad. Canada's sex tourism law, to which the senator made reference, reflects international consensus that those who sexually abuse children must be held accountable. Where the state in which the transgression has taken place does not proceed with prosecuting these individual Canadians, our own sex tourism provisions enable Canada to undertake the prosecution.

As the honourable senator knows, our efforts to protect children from sexual exploitation extend far beyond our borders, and Canada has fully endorsed and continues to support several international agreements on this issue, including the G8 Strategy to Protect Children from Sexual Exploitation on the Internet.

With regard to the specific question about the amount of funds allocated to this, I will ask that when we get around to providing the written response, that will be included in it.

Senator Jaffer: I thank the leader and I appreciate her giving me a detailed response.

I, of all people, know that prosecutions are provincial; however, the honourable senator and I both know that the investigation has to happen in the country where the offence is taking place, the investigation resources have to be provided by the federal government, and enforcement people have to be embedded in the foreign offices abroad.

In her search, could the leader please tell us specifically how many officers are employed in areas that we know Canadian men — and women, too — are frequenting so that we can find out what is happening?

I would also ask that the leader find out what investigative steps Canada is taking to ensure that our men who travel outside of Canada to sexually exploit children are brought to justice in the same way as if they had exploited a little girl in Canada.

Senator LeBreton: I thank the honourable senator for the question and for her ongoing interest in this very serious matter.

As she will know, at the May 2007 meeting of G8 Justice and Interior Ministers, Canada reiterated its commitment to work with other G8 countries to combat sexual exploitation, including sharing best practices related to the investigation and prosecution of child sex tourism offences. I realize that this extends far beyond G8 countries, although G8 countries do have a lot of influence in effecting changes in these countries.

I will, of course, honourable senators, ask Senator Jaffer's specific question about where these organizations are operational and what kind of resources have been allocated to them to deal with, as she quite rightly stated, a very serious and reprehensible crime.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Claude Carignan (Deputy Leader of the Government): Honourable senators, I have the honour to present, in both official languages, the answers to the oral questions raised by Senator Tardif on April 26 and May 2, 2012, concerning official language minority publications.

I also have the honour to present the answer to an oral question raised by Senator Callbeck on April 24, 2012, concerning the future of commercial fisheries in Canada.

Lastly, I have the honour to present the answers to the oral questions raised by Senator Chaput on April 26 and May 2, 2012, concerning official language minority publications.

CANADIAN HERITAGE

CANADA PERIODICAL FUND

(Response to questions raised by Hon. Maria Chaput and Hon. Claudette Tardif on April 26 and May 2, 2012)

Introduction to the Canada Periodical Fund

The objective of the Canada Periodical Fund (CPF) is to ensure that Canadians have access to diverse Canadian magazines and non-daily (or community) newspapers, including official language minority publications.

In 2010-2011, the CPF replaced the former Publications Assistance Program (PAP), which had subsidized postal costs, with a funding formula that rewards the performance of periodicals at reaching readers. Since the new program is not simply a rebate of postal costs, publishers now have the flexibility to spend funds as they see fit.

Under the new formula, the entire annual budget of the Aid to Publishers component is distributed to all eligible publications according to their annual paid circulations. However, since one of the main policy principles of the new program is to favour small and mid-sized publications, the formula results in small publications receiving more funding per copy than large publications and has a limit on the largest ones.

Treatment of official language minority publications

Official language minority publications form key parts of the communications infrastructure of the communities they serve. In consideration of their importance and specific needs, they benefit from special eligibility requirements that improve their access to the CPF. These are:

- Need to sell a minimum of only 2,500 paid copies during the financial year, instead of 5,000.
- Are exempt from the criterion of having sold 50% of their circulation.
- Are exempt from the minimum prices of $12 for a subscription and $1 per copy for a magazine and 50 cents per copy for a newspaper.
- Are exempt from providing a circulation report from a circulation audit board.

Similar eligibility conditions existed under the PAP.

The transition from the PAP to the CPF and the impact on official language minority publications

Even though the CPF was launched in 2010-2011, the program's new funding formula was not implemented until 2011-2012. The amounts received in 2010-2011 were the result of a one-time measure to ease the transition to the CPF and are not representative of what should be expected in the future.

Under the CPF, almost all of the nearly one thousand recipients will see changes to their funding levels compared to the PAP. Recognizing the degree of the changes, a three-year transition plan was implemented in 2011-2012 to help publishers gradually adjust and plan accordingly. All industry associations, including the *Association de la presse francophone,* received full briefings on the new formula and the transition plan in August 2011. Furthermore, complete details about the formula and the transition plan are published on the program's Website for anyone to see.

The CPF is a new program, having been operating for only two years and the Aid to Publishers funding formula for only one year. We are monitoring its performance and gathering feedback from clients and stakeholders, including official language minority publications.

FISHERIES AND OCEANS

FUTURE OF COMMERCIAL FISHERIES

(*Response to question raised by Hon. Catherine S. Callbeck on April 24, 2012*)

Fisheries and Oceans Canada (DFO) received a significant amount of feedback from stakeholders and Aboriginal groups over the course of the national consultation which was conducted from January 12, 2012 to March 14, 2012. Information collected — both in writing and at face-to-face meetings — is currently being reviewed and analysed. As in the past, stakeholder input will be considered as DFO works to continually improve fisheries management in Canada.

DFO has a long history of consulting and working with stakeholders and Aboriginal groups. Indeed, it is important to note the department has long-established formal consultative bodies, such as regional advisory processes that meet on a regular basis, and these will remain the primary tool for commercial fish harvesters to communicate their views to DFO.

The Minister of Fisheries and Oceans has met with hundreds of individuals and groups over the past year to hear their views and to communicate the department's priorities to them. Looking ahead, the Minister will continue to regularly meet with stakeholders and provincial counterparts from all across Canada.

• (1440)

[*English*]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Wallace, for the second reading of Bill C-26, An Act to amend the Criminal Code (citizen's arrest and the defences of property and persons).

Senator Tardif: Question!

Senator Carignan: Question!

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

Some Hon. Senators: Yes.

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

Some Hon. Senators: Agreed.

Senator Tardif: On division.

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

REFERRED TO COMMITTEE

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

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

CRIMINAL CODE

BILL TO AMEND—SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Boisvenu, seconded by the Honourable Senator Braley, for the second reading of Bill C-310, An Act to amend the Criminal Code (trafficking in persons).

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak at second reading of Bill C-310, An Act to amend the Criminal Code (trafficking in persons).

Before I begin, I would like to thank MP Joy Smith for introducing this private member's bill and drawing attention to this very important issue. I have been working with Ms. Smith for several years now and have always admired her commitment to issues of trafficking of persons, especially women and children.

Honourable senators, according to the United Nations Palermo Protocol, "human trafficking" is defined as follows:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Honourable senators, 2.5 million people are in forced labour as a result of being trafficked. The majority of the trafficking victims are between 18 and 24 years of age. Furthermore, 43 per cent of victims are used for forced commercial exploitation; 98 per cent of those victims are women and girls. In 2006, for every 800 people trafficked, only 1 person was convicted. Every year this trade generates upwards of $12 billion.

Honourable senators, I am confident that regardless of our political affiliations we can all come together and agree that the issue of human trafficking is one that urgently demands our attention. Bill C-310 is an important step toward combatting human trafficking.

Having worked on this issue for a number of years, I have heard countless stories of Canadian men who have travelled abroad to countries such as Thailand, Cambodia, Kenya and Romania where they have committed barbaric acts, sexually exploited girls as young as four and have not been punished or held accountable for their actions.

I have met girls in Mombasa, Kenya, who have been brought from Ethiopia and Somalia by Canadian men to be trafficked to the Middle East. The girls were promised a better life and were led to believe they were going to be working and studying. Instead, they were subjected to an incredibly unfortunate fate and were exploited and treated as slaves.

This is because, under the current law, a Canadian national who recruits, transports, transfers, receives, holds and controls victims abroad does not fall within Canadian jurisdiction and, therefore, cannot face charges on Canadian soil. Bill C-310 acknowledges this injustice and helps to ensure that this is no longer the case as it extends Canadian extraterritorial jurisdiction to the offence of human trafficking.

There are three primary reasons why we must designate the trafficking of persons as an extraterritorial offence. First, an extraterritorial human trafficking offence would allow Canada to arrest Canadians who have left the country to engage in human trafficking in an effort to avoid punishment. Second, an extraterritorial trafficking offence would ensure justice in cases where the offence was committed in a country without strong anti-human trafficking laws or strong judicial systems. Finally, an extraterritorial human trafficking offence would clearly demonstrate that Canada will not tolerate its own citizens engaging in human trafficking, inside or outside of Canada.

By passing this piece of legislation, Canada will be joining countries like the United States, Germany, the United Kingdom, New Zealand, Australia and Cambodia, all of whom have already extended extraterritorial jurisdiction.

In terms of the law, the bill introduces three important changes to the Criminal Code. First, Bill C-310 adds the current trafficking in persons offences, namely, sections 279.01 and 279.011, to the list of offences, which, if committed outside Canada by a Canadian or permanent resident, can be prosecuted in Canada. Section 279.01 deals with trafficking in persons, while section 279.011 deals specifically with trafficking in children; that is, minors under the age of 18.

Second, after being amended in the House Committee on Justice and Human Rights, Bill C-310 now includes two other sections of the Criminal Code. Dealing with human trafficking could also result in criminal prosecution in Canada, even if the acts are committed abroad. These are sections 279.02 and 279.03. Section 279.02 refers to cases in which a person receives a financial or other material benefit knowing that it results from a human trafficking offence. Section 279.03 refers to cases in which a person conceals, removes, withholds or destroys any travel document, such as a passport, that establishes another person's citizenship.

Third, Bill C-310 will amend the definitions of "exploitation" and "human trafficking" to include an interpretive tool for the courts when determining whether or not a person suffers from human trafficking. This change will also help the definition of human trafficking in the Criminal Code to complement the definition used in the Palermo Protocol which I referred to earlier.

Honourable senators, for many years I have been working on the issue of human trafficking. In 2005, I had the honour of sponsoring Bill C49, the very first bill ever introduced in Parliament which dealt with human trafficking. While preparing for this bill, I had the opportunity to visit Nigeria. When I was in Abuja the High Commissioner, David Angel, arranged for me to visit a detention facility where they were holding a group of 12 young Nigerian girls from Kaduna, which is located in northern Nigeria. The youngest was nine years old and the oldest was 13. These girls were about to be trafficked into Europe, but were intercepted at the airport. They had been told that they were going to receive an education and a better life. Their real destination was a brothel in Europe.

These brothels thrive on human trafficking, constantly bringing in young girls to subject them to rape and exploitation. It was truly sad to look into the innocent eyes of these young girls who were now left with nowhere to go but a detention facility. Their lives were left in limbo as a result of the lies they had been told. These girls were lucky, though. For every one of those girls, thousands elude the notice of authorities.

Honourable senators, at the beginning of my speech, I shared some extremely troubling statistics. The difficulty is that when we hear numbers in the millions, we often have difficulty remembering that each one represents a child's life. Who are these trafficking victims? They are the marginalized, the disenfranchised and the vulnerable persons in our society. Let me share a story of one of those victims with you.

• (1450)

I am proud to represent my province of British Columbia in the Senate. When the Winter Olympics were taking place in my province, the other five senators from my province were just as proud as I was. In fact, Senator Nancy Greene Raine had a special role in the games, and we are all proud of her hard work. As you know, whenever there is a big sports event, women are trafficked into a host city as the market demand for sexual labourers increases. In fact, when Germany hosted the World Cup of soccer, thousands of girls were trafficked into Germany. The women's movement, with the help of Scandinavian governments, was able to stop many of those girls being trafficked into Germany at the time of the games.

In British Columbia, we did not even want one girl trafficked into our province. I am very pleased to report to you that the federal, provincial and municipal authorities worked very hard with women's groups, and we did succeed in implementing a zero-tolerance policy for people being trafficked into our country. While we all witnessed the coming together of British Columbians, Canadians and the international community, many evenings I would walk on the east side of our city to see first-hand if we had succeeded in stopping women from all over the world from being trafficked into our province.

Unfortunately, I was very sad to see that although we had made great progress, trafficking was still a sad reality of the Olympic Winter Games. While most of us, when thinking of trafficking, picture young girls and women from exotic places like Thailand and Cambodia, we do not realize that many of the women who

are being trafficked live right in our backyard. Human trafficking is not something that happens only in brothels in Thailand or slums in Africa. Human trafficking is an issue that is prevalent in our country, in our provinces and in our communities.

One night, during the Olympics, I met Grace, an Aboriginal girl. She was 12 years old. She had a very innocent, childlike face, so I approached her. She was just a child. She told me she had been brought to Vancouver. She was not a Canadian but was born not too far from our border. A Canadian boyfriend in the United States had run out of the money, so she was helping him out. He told her that she could make money fast at the Olympics and then return to him. Just then, a car stopped for her, and she ran away before I could say another word. Her childlike, innocent face will always stay with me. Whenever I walk in that area, I look for her. That young girl was robbed of not only her innocence but also her childhood.

That is what Bill C-310 wants to change — to stop Canadian people from trafficking people, mostly women and children, around the world. The purpose of this bill is to help girls like Grace, innocent children whose lives are destroyed by traffickers. The reality is that this crime disproportionately affects women and children. They are the ones who routinely face the greatest legal, social, economic and political inequality around the world. Human trafficking is very much a crime that exploits inequity and inequality.

Although the majority of human trafficking is closely linked with sexual exploitation, we must remember that forced labour is also considered a form of trafficking, one that is occurring in our own backyard. For example, in October 2010, the RCMP arrested 10 people who were running what was referred to as a Hungarian slavery ring. The RCMP in Hamilton, Ontario, described the case as follows:

> The allegations were that the individuals were recruited from their home in Hungary to work. These victims were generally poor and unemployed in their home country. They were brought to Canada and promised steady work, good pay and a better life. However they quickly became aware of their fate. The traffickers controlled their victims, including who they spoke with, where they lived and even what they ate. The victims typically lived in the basement of their traffickers and were sometimes fed scraps and leftovers, often only once a day. The victims further alleged that they were taken to construction work sites daily and made to work long hours without pay.

Unfortunately, according to current Canadian law, a Canadian citizen or a permanent resident could set up shop abroad in a country like Hungary and traffic individuals onto Canadian soil with little threat of prosecution. Bill C-310 would ensure that this is no longer the case.

Mr. Robert Hooper, the Chairperson for Walk with Me, when appearing before the House of Commons Committee on Justice and Human Rights, shared with the members a testimony offered by a police officer at a bail review regarding the case of the Hungarian labour trafficking. He stated:

> Well, place yourself in their shoes. They come to a country . . . they don't speak the language. They've lost contact with their families. You have an individual who has offered them a better life. They are grasping at that. They are hopeful of getting a better life in this country. And someone graciously pays their way here only to find out that they are here to be used, that the money they are promised they will never receive. They come from a country where the relationship with the police is not particularly good; as a matter of fact they are very fearful of the police back in Hungary. And they come here, not speaking the language, and all of a sudden they are embroiled in this horrendous drama.

Honourable senators, this is but one of the many examples of the harsh realities many individuals are facing right in our country. I am very sad to say that, in my own province, many Mexican labourers face very harsh working conditions. Every summer I spend time with them, talking to them to find out how we can change their harsh conditions. When I go to the Fraser Valley and speak to these migrant workers, I am very ashamed that in my province of British Columbia, a wealthy province, workers are treated so shabbily. They work hard to provide British Columbians with fresh fruit and vegetables, but they face such harsh working conditions. Mexican-Canadians, such as Raúl Gatica, the agriculture support centres and the United Food and Commercial Workers Union are trying to stop these shameful practices. I believe this is also a form of trafficking. This should never happen on our Canadian soil.

Although I strongly stand behind this bill in principle, I also believe that this is a feel-good bill. I applaud Joy Smith for introducing this bill. However, I would like to point out to all parliamentarians that unless proper resources are allotted to the implementation and enforcement of this bill, it will fail to serve its purpose.

As I mentioned earlier, a number of countries have strong anti-human trafficking laws in place, and one of the countries that I have the greatest respect for on this issue is the United States of America. Unlike Canadian laws, American laws take into account the rights of victims. Even in the event that Bill C-310 is passed, the victims of trafficking are neglected as our approach is based around perpetrators. In contrast, American law states that trafficking victims must be housed, provided with legal assistance and given proper medical treatment. In addition, American law gives foreign trafficking victims the right to stay lawfully in the country with protection. These are the kinds of revisions we need in Canada to protect victims and not force them to be deported and leave our great country.

Professor Amir Attaran, who appeared before the House Committee on Justice and Human Rights, shed light on this issue when he gave the following example:

> Put yourself in the shoes of those trafficked. When you're on your back being sexually exploited, you are probably hoping for someone in uniform to kick in the door and slip handcuffs on your trafficker. Now, imagine how easily that can turn into a nightmare when it happens because the men and women in uniform come into the room and slip handcuffs on you. Why? Because the trafficker tore up your passport and you don't have a valid visa to be in Canada.

Honourable senators, I believe that we can all agree that this legislation is important as it will help address the very urgent and prevalent issue of human trafficking. However, this legislation has to be worth more than the paper it is written on. In order to really tackle this issue and to protect vulnerable men, women and children in Canada and abroad against this grave offence, resources must be put in place to ensure that these laws are properly enforced.

• (1500)

For example, every year over 1 million children are exploited in the global sex trade. Unfortunately, every year many Canadians travel outside Canada and engage in sex acts with children. In response to this, in 1996 Bill C-27, which dealt with child sex tourism, passed both houses. The bill, which is similar to the one before us today, made all sex crimes against children extraterritorial. Although Bill C-27 received an abundance of support and was strong in principle, it unfortunately has not been effective.

In 15 years, there have been five successful prosecutions in Canada of child sex tourists, most of which were by happenstance and not because of our investigative work. One of the five successful prosecutions was of Mr. Kenneth Klassen, an art dealer from Burnaby, British Columbia. A mere 48 hours after landing in Cambodia, Mr. Klassen had assaulted and videotaped almost a dozen young girls, the youngest of whom was eight years old. After unsuccessfully making the claim that Canada's sex tourism laws were unconstitutional, Mr. Klassen pleaded guilty and received the same charge he would have received had he assaulted and exploited a Canadian girl.

Unfortunately, there are many men like Mr. Klassen who are not held accountable for their actions. The fact there have been only five prosecutions in one and half decades demonstrates this. This is largely due to the fact that proper resources have not been put in place to enforce the legislation.

Honourable senators, if we are really going to take a stand against the trafficking of persons, we must put forward an honest effort to ensure that this bill is accompanied by the necessary resources.

Another example of legislation that was honourable in principle but lacked the resources to be effective was the one that criminalized female genital mutilation. In 1995, in the Second Session of the Thirty-fifth Parliament, Bill C-27 was passed making female genital mutilation a criminal act; therefore, in Canada this practice is considered a criminal offence. Those who perform this procedure can be charged under the Criminal Code of Canada. Unfortunately, over the past 17 years not one conviction has been made, even though there is evidence indicating that this practice still takes place in Canada.

We have learned from the child sex tourism legislation and the legislation criminalizing female genital mutilation that we must be ready to put forward resources to ensure that the legislation is enforced and that vulnerable men, women and children are no longer robbed of their basic human rights and dignity. Until this is done, this legislation will be no more than words on a piece of paper.

Bill C-310 is about making sure that Canadians can be stopped from trafficking children from around the world. It is a very good first step, and now we need the will to provide the resources to really stop trafficking so that 12-year-old Grace's childhood will not be robbed from her by Canadian nationals.

I know that most honourable senators will support this bill. I encourage honourable senators to support Senator Boisvenu, sponsor of the bill in the Senate. This is the first step in stopping human trafficking. We must provide the resources so that the victims can find refuge after they report the trafficking.

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

Some Hon. Senators: Question!

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

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

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Di Nino, for the second Reading of Bill C-290, An Act to amend the Criminal Code (sports betting).

Hon. Norman E. Doyle: Honourable senators, I have a few words to say on this bill. I want to put a few concerns on the record that I feel are valid. Bill C-290 is sponsored by Mr. Joe Comartin of the NDP. The bill is an act to amend the Criminal Code. Because it involves the gambling industry and amending the Criminal Code, and because the gambling industry has an obvious social impact on so many people generally, discussion is not only warranted but also advisable.

Whenever I see an amendment to the Criminal Code, I sit up and take notice because amending the Criminal Code generally, but not always, can signal a positive or a negative change to some sector of society.

The bill is known as, for want of a better term, "the sports betting bill." This bill will legalize single event sports betting in Canada. To put it more clearly, currently gamblers must bet on a minimum of three games simultaneously, but with the passage of this bill, that law will be expanded to allow a person to bet on just one event. I am a little concerned about that, and I want to state why.

I have heard two or three speeches on this bill in the Senate and a couple from the House of Commons as well. No one seems to have any great concern, on the record at least, with respect to this bill, so it is not outside the realm of the possible that my concerns are simply my concerns.

I say that these concerns are not on the record, but I hear a lot of concerns off the record from people on the street or in the mall. I am sure honourable senators are aware that a recently publicized Harris Decima research poll on single event sports betting showed that 35 per cent were against it, 35 per cent were for it and the rest had no opinion. It is on behalf of the 10 million or so people in Canada who have some concerns about the bill that we should speak about it.

Through the Criminal Code, the federal government will determine what forms of gambling, if any, will be legal in Canada and what forms of gambling will not be legal. The provinces, as honourable senators are very much aware, manage those forms of gambling that the Criminal Code deems legal. Since 1969, and correct me if I am wrong, the Criminal Code has been amended — so many different times that I have lost track — to remove the restrictions on what forms of gambling will be legal in Canada.

What has been the result of removing these barriers to easy gambling? There has been quite a high increase in gambling. As a matter of fact, Statistics Canada indicates that gross revenue from government-run gambling operations has increased five-fold between 1992 and 2007. In 1992, gross revenues from gambling were $2.7 billion, and today they are up around $14 billion.

• (1510)

Honourable senators, the question we could ask is, why should we be concerned? After all, "freedom of choice" are the buzzwords today and, if I want to gamble, then I can gamble. That is fine, but gambling revenues, we are told, come at a very high cost to society. Research shows that government-sponsored gambling has dangerous social consequences. I am really surprised that none of the speakers I have heard on this so far have bothered to mention a few fairly widespread facts.

For instance, a study by the *Boston College Law Review* found that children of lower-income families and people with compulsive personalities are among those who suffer most. Why? In 1998, they started to do some work on this and the Quebec coroner's office linked about 27 of the province's 1,200 suicides to problem gambling. By 2004, that number had increased to 32 out of 1,200. A similar trend in Ontario was then noticed. A report by the Ontario Chief Coroner revealed that gambling-related suicides more than tripled between 1998 and 2007.

In addition, of course, many provinces do not have a formal reporting system for gambling-related suicides, so these numbers would probably be a whole lot higher if all gambling-related suicides were reported. People tend not to report gambling-related suicides because of the obvious shame involved. I know honourable senators will be very interested in this, because the Senate recently adopted a national suicide prevention program.

In fact, the Canada Safety Council estimates that over 200 gambling-related suicides take place in Canada every year. It could be more. It could be 300 or 400, because of the non-reporting. Can honourable senators imagine the trail of broken homes, ruined lives, broken families and broken children because of the number of suicides that occur every year that could have been prevented?

Honourable senators, if we are not concerned about that, we should probably remember that gambling is a very inefficient way of raising revenues. For every dollar of revenue that is collected by the various forms of government, government has to spend fifty cents to collect that dollar. In other words, governments across Canada are spending about $7 billion a year to collect $14 billion in gambling revenues. There was a $7-billion revenue stream — and not $14-billion — that went into government coffers at the provincial and federal levels.

One has to ask if raising $7 billion in revenue through traditional means would not have been more effective and more efficient for the people of this country. On top of that, the number of broken lives, broken homes, broken families and broken children would have been so much less. Bringing in further legislation to enhance gambling revenues through single-sport betting, in my opinion at least, will only add to the adverse social costs of gambling.

One will often hear people talk about the employment that is created because of casinos and gambling generally. However, gambling does not create good employment. Data from Statistics Canada indicates that workers in the gambling industry were more likely to be hired by the hour and at a lower hourly rate than workers in non-gambling industries.

Honourable senators, I think we should call a spade a spade here. There is nothing, in my opinion at least, about this NDP bill that is of any value to society at all. In fact, it would hurt society. Its only aim is to add further problems and further social consequences to an already bad situation.

The *Lethbridge Herald* recently made a good point and a good comparison as to what we can actually compare to single-event betting. They said legalizing yet another form of gambling is like an addict searching for a new vein. Robert Williams, a research coordinator for the Gambling Research Institution and a health sciences professor at the University of Lethbridge, said the idea may be a boon for professional sports bettors, but not for Canada. He said the addict analogy is a very good one here, because gambling revenues have stabilized or gone down in many jurisdictions and that is why they are seeking any other avenue for trying to raise money. He is talking about provinces which are very often in deficit positions and trying to raise as much money as they can. However, we have to ask if they should be raising these revenues on the backs of the people who can least afford to pay.

I personally wonder about someone involved in betting on a specific event who may have access to the player and encourage underperformance through bribery. Is there a higher probability of fraud when one gets involved in single-sport betting, as opposed to having people bet on a minimum of three? Obviously, people will be more inclined to gamble now because of the so-called higher probability of winning. That will certainly increase the temptation to gamble and it will definitely increase the temptation for compulsive gamblers. Through this bill, are we simply pushing the gambler closer to the edge and helping them to find a vein?

I am also told that with single-sport betting debts will be larger — they will be massive — and what kind of threat will that present to the compulsive and unsuspecting, especially when it will be easier to bribe or commit fraud?

It might be of interest to honourable senators to know that in the United States they have almost no single-event betting. Yes, they do in Nevada, but, for the most part, they do not have single-event sport betting in the United States.

I am also told unofficially that Windsor would stand to earn $70 million in the first year. What is wrong with that? I do not know, except to say the government had a rule of a minimum of three games to discourage people from betting too much and from going too far, and to discourage them from getting involved in gambling at all. That change is going to encourage more people. There will probably be more social problems and more broken lives, and do we want that? Would the $7 billion the government spent to collect the $14 billion not be better spent on families and people who have these addiction problems? I think they would be.

Honourable senators, we have to ask ourselves one basic question about additions and addictive people. The question that has been bouncing around with me is this: Is it not strange that we are throwing people into jail today because of the crimes they are committing through addictions when, at the same time, we are passing laws to help feed those addictions and create more havoc in society by the laws we pass? I think Mark Kelly would say, "Hey — that's my disconnect."

• (1520)

Hon. Gerry St. Germain: Would the honourable senator accept a question?

Senator Doyle: Yes, of course.

Senator St. Germain: Honourable senators, I have to agree with Senator Doyle. I was in law enforcement when gambling came in years ago, as many honourable senators know. I saw what gambling did at that time. Now we have gambling addicts, but the biggest addicts of all are the provincial governments. They are the addicts; they are addicted to this money. I cannot quote verbatim, but it has been said that when a society has to resort to gambling as a source of revenue, the society is bankrupt.

I never agreed with this from the beginning. I have had family members that have been victimized as a result of gambling addiction, and I will bet others here have had the same experience. We live in this hypocritical world that we will do this, that and the other thing, and yet many of those are contradictory, as Senator Doyle so adeptly pointed out.

I would only hope that governments would come to their senses and realize the damage they are doing. As Senator Doyle pointed out, the people gambling in these places are those who can least afford to gamble. They are there hoping for the dream that will never happen.

The honourable senator mentioned something about 200 suicides a year, and there are possibly many more. Are there any statistics regarding what it was prior to our getting into this provincial gambling addiction as a source of revenue in our country? Was the honourable senator able to find any statistics prior to this as to whether the severity of it has really increased with the advent of legalized gambling?

Senator Doyle: Yes, it has increased substantially. The figures that I have been using and doing some research on are the Statistics Canada estimates that have come out over the last couple of years. They indicate that it is very difficult to come up with an accurate figure for how many people commit suicide each year because of gambling-related activities. Police really do not have any accurate statistics on it. Statistics Canada feels that what has been reported so far is grossly underestimated, given the fact that gambling addictions-related suicides are not reported on a regular basis.

I am very well aware that the whole area related to the social consequences of problem gambling is complex. I think it needs much more study. However, I think Statistics Canada is doing whatever it can to try to come up with accurate figures on this. It is very difficult to do. I do not believe police accurately report the number of suicides that occur.

I think we have a real problem coming to us here. Over a period of 15 years, we started —

The Hon. the Speaker: If the honourable senator is seeking an additional five minutes, the house would be disposed to grant it.

Some Hon. Senators: Agreed.

Senator Doyle: Back in 1997, gambling revenues were around $2.7 billion. Now we are up to about $15 billion or $16 billion a year. It seems that the number of suicides has increased with the amount of gambling that is occurring, and that is only quite natural.

We need to have a very sober look at all this.

I think the question I asked was a valid one. We are throwing people in jail every day because of their gambling addictions, the crimes they commit due to gambling addictions, and so on. Yet we amend the Criminal Code almost on an annual basis to make gambling much more accessible to people. The social consequences of all this are very high.

I think we have to have a second look at this bill and try to determine accurately whether we are doing society any favours by passing it.

Hon. Michael Duffy: Will the honourable senator take another question?

I know time is rushing on so I will try to be brief. Gambling is an insidious sort of thing. Some remember when it first came down the pike. I believe Mayor Jean Drapeau had a thing called the Voluntax, the voluntary tax. Some honourable senators may remember that. "Oh well, we will give into that because it is an easy thing," and then we saw the voracious provinces convince Prime Minister Clark to turn it all over to them.

Something struck me through all those early years. I wonder if Senator Doyle remembers this. I was surprised to see this private member's bill coming from the New Democrats. Back in those days when Tommy Douglas was leader of the NDP and its forefather the CCF, they had a policy. I remember Stanley Knowles in the other place talking about this. They were opposed to gambling; they called it a tax on the poor. The NDP drew a hard line when it came to all forms of gambling, despite even the benign stuff that started off early on — "Oh, it does not hurt anybody; it is a voluntary tax."

Could Senator Doyle enlighten us on when the NDP gave up their principles to adopt this kind of a scheme?

Some Hon. Senators: Hear, hear.

Senator Doyle: I think that is a leading, loaded question. I dare not criticize a particular party here in this relatively non-partisan chamber.

Some Hon. Senators: Hear, hear.

Senator Doyle: I think the federal government is having a really rough time with the provinces. The provinces are continually coming to the federal government, begging, cajoling and doing whatever they can to have the Criminal Code amended to allow for easy gambling. Every time you see a province, especially the larger ones, coming out in a deficit, they are always looking for ways to increase revenues, and rightly so.

However, it is a sad thing to be looking to the federal government to amend the Criminal Code to collect revenues on the backs of people who can least afford to pay, people who wind up in broken homes. I saw one individual in particular who gambled away his home. He had six beautiful children who were in a social service housing unit a couple of months after he did it.

We cannot pass laws to protect every individual, but we can look at the trend that is developing over the years, the amount of money that is coming in from gambling, and the inefficient way that we have to collect gambling revenues.

• (1530)

Can honourable senators imagine the number of good social programs that could be put in place to help families and addicted people get over this problem that they have?

It is not an efficient way to use money or spend money. I think the provincial governments and any governments that engage in this kind of thing should be taken to task.

(On motion of Senator Carignan, debate adjourned.)

STUDY ON AIR CANADA'S OBLIGATIONS UNDER THE OFFICIAL LANGUAGES ACT

THIRD REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

On the Order:

> Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Mercer, that the third report of the Standing Senate Committee on Official Languages entitled: *Air Canada's Obligations under the* Official Languages Act*: Towards Substantive Equality*, tabled in the Senate on March 13, 2012, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the President of the Treasury Board being identified as the minister responsible for responding to the report.

Hon. Andrée Champagne: Honourable senators, our committee recently tabled a new report concerning Air Canada's obligations under the Official Languages Act. Since the privatization of the company in 1988, we have all hoped that substantive equality between the use of both French and English would become a reality.

[*Translation*]

Our committee had studied the matter twice and had submitted a number of recommendations. For his part, the Commissioner of Official Languages recently conducted a comprehensive audit and some of his observations encouraged us to continue the work. We wanted to determine how and to what extent the various recommendations had resulted in improvements, and if progress had been made. We wanted to know if real equality was still a long way off. We believed that it was important to also ascertain the timelines established by Air Canada for implementing our recommendations and those of the Commissioner. The opening sentences of our report clearly explain the situation: "Undertaking to serve clients in the language of their choice is one thing. Undertaking to provide service of equal quality in both English and French is another."

It was obvious that a great deal of effort was made throughout the Vancouver Olympic Games. Air Canada's Linguistic Action Plan for 2011-2014 states that Linguistic Affairs is one of the few departments at Air Canada that has not sustained budget cuts or a reduction in its programs over the years.

Our committee was pleased and duty bound to point this out in our report. Steps are being taken in the right direction to ensure that the corporation fulfils its obligations under the Official Languages Act.

The fact remains that a number of us have had very unpleasant experiences, especially at different airport gates across the country, when unilingual employees have made remarks that I would say were very impolite at times when we dared ask a question in French. In places outside Quebec, naturally.

Problems arise primarily with regard to entities that are bound to Air Canada by a service contract. Part IV of the act (communications with and services to the public) is often ignored and dismissed. Has your departure gate changed at the last minute? If you do not speak English, you had better hope you can find a monitor and be able to read it.

I always think of my dear mother, a former school teacher who knew how to read, of course, but who, having lived in small towns in rural Quebec her whole life, never learned a word of English. She would have definitely missed her flight.

Not all that long ago, I heard someone very openly expressing their fears that one of the requirements of getting a job at a Canadian airline would be bilingualism. This person added that many young people, and competent young people at that, who are from Western Canada would not be able to work for an airline if it landed occasionally in Montreal, Quebec City or Moncton. My response was immediate and straightforward, "Would it make sense to hire a unilingual Francophone to work on a route that stops in Ottawa, Toronto, Winnipeg or Vancouver?"

Another sore point is, of course, the issue of employees' language of work. If we are talking about carriers operating under the Air Canada banner, such as Air Canada Express and others, located in unilingual regions, we need to recognize that their employees have absolutely no rights when it comes to language of work.

If, for any reason their work location were to change, for instance, if they were transferred somewhere else in Canada, employees who once worked in a region designated bilingual for language of work purposes, such as Montreal, could easily find themselves in a unilingual English region like Toronto. Thus, they would not have any rights in terms of language of work, because those companies are not subject to Part V of the Act.

Part VI is also quite often overlooked in Air Canada's operations. Yet this part of the Act requires corporations to ensure that English- and French-speaking Canadians have equal opportunities for employment and advancement. Those who have had the opportunity to learn both official languages over the years and can function well in both will have a clear advantage in terms of opportunities for advancement.

Honourable senators, in closing, I would like to strongly encourage you to read this report from cover to cover. By so doing, you will see that, over the years, our concerted efforts have paid off. Air Canada has made a great deal of progress in improving the way it meets its obligations under the Official Languages Act. The committee's task was to find out where the company should be encouraged and congratulated, and also to make the company aware of the complaints that Canadians are still filing with the Commissioner of Official Languages. I believe that, together, we have succeeded, and I earnestly hope that you will tell us so.

Thank you. I wish you all good reading of this report and I urge you to adopt it.

(Motion agreed to and report adopted.)

[*English*]

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. Hugh Segal: Honourable senators, I rise today to speak in broad support of Senator Dallaire's inquiry relating to the prevention and elimination of mass atrocities. Let me state at the outset that I support the main proposals put forward by my good friend and also firmly believe that we can do even more.

As he outlined so eloquently, genocide, mass atrocities and ethnic cleansing are with us and occurring too often, and it seems that the civilized countries of the world treat each instance on a discrete case-by-case basis, having protracted discussions on whether or not to intervene as deaths and atrocities continue, stepping in only when the situation has become dire. Acting after genocide begins is better than not acting at all. Preventing genocide to begin with must be our goal as Canadians, as proponents of the responsibility to protect and as compassionate, caring and decent human beings.

• (1540)

Our foreign service representatives in the field, our key political officers and military attachés are very often on the front lines in countries where the risk of atrocities are real. They are the ones reporting back regarding the tensions and powder-keg risks. These people should get annual technical briefings by experts like Dr. Frank Chalk of the Will to Intervene Project at Concordia University and others who can update them on both the new risk areas for genocide and the different approaches used to kill people because of their ethnicity, religion, gender or political affiliation.

Full Canadian security establishment and electronic eye in the sky intelligence must be used to identify where preparations, troop assemblies and orders regarding ethnic cleansings emerge. Rape is a tool of war, and the kidnapping of children to turn them into child soldiers and mass arrests and executions are rarely done under the radar, at least not easily. We need to look into new techniques for intelligence gathering that include working with the local population, networking NGOs on the ground and having a human and electronic early-warning genocide system in place.

As Senator Dallaire pointed out through his own experiences, because of the UN's incapacity to act with any speed in a preventative or responsive way, this produced the death of hundreds of thousands in Rwanda. We must learn from that and look beyond the UN to other organizations, such as ASEAN, NATO, the Commonwealth, the Economic Community of West African States, the AU and La Francophonie, in order to build a new anti-genocide intelligence and response network, a global anti-genocide network between these organizations. This should be a Canadian diplomatic priority and national security responsibility. Genocides abroad rarely fail to impact on diaspora groups here at home and on our own national security.

Several recommendations from the Commonwealth Eminent Persons Group report that was tabled in October 2011 at Perth, Australia, relate to the subject, such as having political observers on the ground well before elections who remain after an election; the strengthening of the Commonwealth human rights mandate; and the oversight on member states' adherence to the rule of law,

democracy and human rights. These need to be adopted by the Commonwealth as real standards going forward. I am proud that Canada supports that report and its adoption in every way. Becoming a signatory to such recommendations may not put a complete stop to violations, but it would give administrations pause, should violations be the subject of scrutiny by other members of the Commonwealth, if they would then be facing possible suspension or expulsion if they do not comply with Commonwealth directives.

The 2008 Albright-Cohen report on the prevention of genocide sums up the art of the possible in its executive summary, which says in part:

> We conclude in this report that preventing genocide is an achievable goal. Genocide is not the inevitable result of "ancient hatreds" or irrational leaders. It requires planning and is carried out systematically. There are ways to recognize its signs and symptoms, and viable options to prevent it at every turn if we are committed and prepared. Preventing genocide is a goal that can be achieved with the right organizational structures, strategies, and partnerships — in short, with the right blueprint.

As I have stated on numerous occasions, the responsibility to protect is completely meaningless without the will to deploy.

This past March, Senator John McCain of the United States made a passionate speech wherein he compared the situation in Syria to that in the Balkans under Milosevic and asked the U.S. to partner with our Arab League allies to stop Assad's slaughter of his own civilians. I made the same argument in Canada in this chamber at the time. Our collective failure to act has contributed directly to thousands of deaths. Inertia, honourable senators, is never cost-free.

What is going on in Syria now may not be genocide in the classic sense as we know it; people are not being targeted for their ethnicity, religion or social class. However, they are being targeted for their audacity to speak out against the current regime and to seek democracy. The random violence against demonstrators, children, women and thousands killed and tortured only sets up the situation for a major backlash after Assad is gone. That will put the Alawite minority at genuine genocidal risk. This is why intervention now is so important.

At the end of last week, Senator John Kerry, Chair of the U.S. Senate Committee on Foreign Relations and a proponent of holding talks with Assad to stop the violence in Syria, stated publicly that it is now time to consider safe zones within Syria and for the U.S. and its allies to consider arming the opposition, putting more pressure on the Assad regime.

Honourable senators, our friends in Russia and China need also to engage. They cannot allow perpetual and insecure angst about questions relating to their internal affairs to drive their destructive authoritarian opposition to UN action and global engagement on this file. The requirement that authorization from the UN Security Council is necessary prior to taking any coercive action and the necessity of the consent of the five permanent members of the Security Council is a barrier that has and will continue to cost thousands of lives. The unwillingness to meddle in the state sovereignty of any one nation has resulted in tens of thousands of unnecessary deaths. I seriously doubt that the families of the dead can understand what the avoiding-to-meddle argument is all about.

Canada, NATO, the EU, the AU and Arab League foreign policy goals should reflect our collective preoccupation with the need to step up before the bodies are piled like cordwood, or at least step back and let others do what is necessary. Genocide and mass atrocities need to be confronted and dealt with. The civilized world needs to stop reacting with surprise and shock each time new evidence proves that genocide and ethnic cleansing are occurring somewhere far away. In the century that we share together, no place on the earth is too far away to be ignored when this kind of problem exists.

Establishing an early-warning group on genocide jointly between DND, DFAIT and CIDA, headed by a senior appointee, would be a superb first step. Seeking to build a Canadian-led global anti-genocide network between key intergovernmental organizations would be a compelling second step. Building a specific curriculum on genocide for Canadian Forces, the Royal Military College and whatever mid-career training exists for Canada's foreign service officers would be a third step.

However, honourable senators, taking no steps at all and settling for the status quo is simply abdication, no more, no less. It is inhuman, it is unacceptable, and Canadians deserve better.

The Hon. the Speaker *pro tempore***:** Further debate?

(On motion of Senator Tardif, debate adjourned).

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. Robert W. Peterson: Honourable senators, I rise before you today to speak on the inquiry launched by Senator Eaton on the interference of foreign foundations in Canada's domestic affairs and their abuse of Canada's existing Revenue Canada charitable status.

I would like for the debate to remain adjourned in the name of Senator Duffy after I have finished my remarks.

It is apparent that on the one hand the government is intent on cutting the legs out from charities that contribute to conservation and environment, while on the other hand the government warmly embraces foreign corporations, foreign lobbyists and

foreign money that funds right-wing think tanks, the same right-wing think tanks sheltered under charitable status, which this government purports to be making transparent.

• (1550)

Let me be clear from the start. I agree, as most honourable senators in this chamber do, that funding for charities needs to be transparent and accountable. I agree that the public should have access to the identity of foreign donors, and I am in agreement that foreign donors should not infringe upon Canadian sovereignty. However, the amendments to the Income Tax Act are not intended to be universal applications of the law, so let us set the record straight, put all the cards on the table, and get to the bottom of issue.

The issue, as stated by the honourable senator opposite, was to call the attention of the Senate to the interference of foreign foundations in Canada's domestic affairs and their abuse of the existing Revenue Canada charitable status. I would add to this that the issue is any foreign influence in government affairs, full stop. This would also include think tanks, foreign lobby groups and foreign corporations.

However, it is clear that the government is far more concerned with anyone out of line with their own agenda than in actually determining the scope of political activities of all charities, nor is the government actually concerned about the infringement of Canadian sovereignty. Senator Larry Smith asked this question: What is sovereign about allowing an American foundation to use its money to harm our own fishing sector? That is a fair question, but I would ask this: What is sovereign about American tobacco and oil corporations funding special interest reports to groups like the Fraser Institute? Charitable think tanks are supposed to be apolitical; however, the Fraser Institute openly supports the government's agenda.

These are the same think tanks and corporations that benefit from tax exemptions which are being challenged for environmental groups. Compared to funding by big American tobacco and oil corporations, which lobby through groups like the Fraser Institute, money for environmental issues is minimal. Compared to the hundreds of millions of dollars pouring into Ottawa from industry and major corporations lobbying the government, "lobbying by the environmental sector is meagre."

The Income Tax Act clearly states that a charity must devote substantially all of their resources to a charitable purpose. Charities are, however, permitted to dedicate part of their resources to political activities, the so-called 10 per cent rule. This is true as long as the political activities are non-partisan and not directed at a specific political party or candidate for public office. Let me just note that reporting political activities has thus far been left to the discretion of the charity.

The Fraser Institute is a think tank registered as a charitable organization. Unlike the Suzuki Foundation and Sierra Club, the Fraser Institute claims it does not engage in any of the 10 per cent of political activity permitted for charitable organizations.

Honourable senators, is publicly calling on the government to change election spending laws considered political activity? Is pushing provinces to adopt right-to-work legislation considered political activity? Is producing unsubstantiated "scientific" reports attempting to delegitimize climate change after receiving funds from ExxonMobil considered political activity?

Not to be outdone in the 2011 federal election, the Fraser Institute's president criticized aspects of both Liberal and NDP budgets, calling them economically damaging, while at the same time pointing out the merits of the Conservative budget. Remember, honourable senators, this is a group that receives charitable status on the very basis that their research be politically neutral.

The institute has also been receiving funding from questionable foreign sources for some time. One group that funds the institute is the Koch brothers, two American billionaire brothers who own the second-largest privately held company in America. Their combined wealth of $35 billion is surpassed in the United States only by Bill Gates and Warren Buffett. The Kochs operate oil refineries in Alaska, Texas and Minnesota, and control over 4,000 miles of pipeline. They have given tens of millions of dollars to Republican candidates, as well as helped fund projects undermining work on climate change, destroying environmental legislation, taxes, trade unions, and anything related to health care reform.

As heads of the oil-and-gas-based Koch Industries empire, the brothers have poured hundreds of millions of charitable dollars into lobby groups, advocacy organizations, education institutes and conservative campaigns across North America, including in Canada. They have also been called the financial engine behind the Tea Party movement, a group whose radical libertarian roots they can easily relate to.

A recent lawsuit in the United States filed against the Cato Institute by the founders of the institute, the Koch brothers, reveals the group's ambitions in think tank culture. The Koch brothers filed their complaints because the Cato Institute was attempting to sell the group. Cato's president and co-founder released a short written statement in response, saying that he sees the lawsuit as an attempt at a hostile takeover by Charles Koch and an effort to transform Cato from an independent, non-partisan research organization into a political entity that might better support his partisan agenda.

These allegations have prompted officials to urge the IRS to look into these questionable practices. It is interesting that since 2007 the Koch brothers have donated over half a million dollars to the Fraser Institute, and prior to 2008, the institute received funding from the Claude R. Lambe Foundation, an umbrella Koch family foundation. Add this to the fact that the foundation's tax records show that grants to the Fraser Institute are among the highest amounts donated, and the pattern begins to develop.

In fact, funding from foreign sources amounted to nearly 16 per cent, according to the Fraser Institute's 2010 tax return. These foreign donations, totalling more than $1.7 million in 2010, are significantly higher than both the David Suzuki Foundation and the Sierra Club of Canada's foreign funding put together. I say again, that foreign funding was $1.7 million in 2010 and $2.9 million in 2009 alone. Compare that with $550,000 for the David Suzuki Foundation and $140,000 for the Sierra Club.

When federal statistics show that only 2 per cent of the country's charities receive funds from outside Canada, funding from political operatives like the Koch brothers actually make up a big chunk of that foreign funding, not money for environmental lobbying, as this government is suggesting.

Documents released from the Legacy Tobacco Documents Library at the University of the California in San Francisco also list no less than 209 documents involving the Fraser Institute. They reveal years of lobbying and donations totalling in the hundreds of thousands of dollars. While the Fraser Institute claims their funding is not tied to work they produce, it is interesting that after receiving funding from big tobacco the institute published a report questioning conclusive evidence between second-hand smoke and lung cancer. They also railed against anti-smoking legislation in Canada. Letters released from the library also show correspondence from the president of the institute indicating that Imperial Tobacco, JTI-Macdonald and Benson & Hedges were all aboard the Fraser gravy train.

Yes, I am in favour of making charitable funders transparent. I would even go a step further and suggest that the institute release all of its documents from the last 10 years. As I said before, let us put all the cards on the table. Let us let the public decide who is truly attempting to influence our government.

The real losers in this matter could be the international development charities, religious organizations, universities and environmental charitable organizations, all of whom receive legitimate donations from international donors. These groups should be worried that their funding could be cut off because of a ruthless, misguided agenda. They should be worried that their charitable activities could be labelled as "political activities" or, worse yet, "money laundering," and axed by a government that chooses winners and losers. They should be worried that their group could be the next on the Conservative cutting block.

Will church groups be able to discuss health choices? Will a grassroots environmental organization trying to protect local wetlands be squeezed out of the charitable sector? Who knows.

Notable charitable experts commented on the government's action in this week's Standing Committee on Finance, stating that the government measures would most likely backfire on charitable organizations conducting legitimate activities. At a minimum, the experts noted that there would most likely be a chill on charitable giving as both donors and recipients across all charitable sectors will be worried that their funding will be implicated in legitimate political activity.

Most recently, comments from charities have indicated that the chill has turned into a deep-freeze. When funding for charities is at an all-time low, a slowdown in funding can be catastrophic, especially for small- and medium-sized charities.

Last week my colleague Senator Cowan put forward the following inquiry:

> That the Standing Senate Committee on National Finance be authorized to examine and report on the tax consequences of various public and private advocacy activities undertaken by charitable and non-charitable entities in Canada and abroad . . .

• (1600)

This will provide a fullsome opportunity to study this matter in great detail and determine what is defined as political activity and charitable donations.

I would strongly support the Senate granting approval for this study to proceed. It could hopefully resolve the uncertainties beginning to surround this issue.

The Hon. the Speaker *pro tempore***:** Are there question or comments? If there are none, this matter will be adjourned in the name of Honourable Senator Duffy, as agreed.

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

Hon. Senators: Agreed.

(On motion of Senator Duffy, debate adjourned.)

THE SENATE

MOTION TO URGE GOVERNMENT TO MAKE SPORTING FACILITIES AVAILABLE ONE DAY ANNUALLY AT A REDUCED OR COMPLIMENTARY RATE—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator Wallin:
>
> That the Senate of Canada urge the Government of Canada to encourage local governments from coast to coast to coast to collaborate in choosing one day annually to make their health, recreational sports, and fitness facilities available to citizens at a reduced or complimentary rate, with the goals of promoting the use of those facilities and improving the overall health and well-being of Canadians for the reasons that:
>
> (*a*) although Canada's mountains, oceans, lakes, forests, and parks offer abundant opportunities for physical activities outdoors, an equally effective alternative opportunity to take part in physical activities is offered by indoor health, recreational sports, and fitness facilities;
>
> (*b*) despite its capacity to be a healthy and fit nation, Canada is experiencing a decline in participation rates in physical activities, with this decline having a direct consequence to health and fitness;
>
> (*c*) local governments operate many public facilities that promote health and fitness, and those facilities could be better utilized by their citizenry;
>
> (*d*) there is a growing concern in Canada over the rise in chronic diseases, which are attributable, in part, to inactivity and in turn can cause other impediments to achieving and maintaining a healthy lifestyle;

(*e*) health and fitness should be promoted and encouraged by all levels of government, to Canadians of all ages and abilities; and

(*f*) we aspire to increase participation by Canadians in activities that promote health, recreational sports, and fitness.

Hon. Jim Munson: Honourable senators, I had just mentioned to Senator Raine that I had intended to speak to this matter tomorrow, but I am happy to speak to it now.

This is regarding childhood obesity, and we talked about Senator Raine's motion to establish a national health and fitness day. Every year, on the first Saturday in June, she would like to see — and I think we would all like to see — sporting facilities, from coast to coast to coast, offering their services at a reduced or complimentary rate. This initiative will allow families to get to know and be motivated by what these facilities have to offer. I applaud Senator Raine's motion and what she is doing.

Fitness facilities are located in communities across the country and encourage lifestyle choices to prevent obesity. Canada provides its citizens with so many different opportunities for an active lifestyle, be it outdoors or in sporting facilities. A particularly good example of this is the Canada Games Centre in Whitehorse. I had the pleasure of visiting it with Senator Lang, who invited me and Senator Demers in 2010 to a Special Olympics event, and I found that this is a classic example of where a community can really be together. It was the heart of the community and much more than a fitness centre. It was culturally pleasing. It was a day where people were swimming in the pool and or playing hockey on the rink or playing indoor soccer. There were so many things going on, and one could feel how a centre like that was the centre of attention for the people of Whitehorse. Can my honourable friends imagine having a day or more than just one day in a centre like that for free, where people, particularly those whose incomes are not that big, could come in and appreciate what is going on inside these facilities? Perhaps this motion can encourage communities to lower their rates, whether it is a municipal centre a centre run by the private sector.

Growing up in northern New Brunswick in the 1950s, I remember running around playing ball hockey in the summer, pond hockey in the winter or river hockey on the Restigouche. Those are tremendous memories. It seemed to be a simple thing to do outside, playing under the little light bulbs at the academy rink, in the cold. Parents wanted you to come home but you refused to go because you could not get your mittens off of the hockey stick; they were frozen there. It was a simple thing to do, and it was a wonderful "Canadian way." I am sure, for many senators here, that those memories resonate with you as well.

Sadly, too many young Canadians today are more likely to sit in front of a screen, a big screen, a bigger screen or a bigger, bigger screen than to play outdoors or in a gym.

In the early 1970s, the Trudeau Government introduced the Participaction program to motivate and educate Canadians about getting fit. Some of us talked about still having the big pink sneaker on the front of a T-shirt. The idea was to get Canadians moving again. It was a simple and direct response to address a general lack of physical fitness within the population. Many senators might remember one of the program's more popular long-running television spots, with the statement that the average 30 year-old Canadian is in about the same physical condition as the average 60 year-old Swede. If Daniel Alfredsson keeps playing, it may end up being the same since he is almost 40, and there are young Canadian kids who cannot keep up with that great Ottawa Senators' hockey player, who is a Swede.

Participaction ended about 10 years ago but has recently returned with public awareness campaigns, including messages aimed at parents to help them realize that their children are probably not as active as they should be. We need programs like this to make us recognize that we are in pretty terrible shape and that it is time we do something about it.

The establishment of a national health and fitness day comes at a crucial time, as 25 per cent of Canadian adults are considered obese and we have one of the highest levels of childhood obesity in the world. Childhood obesity is a multi-faceted issue. Without proper nutrition, children and adults are more likely to become overweight or obese. For people who cannot afford to participate in sports programs, the situation is worse.

Because of a lack of access to fitness programs and nutritious food, compounded by poverty and inequality, adults in First Nations communities are more likely to be overweight or obese than non-Aboriginal adults. Fitness programs need to be made available for all communities, no matter their economic background.

Lifestyles that are increasingly lived just hanging around not doing very much, a lack of exercise and fitness programs in schools, and poor diets are among the main reasons children today are more likely to develop obesity-related chronic diseases like diabetes, heart disease and certain cancers at younger ages than any other generation. Not only is this difficult for children and families, it also increases stress on our already overworked health care system.

Let us start addressing this issue now so that our young people can go back to simply being children. What Senator Raine is proposing is a very good start on the long road toward the eradication of obesity in this country. We, as senators, have the responsibility to encourage Canadians to remain physically active and to advocate for an everyday commitment to fitness. This motion proposes dedicating one day to fitness — just one day — that for many Canadians could well be the beginning of new healthy habits and routines. I strongly believe that a commitment to fitness has to become a lifelong, 365-day-a-year effort.

• (1610)

Our government needs to step up its commitment to helping children become more healthy and active. As all honourable senators know, healthy children are more likely to live rewarding lives and fully participate in society and, thereby, contribute to a healthier country.

(On motion of Senator Plett, debate adjourned.)

[*Translation*]

FRENCH EDUCATION IN NEW BRUNSWICK

INQUIRY—DEBATE ADJOURNED

Hon. Rose-Marie Losier-Cool rose pursuant to notice of May 10, 2012:

> That she would call the attention of the Senate to the current state of French language education in New Brunswick.

She said: Honourable senators, you will recall the history of French education in New Brunswick that I presented in January. Today, I would like to speak to you about the struggles and the successes, which are a source of pride for me, of French education in my province.

Right now, French-language elementary and secondary school education in New Brunswick falls under the French half of the Department of Education pursuant to section 4 of the 1997 Education Act. The French sector covers five of the 14 school districts in the province. As of summer 2012, the government's budget cuts will decrease the number of districts by half — three French districts and four English ones will be cut.

The department's French sector programs are developed completely independently. Each district has school boards made up of members who are publically elected at the local level. Each school board is responsible for establishing the school district's direction and priorities and for deciding how the district and the schools within it will operate.

Until 1999, education was compulsory for young people in New Brunswick from the age of 6 to 16. In 1999, in order to address the issue of school dropouts, education became compulsory until the age of 18, and I am proud to tell you that over 90 per cent of students in my province now continue to go to school past the age of 16 and graduate from high school. A high school diploma is a prerequisite for any post-secondary education, whether it be college or university.

The Department of Post-Secondary Education, Training and Labour is responsible for professional development and post-secondary education in New Brunswick. This department covers the 11 community college campuses in New Brunswick, including the Collège communautaire du Nouveau-Brunswick's five francophone campuses, and the three campuses of the Université de Moncton, the only francophone university among the eight universities in my province. This department is also responsible for two specialized colleges, not community colleges, including one for forestry, which has a francophone campus in Bathurst.

In New Brunswick, 42.8 per cent of the people speak French and French is the mother tongue of 31 per cent of New Brunswickers. Most people live in the south, which is predominantly English, while 54 per cent of the francophones live in the north and northeast of the province, 33 per cent live in the southeast, and 13 per cent in the rest of New Brunswick.

Because of population aging, the number of students decreased by 14 per cent between 2001 and 2009. In addition to the demographic challenge is the geographic challenge. The northern part of the province, which is predominantly francophone, including my corner of the country, the Acadian peninsula, is slowly depopulating as people move to the three major cities in the south and southeast, namely Moncton-Dieppe, Fredericton, the capital, and Saint John.

These two challenges combined create an interesting situation: there are starting to be too many empty schools in the north and not enough French schools in the south. That is why the French school district in the Acadian peninsula is considering closing schools with low enrolments, while in the south of the province, there is not enough room in the schools.

A combination of an aging population, migration and linguistic assimilation is surely what is behind the drop in enrolment of francophone students in French schools. From 2000 to 2007, enrolment had dropped by 16 per cent in primary and secondary classes.

The drop in the number of elementary and secondary school students and the southward migration of francophones is beginning to affect university enrolment because the Université de Moncton and its regional campuses are reporting a drop in enrolment again this year.

Speaking of students, let us not forget their growing debt load. University tuition in my province is the highest in Canada, and graduates in my province have the highest debt load in the country. Community college students have not been spared either; their tuition fees will go up this fall.

More and more New Brunswickers are talking about whether such an extensive school, college and university infrastructure is the best option for our small population of approximately 753,000. That is why the community college and the Université de Moncton have started a process to better target program offerings on specific campuses. The college and the university are also looking at ways to share space and resources on their campuses where possible.

There is no denying that New Brunswick is still facing challenges in the French-language education sector. But there are also success stories.

Is there any other Canadian province or territory that, like New Brunswick, automatically requires all students in the school system to be taught the other official language?

I have long believed that all Canadians should speak both of our country's official languages as a way to open twice as many doors and to experience twice as much culture. If the rest of Canada followed New Brunswick's example, all Canadians would be much more engaged with the rest of the country and the whole world.

The fact that communities in my province can be very far apart has led to innovation in education. The New Brunswick Community College and the Collège communautaire du Nouveau-Brunswick offer online courses to students enrolled in

several of their programs, such as library science, office automation and medical secretary. I am very proud to say that the CCNB's placement rate is very high: 87 percent of graduates are employed after graduating.

The Collège communautaire du Nouveau-Brunswick is also innovating on another front: international partnerships. For the past several years — I brought this up in December 2006 — the CCNB has fostered close relationships with several developed and developing nations, including members of la Francophonie. The CCNB trains students from its partner countries in certain disciplines, both in New Brunswick and in the students' home countries. For example, in 2003, the CCNB partnered with the Institut supérieur des technologies et du design industriel in Douala, Cameroon, a partnership that enabled 455 Cameroonians to receive CCNB training in Cameroon.

• (1620)

At both the primary and secondary levels, it is a question of granting the school boards and francophone communities of my province greater powers to manage our schools. A bipartisan committee will propose amendments to the Education Act that will ensure greater compliance with the Canadian Charter of Rights and Freedoms and with recent case law regarding education in minority settings.

I would like to conclude on a more personal note, so I will leave you with a list of a few great Acadians who are the pride and joy of my province and are the product of our French-language education system: former Supreme Court Justice Michel Bastarache; well-known singer Édith Butler; multidisciplinary artist and former Lieutenant-Governor Herménégilde Chiasson; Radio-Canada's new Director General of News Programming, Michel Cormier; a lawyer who specializes in language rights, Michel Doucet; boxer Yvon Durelle; former Governor General, the Right Honourable Roméo Leblanc; the very first winner of Star Académie, Wilfred LeBouthillier; President and CEO of Assumption Life, Denis Losier; the internationally acclaimed author and only Canadian recipient of the Prix Goncourt, Antonine Maillet; my former provincial premier and our former Senate colleague, the Honourable Louis-J. Robichaud; and last but not least, the handsome and charming renowned singer, Roch Voisine.

It is always dangerous to name people. I hope to be forgiven if I have missed anyone.

Hon. Hugh Segal: Honourable senators, I would respectfully like to add someone to Senator Losier-Cool's list: Donald Savoie, the esteemed writer on Canadian public administration and academic leader at the Université de Moncton. I only raise this point because I know she does not wish to forget anyone.

Senator Losier-Cool: I thank Senator Segal for raising this point. I am sure I would have heard from Donald Savoie!

New Brunswick's Acadia and its French education system have produced and continue to produce many successful citizens. I will soon retire from the Senate. During the 17 years that I have spent with you here in this august chamber, I have always placed a great deal of importance on the issue of French education in minority communities. I hope that other representatives of Acadia and New Brunswick will continue my efforts after I leave. As for me, I do not have a choice; I will continue to fight for this issue as an ordinary citizen.

In conclusion, honourable senators, I wish French education in my province continued success. Long live our Acadia of which I am so proud. I will say it and even sing it: come and see Acadia, Canada's Acadia.

[*English*]

Hon. Jim Munson: Would the honourable senator accept a question?

Senator Losier-Cool: I would be happy to.

Senator Munson: Honourable senators, here is a story from a long time ago. Back in the 1960s, my wife Ginette and I had a little apartment in Senator Losier-Cool's house. Who would have thought all these years later that she would be a senator and I would be a senator? Here we are.

Of course, Senator Losier-Cool knows many of my wife's family. There was one name there and it is Ginette's second cousin — even though Quebec likes to lay claim to Roch Voisine sometimes — and her name is Natasha St-Pier. She is an incredibly big star. Of course, she was on Radio-Canada the other night and is a big star in Quebec and in France. Now that I am adding her to the honourable senator's list, can she add to it to her list as well? That is the question.

Senator Losier-Cool: Yes, I will add her to my list.

The apartment Senator Munson was renting was just an in-law apartment. When he was appointed to the Senate, I was the whip and responsible for offices. He came to see me and he said, "You better give me a decent office. I lived in your little cupboard apartment in Bathurst, New Brunswick." I do not remember what kind of office he had.

However, as I said, there are lots of names I could add to my list and I am sure they will remind me. Thank you.

[*Translation*]

(On motion of Senator Robichaud, debate adjourned.)

ACCESS TO JUSTICE IN FRENCH

INQUIRY—DEBATE ADJOURNED

Hon. Claudette Tardif (Deputy Leader of the Opposition) rose pursuant to notice of May 10, 2012:

> That she would call the attention of the Senate to Justice in French in Francophone Minority Communities.

She said: Honourable senators, I rise today on a very important issue to which I would like to call the attention of all those who believe in a justice system that is more accessible and fair for all Canadians, particularly for francophone minority communities across the country.

I would like to share my concerns about access to justice in French and about the French services offered by our legal system and tell you about access to justice in certain provinces, particularly Alberta.

Since the 1980s, members of francophone minority communities have made important gains in education. Today, French-language schools and school boards managed by francophones are an integral part of the education system in every province and territory.

I would like to point out, honourable senators, that it is evident that most of the progress made in education can be attributed to the claims by francophones that their language rights be recognized and to more liberal interpretations by the courts.

This is how the Honourable Michel Bastarache, an esteemed citizen of New Brunswick and a former justice of the Supreme Court of Canada, interpreted the evolution of our language rights:

> Canada's courts recognized the vision of francophone minority communities and their interpretation of history. Our acquired rights are not based on intolerance and accommodation, but on recognition of our status as francophones and our right to maintain and develop our language and our culture. By their very nature, they are fundamental rights. For that reason these rights, both individual and collective, are subject to a progressive and generous interpretation.

However, as for the right to access to justice in French, which is as fundamental as the right to education, I wonder why, despite the recognition of our rights by the Constitution, the Charter of Rights and Freedoms, our laws and the jurisprudence, there are still too many obstacles and gaps that make it difficult for members of francophone minority communities to have fair access to justice in French.

Across our country, access to justice for francophone minority communities is very unequal.

I would like to draw your attention to some results from a survey of 900 lawyers outside Quebec conducted by the Department of Justice in 2002 on the subject of access to justice in both official languages.

• (1630)

This survey shows that for the jurisdictions where francophones represent a small proportion of the total population, there are very few lawyers able to practise law in French and the demand for legal services in French is very low. Conversely, in jurisdictions where francophones are more organized from a legal perspective, the demand for services remains limited, but is more frequent.

This study also shows that the choice of whether to proceed in French or not is influenced by perceptions whereby proceeding in French might cause additional delays and that this choice would have negative repercussions on the possible ruling and even on the possibility to appeal. We see that lawyers and judges do not always inform accused persons of their linguistic rights even though doing so is a clearly defined requirement in the Criminal Code.

A real policy of active offer of judicial and legal services in the minority official language is rather rare in the majority of the provinces and territories other than Manitoba and Ontario. Even in New Brunswick, an officially bilingual province, there are predominantly anglophone regions where legal services in French leave something to be desired.

In most of the provinces, it is very hard to obtain services in French from officers of the provincial and superior courts and from support staff in courthouses. There is also a glaring lack of bilingual judicial and administrative personnel.

It is clear that access to justice in French is not great even though, honourable senators, our linguistic rights are enshrined in the Constitution, the Charter of Rights and Freedoms, the Criminal Code, the Official Languages Act and even in some provincial laws.

Section 133 of the Constitution Act, 1867, guarantees that English and French may be used equally "in any Pleading or Process" before the courts of Canada or Quebec, and provides that the acts of the Parliament of Canada and the legislature of Quebec shall be printed and published in both languages.

The Canadian Charter of Rights and Freedoms reiterates the obligation set out in section 133 by granting the right to the assistance of an interpreter in section 14, by establishing that English and French are the official languages of Canada and including the principle "to advance the equality of status or use of English and French" in section 16, and by establishing that "either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament" in section 19(1).

And finally, section 530 of the Criminal Code guarantees that the accused has the right to be tried in the language of his choice. The accused must be informed of that right. Subsection 530(1) sets out the circumstances warranting a bilingual trial.

In 1999, the Supreme Court of Canada ruled on the application of this Criminal Code provision in *Beaulac*:

> Section 530(1) of the Code creates an absolute right of the accused to equal access to designated courts in the official language that he considers to be his own, providing the application is timely. The courts called upon to deal with criminal matters are therefore required to be institutionally bilingual in order to provide for the equal use of the two official languages of Canada.

Consequently, a criminal trial may be conducted in either language, which imposes the obligation of institutional bilingualism on federal courts. I would remind you that in *Beaulac*, the Supreme Court recognized that language rights are based on the principle of substantive equality between the two official languages. With respect to the courts, the Court ruled that:

> Where institutional bilingualism in the courts is provided for, it refers to equal access to services of equal quality for members of both official language communities in Canada.

In reality, substantive equality therefore supposes an active offer of judicial and legal services in both official languages, which, unfortunately, is lacking across the country.

Ten years later, in *Desrochers* in 2009, the Supreme Court ruled that:

> Substantive equality, as opposed to formal equality, is to be the norm, and the exercise of language rights is not to be considered a request for accommodation.

Despite the legislative and constitutional requirements in place, there are numerous limitations to accessing justice in French in federal courts.

The insufficient number of bilingual judges being appointed remains one of the major obstacles to access to justice in French. Pursuant to section 96 of the Constitution Act, 1867, and the Federal Courts Act, the federal government is responsible for appointing judges to federal courts, superior courts and the provincial and territorial appeal courts. Appointing chief justices and associate chief justices is the Prime Minister's prerogative.

In the Report on the Institutional Bilingual Capacity of the Judiciary for Superior Courts in Nova Scotia and Ontario published in June 2011, the Commissioner of Official Languages concluded that the current process for appointing judges does not guarantee the appointment of a sufficient number of bilingual judges to superior courts.

Furthermore, the commissioner suggested that the Department of Justice could play a greater role in evaluating the linguistic capacity of superior courts and making a regular determination as to whether these courts have sufficient linguistic capacity to respond to the needs in each of the targeted jurisdictions.

In 2010, Bill C-232, An Act to amend the Supreme Court Act (understanding the official languages), introduced a new requirement for judges appointed to the Supreme Court to understand English and French without the assistance of an interpreter. The fundamental issue was one of equity and justice for all Canadians. This bill was a logical extension of the recognition of the substantive equality of French and English in our federal institutions. Unfortunately, Bill C-232 died on the Order Paper here in the Senate in 2011.

Another obstacle to access to justice in French is the lack of necessary measures to promote respect for and the application of section 530(1) of the Criminal Code, which guarantees the accused the right to stand trial in the language of his or her choice. According to the participants in a round table on access to justice organized by the Association des juristes d'expression française de l'Alberta on June 30, 2011, it is very difficult to obtain legal or judicial services in French in Alberta.

• (1640)

Many francophones do not know that there is an offer — albeit a virtually non-existent one — of legal and judicial services in French or where to find them. The justice system in Alberta is perceived as being reluctant to provide services in French. Legal experts are not familiar enough with French legal terminology. People have to wait longer to obtain services in French, which discourages francophone clients and prompts them to obtain services in English.

Too often, a person who claims his right to stand trial in French in an Alberta court is told — in English, of course — "We are not in Quebec." or "This is not France."

On top of all that, the instruction manual for preparing transcripts of Alberta court proceedings says that any statements made in a language other than English in an Alberta court must be replaced by one of the following statements: "Other language spoken" or "Foreign language spoken." French is thus considered a foreign language, despite the obligation to recognize the language rights of Albertans who want to speak in French.

The round table participants were also of the opinion that it is important to take prompt action to improve the language skills of people in the justice system, develop an active offer of service, increase the number of defence lawyers who speak French, and increase awareness of the rights conferred by section 530 of the Criminal Code.

The Hon. the Speaker *pro tempore***:** Honourable senators, Senator Tardif's time has expired.

Senator Tardif: Honourable senators, may I request an additional five minutes?

The Hon. the Speaker *pro tempore***:** Is it the pleasure of the Senate to grant Senator Tardif another five minutes?

Hon. Senators: Agreed.

Senator Tardif: It is important that the defendant be informed of his or her linguistic rights, informed in French of the charges against him or her and that he or she obtain a transcript of the hearing in French.

The Fédération des associations des juristes d'expression française agrees. It stresses the importance of raising awareness about access to justice in French both at the community level and within the machinery of justice.

In 1988, Alberta passed legislation making English the only official language and making section 110 — which made Alberta officially bilingual when it entered into Canadian Confederation in 1905 — inapplicable in its provincial constitution.

Subsection 4(2) of the language law alludes to regulations that give effect to the right to use French or English in Alberta's courts. In 1988, a regulations committee was created to develop regulations for exercising linguistic rights before the courts in Alberta, including the right to use French. Unfortunately, no procedure or policy has been implemented to guarantee francophone rights.

To that end, it is important to recall that the ruling in *Beaulac*, in 1999, specifies that the very existence of language rights requires the government to comply with the provisions of the law, and I quote:

> I wish to emphasize that mere administrative inconvenience is not a relevant factor. The availability of court stenographers and court reporters, the workload of bilingual prosecutors or judges, the additional financial costs of rescheduling are not to be considered because the

existence of language rights requires that the government comply with the provisions of the Act by maintaining a proper institutional infrastructure and providing services in both official languages on an equal basis.

Recently, on March 4, 2011, in *R. v. Pooran*, Judge Anne Brown of the Provincial Court of Alberta reminded Alberta's justice minister that the language rights in section 4 of Alberta's Languages Act are in no way diminished by the fact that the provincial government failed to pass regulatory provisions necessary to implementing it.

According to the ruling, it is clear that the Government of Alberta's failure to enact regulations limits the right of litigants to speak French before the courts.

Regardless of case law, the Alberta legislature has done very little to eliminate obstacles to the use of French in Alberta courts.

On January 12, 2012, an Ontario Superior Court ruling charted a course for improved access to justice for Ontario francophones, including those who do not reside in one of the province's 25 designated bilingual regions. According to the ruling, the basic right of access to justice in French takes precedence regardless of whether the litigant resides in a designated bilingual region or not.

In my opinion, this decision reinforces the fact that access to justice in French is a basic right. The highest court in the land having recognized substantive equality, litigants have the right to a hearing in the language of their choice, regardless of where they live.

At the federal level, the government allocated $4 million over five years in its Roadmap for Canada's Linguistic Duality to develop language rights training tools for Justice Canada's legal advisors; to encourage young people who speak both official languages fluently to pursue careers in justice; and to offer language training to court clerks, stenographers, justices of the peace and mediators. Those are good intentions.

However, I am sceptical about the results of such initiatives. How would the language training taken by legal staff be of benefit and put into practice if, at the top, there are not enough bilingual judges appointed and trials therefore cannot be held in French?

The federal government does not just have a responsibility to provide access to justice in French; it has legal obligations in this regard. In my opinion, since language rights are legally recognized, litigants should have the right to stand trial in French, the right to a representative of the Crown who speaks French, the right to have legal transcripts that reflect statements made in French and the right to legal and judicial resources in French.

Honourable senators, each of us aspires to a society in which everyone's rights are respected. There are good intentions and efforts worthy of recognition, but political will is often lacking. Litigants have the right to have, or to have access to, a trial in the language of their choice.

Honourable senators, I would like to remind you that the Canadian legal system is a source of inspiration around the world. I would like to end this inquiry with this last thought: respect for language rights cannot be separated from a concern for the culture associated with the language. Former Chief Justice Dickson recognized this fact in *Mahé* when he said:

> Language is more than a mere means of communication, it is part and parcel of the identity and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them.

Ensuring that all Canadians have access to justice in both official languages is an issue that a society that cares about respect for rights must immediately address.

Hon. Pierre Claude Nolin: Would the honourable senator take a question?

Senator Tardif: Of course.

Senator Nolin: If there is time.

[*English*]

The Hon. the Speaker *pro tempore***:** Honourable senators, regretfully, the extended time has expired.

Is there further debate?

(On motion of Senator Chaput, debate adjourned.)

• (1650)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

Hon. Irving Gerstein, pursuant to notice of May 9, 2012, moved:

> That, notwithstanding the order of the Senate adopted on Tuesday, January 31, 2012, the date for the presentation of the final report of the Standing Senate Committee on Banking, Trade and Commerce in relation to its review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (S.C. 2000, c. 17) be extended from May 31, 2012 to June 21, 2012.

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, May 16, 2012, at 1:30 p.m.)

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