



# DEBATES OF THE SENATE

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1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 92

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OFFICIAL REPORT  
(HANSARD)

Monday, June 18, 2012

The Honourable DONALD H. OLIVER  
*Speaker pro tempore*

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



## THE SENATE

Monday, June 18, 2012

The Senate met at 6 p.m., the Speaker *pro tempore* in the chair.

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### THE LATE ROLAND DÉSOURDY

**Hon. Ghislain Maltais:** Honourable senators, it is my privilege today to spend a few minutes speaking to you about one of Quebec's and Canada's great builders: Roland Désourdy, founder of Désourdy Construction.

Mr. Désourdy was an entrepreneur, a public administrator, but most of all a great humanist. He was behind countless projects in Quebec, from the Olympic stadium to James Bay, Churchill Falls and several hospitals. He was one of Quebec's great builders.

Throughout his life, Mr. Désourdy devoted much of his time to his community. He was the mayor of Cowansville for over a decade and a founder of Bromont and its industrial park. The thriving population of Bromont owes its vibrant city in its natural setting to Mr. Désourdy. He and his friends and collaborators created the city from top to bottom. Today, the city of Bromont is known around the world for its skiing and its racetrack, but most of all for its technology park.

Thanks to Mr. Désourdy's initiative, companies like IBM Canada have chosen Bromont for its quality of life and the fact that people there live in harmony with nature and enjoy a good work-life balance. Other companies have come there to set up shop over the years.

Mr. Désourdy loved horses. In 1976, he hosted the Canadian Olympic Committee and the International Olympic Committee and they held Olympic championships in Bromont. At his home, he hosted Prince Philip, Prince Charles and Princess Anne, who was competing at the time.

Above all, Mr. Désourdy was focused on the future. He built a society in which people could live happily. He understood that good workers — he himself was born into a family of modest means — need quality of life for themselves, their families and their children. That was his lifelong goal. He passed away last year at the age of 93.

I had the pleasure of attending the renaming of the Bromont airport, which is now the Roland-Désourdy Airport.

It is my honour to introduce you to his son, who is in the gallery today. Gérald Désourdy has been involved in many facets of his father's business.

Roland Désourdy was truly a good man. He was a role model for many Canadians. Young people today are seeking role models in Canada and Quebec. I truly believe that they would do well to choose Roland Désourdy.

Honourable senators, the Désourdy name will stand as an inspiration to Canadians and Quebecers for a long time to come. He was a great Quebecer and most of all, a great Canadian.

[English]

#### AUTISM

**Hon. Leo Housakos:** Honourable senators, I want to take this opportunity to comment on the increasingly complex issue of autism in our country.

While there is a great deal of discussion regarding the diagnostic criteria with respect to autism, the fact remains that up to 1 in 110 children are diagnosed with the disorder every year. This phenomenon has a profound effect on individuals, families and our nation as a whole.

Honourable senators, on February 11 of this year, Senators Jacques Demers, Jim Munson, Francis Fox and I had the privilege to co-host a wonderful fundraiser organized by the American Hellenic Educational Progressive Association in support of a very special institution in Montreal, Giant Steps School and Resource Center for Autistic Children. What made this event — the Thirteenth Annual AHEPA Valentine's Ball — so special was that it brought together several hundred community and business leaders while crossing partisan lines, all in a good cause that ultimately raised over \$130,000 for Giant Steps. It was an excellent result for children afflicted with autism.

The program offered by Giant Steps is based on a comprehensive approach, including a variety of therapies and pedagogical techniques. Every child is followed by a highly trained child care worker and, where possible, students from this educational institution also attend a regular school several times a week as part of Giant Steps' inclusion program, thereby ensuring contact with "neurotypical" students. This is what makes the Giant Steps approach unique.

I also had the opportunity to speak with many of the parents and professionals affiliated with the Giant Steps program. I discovered that this school is, according to them, the only one in Quebec dedicated exclusively to autism.

In addition, this institution currently has well over 600 children on its waiting list. As a result, the Giant Steps Resource Centre has taken on the task of reaching out to the community by organizing conferences and workshops for parents and professionals, while offering consultations and other services as well.

• (1810)

While the Giant Steps school's efforts must be commended, the fact remains that we are not doing enough to support its efforts and other similar programs throughout our nation. Early diagnosis and intervention are critical, yet the medical system is clearly falling behind while the rates of autism soar. Parents complain of the increasingly high costs of therapies, while the public system has failed to provide adequate services.

Honourable senators, I take this opportunity to congratulate AHEPA for demonstrating leadership at a grassroots level in supporting the Giant Steps program specifically and the cause of autism generally.

I would also like to thank Senators Munson and Fox for putting their views on politics aside and joining forces with Senator Demers and myself on behalf of such a wonderful cause.

It is now time for us to work on a comprehensive strategy to deal with issues of autism on a national scale. The measures of the greatness of a nation are compassion and opportunity. That is who we are as a country and what makes us great as a people, because we believe that a disability should never prevent a Canadian from reaching his or her full potential in our society.

## SYRIA

### POLITICAL UNREST AND VIOLENCE

**Hon. Hugh Segal:** Honourable senators, the situation in Syria has become very much worse in the three months since the matter was raised before you. It is time that we ask ourselves whether Syria has become our generation's Czechoslovakia. Syria has not been invaded by a foreign power, but foreign powers and a brutal Syrian military are deeply involved in killings and deaths in the thousands.

Aside from pious declarations and failed UN observers, the world stands idly by. Arab children and mothers are massacred, tortured and even used as human shields on Assad's armoured vehicles, and we stand by. Apartment blocks are shelled until all are dead, and we stand by.

Kofi Annan's courageous and sincere efforts were used by President Assad to buy more time and kill more people. Armed by Iran and Russia and protected by UN Security Council vetoes wielded by China and Russia, Assad and his army and its armed militia have become the poster team for brutal impunity. Recent U.K. media reports that a Russian-operated cargo vessel with Mi-25 flying tank helicopters and anti-aircraft missiles is en route to Syria, along with prospective shipments of further arms and jets, deepen the strategic costs to the Arab League and to all of us of remaining disengaged.

Syria is an Iranian client and proxy state, supporting regional and global terrorism. The Russians, in a desperate effort to sustain their Syrian naval base and foothold in the region, are implicating themselves ever more fully in the military and diplomatic system upon which Assad depends. The Syrian military will have little to fear until NATO and the Arab League declare and enforce a no-fly zone to keep Syrian

helicopters from attacking their own civilian population. Until NATO ships with sea-to-shore missile capacity and helicopter forces patrol off the Syrian coast, and until Syrian command and control system and centres are neutralized, the Syrian army will have no reason to demure from orders that are war crimes in their very transmittal and execution.

Our Turkish allies, Jordanian trading partners and Lebanese friends deserve our logistical and tactical support in the refugee burdens that they have embraced or will face. Ceasefire negotiations in Syria cannot even start until Assad and his Iranian puppeteers understand that the time frame for impunity has passed.

Promoters of inertia, arguing that the risks of intervention are too high, seem blind to the real risks of inertia itself. An Assad victory, through killing thousands of his own people — an old Assad family tradition, by the way — would keep in place a murderous and violent dictatorship that uses terror and oppression to stay in power, steal from its people, and advance Iranian regional aspirations and Russian geostrategic initiatives. This would all be at the expense of stability and peace in Turkey, Jordan, the Palestinian Authority, Lebanon and Israel. If the bloodshed continues with no Western or Arab League military stabilization presence, the genocidal risk to minorities not aligned with the more radicalized opposition, such as the Alawites, increases substantially.

In closing, let me make the case that it is always difficult to intervene. These interventions are complex and messy. Standing by and watching is not complex or messy. It is simply criminal.

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[Translation]

## ROUTINE PROCEEDINGS

### COMMISSIONER OF LOBBYING

#### REPORT ON INVESTIGATION ON LOBBYING ACTIVITIES OF MR. KEITH BEARDSLEY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I have the honour to table the report on the investigation into the lobbying activities of Mr. Keith Beardsley, pursuant to section 10.4 of the Lobbying Act.

### PARLIAMENTARY LIBRARIAN

#### CERTIFICATE OF NOMINATION TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the certificate of nomination of Sonia L'Heureux as Parliamentary Librarian.

CERTIFICATE OF NOMINATION REFERRED TO JOINT  
COMMITTEE ON THE LIBRARY OF PARLIAMENT

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

That the Certificate of Nomination for Sonia L'Heureux, Parliamentary Librarian, tabled in the Senate on June 18, 2012, be referred to Standing Joint Committee on the Library of Parliament for consideration and report;

That the Committee submit its report no later than June 30, 2012; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

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

**Hon. Senators:** Agreed.

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

(Motion agreed to.)

[English]

FEDERAL FRAMEWORK  
FOR SUICIDE PREVENTION BILL

FIRST READING

**The Hon. the Speaker *pro tempore*** informed the Senate that a message had been received from the House of Commons with Bill C-300, An Act respecting a Federal Framework for Suicide Prevention.

(Bill read first time.)

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

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

• (1820)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO EXTEND DATE OF FINAL REPORT ON STUDY  
OF SOCIAL INCLUSION AND COHESION

**Hon. Kelvin Kenneth Ogilvie:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on November 22, 2011, the date for the presentation of the final report by the Standing Senate Committee on Social

Affairs, Science and Technology on social inclusion and cohesion in Canada, be extended from June 30, 2012 to December 31, 2012.

[Translation]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO EXTEND DATE OF FINAL REPORT ON STUDY OF  
ISSUES RELATED TO INTERNATIONAL AND  
NATIONAL HUMAN RIGHTS OBLIGATIONS

**Hon. Mobina S. B. Jaffer:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That notwithstanding the Order of the Senate adopted on June 22, 2011, the date for the final report of the Standing Senate Committee on Human Rights on issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations be extended from June 30, 2012 to June 28, 2013.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

NOTICE OF INQUIRY

**Hon. Grant Mitchell:** Honourable senators, I give notice that, two days hence:

I will draw the attention of the Senate to the Report of the Canadian Parliamentary Delegation of the Canada-Europe Parliamentary Association, respecting its participation in the Parliamentary Mission to the Republic of Cyprus, the next country to hold the rotating Presidency of the Council of the European Union and the United Kingdom, which was tabled in the Senate on Thursday, June 14, 2012.

[English]

QUESTION PERIOD

INTERNATIONAL COOPERATION

GLOBAL MALARIA PREVENTION

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is to the Leader of the Government in the Senate. According to the 2011 World Malaria Report released by the World Health Organization, malaria mortality rates have fallen by more than 25 per cent globally since 2000. However, that same report also warns that these projected gains may very well be threatened by projected shortfalls in funding.

The UN Secretary-General's Special Envoy for Malaria, Mr. Raymond Chambers has stated:

With malaria deaths in Africa having fallen significantly since 2000, the return on our investment to end malaria deaths has been greater than any I have experienced in the business world. But one child still dies every minute from malaria - and that is one child and one minute too many. . . .

My question to the leader, which I have asked before as well, is what role will Canada play to help ensure that progress continues to be made and malaria becomes a thing of the past?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, of course all of us can be proud of the role of Canadians in this marked downturn in the number of cases of malaria.

With regard to future endeavours in this area, I would have to make a specific request to the department for more precise information. I thank the honourable senator for the question.

**Senator Jaffer:** I have a number of supplementary questions, and I respectfully understand that the leader must consult.

What resources have been allocated to help ensure that millions of men, women and children no longer die from this entirely preventable and treatable disease? Will Canada take the same leadership role as it took on maternal health? How much funding is Canada providing to multilateral organizations that work tirelessly to combat malaria?

Lastly, I have seen in the villages where I work that DDT does make a difference. Will Canada revisit the issue of DDT and make sure that it can be used in Africa to eradicate malaria?

**Senator LeBreton:** I thank the honourable senator. Of course we all know the story of DDT, how it is banned and the residual problems that the ban seems to have created. I do not believe there has been any reassessment of the use of DDT, but there is no question that banning it has had an effect on the mosquito population.

I will be happy to take all of the supplementary questions that the honourable senator poses and reply to them in the form of written responses.

[Translation]

## NATIONAL DEFENCE

### IMPACT OF BUDGET CUTBACKS

**Hon. Roméo Antonius Dallaire:** Honourable senators, my question is for the Leader of the Government in the Senate. I would like to draw the attention of the Senate to the Department of National Defence budget following two major rounds of budget cuts.

It is very hard to grasp the full impact of the cuts when, week after week, we hear that certain projects are being delayed, certain projects are being reduced and other projects are being eliminated.

Can the Leader of the Government tell us what impact these cuts have had on the Department of National Defence with respect to equipment procurement compared to costs related to personnel, maintenance and operations?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for the question. One of the facts that tends to get overlooked in this discussion with regard to budgeting at National Defence and other departments, but particularly with National Defence, is that this government has made unprecedented investments in the Canadian Forces in recent years. Since we took office, the defence budget has grown by an average of \$1 billion a year. Obviously, all departments have come to the government with their proposals, which the government has accepted, by and large. We will continue to fund the department at a level far greater than it has ever been funded in the past. We believe that National Defence can operate within the budgeting envelope that they have requested.

**Senator Dallaire:** Honourable senators, it is true that the Conservative government continued the growth that the Liberal government commenced in the early part of the 2000s, where the growth of \$1 billion a year was already functional for three years before the Conservatives came to power. Of course, the impetus of going to war would require the government to certainly spend money to meet the challenge that years before was not met.

I bring to the honourable leader's attention the 1987 white paper wherein Perrin Beatty promised the world during the Cold War, and within two years Minister Wilson completely destroyed that white paper and, having been personally involved in the acquisition process, nothing was purchased. However, I am not negating the fact that the government has been acquiring equipment and responsibly had to do that to meet the needs of our soldiers in order to reduce the risk and achieve the mission success you have experienced.

My question concerns the future, if the government were to have a policy paper like Canada First that contained a list of requirements for capital acquisition. Now that the impact of cuts is being felt, can the leader tell us whether that capital program is in line proportionally with the plan originally established by the Canada First process? As an example, has it gone below the risk level of rust-out at 23 per cent of the overall budget?

**Senator LeBreton:** When the honourable senator was referring to the Liberals, I guess he was referring to that period which the former Chief of the Defence Staff declared a decade of darkness. I guess that is why soldiers were sent into the field in Afghanistan with green uniforms.

Honourable senators, unlike the Liberals, our government actually bought equipment for the military. For example, we delivered four C-17 Globemasters, 17 C-130J Hercules and over 1,000 new medium support vehicles and Leopard 2 tanks.

• (1830)

As the honourable senator indicated, over the past two years, the Department of National Defence has examined ways to implement cost-saving measures to ensure efficiency and effectiveness. That combined with the end of the combat mission in Afghanistan, National Defence will return to a more normal pace of operations. Over the coming weeks and months, departments will be informing people of the specific changes, which will be communicated accordingly.

The Department of National Defence has received incredible support from our government and will continue to receive incredible support from our government, bearing in mind, as the honourable senator and I pointed out, that we have spent over \$1 billion per year since we came into government.

**Senator Dallaire:** Yes, it is true that there has been support; but it is waning. As an example, the decision two years ago to stop moving vote 5 money to vote 1 near the end of the fiscal year essentially cut over \$400 million from the budget of National Defence because they could not spend it. The capital program is essential for the future. We do not want rust-out, which the Honourable Perrin Beatty wanted to stop but did not. The decade of darkness exercise started during the Mulroney era, may I say.

I have seen the capital program and apart from the Chinooks and the tanks, all other projects were already in the mill. To bring a capital project to fruition takes 15 to 20 years. There was an accelerated process to bring them in sooner and we applaud that. However, we wonder at times whether those people from the Office of the Auditor General are not under the gun for having done such excellent work.

We are looking into whether the capital program is affordable, which means within the funding envelope that DND receives. Is it affordable? I will situate it if I may. The government, in over reacting to the Auditor General's report, decided to fix the amount of money for the F-35s at \$9 billion. Taking that decision means that the mission will be at risk because there will not be 65 of them, the minimum number to be purchased to meet the needs of the air force. The decision on such a massive project was taken, and it put that project at risk. What about the other projects that might be at risk because of a capital program that is not affordable?

**Senator LeBreton:** Certainly, with regard to the Auditor General and the F-35s, the honourable senator espouses a view that is not shared by some of his colleagues.

Monies allocated by the government for National Defence are required to maintain a viable force. However, we expect the Department of National Defence, as we expect all government departments, to continue using and managing these funds in a responsible way. The honourable senator has shared his views on the F-35s in this place before. With the oversight committee, the government will ensure that all the proper procedures are followed and that all figures on the program will be verified independently before proceeding.

**Senator Dallaire:** It is known within cabinet and throughout the bureaucracy that National Defence, which has the largest discretionary fund in government, is monitoring closely how it

expends its funds. The division of funds between capital acquisition, operations and maintenance, and personnel is also well known within the bureaucracy. As the Canada First Defence Strategy says, it is fundamental that capital acquisitions meet a certain level of funding to achieve that policy base.

Could the Leader of the Government in the Senate ask her colleague at National Defence to respond and guarantee that the capital program, after these reviews, will still be affordable?

**Senator LeBreton:** Honourable senators, I do not know what the honourable senator bases his facts and figures on. Certainly, he has had experience in the Department of National Defence. I will be happy to take that last question as notice.

All departments will be expected to properly manage and oversee the funds that they are provided in order to carry out the responsibilities of their respective mandates.

## CANADIAN HERITAGE

### NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

**Hon. Grant Mitchell:** Honourable senators, the government is spending \$30 million on a glorification-of-war project to commemorate the War of 1812. In order to find this money, they had to make some decisions about priorities; and I would like to question those priorities.

In order to find \$1.7 million of that \$30 million, the government is closing the National Archival Development Program. A letter from Debby Shocter, President of the Archives Society of Alberta, makes this point:

The elimination of this program will have a far-reaching and devastating impact across Canada, since we are now facing the literal collapse of the Canadian archival system comprised of historical societies, religious archives, municipal archives, Aboriginal archives, ethnic minority archives, educational archives, museums and libraries. This program has sustained the historical research and historical records created for important groups and communities small and large across this country.

Why would this government think that glorifying the War of 1812 is more important than sustaining and supporting these important groups that do historical research and create historical records about the richness of the heritage of communities and groups across this country?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, the two hundredth anniversary of the War of 1812 is an important event in the history of our country. The Department of Canadian Heritage plans ahead for events and has already begun planning for Canada's birthday in 2017.

Library and Archives Canada, as I answered a few weeks ago, has the necessary funds to deliver its mandate; and more services will be available to Canadians online. The honourable senator was one of the most technically savvy of all senators from the very



beginning so he would appreciate the importance of providing these services online. This modernization initiative will improve and expand access to Canada's documentary and cultural heritage for all Canadians, regardless of their interests, profession or location.

The new Canadian Feature Film Index and the Lest We Forget Project, which I am sure many honourable senators participated in, are just two initiatives aimed at making Library and Archives Canada more accessible than ever. Library and Archives Canada, like most important agencies of government, is receiving the necessary funding and is simply modernizing to meet present day needs.

## FISHERIES AND OCEANS

### EXPERIMENTAL LAKES AREA— CLOSURE OF RESEARCH FACILITY

**Hon. Grant Mitchell:** That costs money too, and they are not getting the money for it. It costs money to make this stuff.

• (1840)

As an aside, the Leader of the Government in the Senate just said the nicest thing I have ever heard her say about me. In fact, it may be the only nice thing she has ever said about me, that I actually have technical expertise. I thank her very much for that. I appreciate it. We clearly had a weekend off. Everyone is relaxed and having a good time.

I do not mean to break the mood, honourable senators, but back to the question of priorities and the fact is that the government is putting \$30 million into glorifying war through its War of 1812 project. However, it is getting \$2 million of that money by closing down the Experimental Lakes Area program, a unique internationally renowned outdoor laboratory for ecosystem research. Scientist John Smol from Queen's University said:

Some countries have large particle accelerators. We have the Experimental Lakes Area.

For \$2 million of the \$30 million that is going into the War of 1812 project, we are losing this remarkable resource. Has anyone in this government done a cost-benefit analysis to see if forfeiting \$2 million in favour of \$30 million for the War of 1812 project will pay off? Will we make up the high-level intellectual jobs, the internationally renowned contribution we can make to eco-study, or will we just throw the money away on the glorification of a war that is 200 years old?

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, I take issue with Senator Mitchell calling it the glorification of war. One of the criticisms about Canadians is that we do not know enough about our history. The War of 1812 is a very important part of our history and the formation of our country.

As I indicated to Senator Dallaire, each department is advanced money for the implementation of its programs. One of the responsibilities of Heritage Canada is educating Canadians about our history.

With regard to the Experimental Lakes Area, the science remains essential. Through the Department of Fisheries and Oceans, Canada will continue to conduct important research on Canada's fish and their habitat. Research in fresh water will continue at various locations across Canada in response to departmental needs. We are continuing our work to transfer this facility to a university or another non-governmental research group.

The work will continue. Many universities and research groups are moving into these areas. In the past, the government had to go it alone, but now we have scientific research facilities and other people who contribute to this.

**Senator Mitchell:** Honourable senators, it is estimated that it will cost about \$25 million to do the site remediation that will be necessary for this lake system when this facility is shut down and vacated. Has anybody given any thought to the fact that saving \$2 million now will end up costing \$25 million tomorrow? Would that money not have been better spent sustaining this project and its important scientific research into the importance of the ecosystem, or is it simply: "No data, no science, no problem"? Is that the new motto of this government?

**Senator LeBreton:** The honourable senator is incorrect. Since 2006 we have invested in science to update and refit laboratories, to construct three new science vessels and to complete ocean mapping for Canada's Law of the Sea submission, as well as funded science to support emerging commercial fishing in the Arctic. Budget 2012 announced further investments to support fisheries science, to improve mapping of key coastal ecosystems and to do research on marine pollution.

The honourable senator is incorrect to claim that we are not doing a considerable amount of work in this area.

[Translation]

## CANADIAN HERITAGE

### NATIONAL ARCHIVAL DEVELOPMENT PROGRAM

**Hon. Maria Chaput:** Honourable senators, my question is a follow-up to the questions asked by Senator Mitchell about Library and Archives Canada, but more specifically about the National Archival Development Program that has been cancelled.

This program directly supported more than 800 projects at the local and regional levels. More than 800 projects were supported over 26 years. These were community projects: museums, heritage, parishes, communities, Aboriginal people, multiculturalism. The assistance provided was very modest — ranging from \$5,000 to \$50,000 — but the impact these projects had on many communities was priceless. This money enabled them to talk about their history, to promote awareness in the community and to develop local archives to help preserve our history.

Once again, by cancelling the National Archival Development Program at the local and regional levels, minorities will be deprived of important funding and our country's history could be lost.

Can the leader tell us what will happen to all of these community initiatives that helped build our archives? We could have the best archives in the world, we can talk about distributing information through new social media, but if the basic work is not being done in our communities, what will happen to our history?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, as I said to Senator Mitchell, Library and Archives Canada has the funding necessary to deliver on its mandate. I imagine that the projects the honourable senator speaks of fall within the mandate of Library and Archives Canada. They have the necessary funding. I cannot specifically comment on every project that they may submit for funding.

Senator Tardif asked a similar question a few weeks ago, and we provided a written response to her. I can only say that Library and Archives has the necessary funding to deliver on all of its mandate. There is nothing more I can add.

[Translation]

**Senator Chaput:** Honourable senators, what worries me is how these cuts are made and who decides. Could the leader tell us whether the National Archival Development Program will be preserved when these cuts are made, because from what I heard, it has been cancelled. Could the leader get that information for us please?

[English]

**Senator LeBreton:** Honourable senators, I will get a copy of the answer tabled last week in response to Senator Tardif. It is on the record.

Agencies and departments of the government are provided funds to implement their mandates. There is an individual within Library and Archives Canada who is responsible for assessing the various projects that are submitted. That is how governments operate. Once government funds are budgeted for and provided to the various departments and agencies, they go forward and implement their programs as they see fit.

I do not know if there is a list of individuals within Library and Archives Canada who would make these decisions. I will point the honourable senator to the answer we gave last week to Senator Tardif.

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[ Senator Chaput ]

• (1850)

## ORDERS OF THE DAY

### SAFE DRINKING WATER FOR FIRST NATIONS BILL

#### THIRD READING— MOTION IN AMENDMENT NEGATIVED

On the Order:

Resuming debate on the motion of the Honourable Senator Patterson, seconded by the Honourable Senator Plett, for the third reading of Bill S-8, An Act respecting the safety of drinking water on First Nation lands;

And on the motion in amendment of the Honourable Senator Dyck, seconded by the Honourable Senator Watt, that Bill S-8 be amended in clause 3, on page 3, by replacing lines 9 to 11 with the following:

*“Act, 1982.”*

**Hon. Dennis Glen Patterson:** Honourable senators, I would like to take this opportunity in speaking to the proposed amendment to the non-derogation clause at third reading of Bill S-8 to thank Honourable Senator Dyck for her remarks on the bill. We have heard many speeches and testimony and received correspondence on many important elements, none more so than the complex issue surrounding Aboriginal rights and the inclusion of non-derogation clauses in legislation.

Speaking of Aboriginal rights and respect for Aboriginal rights, Senator Dyck closed her remarks in speaking to her proposed amendment on this bill by referring to what she said were the unacknowledged rights of the Algonquin people on whose unceded land this chamber sits.

In fact, I must note that Canada and the Province of Ontario are, as we speak, negotiating towards a modern day treaty with the Algonquins of Ontario and are now working on an agreement in principle.

However, turning to Bill S-8 and the amendment proposed by Senator Dyck that is before this chamber there can be no more important legislation than dealing with the health and safety of our citizens. That is a responsibility which we must take very seriously.

Today, our citizens who reside in First Nations communities do not have the same protections for their health, safety and well-being as do all others. This is because on reserves, there is no legislation. There is a vacuum governing the health and safety of drinking water and the effective disposal of waste water.

This bill enables First Nations and the Government of Canada to move forward to rectify this untenable situation. Therefore, in response to the proposed motion, I have three key points to make. I hope we can pass this much-needed legislation and allow it to be considered in the other place.

First, amending the non-derogation clause to remove the qualifier “except to the extent necessary to ensure the safety of drinking water on First Nation lands,” would potentially prevent the government and First Nations from protecting sources of drinking water on First Nation lands, thus negating one of the main purposes of the bill before honourable senators today.

Second, the final phrase of the non-derogation clause is narrow but important since it helps to protect the essential right of all First Nations children, women and men to have access to safe, reliable and clean drinking water like every other citizen of this country.

Clause 3 is not designed to protect government or to allow government to run roughshod over Aboriginal and treaty rights. It is solely to ensure that members of First Nations communities have the same protection as all other Canadian citizens.

Third, the non-derogation clause included in Bill S-8 is the product of a compromise between First Nations and the government. It is a direct result of the government collaborating with First Nations to come up with a solution to a very contentious issue. It embodies the balance which must be struck by First Nations between Aboriginal and treaty rights and the larger community's need to set rules to help guarantee that everyone has access to safe, reliable and clean drinking water.

I would like to elaborate on these points.

First, Senator Dyck said:

... no one in their right mind, Aboriginal or otherwise, would argue that they have a constitutional right to harm their own safety by dumping garbage or waste water so close to their drinking water source that it makes their drinking water unsafe to drink. No one would be ignorant enough to knowingly and wilfully endanger the health of their family, children or the community as a whole.

Of course, no one would knowingly endanger their family or community, but the fact is that after the tragedies of Walkerton and North Battleford, we know that actions taken by individuals can have unintended negative consequences. A regulatory framework is the ideal mechanism to ensure that individuals are aware of potentially dangerous behaviour and can be restricted from undertaking those actions.

In Walkerton, seven people died and more than 2,500 got sick. In North Battleford, approximately 7,100 became sick and both of these tragedies were the direct result of contaminated source water. In Walkerton, cows were allowed to graze by the water source. In North Battleford, there was a failure to properly treat the drinking water. It is possible that, in a First Nation community, an individual would claim an Aboriginal right to use his or her parcel of land as they please. This right could be pitted against the community's right to safe water. Bill S-8 and the subsequent regulations would set up parameters so that the health and safety of the community's citizens are paramount.

There is a risk that the inclusion of a standard non-derogation clause in Bill S-8 could prevent the regulations from restricting the individual's exercise of his or her Aboriginal or treaty rights, even if that exercise was in direct conflict with the health and safety of the community.

By including the final phrase in the non-derogation clause, the government, with the help of First Nations, will be able to ensure that regulations are crafted in a manner that deals with Aboriginal and treaty rights fairly and that strikes a balance between rights and safety.

Second, Senator Dyck mentioned that:

There are clauses that could override the existing Aboriginal and treaty rights of Indian Act First Nations as well as any self-governing or other First Nations who choose to opt in.

I would first like to address the point that Bill S-8 would infringe on the rights of self-governing nations.

The regulations stemming from the bill would only be paramount to existing laws and bylaws should those self-governing First Nations choose to opt-in to the bill. It is only sensible that a community that chooses to adopt a regulatory regime would then be subject to that regime.

Regarding Indian Act First Nations, contrary to what was said, the scope of the legislation generally and of the non-derogation clause specifically is narrower than was suggested. It is designed solely to protect the essential right of First Nations to have access to safe drinking water. Let me state that the government is not changing the deal regarding Aboriginal and treaty rights. The non-derogation clause is not a derogation clause since it cannot diminish the protection provided by section 35 of the Constitution Act, 1982.

The government's intent is to maintain the current approach where it is possible that infringement could be justified in accordance with the test developed by the Supreme Court of Canada in *R. v. Sparrow*.

The federal government takes section 35 rights seriously and seeks to protect both Aboriginal and treaty rights. The Constitution Act, 1982, provides strong protection of Aboriginal and treaty rights, and this is what the proposed non-derogation clause in Bill S-8 aims to reaffirm. The Supreme Court of Canada has reminded us over the years that Aboriginal and treaty rights exist. They are not absolute. Like any other rights in Canada, governments can only justify infringements of Aboriginal and treaty rights in accordance with a strict justification test developed by the Supreme Court of Canada.

The non-derogation clause in Bill S-8 has been designed with this test in mind. It reaffirms the need to balance rights as the Supreme Court of Canada has confirmed in many judgments. In other words, it does not take any Aboriginal and treaty rights away. It preserves the status quo regarding Aboriginal and treaty rights in Canada by simply reminding us that, as the Supreme Court of Canada has affirmed, limits to Aboriginal and treaty rights do exist.

One of the main points of this test, developed in the seminal Supreme Court decision of *R. v. Sparrow* is whether the infringements would be done for a “valid legislative objective.” As I mentioned during the second reading debate of Bill S-207,

An Act to amend the Interpretation Act (non-derogation of aboriginal and treaty rights), it is my opinion that the provision of safe drinking water is a pretty clear “valid legislative objective.”

• (1900)

The non-derogation clause merely reaffirms the legislative objective of Bill S-8 and aims to bring balance to the discussion of Aboriginal treaty rights in the context of safe drinking water, in complete conformity with the *Sparrow* decision.

This leads me to my third and final point. This non-derogation clause is the product of collaboration and compromise between First Nations and the government. It embodies the balance that must be struck by First Nations between Aboriginal and treaty rights and the larger community's need to set rules to help guarantee that everyone has access to safe, reliable and clean drinking water, which both the federal government and First Nations strongly believe in.

The non-derogation clause sets the context for the kind of important discussions that will have to take place between government and First Nations when regulations are developed. First Nations and government will work together to identify the parameters needed to ensure access to safe, clean, and reliable drinking water. The regulations will strike a balance between meeting prescribed standards and local decision making.

The non-derogation clause, as written in Bill S-8, is important to uphold the objective of the legislation and to provide tools to both government and First Nations leaders to ensure First Nations women, children and men can have access to clean, safe and reliable drinking water.

During the extensive consultations that took place over the last six years, numerous First Nations public works specialists expressed the need to have tools to do their work properly and to have access to appropriate safeguards to provide drinking water to fellow community members. The non-derogation clause has been designed to ensure that all the tools that will be included in the regulations can be used.

In conclusion, I would like to remind honourable senators of my three main points. Amending the non-derogation clause to remove the qualifier “except to the extent necessary to ensure the safety of drinking water on First Nation lands” would prevent the government and First Nations from protecting sources of drinking water on First Nations lands. The final phrase of the non-derogation clause is very narrow, but important, since it helps to protect the essential right of all First Nations men, women and children to have access to safe, reliable and clean drinking water, like all other citizens of this country.

As noted in the Indigenous Bar Association's submission to the Standing Senate Committee on Aboriginal Peoples:

The Crown's legislative agenda with respect to Bill S-8 must also consider First Nations' health and safety at all times.

This non-derogation clause is the product of collaboration and compromise. It embodies the balance which must be struck between Aboriginal and treaty rights and the larger community's

need to set rules to help guarantee that everyone has access to safe, reliable and clean drinking water.

For over six years, this government committed to working with First Nations to remedy the fact that residents of First Nations communities did not enjoy the same protection for health and safety of drinking water as all other Canadians. Six years later, here we are today with what is an essential milestone in rectifying this unacceptable situation.

This enabling legislation will allow the Government of Canada to work with First Nations across the country to develop appropriate and effective regulatory regimes for First Nations communities. As Senator Dyck said herself:

... the whole bill is designed to develop and enact regulations for the provision of safe drinking water on First Nation lands. ... these can be crafted satisfactorily by the department and the First Nations working together.

Honourable senators, it has taken us six years to get here. While theoretical legal debates have their place, now is the time for leadership and for action. Now is the time to support First Nations and to move forward in securing healthier and safer communities by regulating drinking water and providing for safe treatment of waste water. This bill is essential for the health and safety for First Nations men, women and children. I strongly urge honourable senators to vote against the motion to amend clause 3, as proposed by the honourable senator, and give third reading to this important bill.

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

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

**Hon. Senators:** Question.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker *pro tempore*:** Those in favour of the motion will please say “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker *pro tempore*:** Those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker *pro tempore*:** In my opinion, the “nays” have it.

**Senator Tardif:** On division.

(Motion in amendment negated, on division.)

**The Hon. the Speaker pro tempore:** The motion is carried, on division.

Honourable senators, we are now on the main motion.

Are honourable senators ready for the question?

**Hon. Senators:** Question.

**The Hon. the Speaker pro tempore:** It was moved by the Honourable Senator Patterson, seconded by the Honourable Senator Plett, that this bill be read a third time.

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

**Hon. Senators:** Agreed.

**Some Hon. Senators:** On division.

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

## BUDGET 2012

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Carignan calling the attention of the Senate to the budget entitled, *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*, tabled in the House of Commons on March 29, 2012, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on April 2, 2012.

**Hon. Dennis Glen Patterson:** Honourable senators, I rise today to speak in response to the Conservative government's budget entitled *Economic Action Plan 2012: Jobs, Growth, and Long-Term Prosperity*. My focus will be on the economic and resource development plank of our government's Northern agenda, which has made a major contribution to the success of the mining industry in Nunavut. As I will demonstrate in my remarks, strategic investment by the federal government, along with key legislative and policy decisions, has created the kind of stable environment that industry requires to make critical investment decisions.

Since my appointment in August 2009, I have spoken on a number of occasions in this chamber about the success of the mining industry in Nunavut. For example, on November 16 I advised honourable senators that Statistics Canada reported that real domestic product increased in every province and territory in 2010, but what was particularly impressive about the Statistics Canada report was that the largest proportional increase of any province or territory in Canada occurred in Nunavut, where real GDP advanced 11 per cent in 2010. Only Newfoundland and Labrador came close to Nunavut with 6.1 per cent growth.

The increase in the territory's GDP was the result of Agnico-Eagle's Meadowbank gold mine, which not only produced gold but also a fundamental change in the economy and quality of life for the people of Baker Lake and the Kivalliq region of Nunavut.

The Prime Minister was particularly impressed with the Meadowbank experience. When we visited the mine in August 2011, he commented that:

We make investments in health, we make investments in housing, but social development issues, as we all know from experiences in our own country and worldwide, are so much easier if we have economic development. That's why this [mine] is important.

My remarks also noted that the NWT and Nunavut Chamber of Mines has estimated that the existing and proposed mines in the territories could generate 75,000 person-years of employment and spend \$30 billion. However, mines do not get built without extensive exploration expenditures.

Natural Resources Canada's latest statistics on Northern mineral exploration for 2011 reveal that expenditures in the regulatory-challenged NWT came in third at \$81.8 million and Yukon came in second at an estimated \$309.2 million. Nunavut expenditures were an impressive \$396 million. While the Nunavut figures do not come close to the record 2008 pre-recession high of \$433 million, the 2011 tally of \$396 million still represents a 54 per cent increase over 2010.

• (1910)

What is particularly impressive is that Nunavut ranks fourth in exploration expenditures throughout Canada, behind mining provinces like Ontario, Quebec and B.C. What attracts international mining companies from around the world, including China, Australia, France, Japan, the United States and England, to make considerable investments in exploration, development and production of Nunavut's mineral potential?

Conventional sources of base and precious metals in accessible regions of the world are being mined out, so industry has to investigate alternatives, which include even remote and previously high-cost regions of the world like Nunavut. Technology required to successfully find, develop and run mines in remote regions has vastly improved, making operation in the North, for example, at minus 40 degree temperatures possible.

Climate change also factors into investment decisions, especially as it relates to Nunavut and the opening of critical marine transportation routes that are required to bring in goods and materials required for construction and operation, and in some cases to remove ore.

However, the role of our government, in particular our Conservative Party of Canada government, cannot be discounted. In particular, we need to acknowledge how critical the Mineral Exploration Tax Credit is to industry in the North and all of Canada. As I stated in my remarks to this chamber on November 22, 2011, Mining Day on the Hill:

The METC is a measure designed to assist junior mining companies in raising new equity through the issuance of flow-through shares. . . . Exploration spending in Nunavut

demonstrates just how successful the METC has been. Nunavut's share of all Canadian exploration spending in 2011 was an amazing 10 per cent.

Honourable senators, Budget 2012 has given a further vote of confidence to the mining industry in Canada and the North by extending the METC for another year. Eventually, the METC program will be phased out because actions taken by the government since 2006, including corporate income tax rate reductions and the elimination of the federal capital tax, have increased the competitiveness of Canada's mining sector. As a result, the METC may no longer be necessary.

I also reminded senators of the important role that Natural Resources Canada's Geo-mapping for Energy and Minerals — GEM — program plays. Geo-mapping is particularly important to all three territories, although the need is particularly acute in Nunavut and the N.W.T. Adequate geological knowledge exists for only about one third of Nunavut.

Honourable senators, under Budget 2012, the GEM program will continue for another two years.

On another front, I have been very impressed with the commitment that industry has been making to training Nunavut and Northern residents for well-paying careers in the mining industry. I have met industry presidents, CEOs and mine managers who see creating a skilled local work force as a legacy, just as important as returns for shareholders.

Currently, territorial and federal governments, industry active in the North, Northern mine training societies, Arctic colleges and Aboriginal organizations are preparing an ambitious plan for a territorial-wide mine training program. We are expecting the plan to be completed and presented to responsible federal ministers in the near future.

Federal funding requests, if approved, will be included in the government's 2013-14 budget. It is important to note that Northern partners in the training initiative are prepared to invest 50 per cent of the cost of implementation, with industry providing 35 per cent, territorial governments investing 10 per cent and Aboriginal organizations providing 5 per cent in financial and equivalent contributions.

I should also note that in February 2012 in Iqaluit, the Prime Minister announced support for the Northern Adult Basic Education Program, a \$27 million five-year initiative that will help Northerners in all three territories take advantage of the tremendous job opportunities in their communities.

With respect to Budget 2012, I understand that the Conservative government will be introducing measures to streamline processes and increase funding to better integrate under-represented groups, including Aboriginal peoples, into the labour force.

Honourable senators, to paraphrase British Columbia billionaire Jimmy Pattison: Money is the biggest coward in the world — it runs at the slightest hint of instability or uncertainty, seeking safer, more secure surroundings to invest and make profits.

In Nunavut, we are fortunate to have a regulatory regime that is fair, thorough and respectful of the environment, the economy, the Inuit land claim and industry interests, thereby providing the certainty required for investors to make informed decisions on mining exploration and development projects.

We must be doing something right in Nunavut, because for the most part we continue to attract investment from major international corporations. I look forward during the upcoming session of Parliament to further improvements to the Nunavut regulatory regimes through the Nunavut Planning and Project Assessment Act, or NUPPAA. This bill is the result of collaboration by industry, government and Inuit organizations on how to improve the project assessment process in the interests of all participants.

I am also in support of measures in Budget 2012 to provide additional resources to the CRA to monitor ENGO activities. I have spoken about my concerns on those matters on Senator Eaton's inquiry. It is about unpermitted political activities.

I am also in support of measures in Budget 2012 to provide additional resources to protect species at risk. Something had to be done because the federal Species at Risk Act, SARA, has been called "a poster child for bad policy if there ever was one."

I have spoken with the Member of Parliament for Dauphin—Swan River—Marquette, with whom I share a number of concerns about SARA, the worst being that the program has consumed \$311 million since its inception in December 2002 and has not brought a single species back from the brink of extinction.

Honourable senators, the government is making bold visionary moves in Budget 2012 in changes to the environmental process and related legislation. In the North, we are only too familiar with how these processes, legislation and regulation have stifled development, the most recent example being the seven-year Joint Review Panel assessment of the proposed Mackenzie Gas Project. I believe that our processes in Nunavut established under the Nunavut Land Claims Agreement and largely not affected by Bill C-38 amendments will continue to serve us well.

One exception for Nunavut will be changes to the laws protecting fish and fish habitat. From my consultation with the mining industry, a common concern has been that the existing rules treat all bodies of water in the same way, regardless of size, environment or contribution to the fishery. The new changes, I believe, will protect the productivity of Canada's Northern fisheries and provide much-needed clarity to Canadians.

Minister Ashfield has noted:

For industry, the proposal provides greater clarity on the types of activities that will be reviewed by Fisheries and Oceans Canada. These changes complement those announced as part of the Responsible Resource Development announcement, which included regulations clarifying information requirements and timelines for permitting.

I am also pleased to read that new measures will include new tools such as enabling delegation and equivalency to enable federal, provincial and territorial governments to work more effectively together and ensure consistent regulatory approaches. As DOE moves forward, it will work closely with provincial and territorial partners to ensure the effective implementation of these new measures.

My only other comment is that the current debate over the environmental provisions in Bill C-38 reminds me of the hysteria that opposition parties and NGOs of the day generated over the free trade agreement with the United States in the mid-1980s. Remember the dire warnings from the Liberals and New Democrats on how the FTA would not only destroy our economy and environmental standards but the very fabric of our country. Does this not all sound familiar?

I say to our Prime Minister, our lead ministers and our government, ignore the unfounded hysteria, accusations of the opposition and the naysayers. Stay the course. Continue to lead our country into greater prosperity and economic growth, while working with the provinces and territories to ensure continued stewardship of Canada's environment.

• (1920)

In closing, I am proud of the constructive and positive contribution which Budget 2012 will make to the further development of the mining industry in Nunavut. We still face major challenges in terms of reducing the high cost of operation, training a skilled Nunavut labour force, improving transportation and energy infrastructure, being ever vigilant in making improvements to our regulatory regimes in the territories and ensuring Nunavut residents benefit from resource development.

During a recent visit to Iqaluit, I was reminded by the capital's mayor, Her Worship Madeleine Redfern, of a recent resolution of the Federation of Canadian Municipalities about the high cost of living in Nunavut, despite the opportunities arising from mining development. The motion requests that the federal government re-evaluate the way the northern residents tax deduction, the NRTD, is calculated in all northern communities to account for their level of isolation and their access to necessary services to ensure there is consistency and fairness across Canada; increase the residency component of the NRTD to reflect its loss of value due to inflation; and develop adjustments to the NRTD that recognize the unique circumstance that exist throughout the territories. I think this is a reasonable request.

Given our track record to date, government, industry and the Inuit have demonstrated that through cooperation and collaboration these challenges are manageable. Through Budget 2012 and numerous other initiatives, our Conservative government has demonstrated once again that it is committed to being a constructive partner in building the future of Nunavut.

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

(On motion of Senator Poirier, debate adjourned.)

## NATIONAL FLAG OF CANADA BILL

### THIRD READING

**Hon. Pamela Wallin** moved third reading of Bill C-288, An Act respecting the National Flag of Canada.

She said: Honourable senators, I have spoken to this issue. As a reminder, this is the bill that is designed to encourage all Canadians to proudly display the national flag of Canada in accordance with flag protocol. Many people asked why we would need such legislation because we all assume that we can fly our flag, but it seems that our laws have not kept up with the times. A great many and an ever-increasing number of Canadians actually live in apartment buildings, condominiums, divided co-ownership, multiple residence buildings or gated communities and have been forbidden from flying their flag. I think this law of unintended consequences needs to be addressed. That is exactly what this bill does.

Bill C-288 is designed to be aspirational. There is no enforcement intended. We want to establish the right of Canadians to fly their flag, and I think it would be good to encourage this in any way we can.

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

**Hon. Senators:** Agreed.

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

## PURPLE DAY BILL

### THIRD READING

**Hon. Terry M. Mercer** moved third reading of Bill C-278, An Act respecting a day to increase public awareness about epilepsy.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

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

[Translation]

## CRIMINAL CODE

### BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

**Hon. Pierre-Hugues Boisvenu** moved the third reading of Bill C-310, An Act to amend the Criminal Code of Canada (trafficking in persons).

He said: Honourable senators, I rise today to speak at third reading of Bill C-310, An Act to amend the Criminal Code of Canada (trafficking in persons).

This bill was sent to the Standing Senate Committee on Legal and Constitutional Affairs on May 15, 2012. In three meetings, the committee heard 11 witnesses, and in particular, representatives of non-governmental organizations that work with victims in Canada and abroad.

The senators heard from experts from the RCMP, Justice Canada and the legal field. We also heard testimony from Joy Smith, Member of Parliament for Kildonan—St. Paul, who sponsored this bill in the other house. Ontario Crown prosecutor Toni Skarica also gave a stirring argument in favour of the bill, shining a light on the most obscure aspects of the crime of trafficking in persons and on the organized crime that is often behind it.

After a brief summary of the changes Bill C-310 would make in the Criminal Code, I will give some highlights from the testimony at the committee meetings.

[English]

Bill C-310 contains two important changes to the Criminal Code. First, Bill C-310 proposes that human trafficking would be added to a list of extraterritorial offences currently included in the Criminal Code, which would allow the Canadian courts to prosecute Canadians who commit those offences outside of Canada. Second, the bill would also enhance the definition of “exploitation” in the trafficking of persons offence by providing clarity for the type of evidence assistance that the court needs to consider when determining what constitutes exploitation.

[Translation]

A number of witnesses heard in committee spoke to the relevance of making trafficking in persons an extraterritorial offence. Julia Beazley, from the Evangelical Fellowship of Canada, pointed out that Canada is a major source country in human trafficking. Ms. Beazley explained that many Canadians travel abroad for sex tourism. Thus they support that lucrative but unhealthy industry, which destroys human lives. These Canadians travel to countries like Cambodia to engage in sex acts with children.

According to one witness, Toni Skarica, who is also a Crown attorney, the extraterritorial part of the bill is very important. We are talking here about cases of human trafficking in countries like Hungary, but not just Hungary and Eastern bloc countries, Africa and Asia as well.

Mr. Skarica drew our attention to the case of Hungarians who were brought to Canada on promises of a good life only to become slaves. Thanks to the hard work of our witness, 17 Hungarian criminals were found guilty of human trafficking in Hamilton, Ontario. In that case, there were at least 19 victims.

According to the experienced prosecutor:

[English]

The victims were working 16 hours a day basically, with one meal a day — scraps in some cases — and doing construction work.

[Translation]

On the issue of the current definition of exploitation in the Criminal Code, Matthew Taylor, from Justice Canada, indicated

that the bill will clarify the definition of exploitation, which will be a useful tool for the police and Crown attorneys.

• (1930)

During the committee’s study, Julia Beazley pointed out that the current definition of exploitation in the Criminal Code is not sufficient. She believes that the legal definition has led to difficulty obtaining convictions.

When a senator asked Sergeant Marie-Claude Arsenault of the Human Trafficking National Coordination Centre whether the new definition of exploitation would help law enforcement officials lay more charges, she replied:

... I would say yes. At the Human Trafficking National Coordination Centre, we know that police officers have a hard time understanding the legal definition. If we clarify the law, they will be able to lay more human trafficking charges.

Several witnesses noted that the legislative measures in Bill C-310 are timely. As you now know, on June 6, 2012, the federal government announced the National Action Plan to Combat Human Trafficking. This plan is a major step forward for victims. The measures in the national action plan including training for front-line workers, including border services agents and immigration officers. The primary purpose of this training will be to improve their ability to detect victims of human trafficking entering the country.

The action plan will also create Canada’s first integrated law enforcement team dedicated to combatting human trafficking. According to Yves Leguerrier, director of Public Safety Canada’s Serious and Organized Crime Division:

In that sense, Bill C-310 will facilitate prosecution because it will hold Canadians responsible for crimes they commit abroad.

Finally, the action plan has a \$25 million budget over four years to fight human trafficking and help victims. In fact, the Action Plan to Combat Human Trafficking will protect and help victims by increasing financial support for services provided to them and by identifying and protecting Canadian nationals and foreigners in Canada who are vulnerable to human trafficking activities, which most of the time involve young women between the ages of 15 and 21.

Honourable senators, Canada was one of the first nations to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. With the Action Plan to Combat Human Trafficking and Bill C-310, Canada is putting in place effective and coherent tools that will allow all stakeholders to work together to save victims.

[ Senator Boisvenu ]



It is now urgent that we take action because, according to Yves Leguerrier:

The International Labour Organization, for example, estimates that there are a minimum of 2.45 million victims of human trafficking in the world at any given time.

I would like to point out that human trafficking is also a reality for young Canadian women who are sold in Canada on the prostitution black market. Quebec media recently broadcast some very sad stories about young girls involved in this type of criminal activity.

Honourable senators, all the evidence heard clearly indicates that Joy Smith's Bill C-310 will provide additional tools to save victims of human trafficking in Canada.

On behalf of victims past, present and, unfortunately, future — this scourge will never be eliminated — I would like to thank the member for Kildonan—St. Paul for her invaluable and outstanding contribution to the cause of victims of crime in Canada and throughout the world.

I call on all senators to join me in voting for this measure to support victims and in saying no to all those who abuse human beings by trafficking in persons, both abroad and in Canada.

(On motion of Senator Jaffer, debate adjourned.)

[English]

## IMPORTATION OF INTOXICATING LIQUORS ACT

### BILL TO AMEND—THIRD READING

**Hon. Bob Runciman** moved third reading of Bill C-311, An Act to amend the Importation of Intoxicating Liquors Act (interprovincial importation of wine for personal use).

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

**Hon. Senators:** Agreed.

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

## FOOD AND DRUGS ACT

### BILL TO AMEND—SECOND READING

**Hon. Michael Duffy** moved second reading of Bill C-313, An Act to amend the Food and Drugs Act (non-corrective contact lenses).

He said: Honourable senators, I am pleased to speak on Bill C-313, which proposes to regulate non-corrective contact lenses as medical devices under the Food and Drugs Act and the Medical Devices Regulations.

To begin, I would like to acknowledge the efforts of the member of the House of Commons for Sarnia—Lambton for bringing this bill forward and for her persistence in seeking to address this

important issue. That member has been an advocate on this issue since 2008. Today, with the bill before us, the member has continued to demonstrate her commitment to the health and safety of Canadians, and I am pleased to see her commitment and perseverance have moved us to this point where we are addressing this important issue.

Bill C-313 was passed by the House of Commons with the unanimous support of all parties. It is admirable to see that all parties are working together for the health and safety of Canadians.

By way of explanation, allow me to say that non-corrective contact lenses are also known as cosmetic, theatrical or decorative contact lenses. The reason why these lenses are known as cosmetic speaks to the fact that consumers use them purely for aesthetic reasons. They will not improve your vision at all, and in fact in some cases may cause you harm. Their sole purpose is to change the appearance and colour of one's eyes. Non-corrective contact lenses come in all colours of the rainbow and a whole range of designs. You can simply alter the colour of your eyes. You can have cat eyes for Halloween and some of us — perhaps Senator Mercer and I — would put in shamrocks for St. Patrick's Day.

As well, non-corrective contact lenses are readily accessible. Consumers can buy them from retail outlets such as party supply stores or costume rental agencies or order them over the Internet. There have even been online contests offering non-corrective contact lenses as prizes.

As honourable senators know, we live in a time when product information can be rapidly communicated through the Internet and social media to meet its target population. The main target is youth: children, teens and young adults. Researchers report that non-corrective contact lenses are continuing to gain popularity among this group of consumers.

One may ask: What difference will Bill C-313 make? These are, after all, only contact lenses and lots of people wear contact lenses every day.

What I am most concerned about is that young people are the ones most likely to use these lenses to alter their appearance with little thought of the potential risk of sticking something foreign on to the surface of their eyes. Health professionals have done extensive studies on the health risks associated with inserting a contact lens on one's cornea. There are many potential health risks associated with using non-corrective contact lenses.

Some of these risks may seem to be relatively mild, such as excess tearing, itching or dryness. However, these lenses can also cause more serious conditions, such as burning, sensitivity to light, blurred or distorted vision, a scratched cornea, conjunctivitis and serious irritation or infection. In extreme cases, these problems can lead to blindness.

• (1940)

The problem we have before us, honourable senators, is simply that we have two very similar products that pose similar risks but that are currently regulated under different regulatory frameworks in Canada.

This is where Bill C-313 comes in. This bill proposes to address the very real health risks by taking the simple and practical step of regulating non-corrective contact lenses as medical devices, the same way as normal contact lenses, as we think of them.

At the present time, non-corrective contact lenses do not meet the definition of a medical device, that is, something that provides a therapeutic function. Non-corrective lenses do not do this. They are used purely for cosmetic reasons. They do not improve your vision.

Because they are not medical devices, non-corrective contact lenses are not subject to the Medical Devices Regulations, as corrective contact lenses are.

Companies under this legislation will be required to ensure that their non-corrective contact lenses meet safety and quality requirements before they can sell these products on the Canadian market. Health Canada can also request additional information about safety and quality, either before or after a decision to authorize their sale in this country.

In addition, honourable senators, as a medical device, non-corrective contact lenses will be subject to the same labelling requirements and consumer instruction standards as corrective contact lenses, before they come to market. Labels will be required to warn consumers about the potential risks and safety issues associated with using non-corrective contact lenses.

Numerous studies report that health risks are linked to the improper use and care of contact lenses, and these risks are preventable. With proper labelling, there will have to be information provided to the consumer describing the proper use and care of these cosmetic non-corrective contact lenses. This will be key in minimizing the potential health risks associated with the use of these lenses.

Further, regulating non-corrective contact lenses as medical devices will require the industry to comply with both pre-market and post-market provisions of the Food and Drugs Act and the Medical Devices Regulations. In other words, the Medical Devices Regulations provide for licensing and inspections of manufacturers, importers and distributors, as well as mandatory reporting by companies of serious incidents. Regulating non-corrective contact lenses as medical devices will enable a full cycle of regulatory oversight to all contact lenses.

Back in 2000, Health Canada issued a warning to the public about potential risks associated with using non-corrective contact lenses and recommended that these products only be used under the care of an eye care professional. I recognize that Bill C-313 does not address whether a prescription will be mandatory for purchasing non-corrective contact lenses, nor does it speak to whether consumers will be required to see an eye care professional for this purpose. These issues fall outside of the regulatory authorities of the Medical Devices Regulations.

In Canada, the authority to determine whether a medical device is subject to dispensing by prescription rests with the governments of the provinces and territories; therefore, the regulatory strategies for dispensing these cosmetic devices will be decided by each province and territory.

[ Senator Duffy ]

I am pleased to report that the Canadian Association of Optometrists, the Opticians Association of Canada, and the Canadian Ophthalmological Society have expressed their commitment to work with the provinces and territories on prescription issues related to non-corrective contact lenses when this bill comes into force.

I should point out that industry players are already well positioned to meet the requirements of this bill. Many of these companies are selling both corrective and non-corrective contact lenses in the United States. In that country, all contact lenses have been regulated as medical devices since 2005.

In P.E.I., we all have perfect vision because of our vegetable products.

Supporting Bill C-313 is consistent with the government's commitment to the safety of Canadians. It is also consistent with the government's objective to align with international regulatory counterparts and to promote regulatory cooperation between Canada and the United States. On the international stage, there are other countries that regulate non-corrective contact lenses as medical devices — the United States and a number of other of our trading partners.

To conclude, honourable senators, Bill C-313 will address an important health risk associated with the use of non-corrective contact lenses. It will bring those health risks under the same regulatory framework as corrective contact lenses. In other words, similar products with similar risks will both be regulated under the same regulatory framework.

Again, I would like to commend the member of the House of Commons for Sarnia—Lambton for keeping up the momentum and moving this important issue forward. Today, with this issue before the Senate, I would like to voice my support for this bill and call on senators to join with all of us in working together to keep Canadians safe.

**The Hon. the Speaker *pro tempore*:** Is there further debate, honourable senators?

**Hon. Percy E. Downe:** Honourable senators, I support this legislation. I have been doing some research. I am finalizing my notes, and I look forward to speaking on this matter. I will take the adjournment in my name.

(On motion of Senator Downe, debate adjourned.)

[Translation]

## **RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT**

### **FIRST REPORT OF COMMITTEE— REPORT OF COMMITTEE OF THE WHOLE— DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Eaton, for the adoption of the first report of the Committee of the

Whole (*First report of the Standing Committee on Rules, Procedures and the Rights of Parliament (Revised Rules of the Senate), with amendments*), presented in the Senate on June 13, 2012;

And on the motion in amendment of the Honourable Senator Carignan, seconded by the Honourable Senator Marshall, that the report be not now adopted but that it be amended:

(a) by adding the following new recommendation number 4:

**“4. Replace the French text of rule 4-11(3), at page 42 of the First Appendix of the report (page 458 of the Journals of the Senate), with the following:**

“Rappels au Règlement et questions de privilège non permis au cours des affaires courantes et la période des questions

4-11. (3) Les rappels au Règlement et les questions de privilège sont irrecevables au cours des affaires courantes et de la période des questions”; and

(b) by renumbering current recommendations 4 to 16 in the report as recommendations 5 to 17.

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, with respect to the report of the Rules Committee, I know Senator Cools wants to finish preparing her notes in order to be able to respond to the amendments and the report as a whole. I therefore ask that the debate be adjourned in her name until the next sitting of the Senate.

(On motion of Senator Carignan, for Senator Cools, debate adjourned.)

[English]

## CRIMINAL CODE

### BILL TO AMEND—FOURTEENTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourteenth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill S-209, An Act to amend the Criminal Code (prize fights), with an amendment), presented in the Senate on June 14, 2012.

**Hon. Bob Runciman:** There was an amendment to the bill at committee and I felt I should elaborate briefly for the benefit of honourable senators.

As senators may recall, Bill S-209, an Act to amend the Criminal Code dealing with prize fights, will modernize the prizefighting section of the Criminal Code to reflect the changing nature of combative sports in the 78 years since section 83 of the Criminal Code was last changed.

The bill adds exemptions beyond the current one for boxing to ensure that other combative sports, such as mixed martial arts, are permitted, provided they are held subject to the permission and the regulation of the appropriate provincial body. One of the exemptions included in the bill is for sports that are on the program of the International Olympic Committee. These are Olympic sports that are technically illegal today under the current Criminal Code.

One of our witnesses, the Honourable Bal Gosal, Minister of State for Sport, suggested that this exemption should be broadened to also include sports on the program of the International Paralympic Committee. Judo is now a Paralympic sport, and other combative sports could be added in the future.

The committee took Minister Gosal’s advice on this matter, and we thank him for the suggestion. That is the only amendment approved at the committee, honourable senators.

**The Hon. the Speaker pro tempore:** Honourable Senator Runciman, Item No. 2, the fourteenth report of the Standing Senate Committee on Legal and Constitutional Affairs, was standing in the name of Senator Fraser. Originally, I thought that either you or she intended to move the adoption of this report. I notice that you have given an explanation of it, but was it your pleasure or Honourable Senator Fraser’s pleasure to put the matter before the chamber?

• (1950)

**Hon. Joan Fraser:** I should explain, Your Honour, that I did present the report on this bill last week because Senator Runciman, as happens from time to time in this place, had been asked to be in two places at once. He fulfilled his duty in the other assignment he had been given so I presented the report. Therefore, I move third reading of this bill.

**The Hon. the Speaker pro tempore:** You move adoption of the report?

**Senator Fraser:** I am sorry. It is late, Your Honour, is it not? I move the adoption of the report.

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

(Motion agreed to and report adopted.)

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

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

## NATIONAL FINANCE

### MOTION TO AUTHORIZE COMMITTEE TO STUDY TAX CONSEQUENCES OF VARIOUS PUBLIC AND PRIVATE ADVOCACY ACTIVITIES UNDERTAKEN BY CHARITABLE AND NON-CHARITABLE ENTITIES—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Tardif:

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;

That, in conducting such a study, the Committee take particular note of:

- (a) Charitable entities that receive funding from foreign sources;
- (b) Corporate entities that claim business deductions against Canadian taxes owing for their advocacy activities, both in Canada and abroad; and
- (c) Educational entities that utilize their charitable status to advocate on behalf of the interests of private entities; and

That the Committee submit its final report to the Senate no later than June 30, 2013, and retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

**Hon. Daniel Lang:** Honourable senators, I rise today to speak to the motion raised by the Leader of the Opposition. I have taken the time to review the remarks that he made and would like to respond now.

This broad motion takes a number of distinct issues and, in my judgment, somewhat muddies the waters.

With respect to businesses and lobbyists, we all know that there are a number of legislative measures that exist for both lobbying and foreign investment. For example, lobbyists must follow the Lobbying Act that sets out basic principles for lobbying, while business tax law requires a long list of detailed expenses that are tax deductible. At this time all indications are that these public disclosure and transparency laws are being adhered to.

Honourable senators, this motion also raised the question of contributions to Canadian educational institutions. I would say that any rules developed to disclose foreign donations should apply to all organizations with charitable status. I further point out that any changes that apply to charities also apply, as the honourable senator knows, to educational institutions.

I am pleased that Senator Cowan is concerned with the issue of foreign funding to charities. I believe there are a number of implications that have been raised previously in the Senate inquiry into the influence of foreign foundations on our domestic affairs. However, I would caution members from debating the rules for the business community and the rules for the charity groups at the same time, as they are very different. It is like comparing apples to oranges and, in my judgment, confuses the issue at hand.

I want to make a few points clear at the outset. First, in speaking to this motion, I want to clarify for the record once again that the position taken by all the speakers during the inquiry on the question of political activity by charitable organizations was not to change the existing 10 per cent allotment for non-partisan political activity. Rather, it was to ensure that this principle was adhered to and also to point out how the existing rules were being manipulated by some to meet the letter of the law but did not meet the spirit of the legislation. Second, I want to reaffirm that transparency and public disclosure is the reason for the present debate. Finally, I want to make it clear that it is important to have healthy environmental organizations that bring forward their concerns through the public processes that are designed to listen and respond to them.

Like others in this house, I also feel it is necessary that the rules be clarified to protect our system of tax subsidies from manipulation. I feel strongly that those Canadian organizations that are being funded by foreign charitable organizations should have to reveal the purpose of the financing and disclose the source of the funding.

This whole area of charitable environmental financing has been an eye opener for me. I find it hard to understand the interest in Canada when there are so many more serious environmental problems to bring to your attention, such as the coal generating plants in the United States and in China or the environmental plague in the offshore energy fields in Venezuela and Nigeria. One has to ask: Why Canada?

I take exception to the fact that one is branded an “anti-environmentalist” when questions regarding the motives of certain groups are raised. I share the commitment of everyone in this chamber to meet our environmental responsibilities and I am very fortunate to live and represent a region of our country that boasts some of the most beautiful landscapes in the world.

In his speech to the inquiry, Senator Segal spoke of the importance of the freedom of speech and the right for charitable organizations to continue to be able to contribute to the public debate that affects their area of concern. I, like other senators, completely agree.

Unfortunately, during the past year it has become evident that some political environmental organizations have used their charitable tax status to fund political organizations and not have it count against their 10 per cent allotment. Clearly put, the existing rules allowed for a shell game of financial transfers for the few umbrella organizations who realized that they could fund activist organizations that did not qualify for charitable status. Additionally, these transfers did not count towards the umbrella

organizations' political activity. They could do this because the transfer is described as "a project-specific grant" and not as political advocacy.

Honourable senators, this was quietly happening as we all sat back and assumed that anyone involved in charitable work would not have an objective to disrupt, delay or deny Canada from developing its resources.

Let us review the history to date of the Northern Gateway Project, the proposed pipeline to the West Coast which would provide an energy corridor to ship our oil to an offshore market that would pay market price as opposed to the present situation, where we are selling a barrel of oil by discount of up to 25 per cent.

How many of us in this chamber, and, for that matter, how many Canadians in general knew what was decided in 2009 by Canadian environmental representatives gathered in the U.S. who developed a plan with their U.S. counterparts to do just that — disrupt, delay or deny Canada from developing its resources?

I refer honourable senators to Robb Rice, Executive President of Davies Public Affairs, who wrote:

In June 2009, there was a monumental meeting in Virginia where powerful and extremely well-funded U.S. environmental groups met with their Canadian counterparts to discuss and plan how to defeat (or significantly delay) energy and mining projects they didn't like. Reports indicated that U.S. environmental groups were willing to fund Canadian environmental groups on the condition that they would be able to dictate what projects to fight, and what projects would get funding. This quietly arranged and historic meeting led to the exportation of the U.S. Environmental Movement's grassroots and communication tactics to Canada.

Even today, I wonder how many Canadians are aware that this meeting took place and of the decisions that were made. Why were these decisions not publicized? Was it perhaps because they knew that most Canadians would take offence to Canadian environmental organizations being directed and financed by their American associates? Does this not beg the question about transparency and public disclosure, which is supposed to be one of the charitable sector's guiding principles?

Honourable senators, let us fast forward from 2009 and take an objective view of the events that have unfolded since that fateful meeting. Over the past three years Canadians have witnessed a well-financed, well-planned and well-executed public campaign that has been staged before our eyes to discredit any possibility of an energy corridor to the West Coast. Has this strategy been successful at disrupting, delaying and/or denying?

• (2000)

We have witnessed over 4,500 intervenors registered to appear in the public hearing process, which could add an additional year prior to a decision being rendered for that particular pipeline. This also includes interveners as far away as Brazil. Would one call this organized delay?

We have witnessed a national debate prior to all facts from the environmental review process being put in front of Canadians to make an informed decision. Would one describe this as another method of denial or delay?

We have witnessed multimillions of dollars being allocated by an American charitable foundation to plan a Canadian marine park from the tip of Vancouver Island to the Alaskan Panhandle. Their publicly stated objective is opposition to oil tankers on the coast. Would one call this an indirect strategy to deny development?

We have witnessed some of the environmental websites being altered within hours of the federal budget being presented in Parliament. Would one describe this as a method to deny Canadians their right to know all of the facts?

Yes, the decisions that were made at the monumental meeting in June of 2009, in Washington, Virginia, have been effective at opposing responsible, Canadian resource development. The few Canadian political, environmental activist organizations that were at that meeting have been able to wrap themselves in the Canadian flag and all the while be at the bidding of their U.S. counterparts, who obviously have a political agenda that may well not be in our country's long-term interest.

Honourable senators, I ask you to think about it. Is it to the long-term benefit of some U.S. interests to be able to indirectly influence control over the development of our energy resources by demonizing them and meanwhile to stay under the environmental radar themselves as they develop their own country's energy resources with less resistance as most of the environmental attention is diverted into Canada's energy development?

I refer to the Northern Gateway Pipeline experience thus far as an illustration of how an environmental process that is designed to bring forward all the facts, pros and cons, can be ignored as the body politic takes centre stage.

Early in the session, Honourable Senator Patterson spoke of the intrusion of environmental groups and the out-of-country financing that are coming in and interfering with the day-to-day lifestyle of the people of Nunavut. In Yukon, we are witnessing the same intrusion as we see an organization, in part financed through foreign funding, working day-by-day to influence public policy. Once again, neither the amount nor the purpose of this funding has been fully publicly declared or understood by the general populace. It is important that we realize that foreign interest in Canada is not just confined to one particular project or region in our country. Once again, I emphasize that there should be clarity and full public disclosure when sources of foreign funding are committed to influencing and directing public policy.

The theories are endless, but, at the end of the day, Canadians have the right to ask these questions and to demand answers from those who are on the payroll of another country. The motion before us does not refer to the very real problem that large contributions are being made very quietly, without the necessary transparency and disclosure. I want to make it clear that I am not advocating, at this time, that these out-of-country resources

should necessarily be stopped, but I do believe that it is prudent that the public have access to the information of who these funding agencies and donors are, along with the intended purpose of the donation.

Budget 2012, currently in the other place, makes a number of positive amendments to the rules that surround transparency and disclosure of charities. I am happy to say that the amendments contained in the budget continue to preserve the rights and privileges for public advocacy that have always been in existence. The amendments clarify the rules and ensure that the shell game that was permitted under the previous rules will no longer be permitted. I strongly believe that the changes proposed in Budget 2012, specifically the way that political activity spending is calculated, will help to mitigate the issues that have been witnessed throughout the debate.

Earlier, I referred to the inquiry that was initiated by Senator Eaton this past spring. Looking back, I think that it is safe to say the inquiry was successful in that it caused a national debate to ensue and resulted in positive change in the budget to address the issue. The Canada Revenue Agency will be revising the Registered Charity Information Return form to collect more information from political activities.

I would like to address the concern raised by Senator Mitchell about a chill being felt by charity groups. I have said time and time again that it was never the intent of either the inquiry or the legislative changes in Budget 2012 to cause any fear among charities that follow the rules. I am confident that once these changes are implemented, charities will be able to quickly adjust to them.

With that in mind, I find it surprising that the motion would call for charitable groups and educational institutions to testify before the committee at this time. It would seem to me that this premature action would cause quite a chill amongst charitable organizations.

Therefore, honourable senators, it is my recommendation that perhaps we should wait until the changes that will be made by the Canada Revenue Agency are made public, and then we can decide if we have to pursue the issue any further.

(On motion of Senator Plett, debate adjourned.)

## THE SENATE

### MOTION TO URGE THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN TO GRANT CLEMENCY TO HAMID GHASSEMI-SHALL AND TO ADHERE TO ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Tardif:

That the Senate urge the Government of the Islamic Republic of Iran to grant clemency to Hamid Ghassemi-Shall on compassionate and humanitarian grounds, call for

his release and return to his family and spouse in Canada, and urge Iran to reverse its current course and to adhere to its international human rights obligations.

**Hon. Linda Frum:** Honourable senators, I rise before you today to draw attention to the case of Mr. Hamid Ghassemi-Shall, a Canadian citizen currently detained in Iran and sentenced to death. The importance of today's efforts on the motion that is before us is reinforced by troubling reports that Mr. Ghassemi-Shall's execution could be carried out at any time.

The motion urgently appeals to the Government of the Islamic Republic of Iran to grant clemency to Mr. Ghassemi-Shall on compassionate and humanitarian grounds, calls for his release and return to his family and spouse in Canada, and urges Iran to reverse its current course and to adhere to its international human rights obligations.

Mr. Ghassemi-Shall has been detained in Iran since May 2008, after travelling there to visit his family. In August 2009, Mr. Ghassemi-Shall was convicted of espionage and sentenced to death by an Iranian court.

The Government of Canada has been engaged in this case since its beginning, and Canada has made numerous high-level representations through a variety of channels. Iranian authorities have denied consular access and have refused to provide any official information on Mr. Ghassemi-Shall's status as they do not recognize his dual citizenship.

As honourable senators can imagine, Mr. Ghassemi-Shall's family here in Canada, including his wife Antonella, are suffering considerably. They are tortured by the knowledge that Mr. Ghassemi-Shall's execution could take place at any second. Adding to their distress is the fact that Mr. Ghassemi-Shall's brother was detained on related charges and died in an Iranian prison.

Canadians attach great importance to the sanctity of life, the centrality of family and the fundamental exercise of compassion, essential values that are certainly shared by the people of Iran. In the spirit of compassion and humanity, I invite senators to join me in appealing to the Government of the Islamic Republic of Iran to spare Mr. Ghassemi-Shall's life and allow him to return to his family.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

• (2010)

## 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 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. Donald Neil Plett:** Honourable senators, it is my distinct pleasure to say a few words in favour of Senator Raine's motion to establish a national health and fitness day, where she seeks to have sporting facilities across this great nation of ours offer their services at a reduced or complimentary rate.

I assure all senators that this speech will be much shorter than the one I delivered Monday of last week.

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

**Senator Plett:** This day will help to promote health and wellness through the promotion of active living through its objective of getting more Canadians to participate in fitness and sporting facilities. I want to commend Senator Raine for bringing the issue of lack of physical activity to the forefront. It is a conversation that we as Canadians need to have.

Honourable senators, I am supportive of this motion and establishing a national health and fitness day, but we cannot stop here. I feel that, as a society, we must go further and change our lifestyles. Unfortunately, through the years, our society has become more and more sedentary, where we are more apt to sit in front of the glow of a big or small screen than to go outside for a walk, a run or a bike ride. Physical activity must not be something we do once a year. It must be something that we work into our lifestyles and make an everyday occurrence. Senator Munson rightly put it that "a commitment to fitness has to become a lifelong, 365-day-a-year effort."

I am sure that many honourable senators have noticed that I have become friendlier and more loving as of late. In fact, even Senator Mercer and I occasionally get along now. Since August 2011, I have lost a total of 35 pounds.

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

**Senator Plett:** This has not been through a fad crash diet. It has been through an entire lifestyle change. I still eat three meals a day and occasionally snack. I am now physically active and I believe that even my demeanour has improved. It is a lifestyle change that I need to continue with.

Even my office staff have joined in on my physical fitness program. We now work out in the Victoria Building gym one day a week, for between an hour and an hour and a half. I would encourage other offices to join us.

Honourable senators, a joint report from the Public Health Agency of Canada and the Canadian Institute for Health Information was recently put out, entitled *Obesity in Canada*. This report found that about half of Canada's population is overweight, 1 in 4 Canadian adults is considered obese, and almost 9 per cent of children ages 6 to 17 are obese.

The report also found that obesity increases the risk of a number of chronic conditions such as type II diabetes, hypertension, cardiovascular disease and some forms of cancer, and that people who are severely obese have a greater risk of premature death than those in the normal and overweight ranges. The report found that the economic costs of obesity for Canada are staggering, estimated at \$4.6 billion in 2008, up from \$3.9 billion in 2000.

The report names several factors contributing to obesity, including lack of physical activity, sedentary behaviours, screen time and diet. It found that there is considerable evidence of a relationship between the prevalence of obesity and leisure time physical activity and that Canadians are getting much less than the daily recommended amount of physical activity.

*Canada's Physical Activity Guide* suggests that adults aged 18 to 64 get at least 150 minutes of physical activity per week. This is only about two and a half hours per week. The guide's motto is: "Pick a time. Pick a place. Make a plan and move more!" This does not mean one needs fancy sporting equipment or an expensive gym membership. All one needs to do is to get moving. One can walk, run, take the stairs or swim, just to name a few activities. The idea is to work this activity into one's lifestyle. Adding just a small amount of physical activity daily will improve one's fitness, strength and mental health, and reduce the risk of disease and certain types of cancer.

In fact, I challenge all honourable senators who have their offices outside of Centre Block, instead of taking the Hill buses, to walk between their office and Centre Block to add physical activity to their daily schedule. Senator Stratton encouraged me to walk back and forth between the chamber and my office. Well, actually, he browbeat and shamed me into it. Nevertheless, it worked and I now will be leading by example. Doing this just two to three times a day is an easy way to get active.

I also encourage honourable senators to get up from their computer and television screens in their spare time, as well. I was 18 years old when I bought my first television set and it was the first television set that anyone in my family owned. People can get along fine without television.

As a 14-year-old, when I wanted to play hockey with my friends, we used to walk to the local outdoor rink, shovel the ice free of snow, flood the ice with hoses and then build a fire in the ice shack. By the time we put on our skates, the 18- and 19-year-olds usually kicked us off the ice, but we happily went through all of that just for the opportunity to play hockey. Whenever I start telling my boys this story, they immediately interrupt me by saying, "Yes, Dad, we know; it was uphill and against the wind both directions."

Our society and youth need to return to spending time outdoors being active, rather than indoors vegetating. Is it not strange that parents nowadays drive their children to school or the community centre, many times only a kilometre or less, only to get them there to play soccer, basketball or other sport? Why not start by having them walk or bike to school?

Honourable senators, let me leave you with a short story. Bike riding can be done with a stationary bike in the safety of your family room, or there is another type that can get you into a bit more trouble. A few weeks ago, after the Senate rose on a beautiful warm sunny day, I decided to take my bike for a ride in and around Gatineau. There are literally hundreds of kilometres of great paved trails in and around Gatineau and Ottawa. I have done this many times before, but this time was different. I decided to go for a typical 14-kilometre ride. This would normally take me about an hour. After riding for 30 minutes I came upon a sign that indicated that it was 7.5 kilometres to Gatineau Park. Knowing that the Gatineau Park entrance is about 2 kilometres from my condo, I thought I would just simply continue on the path. I should note that the Gatineau side has a lot more hills than the Ottawa side.

At one point I was literally standing on my pedals going up a nearly vertical hill. A jogger actually stopped and gave me a standing ovation for making it to the top of the hill. After

approximately another 35 minutes of this, to my joy, I arrived at the Gatineau Park, only to realize I had arrived at the back end of the Gatineau Park and I was now 15 kilometres away from my condo. I ended up biking for more than 30 kilometres, most of it uphill and against the wind.

Honourable senators, I therefore indeed support Senator Raine's motion. Perhaps we could go a step further and encourage stores that sell physical fitness or sporting equipment to dedicate this same day to giving customers a 10 per cent discount on sporting equipment.

Honourable senators, I thank you for listening to me and I encourage you all to support Senator Raine's motion and to go one step further by making physical activity and healthy living a daily part of your life.

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

**Senator Plett:** Absolutely.

**Hon. Roméo Antonius Dallaire:** Honourable senators, I am most impressed, of course, and taken aback by the energy Senator Plett has put into this, and also his commitment to better health. However, I am wondering if under this new policy he will give me all the jujubes that are in his office.

**Senator Plett:** Thank you very much, Senator Dallaire, but I have been told that jujubes have very few calories so I will keep some of them.

(On motion of Senator Carignan, debate adjourned.)

[Translation]

• (2020)

## RECREATIONAL ATLANTIC SALMON FISHING

### ECONOMIC BENEFITS—INQUIRY— DEBATE CONTINUED

On the Order:

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

**Hon. Ghislain Maltais:** Honourable senators, I am pleased to speak today about recreational Atlantic salmon fishing.

First, I would like to pay tribute to our former colleague, Senator Meighen, who was interested in this issue for many years. He spent a lot of time and money on sport fishing and protecting Atlantic salmon. Senator Meighen loved nature and was an experienced fisherman. He also believed in conserving the resource, and the world of recreational Atlantic salmon fishing in Canada owes him a great deal. This evening, I wanted to pay tribute to him for the work he did in his final years in the Senate, and even earlier.

[ Senator Plett ]



Atlantic salmon is considered to be the king of our rivers by most of the Western world. Honourable senators, those who love this sport know that recreational salmon fishing is a battle between God-given nature and the fisherman's finesse. This sport attracts a lot of foreigners to the Atlantic because that is where you find the most combative salmon. I have nothing against British Columbia salmon, of course, but Atlantic salmon are known for their size and fighting spirit.

Fishing is not just a sport; it is also a huge part of the economy in Quebec, Nova Scotia as well as Newfoundland and Labrador. But New Brunswick has the best rivers for salmon fishing in the North Atlantic.

Let us not forget that in 1986 and 1987, when the last commercial salmon fishing permit was withdrawn by the federal government following a significant drop in the resource, beyond our borders, our coastal areas, many countries were fishing with abandon. Floating factories fished Atlantic salmon and returned to their home country, depriving Canada of huge profits. There was so much overfishing that the resource was in jeopardy.

Others also contributed to the destruction of the Atlantic salmon. That is when the then Prime Minister, the Right Honourable Brian Mulroney, together with the Atlantic provinces, implemented a special program to rebuild the salmon rivers in order to rebuild the Atlantic salmon spawning grounds. In every province — Quebec, New Brunswick, Nova Scotia, and Newfoundland and Labrador — the federal and provincial governments worked hard on rebuilding these rivers and developing fish farms.

Let us not forget, salmon spawn in the river in which they are born. The salmon fry had to be cultivated and planted in the rivers emptying into the ocean in order for the salmon to return and spawn and rebuild a decent population in the Atlantic.

Over those years, there were extraordinary people such as Senator Meighen, but in each province there were also biologists, river managers, guides and even club managers to whom we owe the conservation. Workers behind the scenes will never make the headlines, but Atlantic salmon still exist today in our rivers because of these people who worked behind the scenes and helped save this very important resource.

I would like to talk about New Brunswick, which has the two best Atlantic salmon rivers. It has done an excellent job managing those rivers through controlled management. The other provinces have followed New Brunswick's lead as the first to implement controlled management: if salmon runs are good, people can keep salmon when they fish; if not, they have to release them. After a good tussle, people put their fish back in the water and off it goes, a bit stunned, perhaps.

The other Atlantic provinces have agreed to institute this kind of policy, and fishers have embraced the idea of battling the king of the river and putting it back, releasing it. Implementing the policy has been relatively trouble-free in every province. Everyone from fishers to managers wants to protect the resource.

After all, our ancestors, the first Europeans in America, filled their bellies thanks largely to this providential resource. Aboriginal peoples in Northern and Eastern Canada also ate salmon. Because salmon was in such plentiful supply, the poor ate it for many years. Unfortunately, the same cannot be said today, because it has become the food of kings.

We enjoy Atlantic salmon today because New Brunswick and Nova Scotia have focused on aquaculture, which is not an easy industry. Aquaculture is common in Scandinavian countries, but they do not have the same problems we have. Aquaculture is unlike any other line of work. Thanks to fish farmers, we can enjoy salmon at home and in restaurants.

But we must not stop there, because there is another danger lying in wait for the Atlantic salmon, a danger more devastating than man. Honourable senators, some statistics indicate that, in the Atlantic and the Arctic, there are more than six million seals at the mouths of rivers in Newfoundland and Labrador, Nova Scotia, New Brunswick and Quebec. These predators of the seas, these assassins of salmon, are ready to destroy the Atlantic salmon, to wipe it off the map.

As parliamentarians, it is our duty to immediately shoulder our responsibilities and ensure that our children, grandchildren and great-grandchildren can enjoy the divine resource that is salmon.

I know that many of you prefer golf to salmon fishing. I prefer to go to a salmon fishing derby than a golf tournament. But after three or four fishing trips in the summer, the best salmon fishing will be over.

Honourable senators, this is the best time to go salmon fishing, and we are here. The salmon are waiting for us.

What I would like you to remember about my speech is that we have to accept our responsibility for the future. We used to believe that cod stocks were infinite. Today, cod fishing has all but died out. Fishers have had to learn new jobs; plants have closed. This fate also awaits the Greenland halibut, whose stocks are threatened by seals, which are decimating its population.

• (2030)

Rather than feeding a population of 6 million seals that eat 75 pounds of fish a day, we could feed many families living in the Third World, in Central America or in Africa.

Let us remember that dried salt cod was first and foremost the food of ordinary people. It was not on the rich folks' table, but on the tables of the workers. If the cod have been lost, and the Greenland turbot are at risk, we may also lose the Atlantic salmon. I beg you, let us all be very vigilant in each of our provinces.

As parliamentarians, we have a duty to the generations yet to come. We must ensure that the king of the river remains here forever, in the Atlantic, so that our children and grandchildren can also enjoy it.

[English]

**Hon. Terry M. Mercer:** Honourable senators, I do plan to speak to this inquiry in some detail, at which time I will follow our colleague's discussion about seals being at the mouths of various rivers in Atlantic Canada because they have already eaten all the cod.

(On motion of Senator Mercer, debate adjourned.)

[Translation]

## CHARTER OF RIGHTS AND FREEDOMS

### INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. Maria Chaput:** Honourable senators, I did not have an opportunity to advise Senator Andreychuk that I wanted to take part in this debate. With leave of the Senate, I would like to give my speech and have the adjournment stand in Senator Andreychuk's name.

Honourable senators, I wanted to take part in this debate on Senator Cowan's inquiry, and I thank him most sincerely for initiating it. The Canadian Charter of Rights and Freedoms is 30 years old this year. A number of honourable senators have recently acknowledged this anniversary. I will not repeat what they said, except to add that I am also very pleased to have this important constitutional tool in my life as a Canadian citizen. I am also pleased for my children, my grandchildren, and yours, whatever party we represent in this upper chamber.

We inherit what is passed on by our predecessors, and we are responsible for preserving the legacy we receive, which is representative of a long-standing parliamentary tradition. We are proud of our Canadian identity, of course, but also of our provincial identity, our culture and our language.

I have often defined myself in this chamber as a francophone from Manitoba who is involved in my community, my province and my country. Today I would once again like to testify to the important connection between my culture, my identity and the constitutional institutions that changed my life and the lives of my fellow citizens in unexpected and, there is no denying it, even drastic ways. Together with you, I would like to look back at how far we have come in the field of education thanks to the Canadian Charter of Rights and Freedoms.

Thirty years ago, we Franco-Manitobans were just barely beginning one of the toughest journeys to be taken by a minority group that was being oppressed by a variety of legislation. Our grandparents called these laws appalling, unfair and immoral. Since 1890, we had been under the heavy hand of legislators who

were at first hostile and then merely indifferent. In 1979, after three failed attempts before the courts, we had just managed, thanks to Georges Forest, to restore section 23 of the Constitution of Manitoba, indicating that French was an official language of my province.

Unfortunately, this difficult and crucial constitutional fight had divided our community. It was the first time, but it would not be the last. We had had to go up against the Government of Quebec, which had opposed our desires to have our mother tongue regain its constitutional status. Even after this irrefutable victory, we knew that a lot of work remained to be done, because the provincial premier at the time, Sterling Lyon, regarded our constitutional rights as merely privileges.

Our battle as minorities always had two paths: first schools and then language. Historians will argue whether our priorities could have and should have been different. But in the face of newfound intolerance on the part of the premier and his government, we were already engaged in a petty, divisive and public fight within our communities. We had to fight to bring in education legislation and to get schools that reflected our cultural aspirations. We had to fight to get one or more classrooms where instruction would be in French. And when we asked for new schools to be built using our tax dollars, some people called them "future white elephants."

We fought every day. Not a week went by without one or two or three meetings. We often had to leave our children at home to guarantee them a future at school. Some conflicts become wars of attrition that can exhaust the participants to death. Some people ran out of energy and gave up the fight.

Between school, language, our family life and our careers, did we have the time to follow the constitutional debates when our provincial premier was our chief opponent in the "Gang of Eight"?

The answer should come as no surprise. We were used to being ignored in the drafting of legislation that concerned us directly, so we listened to this noise and this furor. We were used to being stuck between a rock and a hard place, so we knew that if certain guarantees were not enshrined in the Constitution, we would have a problem.

During a presentation before the constitutional committee, the then-president of the Société franco-manitobaine, Gilberte Proteau, said, and I quote:

The goodwill of the Government of Manitoba and of the anglophone majority in Parliament are not sufficient to guarantee the rights of the minority.

Having become used to a Canadian Constitution that did not protect us from the ambitions of our enemies, we explained our position, which sounded like a heartfelt plea.

Our position in favour of the "Yes" side in the Quebec referendum was still ringing in our ears. We were in a difficult position between the people of Quebec who wanted a different status and the people who lived all around us. We knew that in Quebec they had everything we wanted so dearly: institutions, schools, courts, and other establishments that operated in our mother tongue.

But we were — and we are — from Manitoba. Even though some of our neighbours and politicians sometimes opposed our desire for survival, we knew that others supported us. We were not the only ones seeking a different, bilingual Manitoba and Canada. Not all Manitobans were telling us, “Go back to Quebec,” imagining that was our home.

So the constitutional consultations reopened or irritated these wounds and presented opportunities for dissension. What hurt the most was seeing our premier fighting against our ideal for Canada, fighting against improvements in our condition. It broke our hearts because we did not want the status quo, but we had no way to influence the debate.

And yet, as a bilingual province in 1870, our Manitoba was and is just as much a founder of Canada as Quebec is. The Metis and French Canadians of that day accepted Louis Riel’s vision of a bilingual, bicultural Canada.

While we were somewhat distressed to see Quebec left out of the signing of the Constitution, we were not surprised. Because we speak and understand both official languages of this country, we had learned — without filters from the media — that the points of view of the parties were irreconcilable.

As in many communities outside Quebec, the charter’s arrival was significant, but it was also seen as another possible cause of dissension in our communities. That is probably the reason why we thought at the time that the rights we had been given were not as useful as we later found them to be.

Having been a minority for decades, we were not convinced that a federal government could submit a constitutional tool of the calibre of section 23 of the Canadian Charter of Rights and Freedoms to the provinces. The courts had protected provincial prerogatives for a long time, and even all the way to London, England. Rarely had provincial governments been criticized or censured for oppressing their minorities.

• (2040)

The first time this changed was in the *Forest* case in 1979, but the strictly legal implementation of that ruling by the Lyon government was a bit of a setback for us.

Section 23 of the charter was not worded as it is today. Historically speaking, it has come a long way since it first appeared in 1968 in the documents and reflections of the Royal Commission on Bilingualism and Biculturalism. You will recall that the commissioners had devoted an entire volume to education. Compared to the latest version of that section, their attitude, according to constitutional expert Michel Bastarache, was very moderate. According to him, the B & B commissioners felt that the parents’ complaints were legitimate, but proposed inadequate solutions in terms of the school boards, management, and language of instruction.

In the years that followed this report by the commission, Ottawa and sometimes the provinces worked together and separately on this extremely vexing matter for anyone trying to protect the education rights of the younger generations. Whether

in 1972, with a joint House of Commons-Senate initiative, or in 1977, with the Saint Andrews accord, more often the idea of “where numbers warrant” came up instead of the parents’ freedom to choose. This idea of numbers, which dates back to 1896 and the Laurier-Greenway accord, haunted francophones in my province for decades.

It came up again in 1978, during a constitutional meeting, but it was then that we also first saw the concept of the right of the child to receive an education in his or her language. For the first time, we went from freedom to choose to the collective right of the minority.

It was not until 1980 that the right of official minorities to educate their children in the language of their choice took shape. In addition, mobility rights enabled parents to place their children in the school of their choice regardless of which province they moved to.

Finally, in 1982, section 23 of the Canadian Charter of Rights and Freedoms came into being. You all know what has happened since then. It took many long years for francophone minorities in particular to understand the fundamental, intrinsic strength and worth of that section. They went to court to get what the anglophone minority in Quebec has always had: full recognition of the right to instruction in one’s mother tongue regardless of numbers or geographical location.

Over time, various rulings have given shape to section 23. We have seen the creation of new school models, student groups and the judicious use of transportation. In my opinion, this is where we have seen the most progress: a francophone student cannot be forced to attend classes in a school if that is not his choice. The concept of rights holder has really taken root in the minority francophone community outside Quebec. This gives parents much more latitude than they had in the past.

Obviously, none of these advances came easily. The provinces had to be persuaded to legislate an acceptable school system. Some of the provinces found this restrictive at times. In the end, however, minority communities in Quebec and outside Quebec were recognized as equal under the Constitution. Our great-grandparents asked no more and wanted no less.

In closing, I would like to quote the well-known Quebec constitutional expert, Benoit Pelletier, who summarized the role of the Constitution in the lives of ordinary citizens as follows:

The Constitution is the fundamental pact of a country, a type of solemn contract between partners working to build a country. Substantial change to this pact or contract without the consent of one of the parties is an affront and imprints the constitutional act with an illegitimacy of sorts, if not a definite illegitimacy.

Thank you, honourable senators, for the attention given to my speech.

(On motion of Senator Andreychuk, debate adjourned.)

[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. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak to Senator Dallaire's inquiry on the prevention and elimination of mass atrocities of war.

Having spoken so eloquently, Senator Dallaire has provided us all with an insight into the harsh realities that many people around the world suffer each and every day. This in turn has reminded us of how fortunate we are to live in Canada; a peaceful nation that is based on the principles of justice, human rights and equality.

I want to thank Senator Dallaire for introducing this very timely inquiry and more importantly for the hard work he does on behalf of Canadians to stop the atrocities of war and to try to restore peace in areas plagued by war. I would also like to thank him for all the work he has done in Africa specifically, as this is my continent of birth.

I also take this opportunity to thank Senator Eggleton for sharing with us the role Canada played in Kosovo when he was the Minister of Defence. We all know that many lives were saved because we, as a country, made the decision to intervene and reach out to the people of Kosovo.

Honourable Senators Dallaire and Eggleton not only know of the destruction that war causes but have acted to find ways to save lives, and I want to thank them for their good work.

As honourable senators are aware, in 2002 I was appointed as Canada's envoy to the Sudan. For four years I had the honour of travelling on your behalf to many parts of Sudan as your envoy. I was able to travel both to the south and the north of Sudan where I witnessed first hand the impact war had on the lives of the people living in Sudan. At that time, Sudan had been at war for 50 years, and in many places in South Sudan there was literally nothing on the ground. There were no schools, no hospitals and no buildings. Everything had been destroyed, and I heard from a number of people that when something was built, it would not be long before it was destroyed.

[Translation]

The first Sudanese civil war was waged between 1955 and 1972 by North and South Sudan. More than 500,000 people were killed in the war. Unfortunately, the agreement that marked the end of

the war did not ease tensions between north and south. South Sudan wanted better representation and regional autonomy.

This led to the second Sudanese civil war in 1983, which lasted until 2005. Two million people were killed and four million were forced to abandon their homes.

Over the course of 50 years of war, more than 6.5 million people lost their lives or were forced to abandon their homes. This is equivalent to the combined population of British Columbia, Manitoba and Nova Scotia. It is unbelievable.

[English]

South Sudan has very fertile land and clearly could be a food basket of that region. However, at that time, and sadly even now in some places, the people of Sudan are forced to rely on food aid as they are constantly on the move trying to escape from the violence. I saw first hand the heartbreaking impact war has on populations and, more importantly, on the lives of children.

When I first became the envoy, I would ask questions such as how much food was being delivered to the area and whether it was reaching those who were the most needy. After a while, I set up my own unscientific way of finding out how dire the situation was in a particular area.

I would go to the nutrition centres in very remote areas to see what food was available for the malnourished children. These children were not just hungry; they were literally starving to death.

• (2050)

For a child to recover, I understood that he or she needed to be fed at least eight times a day. I never found a centre that was able to meet this requirement. The better-equipped centres would be able to feed a child four or five times, but the majority of the centres were only able to provide two or three feedings.

That is when I realized the true atrocity of war. War is seeing children whose stomachs are swollen and covered in loose, hanging skin. War is seeing a child's hair turn from black to blond as a result of malnutrition. War is feeling a sense of relief when hearing a child scream out and cry, knowing that silence is usually a sign of defeat.

In the south of Sudan there were so many places where the situation was dire, as the 50-year war had completely destroyed any semblance of government or even tribal governance. There were many places in the north of Sudan that were also stricken by destruction and poverty because of the war.

I visited East Sudan, an area near Port Sudan, where large ships would arrive with huge supplies of food aid. When I visited the displaced persons camps in that area, these camps were also lacking in food and other very basic and crucial necessities. I will never forget the day when I met a mother with four young children around her — two she was carrying and two were clinging to her. This woman practically dragged me toward the sight of the port and said to me:

See all those tons and tons of food arrive at the port, but not one bag — not one small bag — is given to us. We starve while all this food is transported away from here.

She said she was forced to watch her children and her people die while the world ignored her cries.

Then, sadly, there was the great conflict in Darfur, and our Canadian delegation was the first foreign delegation to go to El Fasher where the fighting was intense. I was told we were being taken to a United Nations displaced person's camp. In my mind's eye, I envisaged blue tents set up in rows with food stations and people receiving medical aid. We were welcomed by the Canadian Army personnel who were doing a yeoman's job under very difficult circumstances.

The people at the camp had fled bombing and had led fairly peaceful lives, so they were in absolute shock and denial as to what had happened to them.

Honourable senators, nothing had prepared me for what I saw. There were no tents — just makeshift, torn plastic shelters. The water supply, which consisted of a single tap, had not been connected. They were still waiting for the food to be delivered. When I arrived, the mothers surrounded me and started to tell me to thank Canadians for the help we were providing for this camp, as we had given UNICEF money to teach the children.

I was in awe when these mothers were thanking me. Here I was, standing in the middle of this camp where the conditions were deplorable, and these women were thanking me for all our country had done.

Then it dawned on me: Parents all over the world want the same thing. They want what is best for their children, and what is best for their children, even in the middle of a war, is education.

Since then, I have been to many countries around the world. Time and time again, people, especially mothers, say to me that they want to educate their children. War does not rob anybody of the desire to try to live as normal a life as possible. Parents try to bring as much normalcy into a child's life as possible and they know the powerful impact having an education will have on the lives of their children.

I used to visit many camps as the envoy in Darfur. One day I visited the displaced persons camp in Nyala where I befriended Ahmed, a young nine year old. I had visited that camp many times and had noticed that Ahmed always kept his distance. One day I made a point to take some crayons and papers for him and sat next to him. After a while, he started drawing and I left. The next day, when I returned to the camp, Ahmed ran up to me and showed me his artwork. I saw all kinds of images that I pray no child ever has to witness. He had drawn a helicopter with bombs falling and destroying what he said was his village. He had also drawn people on the ground, covered in red crayon, which he said was blood.

After seeing this heartbreaking drawing, I asked Ahmed what had happened to him. He was no longer timid. He told me that the militia had killed his whole family. They had killed his mother, his father, and all seven of his siblings. He then went on to explain

that the only reason he was spared was because he had gone to collect firewood and missed the attack. He then joined the few other survivors from his village and walked to the camp.

War had robbed Ahmed of his family, his childhood and, most of all, his innocence and peace of mind.

Honourable senators, in the four years I was Canada's envoy to the Sudan, I saw many terrible things — things that to this day give me nightmares. However, nothing could have prepared me for my encounter with Samia.

In Darfur, I visited a house where babies who had been born to mothers who were victims of rape were housed. These were babies that had been abandoned by mothers, not because they wanted to leave their babies but because they were fearful of what would happen to them if they were brought home.

Here the staff spoke to me about Samia. She was two and a half years old but very emaciated. I was told that her mother used to visit her daily and sobbed when she left. Samia was unable to go home with her mother because she was a reminder of the brutal manner in which Samia's mother had been raped. Although her mother longed to be with her daughter, she knew that Samia would remind her husband of the brutal way that his wife was attacked and the fact that he was unable to protect his wife while she was being gang-raped.

Samia was paying the ultimate price. I used to visit her and got attached to her, but I will never forget the first time I held her. She was all bones with loose skin hanging on her, but all she wanted to do was be held and hugged. Samia, like every child in world, wants to be cared for and loved. I used to observe the agony of her mother as she left her little princess and, at times, I cried with her.

I often think of the pain Samia and her mother were forced to deal with and somehow feel personally responsible for their fate, as I was the envoy and always questioned whether perhaps Canada could have done more to stop war affecting the Darfurians.

Honourable senators, Samia is the reason we have to stop the atrocities of war. As Francis Deng, the UN's Special Adviser to the Secretary-General on the Prevention of Genocide, states:

... prevention before situations escalate is the best course of action. Because if you engage governments early on, before they become defensive, much can be done to avert this critical choice between either military engagement or indifference.

We must remember that deciding not to act is a decision.

Honourable senators, we have to act to stop wars for the sake of Ahmed and Samia. Thank you.

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

(On motion of Senator Carignan, debate adjourned.)

• (2100)

## PALLIATIVE CARE

### INQUIRY—DEBATE ADJOURNED

**Hon. Elizabeth Hubley** rose pursuant to notice of May 3, 2012:

That she will call the attention of the Senate to the state of palliative care.

She said: Honourable senators, palliative care is the combination of active and compassionate therapies intended to comfort and support individuals who are living with or dying from a progressive life-threatening illness, their families and the bereaved. Palliative care is about easing pain, it is about treating symptoms and it is about peace of mind. More than that, it is about dignity, it is about respect and it is about demonstration of the quality of our society. Palliative care is fundamentally about living well until the end of life.

It has been less than 20 years since the Senate report entitled *Of Life and Death*. In 1995, a committee chaired by former Senator Joan Neiman played a pivotal role in bringing palliative care to the attention of Canadians. The report documented the discouraging state of palliative care in Canada at that time. It noted that there were no official palliative care specialties for health care professionals. It noted that Quebec was the only province to specifically fund palliative care positions, and it noted that palliative care was not available throughout the country.

Honourable senators, the Senate report from 1995 was largely responsible for kicking off a revolution in palliative care in Canada. In less than 20 years, palliative care has moved from a fringe discipline to a well-recognized and crucial element of our national health care system.

Back in 1995, the general view of palliative care among the population was negative. Palliative care was seen as a final resort, as surrender to disease, as giving up. Today, through the hard work of many wonderful people who work in this field, the true message of palliative care is coming through. Palliative care is not about surrendering, it is about living life to the fullest. We will all die some day. Palliative care is not about rushing to that end. Instead, it is about living a meaningful and comfortable life as long as possible.

I am proud to say that in those years, this institution played a major role in supporting and pushing the recognition of palliative care. The 1995 report was followed by the 2000 report, *Quality End-of-Life Care: The Right of Every Canadian*, chaired by our former colleague Senator Sharon Carstairs and deputy chair, former Senator Gérard Beaudoin.

These early reports were followed in 2009 by the final report of the Special Senate Committee on Aging, led by former Senator Carstairs and former Senator Wilbert Keon, entitled *Canada's Aging Population: Seizing the Opportunity* and by two reports from Senator Carstairs tabled in this chamber entitled *Still Not There. Quality of End-of-Life Care: A Progress Report* in 2005 and *Raising the Bar: A Roadmap for the Future of Palliative Care in Canada* in 2010.

This chamber has been a leader in raising issues of palliative care and care for the elderly. Sharon Carstairs served as Minister with Special Responsibility for Palliative Care from 2001 to 2004, and Senator LeBreton served as Minister Responsible for Seniors. Through the work of these senators and others in this chamber, and in cooperation with federal and provincial governments, community organizations and those who work in the field, Canadians can now benefit from improvements such as more research in palliative care, the Compassionate Care Benefit under Employment Insurance, a Family Caregiver Tax Credit, improved education and training of health care professionals in palliative care and national standards. I believe that the improvement of palliative care is one area in which this chamber has helped to change the lives of many Canadians.

This year, Hospice Palliative Care Week ran from May 6 to 12. This campaign, which runs every year, helps to focus attention and raise awareness on issues related to palliative and end-of-life care. The motto for this year's campaign was "Let's Work Together." The slogan captured the essence of palliative care in many ways. On the political and policy level, the Senate has worked together with the Canadian Hospice Palliative Care Association and many other organizations and institutions to help raise awareness and acceptance of palliative care.

On the practice level, doctors, nurses and other specialists in palliative care bring in resources from numerous areas to coordinate effective care for their patients. From the patient's perspective, effective palliative care incorporates physical, mental and spiritual components of treatment, as well as the family and friends of patients.

"Let's Work Together" is more than just a rallying cry for Hospice Palliative Care Week; it is part of the integrated philosophy of care that underlies the practice of palliative care. This underlying teamwork required for effective palliative care has been one of the historical challenges in building the acceptance of palliative care as a discipline. It is not a medical discipline that lives in isolation. The interdisciplinary nature of palliative care is not simply a nice extra-value feature of the field; it is the underlying essence of palliative care.

Palliative care requires nurses, doctors, pharmacists, occupational and physical therapists, personal care workers, musical therapists, spiritual advisers, social workers and others to work together to meet the needs of the patient and his or her family. This integrated approach to care requires breaking down silos and barriers if we are to truly provide care for those at the end of life.

Even though palliative care has made major breakthroughs in the past two decades, there is still much to be done. A few months ago, an all-party ad hoc committee in the other place known as the Parliamentary Committee on Palliative and Compassionate Care produced a report on palliative care. The report reiterated many of the themes and recommendations contained in the reports generated from this chamber, demonstrating that there are still many issues that need to be addressed.

Although palliative care now has much more recognition than in the past, one of the most disturbing statistics is the availability of palliative care to Canadians. About 90 per cent of all deaths

can benefit from palliative care. However, only 16 to 30 per cent are actually receiving palliative care services. The majority of people who need this service still cannot access it. Major gaps still exist, particularly in First Nations.

Although large strides have been made, the efforts to make palliative care available to all Canadians who require it is far from finished. I would like to make particular note of the difficulty in accessing palliative care services in rural areas, which is of particular concern to me as a representative of Prince Edward Island, a largely rural province.

Honourable senators, the growth of palliative care is not an extra expense in our health care system; it is an efficiency that saves in the long run. People who can benefit from palliative care often end up in our hospitals simply because they have nowhere else to go to get the care they need. These beds at our hospitals cost \$600 to \$800 per day or up to \$1,200 per day if a critical care bed is used, but there are often no other options for these patients.

Contrast that to the cost of other palliative options. A palliative care bed in a hospice costs about \$300 per day. Palliative care support in a patient's own home costs about \$200 per day. There are substantial savings that can be recognized in the health field but only by continued development of a suite of services targeted at those who can benefit from palliative care.

• (2110)

Palliative care is a model of how we should view and change the future of health care in this country. By its very nature, it is an interdisciplinary field requiring the cooperation of not only various different medical disciplines, but also incorporating community and family supports, and professionals in other areas.

It is a holistic approach to medicine, placing the patient at the centre of a web of supports where the ultimate goal is not to cure the malady at all costs, but to improve the patient's quality of life to the maximum extent possible. Perhaps the practice of medicine in other areas can learn from the cooperative approach of palliative care and make our health care system more effective and efficient.

Honourable senators, we have come a long way in the practice of palliative care over the past 20 years. We have seen the field move from a fringe discipline into the mainstream of health care. Its common meaning has transformed from giving up to maximizing our quality of life, but there is still a long way to go.

This chamber has played a critical role in the growth of palliative care in the past 20 years. We have been left a legacy from people such as former Senators Sharon Carstairs, Wilbert Keon, Joan Neiman, Gérald Beaudoin and others who have been instrumental in the Senate's support for better palliative care. I ask all honourable senators to take up the torch they have passed to us and to help in continuing to contribute in making palliative care available to all Canadians.

**Hon. Jane Cordy:** Will the Honourable Senator Hubley take a question?

**Senator Hubley:** Yes.

**Senator Cordy:** Honourable senators, that was an excellent speech and, of course, an inquiry about palliative care is an excellent thing for the Senate because it is so important.

I wonder if the honourable senator is aware of a new initiative that has been created to assist community-based palliative care projects in Manitoba.

The Sharon Carstairs Caring Community Award has been established by Hospice & Palliative Care Manitoba to assist local Manitoba initiatives to improve programs, services and care of the dying and their families. The award was created to recognize the outstanding contributions made by the Honourable Senator Carstairs, Canada's first and only Minister with Special Responsibilities for Palliative Care. Senator Carstairs, who retired last October, had a record of achievement in palliative care unparalleled by any government official around the world.

Was the honourable senator aware of this great recognition of Senator Carstairs' work on palliative care that has been started in Manitoba?

**Senator Hubley:** Honourable senators, I am always delighted to take Senator Cordy's questions, because she always gives me the answer. However, it does give me a moment to again celebrate the work that takes place in this chamber and recognize our colleague Senator Sharon Carstairs. Indeed her work goes on. She has never given up. I thank the honourable senator for the question.

(On motion of Senator Fortin-Duplessis, debate adjourned.)

## PROMOTION OF ALBERTA'S INTERESTS

### INQUIRY—DEBATE ADJOURNED

**Hon. Grant Mitchell** rose pursuant to notice of June 11, 2012:

That he will call the attention of the Senate to the connection between maintaining the social license to operate in the energy sector and promoting Alberta's interests.

He said: Honourable senators, I term this more colloquially as "who's really hurtin' Albertans?" when it comes to promoting Alberta products abroad and nationally, and trying to get development projects built.

I was in politics in Alberta for a long time, starting in the early 1980s and into the 1990s. There is a sort of hubris sometimes about Conservative politics that one is either with them or against them, and that somehow they are right and everyone else is wrong. I remember in the 1980s and 1990s in Alberta I was often asked, "Why do you not stop being political?" It always struck me as this great hypocrisy because, as long as a Conservative was saying something, it was not political. However, as soon as a Liberal said it, somehow it became political. I used to respond, "I am not actually being political; I am not actually being partisan. I do not disagree with Conservatives because they are Conservatives; that would be partisan. I disagree with Conservatives because they are wrong; it is fundamentally different."

However, that has morphed into a different hubris in the current environment in Alberta, cum national politics, that somehow if one is not seen to be addressing the issues that

affect Alberta's energy sector in the way that Conservatives address them, then one is un-Albertan. There is this limited, monolithic, singular view of what is in the interests of Albertans and somehow that is developing these projects and creating jobs. Of course that is in Albertans' interests, but the real question that this unfortunate labelling misses is, how exactly does one promote those interests successfully on behalf of Albertans? That raises the question directly of social licence.

That is where this rubric of "who's really hurtin' Albertans?" breaks down. The Conservatives, on the one hand, and those who take this position feel that the obvious is always obviously right. In the case of social licence, the world is turning and, as I have said before, up is not down, it is quite different; and in is not out, it is very different; and black is not white, it is very different. Those who are stuck in the past want the simplicity of this idea that if we take down "all the barriers," — the environmental reviews — and we absolutely seem to accord these development projects whatever they need to get done, then somehow we are representing Albertans' interests.

I posit here tonight that quite the contrary is true, that when it comes to these projects social licence is at stake. The question that should be asked is, how does one get that social licence? The Gateway is a very important project, or something like that, that will give us markets to the west, to the Pacific Rim. We are losing out on as much as \$35 or \$37 a barrel because we cannot break out of the locked-in markets in the U.S.

Gateway is probably not about the environmental review, because I doubt that it will be turned down because of the environmental review. Gateway is about the people of B.C. and the Aboriginal peoples of B.C. giving that project the social licence to proceed. People forget that even if the environmental review passes — and it probably will because they are never turned down — and even if it passes in 18 months or 2 years — because Bill C-38 speeds it up and smoothes out all the wrinkles, as the Conservatives would say — there are 60 groups of Aboriginal peoples, most of whom probably have serious doubts about that project, and the residents of British Columbia who have serious doubts about that project because they do not see anything in it for them except the risk.

I would wager that the project will be stalled not because of the environmental review process and not because it cannot in some way perhaps — and I am not going to go that far — ever address environmental review processes properly, because this government probably will not. It will be turned down because this government and others trying to promote it will not be able to get the social licence from the people of B.C. and the Aboriginal peoples of B.C. to build that pipeline.

Those people barging ahead and trying to bully that project through forget the critical feature of this: just because one thinks one is right and just because one thinks one can bully people — and that cannot be the case because they do not need those people as much as they need them — the fact is that they will not win it that way.

The way one has to win these projects, if I can put it that way, would be to build the social licence. Honourable senators, look at Keystone, a classic. How much is the failure to get approval for

Keystone costing Canada and Alberta every single day? Millions and millions and millions of dollars, and why is that? This government could not mount the case to get the social licence in the U.S. to build Keystone.

Some people say we have to forge ahead, to heck with the environment, and it is a no-brainer. I think the Prime Minister said it was a no-brainer that they would have to build Keystone. Honourable senators, people rose up and said "No, you got it wrong." People who forge ahead without consideration to the environmental cost, without consideration to the environmental review, without a future-looking way of dealing with climate change, do not represent the interests of Albertans who want those jobs, need those jobs and the economic development that comes with it, not just in Alberta but across the country.

• (2120)

Who is hurting Albertans? It is the people who do not understand that the issue here is social licence. One cannot bully people in the U.S. or B.C. or many people to get what one thinks is right no matter what. They have values, they have positions, they have strengths and they have leverage and they are shutting it down.

As an example, just recently I was in Britain on a Canada-Europe delegation and we were there to talk about the fuel quality directive, which is Europe's way of discriminating against Alberta oil. They are wrong. We were defending Alberta in the sense that it should not be discriminated against, and that Algerian and Russian oil have just as big, if not a bigger footprint. They are getting advantage, despite that, over our oil and products that one day may be sold or derivatives of our products that today are being sold.

We were meeting with the Energy Committee of the House of Commons of the British Parliament. There was a Conservative, hard-nosed Conservative, right-wing economics kind of MP. I know Senator MacDonald would be very comfortable with him because he is hard-nosed, except he is fiscally responsible, which honourable senators opposite are not, of course.

He asked how Canada can continue down that environmentally unsustainable route. This was a Conservative. This was not some left-wing Labour MP. This was a Conservative who gets it, who understands that one cannot forge ahead and get economic development if one forgets the environment and promotion of those values and one forgets that one has to sell these projects with one's credibility on the environment before one gets the social licence to do it.

Do honourable senators know who gets the social licence argument? Amazingly, my colleague in the legislature, the former Premier of Alberta, Ed Stelmach. He is a wonderful man. He said that we may think — I do not and he probably does not either — that climate change is not occurring or we may think that we are not solving it or causing it or we may think it is not really our fault, it is someone else's fault. But you know what? That is not what the world thinks. The world thinks we have a problem and the world has leverage over what we will do, where we will sell it and whether we will build these projects.



Ed Stelmach used an interesting analogy. He said that if one's product is black suits and one's customers only want white suits, one cannot convince one's customers that black is white. One has to reach out to where they are and start developing a suit that matches their particular market.

Do honourable senators know who else gets it in Alberta? A Conservative, the new premier, Premier Alison Redford gets it. She understands that one cannot forge ahead with a bullying posture and expect the world to come one's way because one thinks one is right and they are wrong and everyone is going to give the government the kind of social licence it needs to build projects and sell our products. She actually really and truly gets it. She sees that we need to have credibility on climate change and emissions reduction, not just in Alberta but across the country. We need to have a national government that takes that message to the world and is convincing in the way that they present that message. Without any credibility, without any demonstrable reductions in greenhouse gas emissions, no one is buying it.

The Conservative response is two things. First, they use this facile ethical oil argument. It is so facile. It is so transparent that everyone gets it and no one accepts it because of this. It happens that the Atlantic Provinces are buying the same kind of oil that we claim, that Mr. Harper claims, is the unethical oil that the U.S. is buying. They are buying the same kind of oil. What are we saying to the people of the Atlantic Provinces? They are not ethical or we do not care about their energy security? Is that what they are saying? This includes Quebec too. It is such a facile argument. That is all they had. That is the only argument that they had.

Do honourable senators know where they got it from? They got it from Ezra Levant. Oh, my God, we depend upon Ezra Levant for our marketing strategy on our international and national oil projects. There it is. It is just breathtaking, the level of intellectual bankruptcy to which they descend to make their case.

The fact of the matter is that the Conservatives, having expended that argument, then sort of fall back on this thing, that the world just does not get our case. They do not understand our story. We are not communicating it well enough.

What if the world actually does understand our case and really does understand what we are doing and not doing? What if that is in fact the case? The world actually is not stupid. They get it. They understand that we are not doing enough, absolutely not doing enough, and they are not according us any kind of credibility in that regard.

Instead of sending the message better and more forcefully, if that is what they wanted to do, if that is what they think the problem is, what does this government do? They say the biggest problem with the gateway in people's minds is the potential for spills. What will we do? We will instill confidence in those people by shutting down the emergency spills office in Vancouver and moving it east. What marketing genius figured that out? Are we paying money for that advice? I hope not. They squander money all the time everywhere else, I would not be surprised.

What about Keystone? Keystone has been shut down and stopped and delayed by powerful interests in the U.S. They are not just environmental interests; they are also economic, coal interests that have power. Do you know what they do? It is like

red meat when they see this government, powerful ministers and senators standing up and saying those foreign environmental foundations are money launderers. They are eco-terrorists; they are reprehensible. I am paraphrasing, I am not directly quoting.

What marketing genius figured that out? Why do we not give those arguments to the people who oppose Keystone in the U.S.? Why do we not just hand them that? Put it in writing. Why do we not just buy the ads, because they are all over it? That is why Keystone is stuck, and that is why it is costing us millions of dollars every day because, honourable senators, the government, Mr. Harper, the great marketing genius, cannot market his way out of a wet paper bag, if I can use that analogy.

What do we do? They shut down Kyoto. That sends a great message. They attack foreign environmental foundations. That seems counterproductive, in my mind. They shut down the National Round Table on the Environment and the Economy, which was world renowned and respected. They shut that down so, my gosh, everyone knows one cannot measure emissions. There is no independent, third-party group in any way, shape or form that will be able to measure emissions and monitor what one is or is not doing.

Does the world have any kind of confidence in us? Absolutely not. Who is hurting Albertans' interests? It is the people who do not get that one cannot do what seems to be obvious to them. One cannot just keep going straight ahead. It is not A to B, it is A to C to B, and they have to get good on the environment and they are not. They are without credibility in the world.

There is a model that works: the forestry industry. I do not know how many honourable senators follow the forestry industry, but I remember being in the Alberta legislature. It was a mess; the snow in places where there were pulp mills in northern Alberta was black from the soot. They were just burning the stuff, no filtering, nothing. There was worldwide concern with what they claimed to be clear-cutting, that we were not adequately reforesting and our practices were deemed to be not adequate internationally by the international community.

There was pulp and paper pollution, it was a mess. The forestry industry kept doing exactly what these people over here are doing. We just have to say it harder and faster, we have to do more of it, we have to make it clear because they are not getting our message. We are just not communicating properly. You know what was communicated to them properly? Victoria's Secret said that they would not buy Alberta paper for their catalogues and, bang, that shut it down. All of a sudden they got the message. It took them a while, but they got the message. Now they are the poster industry for doing these things right. The last time I checked, their carbon footprint for their industry was 44 per cent below 1990 levels.

Could I have five more minutes, please? I am not finished.

**The Hon. the Speaker *pro tempore*:** Honourable senators, is leave granted for an additional five minutes?

**Some Hon. Senators:** Five minutes.

**Senator Mitchell:** I can go 10, I am just getting started. Thank you, honourable senators.

They have 44 per cent below 1990 levels for carbon footprint. They have treaties with the environmental group so they work together and they, rather than call them eco-terrorists or money launderers or ugly foundations, they actually now have come together and worked it out because they are being responsible and the environmental groups are giving them some slack and they are allowed to do what they need to do. It is working really well. They have used every last splinter in a tree they cut down because they are thinking about how they do this properly for the environment, how they do it properly for business so it is efficient, and they cogenerate, and I could go on. They get it.

• (2130)

There is no doubt that even senators across the way who are denying the science will eventually get it, because it is irrepressibly powerful what is happening with climate change and what it is doing to our economy. There is no doubt. The question is how long it will take.

We have not got all that much time, not just for climate change but for our economy. There is urgency. The markets are passing us by. People say it is China; they are not doing it, so why should we do it? Do you know what China will do? First, China has a problem with people breathing, so they are coming to grips with the environment; there is no doubt about it. However, China is also the place that will probably be able to manufacture all the alternative energy technologies that are necessary for strong alternative energy markets and production. They will get that, and all of a sudden they will flip, and they will flip the whole world's view of climate change. Do you know why? It is in their economic interest to do it.

China will pass us by. They will have the technology. India and the U.S. will pass us by. All the opportunities, not just to secure our conventional energy and oil sands energy for the future, but all those other possible economic opportunities that can be found in fixing climate change — in the technologies and intellectual property and the futuristic economy that comes with that — will pass us by.

I will close with an analogy that should ring true with Senator Raine, who is the poster person for denial of science in this Senate and probably across the country. I am saying that the whole world will pass us by. To provide an analogy that she will understand, they will beat us to the bottom of the hill and they will get the gold medal, not Canada, because we will miss all these opportunities and all this potential for a 21st century economy that can lead the world, give our children the kinds of jobs and future they deserve, and provide a future that is compelling and envied by the world.

However, we are not there, and we will not get there because we have a group of people on that side of the house, in the government, that simply does not get that the way to stop hurting Albertans' interests is to start to understand the environment, build credibility and get the social licence to do what we need to do to develop the economy that we need, an economy of the future.

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

[ Senator Mitchell ]

**Senator Mitchell:** Yes.

**Senator Munson:** I agreed with everything the honourable senator said, but my staff would like to know what Victoria's Secret has to do with what he talked about.

**Senator Mitchell:** Victoria's Secret was renowned in the days before digital catalogues and online purchases. Victoria's Secret had paper catalogues, and they used a lot of paper. They were a huge market for paper. Undoubtedly, they had been using Canadian paper. However, they stopped using Canadian paper because they got tired of the Canadian forestry industry's record, and as a result, that industry began to respond.

This is purely anecdotal, but I noticed a report about a Quebec firm that makes unique countertops out of a special kind of glass. They are very stylish and popular, and they are internationally renowned. They are just starting to take off. They had a contract with a firm in Britain. The firm got in touch with them right after we cancelled our involvement in Kyoto at the conference in Durban. The British firm said they were cancelling their contract with the firm in Quebec. Do you know why? They said: Because you walked out of Kyoto and you do not have a government and policies that are responsible in terms of the environment.

That is what they said. Certainly, that is anecdotal, but I would bet that much more of that is happening than we think, and it is beginning to impact on our ability to influence the world and to have an economic advantage in the world's markets. It is very dangerous, and this government should start doing something about that.

(On motion of Senator Lang, debate adjourned.)

[Translation]

## THE SENATE

### MOTION TO SUSPEND TODAY'S SITTING FOR THE PURPOSE OF ADJOURNMENT OR TO RECEIVE MESSAGES FROM COMMONS ADOPTED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, we are awaiting the arrival of two important bills that will be voted on in the other place between 10:30 p.m. and 11:00 p.m. Accordingly, and in order to be able to receive these bills, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the sitting be suspended to reassemble at the call of the Chair, with a fifteen minute bell; and

That, when the sitting resumes, it be either for the purpose of adjournment or to receive any messages from the House of Commons.

[English]

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

**The Hon. the Speaker *pro tempore*:** Honourable senators, do I have permission to leave the chair?

**Hon. Senators:** Agreed.

(The sitting of the Senate was suspended.)

• (2320)

[*Translation*]

(The sitting of the Senate was resumed.)

### **JOBS, GROWTH AND LONG-TERM PROSPERITY BILL**

#### **FIRST READING**

**The Hon. the Speaker *pro tempore*** informed the Senate that a message had been received from the House of Commons with Bill C-38, An Act to implement certain provisions of the budget tabled in Parliament on March 29, 2012 and other measures.

(Bill read first time.)

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

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

### **COPYRIGHT ACT**

#### **BILL TO AMEND—FIRST READING**

**The Hon. the Speaker *pro tempore*** informed the Senate that a message had been received from the House of Commons with Bill C-11, An Act to amend the Copyright Act.

(Bill read first time.)

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

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

(The Senate adjourned until tomorrow at 2 p.m.)

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