



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Monday, June 17, 2013

The Honourable NOËL A. KINSELLA  
Speaker

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## THE SENATE

Monday, June 17, 2013

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

[English]

Prayers.

[Translation]

### SENATORS' STATEMENTS

#### LE GRAND DÉFI PIERRE LAVOIE

**Hon. Nancy Greene Raine:** Honourable senators, I just spent an absolutely incredible weekend taking part in the Grand défi Pierre Lavoie.

Pierre Lavoie is a very special man. He has had an impact on almost the entire population of Quebec with his dream of better health for children and with his efforts to raise money for research into lactic acidosis, a hereditary disease that took the lives of two of his children at a very young age. He set up his foundation, and now we see what an impact he has had on his generation.

Initially his dream was to raise money, but that dream grew into something much bigger. He also launched a challenge to young people with the slogan "Get up and Move." He encourages elementary school children to exercise and teaches parents about the importance of adopting healthy eating habits.

The bike ride was quite an experience for me. I was part of a team that took turns riding and completed 1,000 kilometres by bicycle. It was like a Tour de France, but in Quebec and by relay. Pierre Lavoie rode the 1,000 kilometres ahead of us. We rode fast, sometimes too fast for me, but fortunately, there were some guardian angels to give us the boost we needed when we were going uphill or heading into the wind.

In every village and every town, people were cheering "Don't give up"! Young people were cheering "Let's go, let's go"! I am not sure why they were not cheering "Allez-y, allez-y"! To me, it was an unforgettable experience. I had set a personal goal to get back into shape. Now I have made some good friends in Quebec.

I am very proud that our governments provided support for this event. They paid for a bus that goes to all the schools to encourage young people to exercise. I would just like say that it is possible for one man to change his generation's way of living. I saw that in Quebec. Tremendous sponsors and volunteers took part in the event.

This was a weekend that I will never forget. It really moved me. I participated as a member of the British Columbia team, and I hope to repeat the experience.

### NATIONAL RESEARCH COUNCIL

#### INDUSTRIAL RESEARCH ASSISTANCE PROGRAM

**Hon. JoAnne L. Buth:** Honourable senators, I rise today to draw your attention to an announcement in support of Manitoba's life science companies. On May 31, MP Joyce Bateman, on behalf of Minister Goodyear, announced an investment in the Life Science Association of Manitoba through the National Research Council's Industrial Research Assistance Program known as NRC-IRAP.

The announcement follows the direction of the government's Economic Action Plan 2013 by focusing on drivers of economic growth and job creation. As Ms. Bateman pointed out: "We are supporting Manitoba organizations that successfully develop innovative technologies and helping business bring new ideas to the marketplace."

The life sciences sector is an extremely important industry to the economy of Manitoba and ultimately contributes to our national economy as a whole. The industry is grouped into three categories: agriculture and food, health, and industrial bioproducts.

This diverse industry is also quite large, comprising 220 companies and employing 7,700 people. The sector generates \$800 million in annual revenue and contributes \$1 billion directly to the Manitoba economy. This accounts for nearly 7 per cent of Manitoba's GDP.

Some leading institutions in Manitoba's life sciences sector include the following: the Canadian Science Centre for Human and Animal Health; CancerCare Manitoba; the St. Boniface General Hospital Research centre; Richardson Centre for Functional Foods and Nutraceuticals; Biomedical Commercialization Canada Inc.; and the National Research Council Institute for Biodiagnostics.

The \$132,000 contribution to the Life Science Association of Manitoba will assist the Winnipeg-based association in developing a strategic approach to increased business opportunities and relationships among small and medium-sized life science companies in Manitoba with the end goal of increasing the likelihood of success.

Our government's commitment to driving growth through innovation and research and development is crucial to growing the economy in a volatile world market. NRC-IRAP provides a

range of both technical and business-oriented advisory services as well as necessary financial support to qualified innovative small and medium-sized enterprises in Canada.

It engages in cost-shared research and development projects with its clients. Firms helped by NRC-IRAP are better equipped to perform basic research and development, to commercialize new products and processes and to access new markets.

Investments through this agency are crucial to initiate and maintain innovation throughout all industries in Canada in order to help the economy grow at the fastest pace in the G7.

Honourable senators, please join me in recognizing this important investment in the Life Science Association of Manitoba and in appreciating the important work NRC-IRAP is doing to drive economic growth in Canada.

[Translation]

## THE SENATE

### TRIBUTE TO DEPARTING PAGES

**The Hon. the Speaker:** Honourable senators, I would like to pay tribute to two of our Senate pages, who are leaving us.

Julien Labrosse, to my right, was born in Montreal, where he lived for 10 years before moving to Quebec City with his family. He served as this year's chief page while completing the final year of a joint honours degree in history and political science at the University of Ottawa.

• (1810)

Next year he will start working on his master's degree in history at the University of Ottawa, with a focus on relations between anglophones and francophones in the Canadian Armed Forces during the Korean War.

[English]

Will Ying-udomrat was born in Bangkok, Thailand, and lived there for 12 years before moving to Kelowna, British Columbia. He has recently completed a Bachelor of Arts in French to English translation and Bachelor of Social Science and Political Science. He will spend the summer visiting Thailand and come back to Canada in September to pursue a master's degree in political science at Simon Fraser University.

[Translation]

## ROUTINE PROCEEDINGS

### JUSTICE AND ATTORNEY GENERAL

#### FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME— 2011-12 ANNUAL REPORT TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the 2011-12 annual report of the Office of the Federal Ombudsman for Victims of Crime.

#### FEDERAL OMBUDSMAN FOR VICTIMS OF CRIME— GOVERNMENT RESPONSE TO 2011-12 ANNUAL REPORT TABLED

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the government's response to the 2011-12 annual report of the Office of the Federal Ombudsman for Victims of Crime.

### LANGUAGE SKILLS BILL

#### SIXTH REPORT OF OFFICIAL LANGUAGES COMMITTEE PRESENTED

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

Monday, June 17, 2013

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

#### SIXTH REPORT

Your committee, to which was referred Bill C-419, An Act respecting language skills, has, in obedience to the order of reference of Tuesday, June 11, 2013, examined the said bill and now reports the same without amendment.

Respectfully submitted,

MARIA CHAPUT  
*Chair*

**The Hon. the Speaker:** 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.)

### CRIMINAL CODE

#### BILL TO AMEND—FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-444, An Act to amend the Criminal Code (personating peace officer or public officer).

(Bill read first time.)

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

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

[English]

### ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET AND DEPOSIT REPORT ON STUDY OF CURRENT STATE OF SAFETY ELEMENTS OF BULK TRANSPORT OF HYDROCARBON PRODUCTS WITH CLERK DURING ADJOURNMENT OF THE SENATE

**Hon. Richard Neufeld:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 12-18(2)(b)(i), the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to sit for two days between Friday, June 21, 2013 and Friday, September 20, 2013 for the purpose of considering a draft report relating to its study on the current state of the safety elements of the bulk transport of hydrocarbon products in Canada, even though the Senate may then be adjourned for a period exceeding one week; and

That, notwithstanding usual practices, the Standing Senate Committee on Energy, the Environment and Natural Resources be permitted to deposit with the Clerk of the Senate the above mentioned report if the Senate is not then sitting; and that the report be deemed to have been tabled in the Senate.

## QUESTION PERIOD

### PRIME MINISTER'S OFFICE

#### RCMP INVESTIGATION—PARLIAMENTARY ETHICS OFFICERS—AUDITOR GENERAL

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, my question is for the Leader of the Government in the Senate.

We learned last week that the RCMP has launched a formal investigation into the case involving a payment of \$90,000 to Senator Duffy by the Prime Minister's former Chief of Staff, Nigel Wright. Following that news, Mary Dawson, the House of Commons Ethics Commissioner, quickly announced that she was suspending her own investigation into the matter. As you know, the Senate Ethics Officer had already announced that she was suspending her investigation under the *Conflict of Interest Code for Senators*. This means that not a single agent of Parliament will be looking into the secret payment out of the PMO that saw a sitting parliamentarian receive a \$90,000 cheque in the middle of an audit ordered by a committee of this place. In light of this, will you now support our motion urging the Auditor General to conduct an audit of the Prime Minister's Office and its most senior staff?

**Hon. Marjory LeBreton (Leader of the Government):** The comments on your motion, of course, are a matter for discussion before this chamber and not specifically the responsibility of me as Leader of the Government in the Senate. The information that you have imparted about the RCMP's activities are as you state, and obviously the matter is in the hands of the RCMP. Therefore, the government, while it will fully cooperate if asked, does not interfere in the work of the RCMP.

**Senator Cowan:** Madam Leader, you will recall that you and other ministers of the government repeatedly used the line, "We have to wait for the Commons Ethics Commissioner, Mary Dawson, to complete her work and she will be reporting to the House of Commons." As I said, she has suspended her investigation and the Senate Ethics Officer has suspended her investigation. Who will be reporting to Parliament on this issue?

**Senator LeBreton:** I think you used the proper word; they have both suspended their work because of the activities of the RCMP. In the fullness of time, I expect both will report to Parliament.

### INDUSTRY

#### STATISTICS CANADA—JOB CREATION

**Hon. Grant Mitchell:** Honourable senators, I referred in debates last week to the government's claim that it has created 910,000 jobs since 2008-09. It immediately begs the question of why they would use as a starting point 2008-09 when their mandate began with such aplomb in 2006. I began to look into that. It turns out that they have not created 910,000 net new jobs; they have created about half of that. The first half was to replace jobs that were lost in the first two years.

I wonder if the Leader of the Government in the Senate could demonstrate some humility in discussing these figures because clearly they have not created upwards of a million jobs; they have only created 450,000 jobs in almost eight years.

**Hon. Marjory LeBreton (Leader of the Government):** Honourable senators, when Senator Mitchell used the figure of 950,000, I was going to correct him because Canada has now created over 1 million net new jobs since the depths of the global recession in July 2009; over 90 per cent of these jobs are full time and over 75 per cent are in the private sector. Canada's job growth record is the very best among the G7 countries.

Of course, the G8 meeting is taking place as we speak, and as the honourable senator will have noted, G7 leaders have all complimented Canada on its stewardship of the economy.

**Senator Mitchell:** It is actually worse than I thought. I was going to say that the average number of net new jobs the government has created — I was assuming they were private sector jobs — was 5,500 a month. Even though you claim you have created 1 million jobs, after recovered jobs that would be about 600,000, which would be about, give or take, 6,000 a month. You have said that only 75 per cent of those are in the private sector. I was crediting you with 5,500 jobs a month in the private sector, but you have actually just created 4,000 jobs a month in the last seven, eight years in the private sector. What kind of accomplishment is that for a government that says all it wants to do is create jobs?

• (1820)

**Senator LeBreton:** Well, actually, it is not us saying we created the jobs. Canadians created the jobs; Statistics Canada reported that. The government, with our economic action plan, has created the climate, and Statistics Canada has reported the government's good work in this regard.

**Senator Mitchell:** Statistics Canada also counts 300,000 internships — unpaid, volunteer work — as real work. It is almost incomprehensible that they would do that. Why not count every single volunteer worker in the economy as full employment? Clearly that would be absurd.

Could the leader tell us, of the 600,000 net new jobs, 75 per cent of which are in the private sector, how many of those net new jobs were unpaid youth internships?

**Senator LeBreton:** First of all, it is 1 million net new jobs since the depth of the global recession in July 2009. Over 90 per cent of them are full-time jobs, and over 75 per cent are in the private sector.

Those are the figures, Senator Mitchell. Canada leads the G7 in these job-creation figures. I know this pains you to have to admit, but that is the case. Canada is being applauded by many organizations in the world, including our G7 partners, for our great stewardship of the economy.

**Senator Mitchell:** This is what is more frightening: The 1 million are not net new jobs since 2006, if we believe the statistics — and I have not seen that statistic from Statistics Canada, but I will believe it coming from you — they are net-net jobs since 2009.

If you go back to 2006 and subtract the 450,000 jobs that were lost, what you end up with is not even 600,000; it is worse than even I thought. You said that your figures indicated that 4,000 jobs a month were created, because only 75 per cent are in the private sector. Now you are saying that only 90 per cent of those are full-time jobs. You have only created 3,600 full-time jobs a month in the private sector.

Why would this government want to brag about its job-creating exploits when it cannot measure up, in any way, shape or form, to significant job creation since it became government?

**Senator LeBreton:** Again, I am going to repeat: Canada has now created over — and by the way, Senator Mitchell, I am only going by the statistics that have been reported by Statistics Canada. I did not realize that you were such an expert on financial affairs; I had heard otherwise.

In any event, Canada has now created over 1 million net new jobs since the depth of the global recession in July 2009. Over 90 per cent of those are full time, and over 75 per cent are in the private sector. Canada's job growth record is the very best among all G7 countries. Those are the facts.

**Senator Mitchell:** In giving us these "facts," has the leader considered for one moment that of the 254,000 youth jobs that were lost under this government's watch between 2006 and 2009 for people between 20 and 30 years old, people starting out in their careers, trying to get a foothold on the future, none of those jobs have been recovered?

**Senator LeBreton:** Since we are talking about young Canadians, Statistics Canada reports that youth employment increased 54,400 jobs in May. That was the biggest monthly job gain for young Canadians in nearly three decades.

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

**Senator LeBreton:** Since 2006, our government has helped 2.1 million youth obtain skills training and jobs. This year alone our measures have created 60,000 jobs for youth. Under our actions, Canada will continue to have one of the lowest youth unemployment rates in the G7. We made a permanent increase to the Canada Summer Jobs program of 36,000 youth jobs per year. Almost 400,000 Canadian apprenticeship grants have been handed out to youth since 2007, helping thousands of youth finally fill skilled trade jobs.

## NATIONAL DEFENCE

### REMOVAL OF EQUIPMENT FROM AFGHANISTAN

**Hon. Percy E. Downe:** Honourable senators, I want to follow up on a question that I ran out of time for on Thursday, I believe it was, and I want to ensure Senator LeBreton has the clarity she needs to provide the answer.

When we left sections of Afghanistan, I understand we left a substantial amount of military equipment behind. My question was this: For those areas that we have departed from, could the government provide an inventory and a cost of the material that may have been left behind?

**Hon. Marjory LeBreton (Leader of the Government):** Thank you, Senator Downe. Of course, as you know, we are deploying more Canadian soldiers to Afghanistan for the training mission. I will take your question as notice.

## CANADIAN HERITAGE

### COMMEMORATION OF CHARLOTTETOWN CONFERENCE—CAPITAL CONTRIBUTION

**Hon. Percy E. Downe:** Honourable senators, I have a further question. The government leader took as notice one of my other questions. According to her answer, the Government of Canada will provide \$6.1 million for the one-hundred-fiftieth anniversary celebration of the 1864 Charlottetown Conference. Could the minister advise if that is a down payment, or can we anticipate additional funding to celebrate that historically significant event?

**Hon. Marjory LeBreton (Leader of the Government):** Of course I do remember. I might have sent you a copy of the news release, although I am not sure. I believe that was the commitment for that particular program, but I will double check.

**Senator Downe:** If it will only be \$6.1 million, could the leader advise why the discrepancy between previous events? The good people of Newfoundland and Labrador, for the four-hundredth anniversary of Cupids, received financial assistance from two departments, Canadian Heritage and ACOA, for a total of \$4,260,000. That works out to a per capita contribution of \$5,400, because Cupids only has a population of 790 people. More important, Quebec City, when they had their four-hundredth anniversary — and I know many people worked on providing assistance for that — received assistance from Canadian Heritage; Parks Canada, which also provided two full-time staff over three years; Natural Resources Canada, which included support of employees; and the Economic Development Agency of Canada for the Regions of Quebec. The grand total was \$120 million.

You might understand why Prince Edward Islanders would be concerned that Cupids received a contribution of \$5,400 per person, Quebec City received \$120 million, and we seem to be tapped out at \$6.1 million. Could the minister advise if more funding is coming?

**Senator LeBreton:** I did not think that we were in a country where we made decisions on wonderful celebrations like we have, including Cupids and the four-hundredth anniversary of Quebec City; I did not think they were one-offs.

I believe the government has made a serious commitment to the celebrations in Prince Edward Island. As I indicated to Senator Downe, I will check.

## MUSEUM EXHIBITS

**Hon. Jim Munson:** Honourable senators, my question is to the Leader of the Government in the Senate. Just over a year ago, we learned that the office of the Minister of Canadian Heritage, James Moore, wrote the President of the Canadian Science and Technology Museum concerning one of its exhibits: "Sex: A Tell-all Exhibition." It was intended to complement sexual health classes for students 12 and older, but the minister's office

complained that it did not fit with the museum's mandate of promoting scientific and technological literacy. The minister's office said that this content could not be defended and is insulting to taxpayers. This whole affair taught us one thing, Madam Leader: Even Canada's arm's-length museums are not beyond the reach of the Harper government.

• (1830)

Last week when I read the Canadian Press headline, "Underwear Exhibit Stripped from the Schedule of Canadian Museum of Civilization," I thought to myself, "Here we go again!" The Museum of Civilization, soon to be renamed the Museum of Canadian History by the Harper government, cancelled its planned "Undressed" exhibition. "Undressed," created by the Victoria and Albert Museum in London, uncovers 350 years in the history of underwear. The Museum of Civilization forfeited \$70,000 in deposits when it cancelled the exhibition last September, only six months after the contract had been signed.

Apparently, "Undressed" no longer fits with the museum's focus as it shifts from the Museum of Civilization to the Museum of Canadian History. The president now, Mark O'Neill, cited this shift as a reason for cancelling the exhibition booked by his predecessor Victor Rabinovitch, who served from April 2000 to May 2011. It should be noted that Mr. O'Neill was appointed by none other than Canadian Heritage Minister James Moore.

Madam Leader, it seems the Harper government does not want Canadian museums talking about sex. Could you get to the bottom of this?

**Hon. Marjory LeBreton (Leader of the Government):** I can say something but, I will not. Speaking about being "undressed," I will take the question as notice.

**Senator Munson:** Take my question as what?

To be serious for a moment, these exhibits are designed to be educational and appeal to museum goers. What does your government have against them? Does it know better than the management of these institutions?

**Senator LeBreton:** It is the first I have heard about "Undressed" and underwear. You know, I remember the meat dress a few years ago, but I have not even heard about these exhibits, honourable senators. Even if I had, I am quite sure I would not be lining up to see them, personally. In any event, I will take the question as notice.

**Senator Munson:** In the other place, terms have been tossed around such as the reason the government does not want to have the exhibit is that it is simply about puritan morality. They were trying to shed light on the murky rationale for the cancellation.

Regardless of the motivation, there is a serious problem, honourable senators. The government seems to be injecting its ideology into Canada's museums. It did this in the Court Challenges Program, and KAIROS Canada comes to mind; they are no longer around. It is not a stretch of the imagination.



Can the leader assure us that the ministers of the Crown are not routinely picking up the phone to influence decisions at Canada's arm's-length museums? Can they not offer these institutions the trust and support they deserve?

**Senator LeBreton:** Honourable senators, only people on that side run around and worry about ideology. I can assure you that the Minister of Heritage is a very modern, in-tune Canadian minister who is very much committed to the promotion of Canada and Canada's history. He is very much a modern individual. I do realize that this is something that the other side obsesses about, but we certainly do not.

### LIBRARY OF PARLIAMENT

#### PARLIAMENTARY BUDGET OFFICER— SELECTION COMMITTEE

**Hon. Jane Cordy:** Honourable senators, could the leader tell us who was on the committee to choose the new Parliamentary Budget Officer?

**Hon. Marjory LeBreton (Leader of the Government):** I understand that this is a committee, and it is a responsibility of the Parliamentary Librarian. I understand that the very same process is being followed for the new Parliamentary Budget Officer as was followed for the last Parliamentary Budget Officer.

**Senator Cordy:** Is Adam Church, Peter Van Loan's chief of staff, on the selection committee?

**Senator LeBreton:** Again, I believe that it is the very same process, and I do not know the individuals on the selection committee.

**Senator Cordy:** I believe it has been confirmed that Adam Church, Mr. Van Loan's chief of staff, is on the selection committee, which is a little unusual. The process, which is "set out in law" requires the Parliamentary Librarian to form and chair a committee tasked with coming up with a short list of three candidates and submitting the list for a final decision of cabinet.

Who appointed Adam Church to the selection committee?

**Senator LeBreton:** I will just read it for you, Senator Cordy.

The Parliament of Canada Act outlines the process for appointing the Parliamentary Budget Officer. The selection committee is formed and chaired by the Parliamentary Librarian. This is the same process that selected the former Parliamentary Budget Officer.

Subsection 79.1(3) of the Parliament of Canada Act reads:

(3) The Governor in Council may select the Parliamentary Budget Officer from a list of three names submitted in confidence, through the Leader of the Government in the House of Commons, by a committee formed and chaired by the Parliamentary Librarian.

That is the Parliament of Canada Act and that is the process that was followed the last time and it is the process that is being followed this time.

**Senator Cordy:** My question was who appointed Adam Church to the selection committee?

**Senator LeBreton:** Well, the Parliamentary Librarian is the person who appoints the committee.

**Senator Cordy:** Did Mr. Van Loan's office request that Mr. Church be on the selection committee?

**Senator LeBreton:** I can only report to you, honourable senators, what I know, and what I know is that the Parliamentary Librarian is responsible and that is clearly stated in the Parliament of Canada Act. I do not know the process she followed for choosing her committee, nor do I know who is on the committee.

**Senator Cordy:** When the previous Parliamentary Budget Officer was selected, did the chief of staff of the government house leader sit on that selection committee?

**Senator LeBreton:** Again, I do not know who sat on the last selection committee, and do not know who sits on this one. I just know that it is the responsibility of the chief librarian of the Library of Parliament.

**Senator Cordy:** Would the leader mind tabling in this place or getting information for me about who sat on the previous selection committee?

**Senator LeBreton:** Well, I think that is probably information available within the Library of Parliament. It is public information, so I would suggest you look it up yourself.

**Hon. Terry M. Mercer:** Honourable senators, as a member of the Library of Parliament Committee, I would have thought that at some point in time the Parliamentary Librarian would have come to the Library of Parliament Committee and explained the process to us — not that we were to interfere in the process, but to explain to us the process. Even with the urging of Liberal and New Democrat members of the committee, because it is a joint committee, there has not been a meeting of the Library of Parliament Committee in, I am guessing, 10 months. It seems to me that the last time we met I asked the new Parliamentary Librarian about the process for the selection of the Parliamentary Budget Officer and she did not have an answer. I asked for one to be forthcoming to the committee, and here the process is unfolding and a joint committee of this Parliament — of these houses — seems to be ignored both by the librarian and, more important, by the chairman of the committee in the other place, who refuses to help call a meeting even though being urged by the co-chair from this chamber.

**Senator LeBreton:** Honourable senators, I can answer for the government. However, I cannot answer for parliamentary committees; I cannot answer for joint parliamentary committees; and I cannot answer for the Parliamentary Librarian. That is the responsibility for the committee itself and for the librarian, not for the government.

**Hon. Percy E. Downe:** Honourable senators, the person who can answer is the Speaker because the Library of Parliament Committee reports directly to the two speakers. Could His Honour inform the house of the status of the question asked by Senator Mercer?

**The Hon. the Speaker *pro tempore*:** I will take that question under advisement.

[Translation]

## CITIZENSHIP AND IMMIGRATION

### HEALTH COVERAGE FOR REFUGEES

**Hon. Maria Chaput:** My question is for the Leader of the Government in the Senate. Your government ended medical coverage for refugees in Canada. Why did it make that decision?

[English]

**Hon. Marjory LeBreton (Leader of the Government):** We did not end medical care for refugees in Canada. Refugees are welcome in Canada, and they have full access to medical facilities. The group that is no longer covered are illegal people who have come into this country and are demanding services of this country that we do not provide for legitimate refugees or for Canadian citizens.

• (1840)

[Translation]

**Senator Chaput:** How many of these so-called “illegal” refugees are there? How many refugees will be affected by the cuts?

[English]

**Senator LeBreton:** First, honourable senators, Canada’s health services are, of course, administered by the provinces. The provinces choose to give services to illegal refugees who come to this country.

By the way, we receive very willingly the largest number of refugees by far every year and what we are simply saying is that we will look after people who are legitimate refugees and who have come to this country under the proper rules and methods. We will look after all of those refugees.

What we will not do is look after failed claimants who we would prefer to just not come here in the first place or, at least, to go home. They do not qualify because they are not legitimate refugees.

[Translation]

**Senator Chaput:** Honourable senators, I do not believe that the leader answered my question. How many people will be affected by the federal government’s decision? How much money are we talking about?

[English]

**Senator LeBreton:** Again, honourable senators, these people are illegal refugees, so it is very hard to determine. Of course, again, health care is administered by the provinces, so I doubt very much that a number is readily available. However, whatever the number is, it is one person too many if these people are here illegally. They came here under conditions by which they should not have come here and jumped over the heads of legitimate refugees. I fail to see why these people can demand services of our government and our taxpayers, when they are not legitimate refugees, services that we do not provide to legitimate refugees or to our own citizens.

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is also for the leader. If a woman whom we have classified as someone who should not be here is expecting a baby, will we be providing health care services for her?

**Senator LeBreton:** First of all, Senator Jaffer, again, that is a hypothetical question. Our country — Canada — welcomes more resettled refugees than almost any other country in the world, and it is important, as I said to Senator Chaput, to distinguish between a refugee claimant and a failed asylum claimant.

We have taken many steps to ensure that genuine refugees and asylum seekers from non-safe countries continue to receive health care coverage that is on a similar level as that which Canadian taxpayers receive through the provincial health coverage. I do not believe that Canadians and, particularly, refugees who have come here using the proper processes and waited their turn in line should be penalized because illegal asylum-seekers come here to access the Canadian health care system.

The answer stands. We look after our refugees. We accept an incredible number of people from all over the world every year. We look after them well. We welcome them here. We integrate them into Canadian society. They are quite a different group than people who come here through illegal means and expect this country and our taxpayers to pay for them.

**Senator Jaffer:** My supplementary question, leader, with the greatest of respect is this: If an illegal asylum seeker is here expecting a baby, will we be providing medical services to them?

**Senator LeBreton:** Honourable senators, that is not something for me to say. You are talking about a hypothetical situation, and I am not quite certain how the various provincial health authorities would handle this. I do not think it is wise to answer a hypothetical question.

As a result of implementing this policy, we have seen a drop-off in the number of people coming to this country illegally, and who benefits from that? The genuine refugees, who should be welcomed here, are welcomed here and looked after by our health care system.

**Senator Jaffer:** Honourable senators, refugees are the responsibility of the federal government, not of the provincial government. I understand that the Ontario government has taken it upon itself to provide services to pregnant women because the federal government is not providing these services. It is not

speculation. There are many women who have been taken to not be here legally and who are seeking medical help. Will the government provide medical help?

**Senator LeBreton:** Again, you answered the question yourself. The provinces actually are the people responsible for the delivery of the health care system.

[Translation]

### DELAYED ANSWER TO ORAL QUESTION

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Callbeck on March 19, 2013, concerning salvia.

### HEALTH

#### SALVIA—DECLARATION AS CONTROLLED SUBSTANCE

(Response to question raised by Hon. Catherine S. Callbeck on March 19, 2013)

*Salvia divinorum* is a species of sage belonging to the mint family. Salvinorin A, the principal active ingredient in *Salvia divinorum*, causes psychoactive effects, which may include hallucinations, out-of-body experiences, short-term memory loss, loss of consciousness and uncontrollable laughter. Other extreme effects which have been reported include: depersonalization with loss of reality, and intense psychosis which could result in users harming themselves and/or others unintentionally. These effects may differ from person to person depending on factors such as dose, purity and route of administration.

*Salvia divinorum* has been inappropriately promoted as a “legal high” because it is not included in any of the Schedules to the *Controlled Drugs and Substances Act* (CDSA), and is therefore not considered a controlled substance in Canada. It is important to note that just because a substance is not controlled under the CDSA does not mean that selling it is legal or that it is safe. Because *Salvia divinorum* is a plant that modifies organic functions, it meets the definition of a natural health product under the *Natural Health Products Regulations*. This means that the sale of unauthorized *Salvia* products is illegal and may be subject to compliance and enforcement action in accordance with the *Food and Drugs Act* (FDA) and its associated regulations.

As the Government is always looking for ways to protect Canadians, particularly youth, from potentially harmful substances, in February 2011, Health Canada published a *Notice to Interested Parties* (NOI) in the *Canada Gazette*, Part I, outlining a proposal to include *Salvia divinorum* and salvinorin A in Schedule III to the CDSA.

The Department has reviewed all of the comments that were received in response to this NOI, and remains committed to scheduling *Salvia divinorum* and salvinorin A

under the CDSA. Additional analysis is required in order to determine the most appropriate Schedule(s) under the CDSA in which to include *Salvia divinorum* and salvinorin A.

In the interim, the Department continues to survey the prevalence of *Salvia divinorum* use and monitor new information regarding *Salvia divinorum* and salvinorin A as it emerges, and has worked with partners to remind law enforcement that the sale of *Salvia divinorum* for human consumption is illegal under the FDA.

[English]

### ORDERS OF THE DAY

#### YALE FIRST NATION FINAL AGREEMENT BILL

##### THIRD READING—DEBATE ADJOURNED

**Hon. Scott Tannas** moved third reading of Bill C-62, An Act to give effect to the Yale First Nation Final Agreement and to make consequential amendments to other Acts.

(On motion of Senator Tardif, for Senator Campbell, debate adjourned.)

#### CANADA TRANSPORTATION ACT

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

**Hon. Betty Unger** moved third reading of Bill C-52, An Act to amend the Canada Transportation Act (administration, air and railway transportation and arbitration).

(On motion of Senator Tardif, debate adjourned.)

#### INCOME TAX ACT EXCISE TAX ACT FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS ACT FIRST NATIONS GOODS AND SERVICES TAX ACT

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

**Hon. Douglas Black** moved third reading of Bill C-48, An Act to amend the Income Tax Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the First Nations Goods and Services Tax Act and related legislation.

He said: Honourable senators, I rise today, at third reading, to say a few short words in support of Bill C-48, the technical tax amendments act. While there is no doubt this is a very technical piece of legislation, its passage represents an important milestone in strengthening the integrity and fairness of our tax system.

This bill has been over a decade in the making, representing over a decade of miscellaneous tax announcements.

We can all agree that the time has finally come to clear the backlog of tax amendments, and I am pleased that honourable senators have worked together to consider this bill in a uniquely non-partisan manner.

• (1850)

As Parliament's consideration comes to a close, it is important that we recognize the work of all parliamentarians to ensure certainty for taxpayers by passing these amendments into law. I make particular reference to the Standing Senate Committee on Banking, Trade and Commerce, which undertook a comprehensive, yet efficient study that helped to ensure this bill would reach us and permit its timely passage.

The importance of this legislation was highlighted in the committee hearings, where tax professionals spoke at length about the urgency of formalizing these changes. Senators heard from a diverse range of witness, including the Chartered Professional Accountants of Canada, the Canadian Tax Foundation and others.

Most vocal among them has been the Certified General Accountants Association of Canada, whose members stressed the need for swift passage of this bill, explaining its significance for all taxpayers by saying:

As the last technical income tax bill was passed by Parliament in 2001, a significant backlog has accumulated that must be addressed. The Government has consulted on the majority of these measures in recent years and now is the time for action.... Taxpayers — whether businesses, individuals or families — need clear guidance for interpreting the Income Tax Act.

I would ask that all honourable senators give their support to Bill C-48.

(On motion of Senator Moore, debate adjourned.)

### **STUDY ON THE PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT**

TENTH REPORT OF BANKING, TRADE  
AND COMMERCE COMMITTEE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gerstein, seconded by the Honourable Senator Eaton, for the adoption of the tenth report of the Standing Senate Committee on Banking, Trade and Commerce entitled: *Follow the Money: Is Canada Making Progress In Combatting Money Laundering and Terrorist Financing? Not Really*, tabled in the Senate on March 20, 2013.

**Hon. Claude Carignan (Deputy Leader of the Government):** Question.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** I move the adjournment in the name of Senator Hervieux-Payette.

(On motion of Senator Tardif, for Senator Hervieux-Payette, debate adjourned.)

### **CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE**

BILL TO AMEND—THIRD READING—MOTION  
IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Moore, for the third reading of Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity);

And on the motion in amendment of the Honourable Senator Nancy Ruth, seconded by the Honourable Senator Mitchell, that Bill C-279 be not now read a third time but that it be amended, in clause 3, on page 2, by replacing lines 26 and 27 with the following:

“ethnic origin, sex, gender identity or sexual orientation.”.

**Hon. Grant Mitchell:** Honourable senators, I would like to say a couple of things on this amendment. By way of doing that, I would like to address some implications for this amendment in Bill C-279.

I, of course, support this amendment. I am supportive of Senator Nancy Ruth's well-founded passion for protecting women in the way this amendment calls for. It is long past overdue and it certainly would be a necessary element of enhancing protections for women in our society and in our country.

Of course there is a good deal of parallel in one respect at least, which is that both the amendment and the pre-amended Bill C-279, if I can put it that way, protect the rights and the well-being of women.

Honourable senators, there was a somewhat parallel concern, too, that to some extent the actual passing of Bill C-279, pre-amended, could be jeopardized by the addition of this amendment. However, the reverse is also true, that the actual passing of this amendment could be jeopardized by people's concerns with Bill C-279. Therefore, I would like to briefly address concerns with Bill C-279 in order to prevent the erosion of support for this amendment. In doing that I would like to refer to a couple of points made by Senator Plett in his argument against Bill C-279 the other day in debate.

Senator Plett referred to two cases anecdotally in support of his concern with Bill C-279. I went back and researched those two cases, both of which were generated by — I believe I am right in

saying this — emails that he received and that probably all of us received. I certainly received them. One was his concern that somehow this bill would apply to people who are not at all certain about their gender and he used that as an example of a weakness in the definition.

The example Senator Plett used was laid out by someone who had emailed me, stating that she lives as a woman on the weekend, but as a man — which was her assigned gender at birth — during the week. He outlined that as a concern somehow with the flexibility of the definition, but in fact this case absolutely begs the very question of this bill because she is clearly a woman. She believes she is a woman, but in the confines of her own home and in her private life she feels she is able to come out and live her gender identity. She goes back to work reflecting her assigned gender because, of course, she is afraid to come out in a public environment like her employment. Quite the opposite of arguing against Bill C-279, that case in fact supports the bill quite strongly.

The other case referred to by Senator Plett was the case of a transgender woman who had not had the physical operation and was apparently exposing her body in a locker room. First, there was not much detail, but it certainly was anecdotal. We investigated that. First, that story came from Fox News Network in the States. It is an American case, if it is true at all. Fox, of course, is not the paragon of reporting perfection and certainly is not the paragon of objectivity when it comes to issues like this.

The case was further reported in the *Mail Online* in Britain, which I would say would fall into the category of a British counterpart to Fox News. Right away we would have to be very skeptical of the facts of this case and whether they were true, in which case they would not be facts, but factoids, and whether or not they applied at all would be questionable. However, they do not apply if honourable senators believe what the reports themselves state.

This is a story about a Washington College policy that was brought into question due to this apparent example of an issue that might arise under Bill C-279. It is a Washington College policy. It had nothing to do with human rights legislation. It had nothing to do with human rights legislation or criminal legislation in Canada, certainly. It was reported by two newspapers and we could find it nowhere else. It would be of dubious credentials when it comes to honest and unbiased reporting on issues of this kind, which of course would be of some interest to their right-wing audience. Again, I raise that as an example of the case that was being made by Senator Plett, which applies literally not at all to the case before us as it is embodied in Bill C-279.

Honourable senators, I will reiterate in closing that it is very important to have a vote on both these issues. The Senate was created almost 150 years ago because it seemed to the Fathers of Confederation — and it was only fathers, unfortunately — that we needed to protect minority rights. If ever there was a need to protect the rights of a minority, clearly this is such a case. It is a *prima facie* case. If we are to do our job it would seem to me very important that we do the job in this case, by protecting, defending, uplifting and educating on a very important set of minority rights.

• (1900)

More specifically, I am not beyond asking people on both sides of this house to vote for this bill. I am asking simply to have a vote. It was supported unanimously on the other side by members of the opposition and by 18 Conservative members of Parliament, 4 of whom are cabinet ministers, 1 of whom is the Minister of Finance, Mr. Flaherty. This group of MPs represents almost 65 per cent of the popular vote reflected in the 2011 election.

When this side supports a government bill in this house, and we would almost not consider for a minute turning it down as a house because we are not elected, it would likely have been supported by only 40 per cent of the popular vote. I would ask all honourable senators to support it, but on the particular point I am making, I simply would ask that we have a vote on it. It would be a true betrayal of the democratic process if we did not have at least a vote.

I am aware of 18 members of this house other than in my party, and in addition to some of the independents, who have indicated support of this bill. I am not saying they would all be here for the vote, for whatever reason; but there is a good deal of bipartisan support in this place. It behooves the institution, in living up to its job of protecting minority rights and in demonstrating honourable senators' respect for the demographic process as embodied by this bill and the support it has received, to have, at the very least, a vote on the bill. I would ask the leadership on the other side, to the extent that they can influence the decision — and knowing how these things work, I expect they can do so —, to allow it to come to a vote some time before the Senate rises at the end of this session.

**The Hon. the Speaker *pro tempore*:** Honourable senators, this item was standing in the name of Senator Plett. Is it agreed that debate be adjourned in the name of Senator Plett?

**Hon. Senators:** Agreed.

(On motion of Senator Plett, debate adjourned.)

[Translation]

## INCOME TAX ACT

BILL TO AMEND—THIRD READING—  
DEBATE ADJOURNED

**Hon. Claude Carignan (Deputy Leader of the Government)** moved that Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations), be read the third time.

**Hon. Pierrette Ringuette:** Honourable senators, I want to stress that I am not pleased to rise today in defence of the interests of Canadian workers, which are being violated by Bill C-377.

The Senate Banking Committee did its job. The Standing Senate Committee on Banking, Trade and Commerce heard from over 40 witnesses — including experts and people affected by the bill — over a total of 25 sitting hours, compared to the committee in the other place, which heard from 15 witnesses, including the member of Parliament who sponsored the bill, at two meetings, over a total of four hours.

I hoped that at the end of the committee meetings, the Banking Committee would choose not to proceed with a clause-by-clause study of the bill and that it would simply drop the bill and prevent it from reaching third reading.

It appears as though the night before the clause-by-clause study, some important phone calls were made and some honourable senators were on the receiving end of some rather crude language — language that I think is completely inappropriate for this institution.

Honourable senators, I will start by sharing what we heard in committee so that you can truly understand the issues that are at stake here.

[English]

The first witness before the committee was Mr. Hiebert, sponsor of the bill. As I told honourable senators at second reading, I followed word for word what happened with the bill in the other place. I will read to honourable senators a few excerpts from Mr. Hiebert's testimony before the committee and then provide some guidelines for the reflection of honourable senators.

Mr. Hiebert said:

The constitutionality of the federal government requiring a Canadian organization that receives revenues to file a financial information return is not in doubt. Bill C-377 has already been reviewed for constitutionality by the House of Commons and been deemed not unconstitutional by an all-party committee with the Liberals being represented by former leader Stéphane Dion.

I will clarify some perhaps misleading comments. In December after third reading of this bill in the House of Commons, the sponsor of the bill and two other individuals held a press conference. In that press conference, Mr. Hiebert said he had consulted and received advice from many constitutional experts. At the time, the reporter asked who the experts were, and he responded that it was private information. Bear that in mind.

Mr. Hiebert, a member of Parliament, made this statement regarding the House of Commons subcommittee. The Senate Banking Committee asked what the facts were regarding the House of Commons subcommittee. A letter was written to the chair of the Senate committee on June 5 signed by the Honourable Stéphane Dion. It says:

However flattering that my colleague's confidence regarding my constitutional expertise may be, I must point out that the Subcommittee on Private Members' Business of the Standing Committee on Procedure and House Affairs is not a constitutional court. The subcommittee does not perform in-depth comprehensive and definitive analysis of bills. The only thing we do at subcommittee is to determine if a bill is worthy of debate and votable.

• (1910)

This is certainly not an endorsement of the constitutionality of Bill C-377, let us be honest.

Mr. Hiebert says further: "It is much like charities receive tax credits for the donations that Canadians give to them."

Honourable senators, in regard to charities, I will reiterate that registered charities that have tax receipts and can provide tax receipts to the donors is an accreditation made by the federal government through a unit at the Canada Revenue Agency. CRA has the power to remove the registration if that charity does not continue or maintain its charitable status.

At no time can CRA remove the certification of a union — at absolutely no time. When they were telling honourable senators that this bill was akin to charities, it was faking it, and faking it quite a lot.

If honourable senators do not believe what I am saying, I invite you to research the issues of charities, which are responsible to the ongoing registration and accountability of charities. That is also why, 35 years ago, the Canada Revenue Agency had put the revenue and expenses of these charity organizations, because lo and behold, we all give to charities but we are not necessarily members — actually, very few Canadians are said to be members of charities.

I want to set the record straight again in regard to what Mr. Hiebert has been saying about his bill. Let me go on a little bit. He goes on and says:

... I have tried to closely mirror what some Canadian labour organizations already have to disclose, not to any Canadian authority but to the U.S. Department of Labour. I have tried to make it parallel so that we do not have this different playing field here in Canada with some labour organizations having to disclose this information to the U.S. Department....

Here again, it is very misleading. If one looks at the U.S. legislation, just like if one looks at the legislation in France, Germany and the U.K., first, it is all under labour relations acts. Just like here in Canada, whether federally or provincially, labour relations acts are balanced, and whatever is required of a labour organization is also required of an employer organization.

[ Senator Ringuette ]

Therefore, these kinds of statements are again very misleading, not only to Parliament but to most Canadians.

Then Mr. Hiebert says:

Regarding the constitutionality of the bill, first, as I mentioned in my opening remarks —

— about the subcommittee I indicated was with the letter from Mr. Dion earlier —

— I consulted the House of Commons lawyers. The standing committee within the House of Commons — a subset of the PROC committee — has four criteria to permit a private member's bill to proceed to the house. One of them is whether it is constitutional....

Twice, the member before our committee tried to displace or misinform the members of the Senate Banking Committee.

I asked Mr. Hiebert, if he had any constitutional expertise or opinion, to table it in our committee. He said he had no documents. To make sure, Senator Gerstein, Chair of the Banking Committee, asked if Mr. Hiebert had any documents with regard to the constitutionality of the bill that he wished to table, and the member said "no."

The other place was very much misguided.

In December, the press were also misled. Unfortunately, we were also misled. However, fortunately the Senate does its job.

Mr. Hiebert continues:

In addition to that, the Attorney General of Canada, House of Commons lawyers and others have testified contrary to the opinions of others on the constitutionality of this bill.

Through the Access of Information Act, I filed in early March to the Department of Justice, through CRA and also to the Privy Council. All of them have returned empty emails. There has been no legal opinion in these three departments, or the access to information that I have asked for has been also a little misleading. I hope it is not the case, because if at any time in the near future I find out otherwise, it will not be a pretty scene.

The other thing also is the last point that Mr. Hiebert said to us that if we went to the U.S. website, everything is disclosed there and we can see on that U.S. website Canadian unions reporting to the U.S. Department of Labor that they are making political contributions in Canada. That is what Mr. Hiebert said to us in committee. If any member of our committee sitting here tonight wants to say what I am saying is not true, please rise.

Every union leader who was before us was asked: "Do you report any activity, any political contribution that you make in Canada in the U.S. to the U.S. Department of Labor?" They all said, "no; what happens in Canada stays in Canada and what happens in the U.S. stays in the U.S."

I said particularly to Mr. Hiebert at that time that he has been a member of Parliament for quite a while; he already knows that unions cannot make a political contribution, federally. He said, "Yes, but they do provincially."

He should not bring his issue to the Parliament of Canada, because we have also no jurisdiction in regard to provincial political contributions. It is up to the government, to the legislative assemblies of these provinces, to regulate what they want in their provinces.

• (1920)

This tells honourable senators, in regard to the promoter of this bill, how distorted one can make an issue. Again, our responsibility in the Senate is to realign those issues. I hope so far I am not doing a bad job for honourable senators.

I would like to move on to other interesting testimony. After Mr. Hiebert was before us, we heard from Brian McCauley, Assistant Commissioner, Legislative Policy and Regulatory Affairs Branch, Canada Revenue Agency, along with Ted Gallivan. That was very interesting. Mr. McCauley said:

My understanding is that certainly this bill does not seek to do anything other than make information public, so we would not be using this to trigger, for example, any further review of financial or income tax consequences for labour organizations than we currently do....

I was saying that, as I understand the bill, and having listened to yesterday's testimony...

That was the testimony of Mr. Hiebert before us.

... as well, its primary purpose was for this information to be disclosed and made public....

We have not made a determination about the scope of what would be carved in.

Imagine, we are the legislators and the scope of this bill is so humongous that those directing Revenue Canada are grabbing their heads and saying they do not know what to keep in or out.

Honourable senators, it is not their job. It is our job to legislate.

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

**Senator Ringuette:** They move on, and they said they do not view Bill C-377 as a tax bill, but only as a disclosure measure. I want honourable senators to remember this very important sentence made by the senior official of Revenue Canada. Not only is it important to the decision on the vote that honourable senators will be asked to make, but it is at the centre of the pith and substance of this bill that is the main issue with regard to its constitutionality.

I asked them what the cost is of all of this. They said they do not know, but they think it might be \$1,000 per unit. I then asked if the PBO researched this and he went all the way to similar

legislation in the U.S. In the U.S., notwithstanding the scale of units that have to report, the average reporting cost is \$2,000 per unit at the labour board. Bear in mind that precious little item as well.

With regard to jurisdiction, we have received from the Government of Ontario, the Government of New Brunswick — of which I am very proud. I have known Minister Soucy for a while. I respect this young man — I say young because I am older than him — and he took a firm stand in defending the jurisdiction of New Brunswick and New Brunswick workers. I appreciate that; I really do.

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

**Senator Ringuette:** We have letters and presentations from the Government of Quebec, the Government of Manitoba and the Government of Nova Scotia, who appeared at the committee. Minister Corbett was very eloquent and candid. We knew that although he was a relatively new minister in that portfolio, this guy knew what he was talking about.

Extraordinarily, we had the deputy minister of labour from Manitoba on video conference. He was very explicit: “It is our job to regulate labour relations in our province, and do not accept this bill and this intrusion.” He said he had received no complaints from the membership of unions and that they were doing a good job. Workers, unions and employers were satisfied, and why butt into their jurisdiction?

The presentation that we heard was amazing. For example, Michael Mazzuca, Chair, National Pensions and Benefits Law Section, Canadian Bar Association said:

Those concerns are really four-fold: the first deals with privacy; the second concerns constitutional aspects; the third is its application to various funds;...

By golly, I researched this bill for over three months, and the issue of funds had skipped my research. Boy oh boy.

... and the fourth is its impact on the sanctity of solicitor-client privilege.

[Translation]

Gilles Trudeau of the Barreau du Québec had this to say:

Beyond the title of the bill — which is what we have to look at when we try to determine its constitutional validity — the bill, based on its content, is really a piece of legislation aimed at a player in labour relations and, as a result, it is really about labour relations. That raises some major concerns in terms of constitutional validity. The first very important concern is that, in Canada, under the Constitution Act, 1867, the regulation of labour relations falls exclusively under provincial jurisdiction.

[ Senator Ringuette ]

Professor Pierre Brun, a representative of the Canadian Association of Labour Lawyers, told us:

In other words, what is being requested is disclosure of information in order to limit these organizations’ ability to express themselves on a political level. There are more things that could be said on this subject.

In other words, not only does this bill interfere in a provincial jurisdiction, but it also violates the Canadian Charter of Rights and Freedoms regarding the freedom of association and expression.

• (1930)

[English]

Constitutional expert Bruce Ryder, professor of law at Osgoode Hall Law School, said:

I am here to share the bad news that Bill C-377 is beyond the legislative jurisdiction of the Parliament of Canada. Its dominant characteristic is the regulation of the activities of labour organizations, a matter that falls predominantly within provincial jurisdiction...

[Translation]

Alain Barré of Université Laval said:

I arrived at the conclusion that this was backdoor legislation. The legislator is attempting to use an appropriate legal structure in order to increase the chances of obtaining a favourable decision, were there to be a constitutional challenge.

[English]

Bob Blakely from AFL-CIO, which is, in my perspective, one of the extremely worker-sensitive, economy-sensitive, employer-sensitive and training-sensitive labour organizations in this country, said:

[Translation]

Unions are democratic, self-regulating organizations. What we spend is authorized in advance by our members. Spending can be viewed by them as a matter of law in most of the provinces of Canada and federally. It is also a right at common law and a right pursuant to their union constitution.

[English]

The unions are saying that it is a question within their own constitution, a question of rights for their membership to have all that information that they already provide.



He goes on to say:

We are opposed to the bill for privacy reasons. You have heard from the Privacy Commissioner. You have heard from the Canadian Bar Association that solicitor-client privilege is an issue. Unions are going to be put on a Hobson's choice. Which law do we break: the Income Tax Act or the Privacy Act federally or provincially?

Ken Georgetti, Canadian Labour Congress, says the following:

Bill C-377 is a solution in search of a problem. It wrongly violates Canada's Constitution and the Charter of Rights and Freedoms.... It relates not to the tax authority of the federal Parliament but the regulation of trade unions or labour relations. It causes Canada's Privacy Commissioner concern and it offends the intent of federal and provincial privacy laws. It creates an unfair advantage for non-union construction contractors and an uneven playing field in the labour market. It ignores the basic facts of the democratic structures of trade unions and the legal frameworks within which trade unions already operate.

The truth is that the courts will overturn this bill, so why continue pushing it? The courts will overrule it; they will not accept this bill; so why should the Senate of Canada, the chamber of sober second thought — or are we? — in view of all the evidence that we have had before us? It is maybe for the sake of petty politics, which are beyond this institution and should have always be. We should not accept, as provincially designated senators, a bill that already five provinces and all our experts have indicated is in provincial jurisdiction. Parliament has no authority to enact such a bill.

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

**Senator Ringuette:** The Canadian Teachers' Federation:

Bill C-377 is not accountability; it is red tape and paperwork. It is the destruction of the balance in labour relations that has served this country well for over a century.

Joseph Mancinelli, LiUNA:

The disclosures to the Canada Revenue Agency are public and will be used to undermine labour organizations. If Bill C-377 asked for similar disclosure for all organizations and businesses, then there would have been a semblance of fairness.

... It erodes labour organizations and their members' freedom of association, freedom of expression, unreasonable search and seizure and seriously impacts on our members' privacy.

[Translation]

Claude Poirier of the Canadian Association of Professional Employees said:

This time, we have come to tell you that the bill is discriminatory, unconstitutional, and unjustified. If you [meaning the Senate] approve it, history will prove us right.

[English]

Jim Stanford, Canadian Auto Workers:

... the bill's requirement to separately list expenses related to matters other than direct collective bargaining workplace representation is unjustified. Unions consider engagement in those broader debates to be part of our core function, and our right to do so was affirmed clearly by the Supreme Court of Canada in 1991 in the *Lavigne* case.

Carole Presseault, Certified General Accountants, said the following:

[Translation]

Bill C-377 is not a tax bill. Using the Income Tax Act in this manner, we believe, is inappropriate. The ITA is not an instrument to regulate the behaviour of unions, and it is not an instrument to regulate transparency of organizations. It is not an instrument to promote good governance.

A representative of the Writers Guild of Canada stated:

We do not agree that the public must be empowered to gauge the effectiveness, financial integrity and health of Canada's unions. The WGC is funded by union dues and other fees required under our agreements. This is not public money any more than any other tax deduction is. We receive no government funding.

Earlier I told you that, despite my extensive research, I could not imagine how this bill would affect or why it would be needed for mutual funds. We heard testimony from the Investment Funds Institute of Canada, the Canadian Life and Health Insurance Association Inc. and Fengate Capital Management.

[English]

All three of them have told us that in regard to the mutual funds they manage, if there is one unionized worker in that fund, all the names and all the money of this person on a yearly basis within these funds, whether or not they are union members, will be part of the disclosure requirement. Not only are we looking at anywhere between 8 to 9 million unionized Canadian workers and their families, those who have any kind of benefits or income of \$5,000 or more, being on a website, but we are also looking at any mutual fund that would have at least one unionized contributor in its fund.

• (1940)

With regard to cost, I mentioned earlier that we are looking at over \$2,000 per unit that will be reporting. We have an estimated 25,000 labour units in Canada. Then you must add the mutual fund units. Therefore, honourable senators, we are looking at a yearly cost to the Canada Revenue Agency of at least \$60 million.

[Translation]

I made that observation in committee. The annual cost of operations for the Senate is roughly \$100 million. To implement what this bill proposes would cost at least \$60 million. To what end? In other words, it is incomprehensible.

[English]

That is the only cost with regard to the Canada Revenue Agency. I am not talking about the individual cost for all these organizations to put together and supply this information.

With regard to information, Jennifer Stoddart, Privacy Commissioner of Canada, said to our committee:

Specifically, the names of individuals will still have to be disclosed for certain disbursements that have a cumulative value above \$5,000 such as loans, political activities, lobby activities, contributions, gifts, grants, conference activities, education and training activities.

Therefore, for any unionized worker who receives \$5,000 or more in training from the union on a yearly basis, this will have to be reported publicly. Can you imagine? We are looking at a bill to try to increase training and now we are saying, "If you get training, you will be put on a public website." If you get training, you will be kind of lucky, because the average \$400,000 a year per union to supply all this data will not be able to be used for training purposes.

Ms. Stoddart says that over the years she has tried to alert administrative tribunals governed by the Privacy Act about the unintended consequences of having someone's name published in a searchable format on the Internet, sometimes for very innocent things such as requesting that your disability pension be increased because there has been a worsening of your situation, and your name becomes public on a website. Can you imagine?

I asked her point-blank: Does Bill C-377 pass the Privacy Act smell test? She said: No; you cannot put names of people on a public website.

Furthermore, and of even more concern, Tom Stamatakis, President of the Canadian Police Association, appeared before us, saying that he does not agree there is an issue of constitutionality; there is an issue of privacy with regard to the members of the police association. He explained to us very clearly that in addition to an issue of privacy, there is an issue of security for these police officers.

What are we doing with this? I certainly hope that I have been able to express to honourable senators what happened during those weeks of committee hearings and in terms of the experts from whom we heard. Remember that all the time we were having

those pertinent meetings with our witnesses, in the other place a Tory member introduced a private member's access to information bill; transparency, accountability, integrity.

Believe it or not, honourable senators, the government member within that same caucus — we all know that he is not in that caucus now. His own government amended his private member's bill with regard to transparency. Instead of his original bill, which was aimed at disclosing the earnings — completely tax-paid earnings, by the way, of deputy ministers, first level, which is about \$150,000 plus a 19 per cent bonus — the reformed Harper government amended the private member's bill so that it would read "the period is greater than an amount that is equal to the maximum total annual monetary income that could be paid to a Deputy Minister, shown as." That raised the bar from \$150,000 to \$440,000. As of yet, there is no one.

#### MOTION IN AMENDMENT

**Hon. Pierrette Ringuette:** Therefore, honourable senators, with all that I have just said, I am pleased to move the following:

That Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 2, by replacing line 30 with the following:

"the period is greater than an amount that is equal to the maximum total annual monetary income that could be paid to a Deputy Minister, shown as"; and

(b) on page 3, by replacing line 13 with the following:

"ees with compensation that is greater than the maximum total annual monetary income that could be paid to a Deputy Minister and disbursements".

I signed these amendments because I know the government will approve of these amendments.

• (1950)

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

**The Hon. the Speaker *pro tempore*:** It has been moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Jaffer:

That Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 2, by replacing line 30 with the following:

"the period is greater than an amount that is equal to the maximum total annual monetary income that could be paid to a Deputy Minister, shown as"; and

(b) on page 3, by replacing line 13 with the following:

"ees with compensation that is greater than the maximum total annual monetary income that could be paid to a Deputy Minister and disbursements".

[ Senator Ringuette ]

Hon. Senator Cowan, on debate.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, if no one proposes to speak tonight, I would move the adjournment of the debate.

**Hon. Hugh Segal:** Honourable senators, I had hoped to be able to speak tonight.

**Senator Cowan:** I said if no other senator wished to speak tonight. Of course, I defer to my colleague, and I will then take the adjournment.

**The Hon. the Speaker *pro tempore*:** Is leave granted for Senator Segal to speak now?

**Hon. Senators:** Agreed.

**Senator Segal:** I will be speaking to the amendment and one or two other matters related thereto.

Honourable senators, my comments on Bill C-377 on my colleague's amendment will be brief and to the point. I make them with no joy, as I very much believe in private member's legislation as a strong force for popular and constituency democracy within our parliamentary system.

I salute the fact that under the present government more private member's legislation has made it through both houses than ever before in Canadian parliamentary history. This is a tribute to our Prime Minister and the members of both the government and opposition parties in the other place and here.

That being said, I take the observations reported in with the unamended Bill C-377 from committee, observations which passed with support from both the opposition and government side in the committee very seriously.

Those observations correctly reflected the very heavy total weight of testimony before the committee on Bill C-377, as my colleague just mentioned. The bill in its drafting, if not in its intent, had serious and, in the view of the vast majority of witnesses, fatal flaws as to the constitutional violation of sections 92 and 91 of the British North America Act, the Charter of Rights and Freedoms, freedom of speech, expression and association as protected by that very Charter of Rights and Freedoms.

[Translation]

As a Conservative, I am first a "decentralist" who respects provincial autonomy within Confederation. Bill C-377 would subject unions to federal authority, when their activities clearly fall under provincial jurisdiction.

The bill before us is using the Income Tax Act to try to avoid a constitutional challenge before the courts, and that is not going to fly. One of the most important roles of the upper chamber in a confederation is to amend and even prevent legislation that would directly interfere in our constitutional provisions in Canada.

[English]

I also take the decision of our colleagues on the committee that this bill and the issues it raises are so serious that we should be able to have a fulsome debate in this place on third reading.

On second reading, I indicated that I would not stand in the way of this bill going to committee study and abstained formally for that reason. I also indicated that, were it not amended or improved, I would oppose it on third reading.

Honourable senators, we have a chance to amend and improve the bill that is before us, send it back to the house for them to consider and decide, as the elected side should be able to do.

The key flaws of the bill are its invasion of privacy of up to 12 million Canadian mutual fund owners who will be swept into the disclosure and labour trust provisions of the bill which, whatever the intent, were badly crafted, along with pension recipients and joint union-employer pension or health insurance arrangements that exist broadly. Why should these innocent bystanders, who have paid into plans which may pay out more than \$5,000 in any one year, be victimized by having their privacy invaded? What justice does this serve?

Also, there is an inconsistency to the level of disclosure for salaries between what the bill before us proposes regarding trade union employees and what the government members of the House of Commons have chosen as a disclosure level for senior public servants and Crown corporation employees, as my colleague mentioned in her speech a few moments ago. It behooves us to respect the level of disclosure that was set by the elected side.

The bill before us also violates solicitor-client privilege and forces upon unions in Canada disclosure levels far lower than the corporations, whether public or private or government employers with whom they might negotiate. This will actually worsen labour relations in Canada, slow economic development, and upend the balance between free collective bargaining, capital investment and return, which are vital to a strong and free mixed-market economy. As a Conservative, I oppose the upending of this balance.

The spirit of the amendment I shall propose is straightforward. Freedom to invest, to grow, to build, to expand market share and to innovate are central to a strong entrepreneurial economy based on risk and productivity, sound human resource management and open regulation as sparse and minimalist as possible. That freedom cannot be exclusive or exist in a vacuum. It must coexist with the rights and freedom of association, freedom of speech, free collective bargaining, the right to organize, and the rights of both the employer side and the employee side to maximize its opportunities and aspirations through free and open negotiation.

Honourable senators, this bill violates that balance. The conservatism I absorbed and supported from leaders like Daniel Johnson — the father, not the son — Jean-Jacques Bertrand and Jean Charest in Quebec; John Robarts and Bill Davis in Ontario; Bob Stanfield in Nova Scotia and Ottawa; Peter Lougheed in Alberta; Richard Hatfield in New Brunswick; Angus MacLean in Prince Edward Island; and Brian Mulroney and Stephen Harper

in Ottawa is an inclusive view of society, where there is room in the debate about our economic choices, preferences and future in this country for all.

Hobbling one part of the debate is not what mainstream Conservatives should ever want to do to legislators at any time. There will be agreements, disagreements on occasion, difficult strikes and challenging choices. However, the civility of that debate is sustained by how open it is to all who are legitimate stakeholders in any economic outcome. Trade unions and public sector unions are part of those stakeholders, and they are legitimate.

Conservatism in the Canadian Tory context is not about the protection of class or the oppression of labour by capital or capital by labour; it is about a freedom tied to mutual respect, whatever legitimate disagreements, between all the participants in the mixed free-market system. This bill before us, whatever may have been its laudable transparency goals, is really — through drafting sins of omission and commission — an expression of statutory contempt for the working men and women in our trade unions and for the trade unions themselves and their right under federal and provincial law to organize.

It is divisive and unproductive. I urge colleagues to either amend its most destructive provisions or vote the bill down.

#### MOTION IN AMENDMENT

**Hon. Hugh Segal:** Honourable senators, I am therefore delighted to move, seconded by Senator Nancy Ruth:

That Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 2,

(i) by replacing line 1 with the following:

“(2) Subject to subsection 149.01(6), every labour organization and every”, and

(ii) by replacing line 30 with the following:

“the period is greater than \$150,000, shown as”;

(b) on page 3, by replacing line 13 with the following:

“ees with annual compensation of \$444,661 or more and”;

(c) on page 5, by replacing lines 34 to 35 with the following:

“poration;

(b) a branch or local of a labour organization;

(c) a labour organization with fewer than 50,000 members;

(d) a labour trust in respect of one or more labour organizations that, in total, have fewer than 50,000 members; and

(e) a labour trust the activities and operations”; and

(d) on page 6,

(i) by replacing line 6 with the following:

“described in paragraph (6)(e)), that is limited”,

(ii) by replacing line 10 with the following:

“(6)(e);”, and

(iii) by adding after line 16 the following:

“(8) For greater certainty, nothing in this section shall be interpreted as affecting solicitor-client privilege.”.

• (2000)

**The Hon. the Speaker *pro tempore*:** It has been moved by the Honourable Senator Segal, seconded by the Honourable Senator Nancy Ruth:

That Bill C-377 be not now read a third time, but that it be amended in clause 1,

(a) on page 2,

(i) by replacing line 1 with the following:

“(2) Subject to subsection 149.01(6), every labour organization and every”, and

(ii) by replacing line 30 with the following:

“the period is greater than \$150,000, shown as”;

(b) on page 3, by replacing line 13 with the following:

“ees with annual compensation of \$444,661 or more and”;

(c) on page 5, by replacing lines 34 to 35 with the following:

“poration;

(b) a branch or local of a labour organization;

(c) a labour organization with fewer than 50,000 members;

(d) a labour trust in respect of one or more labour organizations that, in total, have fewer than 50,000 members; and

(e) a labour trust the activities and operations”; and

(d) on page 6,

(i) by replacing line 6 with the following:

“described in paragraph (6)(e)), that is limited”,

(ii) by replacing line 10 with the following:

“(6)(e);”, and

(iii) by adding after line 16 the following:

“(8) For greater certainty, nothing in this section shall be interpreted as affecting solicitor-client privilege.”.

On debate on the amendment.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, if no other honourable senator wishes to speak, I move the adjournment of the debate.

(On motion of Senator Cowan, debate adjourned.)

## CANADIAN HUMAN RIGHTS ACT

### BILL TO AMEND—SECOND READING—DEBATE

On the Order:

Resuming debate on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304, An Act to amend the Canadian Human Rights Act (protecting freedom).

**Hon. Vernon White:** Honourable senators, I rise this evening to ask each of you to make yourselves aware of Bill C-304 and that the honourable senator holding the adjournment consider moving this legislation through the Senate for a vote of members in this place. This bill has been sitting at second reading with Senator Cowan. I believe that allowing honourable senators to vote on this bill is important for this institution and the work that we do.

As stated, I believe the Honourable Senator Cowan has the adjournment of the matter, and I ask that he speak to it and that we vote on this bill at this time.

**Hon. James S. Cowan (Leader of the Opposition):** Honourable senators, there has been a lot going on these last few weeks. I am preparing my notes to speak on this bill. I intend to do so, but I am not ready to speak now, and I ask that the adjournment be continued in my name.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker pro tempore:** All in favour of the motion will signify by saying “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker pro tempore:** All opposed to the motion will signify by saying “nay.”

**Some Hon. Senators:** Nay.

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

*And two honourable senators having risen:*

**The Hon. the Speaker pro tempore:** Call in the senators.

Senator Marshall, is there agreement as to the length of the bell?

**Senator Marshall:** One hour.

**The Hon. the Speaker pro tempore:** It shall be a one-hour bell. The vote will be at five minutes after nine o'clock.

Do I have permission to leave the chair?

**Some Hon. Senators:** Yes.

• (2100)

Motion negated on the following division:

## YEAS THE HONOURABLE SENATORS

Chaput  
Cordy  
Cowan  
Dallaire  
Dawson  
Day  
Downe  
Dyck  
Eggleton

Joyal  
Kenny  
Lovelace Nicholas  
Mercer  
Mitchell  
Moore  
Munson  
Ringuette  
Rivest

Fraser  
Hervieux-Payette  
Hubley  
Jaffer

Robichaud  
Smith (*Cobourg*)  
Tardif  
Watt—26

# NAYS THE HONOURABLE SENATORS

Andreychuk  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Braley  
Buth  
Carignan  
Champagne  
Comeau  
Dagenais  
Demers  
Doyle  
Eaton  
Enverga  
Fortin-Duplessis  
Frum Oliver  
Gerstein  
Greene  
Housakos  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall

McInnis  
McIntyre  
Meredith  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Oh  
Oliver  
Patterson  
Plett  
Poirier  
Raine  
Rivard  
Runciman  
Segal  
Seidman  
Seth  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells  
White—52

# ABSTENTIONS THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker:** Accordingly, the motion is defeated.

On debate.

**Hon. Claudette Tardif (Deputy Leader of the Opposition):** Honourable senators, I am deeply disappointed that Senator Cowan's request to move the adjournment of the debate was denied. I am so disappointed that I therefore move the adjournment of the Senate.

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

**The Hon. the Speaker:** It is moved by Senator Tardif, seconded by Senator Munson, that the Senate do now adjourn.

Those honourable senators in favour of the motion will signify by saying "yea."

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those honourable senators opposed to the motion will signify by saying "nay."

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion the "nays" have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** The vote will take place at 10 minutes after 10 p.m.

Do I have permission to leave the chair?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** Call in the senators.

• (2210)

Motion negated on the following division:

# YEAS THE HONOURABLE SENATORS

Campbell  
Chaput  
Cordy  
Cowan  
Dallaire  
Dawson  
Day  
De Bané  
Downe  
Dyck  
Eggleton  
Fraser  
Hervieux-Payette  
Hubley

Jaffer  
Joyal  
Lovelace Nicholas  
Mercer  
Mitchell  
Moore  
Munson  
Ringuette  
Rivest  
Robichaud  
Smith (*Cobourg*)  
Tardif  
Watt—27

# NAYS THE HONOURABLE SENATORS

Andreychuk  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Braley  
Buth  
Carignan  
Comeau  
Dagenais  
Demers  
Doyle  
Eaton  
Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene

McInnis  
McIntyre  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Oh  
Oliver  
Patterson  
Plett  
Poirier  
Raine  
Rivard  
Runciman  
Segal  
Seidman  
Seth  
Smith (*Saurel*)  
Stewart Olsen

Housakos  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall

Tannas  
Unger  
Verner  
Wallace  
Wells  
White—50

Cowan  
Dallaire  
Dawson  
Day  
Downe  
Dyck  
Eggleton  
Fraser  
Hubley

Mercer  
Mitchell  
Moore  
Munson  
Ringuette  
Rivest  
Robichaud  
Tardif  
Watt—24

ABSTENTIONS  
THE HONOURABLE SENATORS

NAYS  
THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker:** Honourable senators, the question before the house is on the motion of the Honourable Senator Finley, seconded by the Honourable Senator Frum, for the second reading of Bill C-304.

**Hon. Grant Mitchell:** Honourable senators, I move that this bill stand adjourned in my name. There is a great irony in the fact that these votes are all about limiting the freedom of speech of Senator Cowan on a bill that is all about extending freedom of speech. It is quite a captivating irony. I am preparing notes and would like to think about that.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

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

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Those opposed will say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Call in the senators.

The vote will be at 11:15 p.m.

Do I have permission to leave the chair?

**Some Hon. Senators:** Agreed.

• (2310)

Motion negated on the following division:

YEAS  
THE HONOURABLE SENATORS

Campbell  
Chaput  
Cordy

Jaffer  
Joyal  
Lovelace Nicholas

Andreychuk  
Batters  
Bellemare  
Beyak  
Black  
Boisvenu  
Braley  
Buth  
Carignan  
Comeau  
Dagenais  
Demers  
Doyle  
Eaton  
Enverga  
Fortin-Duplessis  
Frum  
Gerstein  
Greene  
Housakos  
Johnson  
LeBreton  
MacDonald  
Maltais  
Manning  
Marshall

McInnis  
McIntyre  
Mockler  
Nancy Ruth  
Neufeld  
Ngo  
Oh  
Oliver  
Patterson  
Plett  
Poirier  
Raine  
Rivard  
Runciman  
Segal  
Seidman  
Seth  
Smith (*Saurel*)  
Stewart Olsen  
Tannas  
Unger  
Verner  
Wallace  
Wells  
White—51

ABSTENTIONS  
THE HONOURABLE SENATORS

Nil

**The Hon. the Speaker:** Honourable senators, the question before the house is debate at second reading of Bill C-304.

On debate.

**Senator Carignan:** Question.

• (2320)

**Hon. Elizabeth Hubley:** I move adjournment of the Senate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Hubley, seconded by the Honourable Senator Mercer, that the Senate do now adjourn.

All those in favour of the motion will signify by saying “yea.”

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** All those opposed to the motion will please say “nay.”

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the nays have it.

*And two honourable senators having risen:*

**The Hon. the Speaker:** Is there advice from the whips as to the length of the bell?

[*Translation*]

**Hon. Claude Carignan (Deputy Leader of the Government):** Honourable senators, should His Honour wish to re-put the question, we could adjourn today’s sitting of the Senate and resume debate on the bill tomorrow.

**The Hon. the Speaker:** Honourable senators, I think the only way I can do this is if there is unanimous consent of the house.

I will re-put the question. Is it agreed?

**Hon. Senators:** Agreed.

**The Hon. the Speaker:** It is moved by the Honourable Senator Hubley, seconded by the Honourable Senator Mercer, that the Senate do now adjourn.

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

**Hon. Senators:** Agreed.

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

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