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(HANSARD)

Tuesday, June 3, 2014

The Honourable NOËL A. KINSELLA
Speaker

This issue contains the latest listing of Senators,
Officers of the Senate and the Ministry.

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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THE SENATE

Tuesday, June 3, 2014

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

Prayers.

SENATORS' STATEMENTS

CO-OPERATIVE HOUSING

Hon. Catherine S. Callbeck: Honourable senators, this week, the Co-operative Housing Federation of Canada is holding its Co-operative Management Conference here in Ottawa, offering workshops and opportunities for discussion for managers and staff of housing co-ops.

One item certainly on the minds of attendees is the expiry of federal rent-geared-to-income assistance. Approximately 200,000 households benefit from this assistance through operating agreements with co-ops and other non-profit and public housing providers. In my home province of Prince Edward Island, the federal government subsidizes 3,100 households across the province, including 13 housing co-ops that provide 102 subsidized units for low-income Islanders.

These providers are now facing a substantial loss of funding with the expiry of long-term housing agreements. Between now and 2030, hundreds and hundreds of co-op housing agreements will expire, as will long-term agreements with provinces and territories.

When this federal funding ends, many Canadians across the country will no longer be able to afford to live in their present homes. The property manager of one of Prince Edward Island's co-operatives told the media earlier this year that its estimated rents will at least double for many of their residents if the agreements are allowed to lapse. Many seniors, single-parent families and people with disabilities are worried about how they will pay the rent once these agreements expire.

To bring awareness to this serious problem, the Co-operative Housing Federation of Canada has launched a national campaign called You Hold the Key - Fix the Co-op Housing Crunch. Tomorrow at 12:30, concerned individuals will be gathering here on Parliament Hill for a rally on the front lawn.

As part of its campaign, CFC Canada is asking governments at all levels to work together to find a solution addressing the end of these federal funding agreements. It is also calling on the federal government to reinvest the savings from expiring co-operative subsidies in new long-term, cost-shared supplement programs that could be delivered by the provinces and territories.

Honourable senators, half a million more Canadians may soon find themselves without affordable housing. This is simply not acceptable in a country such as ours. There's no doubt that we need a real discussion with all levels of government to discuss the

future of social housing in this country, and I once again urge the federal government to work with its partners to find a solution to this problem.

[Translation]

THE HONOURABLE SENATOR ANDRÉE CHAMPAGNE, P.C.

Hon. Jean-Guy Dagenais: Mr. Speaker, honourable senators, in a few days we are going to lose one of the most eminent members of this chamber, the Honourable Senator Andrée Champagne, who will be retiring this summer after serving in the Senate for nine years.

If I had to choose one word to describe Senator Champagne's life, without a doubt it would be longevity: she spent 60 years in the arts and 20 in political life.

How could I not remind senators today that the Honourable Senator Champagne still appears on our television screens every day in the role of Donalda, the character she brought to life in the television series *Les Belles Histoires des pays d'en haut*, which went off the air 44 years ago, in 1970, after 14 years and 495 episodes?

As incredible as it may seem, 44 years later, *Les Belles Histoires des pays d'en haut* continues to be rebroadcast and quite popular on a French CBC channel, ICI ARTV.

I surprise myself by occasionally watching these reruns, even though I believe I have seen every episode.

But let's get back to our friend, Senator Champagne.

I would like to point out that Senator Champagne was only 17 years old when she was chosen to portray a frail girl, Donalda Laloge, who would become the submissive wife of Séraphin Poudrier, the mayor of Sainte-Adèle.

No other artist in Canada has had such a long career with a single character, who first appeared on our television sets in 1956.

With the single role of Donalda, Ms. Champagne, who is an actress and a pianist, left her mark on the proud history of Canada's French-language television programming.

For this reason, I am very honoured to have worked with her since I arrived in the Senate.

I also think it is interesting that Senator Champagne's journey included a stint as vice-president of the Union des artistes. The fact that she dedicated a few years to union life to help her peers shows how socially committed she is. During her tenure she helped create a retirement home for Quebec artists in need.

This stage of her life certainly played a role in the other facet of her public life: politics.

Senator Champagne made a significant contribution to Canadian political life by agreeing to run as a Progressive Conservative Party candidate in the riding of Saint-Hyacinthe—Bagot in 1984, 30 years ago.

Our colleague, who was more fortunate than I was in 2011, was elected to two of Prime Minister Brian Mulroney's governments to represent the people of the beautiful region of Saint-Hyacinthe. She served as Minister of State for Youth and was then chosen to be Assistant Deputy Chair of the House of Commons.

I want to thank the senator for the support she gave me when I got involved in politics in Saint-Hyacinthe. It was generous of her, and I very much appreciated it.

Senator Champagne was appointed to the Senate by Prime Minister Paul Martin in 2005 and has since played a key role in debates on our country's official languages and the Francophonie. Last year, she became the chair of the Assemblée parlementaire de la Francophonie, which consists of representatives from 78 parliaments and interparliamentary organizations.

In short, Senator Champagne has been a model of commitment, on television, in her time with the Union des artistes and in her political life.

I am sorry to see her go, and I wish her a peaceful retirement full of music, which will surely be a nice alternative to the much less musical debates in this chamber.

Thank you, Senator Champagne.

[English]

RANA PLAZA FACTORY COLLAPSE

FIRST ANNIVERSARY OF TRAGEDY

Hon. Mobina S. B. Jaffer: Honourable senators, I would like us to reflect on a fact: Regardless of the curve balls that get thrown at us on a daily basis, there is a consistency in our going and coming to work. On April 24, 2013, 18-year-old Shapla went to work the same way she did every day, expecting the day to go as it typically did at the garment factory in Dhaka, Bangladesh. Nothing could have prepared her for what happened that day. To the rest of the world, we know it as the Rana Plaza collapse, the torturous day when over 1,100 people were killed, most of whom were women.

The collapse of the five factories in Rana Plaza shocked the world, but that is nothing compared to what it did to the people affected by the event. In Shapla's case, she ended up one of the "lucky" ones. She made it to the emergency room in time after the collapse and survived, but had her hand amputated.

[Senator Dagenais]

• (1410)

To Shapla, though, lucky is hardly the word to describe her fate. Now she certainly cannot work in the job she used to have. She is a young mother and providing for her child is a priority. Even if she could work at a factory again, she is likely experiencing trauma that would prevent her from entering a factory again.

Additionally, being handicapped carries a stigma in Bangladesh. Women like Shapla are facing personal struggles from within as well as personal attacks from outside actors, including their families.

It has been just over a year since this devastation occurred and the world is already forgetting its duty to the people affected by the Rana Plaza collapse. Compensation for them has only in part been made and while the rest is held up their lives go on in much more of a struggle than before the event occurred — an event they had no control over yet one that could have been prevented.

Functioning off money from charities instead of from the government or companies responsible for compensation is inexcusable one year in. But the fact remains that not enough money has been contributed to the Donors Trust Fund.

As the victims of this tragedy wait for the compensation they deserve, we must put pressure on the Canadian companies that sourced the factories in Rana Plaza to contribute to their financial compensation. Most importantly, let us not forget that in Canada we are able to buy the garments the factories are making cheaply.

Honourable senators, let us not forget the garment workers in Bangladesh.

TIANANMEN SQUARE MASSACRE

TWENTY-FIFTH ANNIVERSARY

Hon. Jim Munson: Honourable senators, this is the twenty-fifth anniversary of the massacre in Tiananmen Square. I'll tell you a bit of a story of my being a witness to this tragedy.

With a clenched and raised fist, he seemed much older than the other faces in the crowd at a Beijing intersection but like the rest he was defiant.

On a hot, humid night darkness had come.

A short distance away gunfire could be heard from Tiananmen Square. With my camera crew, I watched as a small armoured personnel carrier made a quick turn and headed directly at the crowd. In my gut, I felt queasy; somehow I knew it wasn't going to stop. People were chanting, "Long live democracy."

Now, many were dead.

I looked down only to see the bloody remains of that older man. I had covered a number of foreign conflicts but I had never seen someone killed before. I wanted to be sick to my stomach.

In Tiananmen, the slaughter had begun.

A panicked couple approached me and in broken English pleaded, "Please tell the world what is happening."

As we walked along Chang'an Avenue towards the square, there was chaos in front of the old Beijing hotel. The blood-soaked bodies of China's youth were being rushed to hospital, some on makeshift trishaws. Others were being carried on people's backs.

It was hard to believe that only a day earlier Beijing residents had actually confronted unarmed soldiers and urged them to go back to their barracks.

My mind was racing at the time: Was this the same city that felt, in the early days, like a liberated city? In May of 1989, a million strong had marched along Chang'an Avenue to the square. I think what's been forgotten in this democracy movement is that at one point students were not alone.

Maybe they were never alone. Public servants, doctors, construction workers, religious groups, just ordinary people were on the street.

Inside the Great Hall of the People, as history has shown, another story was taking place. There were divisions in the Politburo. Despite the pleading from the Communist Party's General Secretary Zhao Ziyang to be more flexible with the students' demands, the party's paramount leader Deng Xiaoping had made his decision.

The protests had gone on long enough. Martial law would be declared. A crackdown was imminent.

I am left with the images of not only one night in Tiananmen, but six weeks in a square where everything seemed possible. Sometimes I close my eyes and see the hopeful faces of tens of thousands of young people gathered in a Beijing spring.

When I think of those who died, it really hurts, and it hurts from a personal perspective. Imagine a Beijing mother who even today, 25 years later, is not allowed to go to the tomb of her son to publicly mourn the loss of her son.

History has been rewritten, or I think it might be better to say history has been wiped out.

A generation has grown up since 1989. For them Tiananmen never happened. In today's official China, the students were just a small group of counter-revolutionaries. But today, I owe it to the families who lost their children to never forget.

We, as a society, owe it to the jailed dissidents in China who can never talk freely like this. Imagine today sitting in a prison cell for writing a manifesto that calls for freedom of expression, human

rights and more democratic reforms. He is Liu Xiaobo, the 2010 Nobel Peace Prize winner. And on this anniversary he is not alone in prison.

Another Nobel winner, Elie Wiesel, put it this way in a speech he made in 1986, three years before Tiananmen:

I have tried to fight those who would forget. Because if we forget, we are guilty, we are accomplices.

If you are a witness to history you can never forget. You need to speak out loudly for those whose voices were crushed in Tiananmen Square.

Some Hon. Senators: Hear, hear!

Hon. David P. Smith: Following those comments about Tiananmen Square, I want to note on the record that I have visited there many times. The first time I went to China was 40 years ago, when Mao Zedong was still living.

Back when I was in the Trudeau government, he had me accompany the Premier of China, the first premier who ever came to Canada, in January 1984. I travelled around with him. He had a big plane with about 80 people on it. We were in Montreal and Ottawa. I even had him to my home in Toronto for dinner and we were in Niagara Falls and I got to know him — Zhao Ziyang.

Zhao Ziyang wrote a book about what happened. He was premier for about 10 years, but he was the man who invited me back to China. I believe it was in 1988 that I had gone back with about 10 people. They put us up in a very nice place. But he went out and talked to the students in Tiananmen Square and tried to get a dialogue going. Deng Xiaoping pushed him out and he remained in isolation the rest of his life. However, he did write his memoirs.

I want to pay tribute to that man because he was going to take China in the right way but the old guard stopped him. To Zhao Ziyang, former Premier of China, who actually became my friend, I pay tribute.

ROUTINE PROCEEDINGS

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-10, An Act to amend the Criminal Code (trafficking in contraband tobacco).

(Bill read first time.)

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

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

**YUKON ENVIRONMENTAL AND SOCIO-
ECONOMIC ASSESSMENT ACT
NUNAVUT WATERS AND NUNAVUT
SURFACE RIGHTS TRIBUNAL ACT**

BILL TO AMEND—FIRST READING

Hon. Yonah Martin (Deputy Leader of the Government) introduced Bill S-6, An Act to amend the Yukon Environmental and Socio-economic Assessment Act and the Nunavut Waters and Nunavut Surface Rights Tribunal Act.

(Bill read first time.)

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

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

• (1420)

SUPREME COURT OF CANADA

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice, pursuant to rules 5-1 and 5-6(2), that:

I will call the attention of the Senate to:

- (a) the constitutional code and practices called judicial independence, the legal and political concepts, enshrined in our constitution, most particularly in the *British North America Act 1867* sections 96-101, which prescribe the constitutional position of the superior court judges of Canada, and the duty of our houses of parliament to protect them, and to superintend judicial independence, and, justice itself, and;
- (b) to the unsettling public circumstances in which the vice regal of Her Majesty, who is also the distinguished Supreme Court of Canada's Chief Justice, the Right Honourable Beverley McLachlin, P.C., was placed, consequent to unfair and unjustified insinuations by some in the Prime Minister's Office, which insinuations distorted the Chief Judge's proper actions in a telephone communication with the well-respected Attorney General Peter MacKay, which communication was about her proper and dutiful purpose of compliance with the law on the selection and eligibility of the three judges from Quebec, pursuant to the *Supreme Court of Canada Act* section 6, and;
- (c) to the clearly drafted section 6 of the *Supreme Court Act* which dictates that,

At least three of the judges shall be appointed from among the judges of the Court of Appeal or of the Superior Court of the Province of Quebec or from among the applicants of that Province,

and;

- (d) to the undesirable insinuations and distortions, which had the consequence of exposing Madame Chief Justice to potentially ugly controversy and turmoil, which potential compelled the Court, in the person of its Executive Legal Officer, Mr. Owen Rees, to issue a statement to clarify the facts and the propriety of the Chief Justice's most dutiful actions, which statement was well-received by the public, and;
- (e) Madame Justice McLachlin's diligence in her dutiful endeavours as Chief Justice, and the well-established principle that all judicial officers and lawyers have a duty, if having the knowledge, to take action to prevent breaches of the law and legal wrongs and sins.

JUDICIAL APPOINTMENT PROCESS

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice, pursuant to rules 5-1 and 5-6(2), that:

I will call the attention of the Senate to:

- (a) the constitutional code and practices called judicial independence, the legal and political concepts, enshrined in our constitution, most particularly in the *British North America Act 1867* sections 96-101, which prescribe the constitutional position of the superior court judges of Canada, and the duty of our houses of parliament to protect them, and to superintend judicial independence, and, justice itself, and;
- (b) to the disturbing media accounts respecting the failed appointment process to the Supreme Court of Canada of a Federal Court Judge, the Honourable Justice Mark Nadon, and;
- (c) to the spoiled selection process that has so afflicted Justice Nadon, by which he had been selected for appointment to the Supreme Court, pursuant to the ancient section 6 of the *Supreme Court of Canada Act*, which section, jealously held by the people and province of Quebec, prescribes that the three Supreme Court judges appointed from Quebec must possess current mastery of the civil law, and be selected from among the current judges of Quebec's superior courts, or, from among the current members and practitioners of the Quebec bar, of which Justice Nadon is not, and;
- (d) to the clearly drafted section 6 of the *Supreme Court Act* which dictates that,

At least three of the judges shall be appointed from among the judges of the Court of Appeal or of the

Superior Court of the Province of Quebec or from among the advocates of that Province,

and;

- (e) to the constitutional constancy of section 6 of the *Supreme Court of Canada Act*, which section has remained the same in text and substance as originally enacted in 1875 and section 4 of *An Act to establish a Supreme Court, and a Court of Exchequer, for the Dominion of Canada*, which prescribed the eligibility requirements for judicial appointment to the Supreme Court, being current membership of the Quebec bar, which is a law that was well known to many, resulting in unfair and tragic consequences to Justice Nadon, both professionally and personally.

HISTORY OF JUDICIAL INDEPENDENCE

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, I give notice, pursuant to rules 5-1 and 5-6(2), that:

I will call the attention of the Senate to the position of the judges in Canada, and the history and constitutional development of judicial independence in Canada from 1759 to the present.

[Translation]

QUESTION PERIOD

CANADIAN HERITAGE

CANADA PERIODICAL FUND

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. On October 29, 2013, I asked you a specific question about the weekly newspaper *La Liberté*, which has had its funding substantially reduced because of the new Canada Periodical Fund formula. I asked you to communicate with the Minister of Canadian Heritage, the Honourable Shelly Glover, in the hope that she would agree to review the criteria.

Have you had the chance to convey my concerns to the minister? Was she receptive?

Hon. Claude Carignan (Leader of the Government): Thank you for your question, senator. As you know, when I say I am going to speak with a minister, I do it. I shared your concerns with the minister. Surely you must know Minister Glover personally; she is always willing to listen.

I would like to remind you of our record on official languages, in case you have forgotten. I believe it is necessary, every once in a while, to talk about the government's record, particularly when it comes to official languages.

Canada's official languages have shaped our history and our identity. We recognize that English- and French-language communities contribute to the cultural, social and economic vitality of our society. We have adopted the Roadmap for Canada's Official Languages 2013-2018, which represents the most comprehensive investment in official languages in Canada's history, amounting to \$1.1 billion.

As I have said before, we are proud to have maintained this unprecedented funding. Our government is determined to ensure that public investments in official languages bring about meaningful, tangible results that are beneficial to Canadians. We will continue to work in key areas to enhance the vitality of these communities.

Senator Chaput: I have a supplementary question. Leader, was the minister receptive to my concerns? Is she prepared to do something tangible to resolve the situation?

Senator Carignan: Senator, as I said, yes, the minister is always receptive to comments and always listens to Canadians, especially when it comes to the official languages, for which she is responsible.

As I was just saying, we have invested more than \$1.1 billion under the roadmap. You know that under the roadmap, Canadian Heritage is required to conduct reviews of its investments, and we are holding those consultations with our partners.

• (1430)

I have provided examples of our support for minority groups in the community. One such example is a Fransaskois community activity called Francofièvre that brings francophone students in Saskatchewan together to participate in francophone music and culture.

There is plenty of targeted support through the roadmap to help official language minority communities.

[English]

ATLANTIC CANADA OPPORTUNITIES AGENCY

ENTERPRISE CAPE BRETON CORPORATION

Hon. Terry M. Mercer: Honourable senators, my question is for the Leader of the Government in the Senate.

John Lynn, former CEO of Enterprise Cape Breton Corporation, ECBC, was fired last month after the Public Sector Integrity Commissioner found that he unfairly hired four former political staffers. Of the four employees in question, one has since retired and another now works in the office of

Minister of Justice Peter MacKay. The other two, Rob MacLean and Allan Murphy, will remain employees when ECBC becomes part of the Atlantic Canada Opportunities Agency, or ACOA, when the two entities are merged by the government.

Why should these two employees be permitted to keep their jobs when the Integrity Commissioner concluded their hirings were “not only unfair, but also improper, and they do not stand up to the test of public scrutiny”?

[Translation]

Hon. Claude Carignan (Leader of the Government): As you know, John Lynn’s employment was terminated on May 27, 2014. With respect to the other individuals you referred to, this is a Cape Breton agency that makes its own human resources decisions.

We will let the agency do its work.

[English]

Senator Mercer: I don’t think that’s what the decision was. It is pretty clear this was done improperly.

In the fall of 2012, two civil servants, Kevin MacAdam and Shawn Masterson, both had their appointments revoked when the Public Service Commission found that the process to hire them was manipulated. They were both friends, by the way, of Peter MacKay, the current justice minister.

Senator Mitchell: Just a coincidence.

Senator Mercer: I know it is a coincidence; it happens all the time, I’m sure.

In June 2014, we are being told that two employees of ECBC who were also hired improperly will be keeping their jobs. Does the leader not see the blatant hypocrisy of this?

[Translation]

Senator Carignan: In Kevin MacAdam’s case, the Public Service Commission conducted an independent review that found no evidence of improper conduct or interference on the part of a minister or political staff in this case.

The appointment of the director general of operations for the agency’s office in Prince Edward Island was revoked. Mr. MacAdam is no longer an employee of the Public Service Commission of Canada.

This situation is much different from what happened in 2006. Need I remind the chamber that the Public Service Commission reported that the Liberals had given ministerial aides jobs in the public service?

[Senator Mercer]

[English]

Senator Mercer: Last Thursday, in the House of Commons Finance Committee, the Conservative government prevented amendments to Bill C-31, the budget bill, that would have prevented these two employees from being transferred from ECBC to ACOA and that would have prevented Mr. Lynn from receiving compensation.

It’s really quite simple: Why did the Conservatives agree that these two employees, who were hired improperly, should get the full protection of the public service, and why should Mr. Lynn receive any type of severance package from a job he has been found to have conducted improperly?

[Translation]

Senator Carignan: Assuming Bill C-31 passes, community and economic development activities currently overseen by Enterprise Cape Breton Corporation and related funding will gradually be transferred to the Atlantic Canada Opportunities Agency. The government will maintain the level of funding granted to the corporation for economic development purposes.

The agency makes its own human resources management decisions because it has autonomy in decision making. As for us, John Lynn’s job ended on May 27, 2014.

[English]

Senator Mercer: I have a final supplementary.

Does the leader know whether Mr. Lynn or any of the others has received any performance bonuses during their tenure in ECBC? If so, does the honourable leader not believe that Mr. Lynn and the others — particularly Mr. Lynn, who was fired for cause — should be forced to pay those bonuses back to the Canadian taxpayers?

[Translation]

Senator Carignan: That is the standard practice. The Government of Canada does not provide severance pay when an individual’s appointment is terminated. For privacy and legal reasons, I won’t say anything further about the details of the decision, the independent investigation or the amounts that were received.

INTERNATIONAL TRADE

UNITED STATES—IMPACT OF PROPOSED AMERICAN LEGISLATION

Hon. Céline Hervieux-Payette: I would like to provide the Leader of the Government in the Senate with a bit of history. In 2009, when we wanted to change the U.S. Buy America policy, there was a consultation process with Canada to ensure that the country did not suffer considerable damage as a result.

However, there are two bills currently before the American Senate: the Consolidated Appropriations Act, 2014, and the Water Resources Development Act of 2014. If these bills are passed, all kinds of sales of products related to American projects would be banned.

That means that Canadian companies could no longer continue to compete on the American market in several sectors, including rolling stock, which must certainly affect you because Bombardier is part of that. The bills are being studied, and we have heard nothing about a negotiation or consultation process with Canada.

What is more, just recently, former Prime Minister Brian Mulroney said that this was a far cry from the Free Trade Agreement. I would like to know what the government intends to do to ensure that Canadians can continue to compete on the American market when the Americans can currently compete on the Canadian market.

Hon. Claude Carignan (Leader of the Government): Honourable senators, our government has signed the most free trade agreements in the history of Canada.

Need I remind you that in the 13 long years of your mandate, you signed only three trade agreements, while our government has signed the most free trade agreements? Canadians can count on our government to ensure that goods flow freely and these treaties are honoured.

Senator Hervieux-Payette: Again, not a single measure in these bills makes mention of a consultation process with the Canadian government. We're talking about our main trading partner under NAFTA and huge markets that represent billions of dollars. We're also talking about iron, steel and rolling stock, which includes rail cars built by Bombardier and all its other products.

Quebec will be the first province to pay the price when jobs go to the U.S., and your district will be affected since there are Bombardier facilities in Mirabel.

• (1440)

What does the government intend to do to put things right and open a dialogue, just when our Prime Minister is touring Europe to promote an agreement that doesn't exist?

This agreement does exist. Will you make sure that it is honoured?

Senator Carignan: Signing free trade agreements is one of the greatest legacies left behind by successive Conservative governments, and we will continue to promote agreements to ensure that goods can move freely.

I encourage you to support us when we sign these types of free trade agreements and not to criticize the free trade agreement with Europe. This latest agreement will create thousands of jobs in Canada and open the market to Canadians. This new market consists of 500 million people.

Senator Hervieux-Payette: Leader of the Government in the Senate, Christmas is over and we don't believe in Santa Claus here. No agreement has been signed, no agreement is in place, and the business community has been wondering for over 200 days when the government will release an official text.

As for the other agreements you mention, as well as your record, I challenge you to table in this chamber a document showing the economic benefits of these agreements, because for the most part, the result has been a trade deficit. You don't pursue agreements for the sake of pursuing agreements; you pursue agreements to serve the best interests of Canadians.

I am completing a study that I will be tabling, and I will be able to show you that this government's free trade agreements are nothing more than smoke and mirrors. I look forward to your report on those other agreements.

We are discussing NAFTA, the agreement signed in the 1980s. At present, thousands of Canadian jobs are at risk. What will your government do to ensure that these two bills in the U.S. Senate are not passed before the American election?

Senator Carignan: It is sad that you are criticizing free trade agreements in this way. I would like to quote someone you know well, the Honourable John Manley, the president and CEO of the Canadian Council of Chief Executives. He had this to say about the Canada-Korea Free Trade Agreement:

The Canada-Korea FTA is a pivotal agreement for Canada. South Korea is one of the world's fastest-growing advanced economies, and this agreement is a watershed in Canada's efforts to forge closer economic ties with the Asia-Pacific region. This deal, and others like it, is essential if Canada is to sustain a high quality of life for its citizens.

Those are the words of John Manley, whom you know well and who sat with you in the other chamber. I think you should shed your political bias and speak with less partisanship in order to acknowledge what the free trade agreements concluded by our government have done for Canada's economy and the well-being of all Canadians.

Senator Hervieux-Payette: If you want to talk about the Korean agreement, there will obviously have to be equal economic benefits for Canadians and for Koreans, who will sell us cars while we sell them Quebec pork and Western beef. It will take a lot of Western beef and Quebec pork to make the trade balance tip in our favour.

We aren't opposed to the principle of free trade agreements; we are simply saying that, at the moment, your government's negotiators seem to be forgetting that when we sign an agreement, it must benefit Canadians and not those with whom it is signed. Please also provide a report on the content and the exact text of the Canada-Korea Free Trade Agreement, because we haven't seen it yet.

Senator Carignan: Senator, as with the European agreement, when the texts are complete — they have to be written in 20 or so

different languages — I will be pleased to provide you with a copy.

Once again, Canada is opposed, and will continue to be opposed, to any protectionist measure such as Buy American and other restrictions of that kind.

[English]

CANADA-EU COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Wilfred P. Moore: Leader, with regard to the Canada-European trade agreement that is under discussion, it has been reported that Canada is making a payment of \$250 million to the Maritime provinces, I believe, in connection with this agreement. Would you know how that sum was determined? Who is it to be paid to and why is it being done? Is it compensation for something that we are losing? Is it a one-time payment? Why is it being done if it is in fact being done?

[Translation]

Hon. Claude Carignan (Leader of the Government): I imagine that you are talking about the funds transferred to Newfoundland and Labrador; is that the thrust of your question?

[English]

Senator Moore: Yes. Leader, if you don't have it today maybe you can check with the minister responsible for bringing it in, but I think it is important that we know that.

[Translation]

Senator Carignan: I wanted to be sure that that was what you were talking about. As you know, this is a shared-cost program designed to mitigate the effects of Newfoundland and Labrador's elimination of the minimum processing requirements. Prince Edward Island is concerned about one aspect of this program. The European Union is Prince Edward Island's second-biggest market. The fish and seafood industry is the main source of Prince Edward Island's exports to the European Union. This sector is hit with tariffs that can go up to 25 per cent. However, after the agreement goes into effect, almost 96 per cent of those tariff lines will be admitted duty-free, and the rest will be set at 0 per cent in seven years. That is the reason for the transfer of these federal funds.

DELAYED ANSWER TO ORAL QUESTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Jaffer on May 14, 2014, concerning Sudan and Canadian aid to find abducted girls.

[Senator Carignan]

FOREIGN AFFAIRS

SUDAN—CANADIAN AID TO FIND ABDUCTED GIRLS

(Response to question raised by Hon. Mobina S. B. Jaffer on May 14, 2014)

Canada provided assistance, through the International Organization for Migration (IOM), to support the return and reintegration of Lord's Resistance Army (LRA) abductees, including girls, from Sudan (formerly unified Sudan) back to their families in Uganda. That support was provided from 2000 to 2003. In addition, Canada funded UNICEF from 2010 to 2013 to strengthen child protection for conflict-affected boys and girls aged 10-18 in Sudan. Amongst other things, UNICEF built and equipped a transit center in Western Equatoria State where children rescued from the LRA received, psychosocial support, health care and family tracing services as they awaited their return home.

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 4-13(3), I would like to inform the Senate that as we proceed with Government Business, the Senate will address the items in the following order: Motion No. 43, followed by Motion No. 44, followed by all remaining items in the order that they appear on the Order Paper.

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE
WHOLE TO RECEIVE MR. DANIEL THERRIEN,
PRIVACY COMMISSIONER NOMINEE, AND
THAT THE COMMITTEE REPORT TO THE
SENATE NO LATER THAN TWO HOURS
AFTER IT BEGINS—ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of May 29, 2014, moved:

That, immediately following the adoption of this motion, the Senate resolve itself into a Committee of the Whole in order to receive Mr. Daniel Therrien respecting his appointment as Privacy Commissioner;

That the Committee of the Whole report to the Senate no later than 2 hours after it begins.

The Hon. the Speaker: Is there discussion on this motion, or are you ready for the question?

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

PRIVACY COMMISSIONER

DANIEL THERRIEN RECEIVED IN
COMMITTEE OF THE WHOLE

(The Senate was accordingly adjourned during pleasure and put into Committee of the Whole, the Honourable Pierre Claude Nolin in the chair.)

• (1450)

The Chair: Honourable senators, rule 12-32(3) sets out the procedure for Committee of the Whole. In particular, paragraph (b) indicates that “senators need not stand or be in their assigned place to speak.”

[English]

Honourable senators, the Committee of the Whole is meeting pursuant to the order just adopted by the Senate to hear from Mr. Daniel Therrien respecting his appointment as Privacy Commissioner. Pursuant to the order, the appearance will last a maximum of two hours.

I would now ask the witness to enter.

(Pursuant to Order of the Senate, Daniel Therrien was escorted to a seat in the Senate chamber.)

[Translation]

The Chair: Honourable senators, the Senate is now in Committee of the Whole to hear from Daniel Therrien regarding his appointment as Privacy Commissioner.

Mr. Therrien, thank you for being with us today. I invite you to make your introductory remarks, after which there will be questions from senators.

Daniel Therrien, nominee for the position of Privacy Commissioner: Thank you, Mr. Chair. It is a great honour for me to be here before this Committee of the Whole today as the Prime Minister's nominee for the position of Privacy Commissioner.

My name was submitted to you following a long competition conducted by the government. However, I understand perfectly well that this position is that of an officer of Parliament. I am therefore here so that you can consider me for the position, so that I can answer your questions and so that you can decide whether you are willing to put your trust in me.

If my nomination is approved, my allegiance will be to Parliament and I will fulfill my duties in a completely independent and objective manner. I will be pleased to answer any questions you may have in that regard.

The protection of personal information is a basic right, and one of my career goals has always been to ensure that human rights are respected when programs affecting liberty and security are implemented. I began my career in the corrections field. I then moved to immigration and, more recently to public safety and national security. My CV highlights some of my achievements, including the principles of privacy protection adopted under the Beyond the Border agreement with the United States. When I was working as a lawyer at Citizenship and Immigration Canada a few years ago, I also participated in strengthening the refugee protection system under the Immigration and Refugee Protection Act.

My career has been based on respect for human rights, which I think should help me successfully transition into my role as privacy ombudsman, advocate and promoter. This position would also enable me to use my extensive knowledge of how government works, and in particular how public safety organizations work, which I think is a valuable asset that should help me effectively carry out my oversight role. My 20 years of experience as a manager and senior official within the government will also help me provide the leadership required as head of the Office of the Privacy Commissioner.

[English]

Some say that privacy is dead, that it is an obsolete notion. I wholeheartedly reject this, and it would be a very sad day if it were true. But privacy is certainly at risk. Governments collect, analyze, use and share much greater amounts of personal information than ever before. So do private companies. Canadians are legitimately concerned.

At the same time, Canadians want government to protect their personal safety, and they want easy access to the services companies provide through the Internet and other technologies. At the centre of the privacy debate is the notion of control: How much control over their information — and, therefore, their lives — are Canadians willing to give up in order to get the benefits they expect from government and the private sector? Conversely, how much information should government or private companies collect without the control or consent of the individual?

In order to improve privacy, one needs, I think, to play on the factors enhancing control by individuals: more transparency by government and companies collecting information; more justification for collecting information without consent; more information by the Office of the Commissioner on the privacy risks faced by individuals; and more security safeguards so that personal information is safe from those with malicious intent.

The goal of my actions, therefore, my overall priority, would be to improve these control factors for Canadians. This does not mean that I would disregard reasonable needs of government and companies, but I would ask them tough questions to determine whether what they claim is a reasonable need is in fact just an easier or cheaper way of proceeding, and whether alternatives that offer better privacy protection had been considered.

[Translation]

I want to commend Jennifer Stoddart and her staff for doing an excellent job during her term as Privacy Commissioner. Ms. Stoddart effectively used her powers to get concrete results, for example, when she succeeded in getting technological giants like Google and Facebook to change their practices to respect Canadians' right to privacy. She formed an impressive team of experts in policy and technology law, and based on what I have read about the team, they consistently produced excellent reports, analyses and information for Canadians. I plan on using this team to use my powers as commissioner as effectively as possible, just as Ms. Stoddart did.

On a more personal level, an immediate priority will be to lay the groundwork for developing good working relationships with civil society and stakeholders in the private sector.

• (1500)

I know that I am not well known outside the government. I intend to meet with stakeholders by early fall. I also intend to meet with the provincial privacy commissioners soon.

In closing, I would like to address something that may be on your minds. Given my recent experience as a legal counsel for public security organizations, how will I assess, from a privacy protection perspective, proposals that might be made to enhance the investigative powers of law enforcement officers and national security officers? I will verify whether the new power is reasonable under constitutional law, of course, but more generally, I will look at it from the point of view of most people, who want both privacy protection and public safety without sacrificing one for the other. From that point of view, I believe that the questions that need to be asked are the following. Did the government justify the need to take this new power and, more importantly, the scope of this new power? Was the government transparent about how it intends to use that power or at least as transparent as possible without disclosing its methods to criminals? Will it be held to account for how it uses that power?

I fear that far too often today, Canadians are learning about investigative methods for which these things have not been demonstrated. If appropriate answers are given to these questions, I will support the new powers being requested, as, I believe, most people would.

Thank you for your attention. I would be pleased to take questions from honourable senators.

The Chair: Thank you, Mr. Therrien.

[Mr. Therrien]

[English]

Colleagues, before I recognize the first honourable senator, I want to remind you that every senator can speak for 10 minutes. You can speak more than once, but you have to look at me and I will recognize you.

The committee started at 2:53 p.m., so we have until 4:53 p.m.. We'll have plenty of time.

Senator Cowan: Welcome, sir. I'm glad you could be here.

First of all, let me say that I'm sure all of us were impressed by your resumé, and our inquiries certainly led us to conclude that you have an excellent reputation and have done excellent work in all of the portfolios that you had. The reservations which I expressed to the Prime Minister when he asked for my advice on this related solely to the nature of the experience that you've had; you will not be surprised that my questions will be related to that.

My first question, sir, is the following: The website for the Office of the Privacy Commissioner states that the Privacy Commissioner is, to use the words of the website, "an advocate for the privacy rights of Canadians."

The *Canada Gazette* advertisement for the Privacy Commissioner position included the following statement:

The ideal candidate would possess superior leadership skills in managing a team of people and championing privacy interests in an ever-changing environment . . .

My question is: Can you tell us what experience you've had serving as an advocate for the privacy rights of Canadians?

Mr. Therrien: Thank you for the question. My most direct experience in championing privacy rights has been as co-lead of a negotiating team with the United States Government to adopt a set of privacy principles in relation to the Beyond the Border agreement. That agreement is an umbrella agreement under which there are 30-odd sub-agreements, many of which provide for the sharing of additional information between Canada and the United States for the implementation of various programs: security, trade or otherwise, border control.

Realizing that these agreements would result in more information-sharing, it was felt desirable to set a series of principles on privacy that would govern all of the sub-agreements in a way that is consistent with international rules in terms of privacy protection. The principles also seek to harmonize and, to some extent, augment the privacy principles found in legislation either of the U.S. or Canada.

I think in that way I can say that I was responsible for championing privacy rights in Canada.

Senator Cowan: You've served in the federal government all of your career and much of that time, especially in the last few years, you worked as a legal adviser to federal departments in policing

and law enforcement, security and intelligence. Those are organizations that, for what they consider to be very good and very important reasons, regularly seek to access Canadians' private information.

Presumably you've advised those departments and organizations on these issues.

How do you see the balance between the law enforcement and security and intelligence organizations' desire for access to more private information and Canadians' desire for privacy?

Mr. Therrien: I think that privacy rights are extremely important, but Canadians also want their government to act on their behalf in protecting their safety and security. You will see definitely proposals by government to enhance legislation in order to modernize legislation so that law enforcement and security agencies have the tools they need. After all, you cannot identify threats to security without having information about the individuals who constitute these threats. It is normal that there will be changes to these rules and legislation in order to protect Canadians.

At the same time, the role of the Privacy Commissioner is to be extremely vigilant in this. These measures that may be proposed by police and security agencies have to be very well crafted to, one, demonstrate that existing legislation is not sufficient to identify the risks that these agencies want to identify; and, if there is a need to augment these powers, that these additional powers are only set out to the minimum necessary to produce the objective in question, while protecting privacy rights.

I see my role, in part, as Privacy Commissioner, if I receive the confidence of this Senate and the government, to be extremely vigilant, as I said in my opening remarks, in asking tough questions of government when they seek additional powers and when they develop new programs, to make sure that what they seek is necessary and does not go beyond the means intended.

Senator Cowan: On February 28, 2014, the government amended the Security of Information Act to add a number of people, including legal advisers, to a category known as "Persons Permanently Bound to Secrecy,"; in other words, it's a lifetime requirement for secrecy. Are you in this category?

Mr. Therrien: I am not.

Senator Cowan: You're not.

Many Canadians were troubled by the revelations by acting Privacy Commissioner Chantal Bernier that federal enforcement bodies have been making an average of 1.2 million requests for private customer information from telecommunications companies each year, without a warrant of any kind.

Were you involved in advising any federal agency or department about their right or ability to make such requests?

Mr. Therrien: I have not. I can say maybe in addition that, although my portfolio currently includes many legal services to these agencies — RCMP, the secret service, et cetera — operational decisions and advice is usually given at the level of a legal service to that agency, and my role was more at the level of legal policy advice to departments.

Senator Cowan: As Privacy Commissioner, would you have concerns about this issue, and what would you see your role as Privacy Commissioner to be?

Mr. Therrien: Absolutely, I am concerned with the issue of warrant-less disclosure, and the number of these disclosures that were revealed is of great concern. I would go back in terms of the principles. If police and security agencies feel that they require authorities, they should be able to demonstrate why, of course, without revealing information that would be injurious to investigations, but they should generally be able to show why and why the authority they're seeking is crafted in the way that they seek.

• (1510)

In terms of this particular issue of warrantless disclosures, it is absolutely of concern.

Senator Cowan: So you would share Ms. Bernier's view that federal privacy laws should be changed to ensure that service providers have to provide statistics to let Canadians know about these requests for customer information?

Mr. Therrien: Yes, at a level that would not be injurious to the investigations. But absolutely, the information should be provided so that Canadians have a much better sense of why these authorities are required, requested and used, so that there is more comfort with them, and, of course, the opportunity for Parliament, if Parliament finds that these authorities are not required or necessary, that they not be granted.

Senator Cowan: Thank you, sir.

Senator Eggleton: Thank you very much for being here. I also applaud all your service to the Government of Canada and the people of Canada over many years.

Many Canadians have been increasingly concerned about police retention of information about individual Canadians and the sharing of that information with other governments, most notably the United States. There have been some examples of this in the media lately. One Canadian woman was denied entry to the United States a few months ago because she was told by the U.S. border authorities that she had been hospitalized for clinical depression.

You've mentioned here today that you were part of the leadership of the negotiating team responsible for the adoption of the privacy principles governing the sharing of information between Canada and the U.S. under the Beyond the Border accord. Is this part of what was negotiated by you?

Mr. Therrien: It is not. This sharing of information occurs through police agreements, and I believe that in this particular case, the information that was disclosed to the United States was disclosed because although the incident involved a health issue, it involved the police at some point, who saw a fact, included the fact in question in their systems, and it was shared with the United States government.

I am concerned about this type of sharing. Even though the information in question was seen by the police during one of their interventions, it is medical in nature, and I would be looking certainly to see if rules need to be changed to make sure that this type of event does not occur.

Senator Eggleton: Thank you for that answer. I'm somewhat surprised, if you were involved in establishing the privacy principles, that somehow this didn't —

Mr. Therrien: These police agreements pre-existed the border accord in which I was involved.

Senator Eggleton: All right. Now, the statement of principles also authorized transfers of that personal information to third countries, so the U.S. could conceivably share that information about Canadians hospitalized for depression, for example, in Canada with other countries around the world. What's your view of that as you come into this new role of Privacy Commissioner?

Mr. Therrien: That clause is a very important clause, actually, of the principles. Before answering, I will just get to what the principles seek to do.

The rule controlling the onward transfer of information to third states — so, in this case, the U.S. being the second state and another state being the third state — arises from the inquiry of Mr. Justice O'Connor into the Arar situation. Mr. Justice O'Connor acknowledged that information sharing by Canada with other states is necessary for national security, identification reasons, but needs to be controlled. There need to be parameters to this. The principles, in part — not in whole but in part — seek to reflect many of the recommendations of Justice O'Connor in his report.

For instance, the principles that speak to the information must be accurate, must be up to date, and if there are conditions to be imposed by Canada to the use or further transfer of that information, and the clause you're referring to is relevant here, Canada should impose what is said to be caveats, or conditions, to the use or further disclosure of the information.

The clause you're referring to in the principles seeks to reflect that recommendation.

Senator Eggleton: Considering that when police are called into a situation and they enter their notes, they enter them on the Canadian Police Information Centre, CPIC, database. That, in turn, is accessible to American authorities. One report indicates there are some 420,000 people listed on that database in 2005, despite never having been convicted of any crime.

So I would hope this is something you would be putting some time and attention to, because people being denied access because of clinical depression sounds like it's over the top.

Mr. Therrien: Absolutely.

The Chair: Before I recognize the next senator, on my list the next five speakers are Senator Tkachuk, Senator Segal, Senator Jaffer, Senator Andreychuk and Senator Joyal.

Senator Tkachuk, you have the floor.

Senator Tkachuk: Thank you, and welcome, Mr. Therrien.

If you could maybe describe where you see the greatest threat to personal privacy: Do you see it from governments? Do you see it from the private sector, or do you see it from the police?

Mr. Therrien: I think we have two pieces of legislation in this country on privacy, one for the government and one for the private sector. It recognizes, therefore, that there's a need to protect information, both in a government context but also in a private sector context. I would not put the risks on the scale. I think in both cases we need to be vigilant that, as I said in my opening remarks, personal information of individuals remains under their control, for the most part, and when it is not, that it is explained why that would not be the case.

That's the domain that I know better. There is certainly a very important debate in Canada in terms of the tension between privacy, police and security rights, particularly when we see the warrantless disclosure information that was disclosed recently. So there is an important debate here. Some have called on the Canadian Bar Association, for instance, for an independent review of privacy rights in the context of surveillance powers of the police. I would support that. Some have called for something like a royal commission, if I understand correctly, to determine the right balance between privacy and state powers. I don't know that a royal commission is necessary, but I would certainly think that there needs to be much more public debate of these issues, and I'm calling for government agencies, whether of a security nature or others, to be more transparent in the reasons why they collect, use and share information, so that this debate with the population on the balance between their privacy rights and other benefits that they receive from government is an informed one.

• (1520)

I feel we don't have as much informed discussion in this country as we should about privacy protection, and I'm not sure exactly whether a commission of inquiry or a royal commission is required, but I would want more public debate, and I would want the commissioner and the commissioner's office to play a very active role in informing the population on these issues.

Senator Tkachuk: I think our job as parliamentarians is to protect people from the government and to protect people's privacy rights. As an officer of Parliament, you would hopefully be working with us to protect those privacy rights of individual Canadians.

Do you see yourself as an agent of Parliament, or do you see yourself as a servant of Parliament?

Mr. Therrien: I'm not sure I understand.

Senator Tkachuk: I think that's a good question to ask because we have a lot of officers of Parliament. I'm a parliamentarian, and to me, the officers of Parliament are servants of Parliament. There are some officers of Parliament, though, who describe themselves as agents of Parliament, and there's a big difference. So I'm asking you what you think it is. As a person who has worked in the government as a bureaucrat, what do you think it is?

Mr. Therrien: I'll try to answer in the following way: Parliament, of course, plays a legislative role but also an oversight role over the executive branch. I see the role of the Privacy Commissioner as an agent of Parliament as seeking to assist parliamentarians in both of those roles as best I can with the expertise I may bring to privacy issues.

Senator Tkachuk: Are you working, then, with parliamentarians as the lead person, or are you working with them as a servant of Parliament? In other words, if Parliament says, "We have an issue with the police" or "We have an issue with the RCMP" or "We have an issue with the military," where do you go from there? Do you then say, "I'm going to investigate that as an agent," or "I'm going to investigate that on your behalf and report back to you"? How will you be doing that?

Mr. Therrien: Clearly, as an agent of Parliament, the Privacy Commissioner reports to Parliament. If Parliament directs an agent of Parliament to proceed to a certain task or inquiry that needs to occur, it needs to occur through the office of the agent on your behalf. So it's not on behalf of the agent; it's on behalf of Parliament, I would say.

Senator Tkachuk: I would disagree with you there. I'd suggest to you, sir, that you are a servant of Parliament. Nonetheless, maybe we'll have that disagreement again.

I would ask you about the question of government and privacy. To me, it's like there's constant debate. It's almost like a contradiction in terms. People want more safety, so governments put up cameras. People want more safety on the streets, so there are more police asking you questions. People want more security, so we arm their homes by putting cameras in them and everything else. These are all contradictions, I think, but also big problems for a Privacy Commissioner.

You said you wanted to see debate. How do you see that debate taking place? In other words, the people out there want to have a government program, but every time you have a government program, you invade a little bit of privacy; you get information on those people, about health care, social services, anything like that. Every time we have a piece of legislation, we invade the privacy of the individual citizen.

Do you think you should structure debates around that? I think we should, but I'm asking whether this is what you were referring to when you said we should have discussions and debates. Should we take those kinds of debates and have debates about that? Those are issues that concern all citizens in Canada.

Mr. Therrien: I would say, again going back to the need for the state to justify certain intrusions into privacy, that doesn't occur in the abstract. You say there's a need for a new program, whatever it is, and the government will propose to adopt a certain means to achieve an end. Does it offend privacy? There are legal rules for these questions, but when you look at the question of warrantless disclosure, it becomes very worrisome that power is being exercised without judicial oversight for what is said to be a legitimate state program but without oversight.

I would say you need to look at the legal rules of the question, but you also need to have public discussion around societal acceptance of the program, the objective used and whether society finds that if it is an intrusion into privacy, it is acceptable in our society. It's a mix of law and societal acceptance, I would say.

Senator Tkachuk: I'm good.

Senator Segal: Mr. Therrien, welcome to the Senate of Canada. I wish you well in your new undertakings, and I appreciate your service to the country up to this point.

Mr. Therrien: Thank you.

Senator Segal: My question to you as a prospective Privacy Commissioner is do you take privacy to be a primary, core value of a free society? Or do you take it to be just one value to be balanced against things like national security, police efficiency and fighting crime? Where does this all fit into your view of what's most compelling and most important?

Mr. Therrien: It is a primary right. Does it sit atop other considerations like security? I think when you look at the question legally, you will see that the two rights are important and constitutionally protected.

At the same time, in most situations, you can have one and the other. So it's not a question of having one or the other; you can have one and the other. I would not put privacy above other constitutionally protected rights, but certainly, as Privacy Commissioner, when I look at these various rights, sometimes conflicting, I totally accept and want the role of championing privacy rights, to be very vigilant, for instance, as I said, in looking at state interventions to ensure that we do not lose the importance of privacy as against other considerations.

I would not put privacy over other considerations legally, but I would say that the Office of the Privacy Commissioner, which I hope to lead, would certainly have a focus and would give its priority to promoting and defending privacy rights over other constitutionally protected rights.

Senator Segal: So you would view it as *primus inter pares* in terms of all the other needs and rights?

Mr. Therrien: If you want, yes.

Senator Segal: Unlike those who might be doing the work you're doing amongst our NATO partners, Canada is the only serious player in NATO that has no parliamentary oversight of

our intelligence and security agencies, so there's no place where parliamentarians can ask CSIS why they are putting their hands on certain bits of information from telecom companies and others, what the purpose is and how privacy is being protected.

How do you intend to deploy the forces under your control as Privacy Commissioner in your office to deal with that glaring deficit in our democratic oversight, which does not exist in other countries?

• (1530)

Mr. Therrien: First, I totally agree that it is a deficit not to have parliamentary oversight of national security agencies. My office can contribute to public debate about privacy in all matters of form.

I indicated that I would want to contribute to a discussion which enhances the controls that individuals have over their information. I would want to contribute to a discussion which enhances transparency and accountability, and in that context, I would see the discussion around parliamentary oversight as totally relevant.

Senator Segal: Thank you.

Senator Jaffer: Thank you very much for being here today. You have been a long-time public servant. I have observed in the past that every task that you have done you have done with great gusto, and I am very much aware of your work at the IRB. I am happy that your name was put forward because I know of your work.

I have some questions of you. Following what Senator Segal was saying, if I understood him correctly, he was talking about whether you consider privacy rights to be at the core rights or level with all the other rights. If I understood you correctly, you said that they would be one of the rights, not the head or not the core but one of the many rights.

Mr. Therrien: But the one I would champion.

Senator Jaffer: Absolutely, and I am sure you will do a good job.

For me, the communities that I represent, one of the big challenges — and I think this will be a tough part of your job — is the issues around terrorism and privacy rights. That is why I am happy you have been chosen because I feel that you come from the inside. You know how things work in the inside and now you will be able to challenge it from another spot.

Privacy rights and terrorism are challenges for our multicultural community and for peace in the future, and I would appreciate your thoughts on them.

Mr. Therrien: One of the advancements or enhancements found in the privacy principles I referred to is a clause which says that information sharing should not be shared in a discriminatory way. I think that is an important message in this agreement, which

seeks to provide safeguards around information sharing for border control and national security reasons. One of the principles explicitly says that sharing of information between states for these purposes is not to be done in a discriminatory way. Certainly as Privacy Commissioner I would ensure that this principle is totally respected in the programs that departments would develop to give effect to the border accord.

Senator Jaffer: One of the opening comments you made in your presentation, which I was pleased you said, is that you would find ways to work with the NGOs, the civil society. I was happy to hear that. I would like you to expand.

We live in a very diverse society. When we talk about working with civil society, there are many kinds of different civil society. I would appreciate it, if you have had time to think about it, if you would expand on how you plan to work with our diverse civil society.

Mr. Therrien: My comments will probably deal less with civil society than my attitude generally in finding solutions to problems.

I don't have a whole lot of experience in dealing with civil society. I was for a short while director general of the refugee policy branch in CIC, which gave me relations with certain NGOs in that area, and I think these relationships work well.

More generally, the work I do, I try to be consultative, reflective; I try to reflect the views of others in the actions I take. Certainly, although I readily admit not having much experience with civil society, I will make it a priority to do that; that is, to consult with members of civil society, to understand their point of view, and to ensure that their perspective is incorporated in the recommendations and views I will put forward.

Senator Jaffer: I tremendously appreciate the frank way in which you have answered the question because no one has done everything before they come to their new job. The fact that you have recognized that there is a place where you could expand, I appreciate your answer on that.

One of the things that we struggle with every day here are the issues of privacy and security rights. When an incident happens, we are all concerned to protect and give Canadians security. After 9/11, we were very concerned about security issues. I believe at that time many privacy rights were eroded and are not as strong as they used to be.

I would like to think that in your new job you will quickly learn to be the spokesperson for Canadians to protect our privacy rights at all times. May I have your thoughts on that?

Mr. Therrien: Even though I have been in government all of my career, all of the work that I have done was in the human rights area. Some will say that it was with a security or a correctional or a law enforcement angle, but I have always sought to ensure, as is currently my job as a Department of Justice lawyer, that government programs are implemented in a way that is in compliance with law, including the Charter. I would continue to

do that but now as a champion of human rights. As I think you know, I have had a passion for human rights throughout my career, and I absolutely want to continue in that vein.

Senator Jaffer: For my colleagues, I do know you have been a champion on human rights, especially when you were in the IRB. I can say that with comfort. If both houses select or agree to your choice, I wish you well.

Mr. Therrien: Thank you very much.

The Chair: The next five intervenors I have on my list: Senator Andreychuk, Senator Joyal, Senator Lang, Senator Mercer and Senator Maltais.

Senator Andreychuk: I want to echo the comments that have been made about your professionalism in the previous positions you held. You have, as I have seen you, understood your role and handled it well.

You will have more discretion in this position. How will you handle that? For example, in response to my colleague I heard you answer that there should be parliamentary oversight on security issues. That is treading on, perhaps, choices that the Parliament should make or the governments should make. How will you find that balance now with this extra discretion of understanding the varying roles and responsibilities of all of us while we work for the betterment of our communities and societies?

Mr. Therrien: Of course, when I express a view such as it would be desirable to have parliamentary oversight of national security, it is a view and it is a recommendation; it might become a recommendation if I become Privacy Commissioner. In that sense, it is a recommendation, obviously, for Parliament to deal with as it sees fit.

I think I would start with the overall priority that I set out in terms of privacy, which is to try to enhance the way in which individuals control the information that concerns them through what I have mentioned: transparency, accountability, et cetera.

• (1540)

My core goal would be to improve the control individuals have over their information. Of course that control will never be absolute, but to improve the control they have through all of these means. If I come to the view that a certain recommendation would be beneficial for accountability, for instance, I would then, in all independence, recommend what I think is a useful means to achieve an end of accountability and would recommend to parliamentarians that they might wish to seriously consider that issue.

My role, I would think, is one of agent: recommending courses of action to Parliament, based on what I believe is my overall priority and how various means can be used to achieve that priority.

Senator Andreychuk: If I understand you, you would be suggesting avenues that have to be considered, either by government or by Parliament, but you would not be prescriptive. You would leave that discretion?

Mr. Therrien: Yes.

Senator Andreychuk: You will be an advocate for privacy, and I think that's the basis of your role. You pointed out quite rightly that all human rights are not independent of each other: It's a balance between all of the rights. I appreciate that you have that down from your past experience.

The issue I keep pondering is the whole definition of privacy today. What does it mean? It was really the intrusion of governments or other agencies into our lives, but we are now intruding on each other's lives and being very free with the information, yet we want others to be very careful with privacy. It's a whole new area.

The first time I ran into it was that as a family court judge I could not disclose anything that went into the court, but the young person and his family could. How do we achieve that? I think you're going to find a lot of this a new look at privacy, and you're going to have to balance it with the laws that we have now to the expectations of people, and they will vary from area to area.

I would like some of your thoughts on this new definition of privacy as it's coming.

Mr. Therrien: Of course I am open to another type of privacy right, as you say, between individuals. I think I will have my hands full, frankly, with the roles of Privacy Commissioner under the Privacy Act in terms of the state-individual relationship and in terms of PIPEDA and the organization-individual relationship. I look forward to examining other types of privacy relationships, but I think I will start with the first two.

Senator Andreychuk: I think because you're going to deal with civil society, there's going to be a lot of misunderstanding of what privacy is today as opposed to what it used to be with print media and laws. Now it is a whole new issue, and an international one. Will you be looking at international standards and expectations?

Mr. Therrien: Of course.

Senator Andreychuk: And put it in the context of what is facilitating, for society, on privacy?

Mr. Therrien: Absolutely. I will look to developments in international law or to international discussions on the notion of privacy for guidance in Canada, as I hope Canada can provide some assistance in the development of these notions internationally.

Senator Andreychuk: Back to the security issues versus privacy, where do you draw the line on that? Do you look at the balance on a case-by-case basis or a law-by-law basis?

Mr. Therrien: I believe it's both. You start at the legislative or rule level, but also at the police action or the national security action level. You do that at the level of agreements as well.

For instance, one of the things I hope to do as commissioner is to have discussions with departments who are now my "clients" and are developing action plans on how to implement the border accord so that the policies they develop are compliant with policy. It's at all levels — the rules level, the program level and the individual action level — that we need to look at privacy and the balance between privacy and other considerations, I think.

Senator Andreychuk: On behalf of myself and parliamentarians, it's going to be a very demanding job. I think it's one that you're coming to with reflective thoughts, and I think it's helpful that you have an open mind about what your job may be and are listening to new approaches and society at large. Thank you.

Mr. Therrien: I certainly look forward to it.

Senator Joyal: Welcome, Mr. Therrien. To be frank with you, I feel you are in a conflict-of-interest position on the basis of your past professional responsibility. You have stood on the side of safety, and I think you have done it well. I'm not questioning that. But today you jumped the fence and you're on the other side. We have to accept your pledge that you will be the new knight defending privacy in Canada in a world, as my colleague Senator Andreychuk has mentioned, that is totally different and where there is pressure to invade privacy, be it through the border agencies, the Canada Revenue Agency or the private sector and private companies that have access to private information. The pressure is almost untenable.

How can I be convinced personally, and how can Canadians be convinced, that you are the right person for this job at this time? That's why I feel you are in an untenable position. Your previous responsibility counselling and advising the Department of Justice and other departments in relation to safety, in my opinion, puts you in an untenable position so far as your credibility is concerned to today stand as the new spokesperson for privacy in Canada. That's why I think you have an impossible position to face. You have to convince us and Canadian public opinion that you can really do the job in a credible manner.

Mr. Therrien: I think one of the things I would bring to the position, of course, is knowledge about these agencies, knowledge about their operations and how they function. That would be very useful to have.

As a lawyer, as someone with legal training, I certainly understand perfectly the notions of independence and impartiality. Certainly, if I am appointed Privacy Commissioner, my allegiance to the executive branch of government would cease and I would hold allegiance to Parliament and this role as Privacy Commissioner, as a champion of privacy rights.

I come with knowledge of the operation. I come with knowledge of the law. I also come with training which, I think, makes it easier for me to understand notions of impartiality and

independence and carry them through in a way that is completely different from what I have done so far.

Senator Joyal: The problem I have with one of your claims — not to fame but to realization — is the Beyond the Border accord, which includes 33 specific arrangements. I will read from your predecessor's last annual report to Parliament, from 2012-13, *Securing the right to privacy*.

• (1550)

I quote from page 45, Chapter 5.6, "Temporary Resident Biometrics Project." I read the recommendation of your predecessor in the position:

... we have concerns about the wide-scale, routine sharing of information with other countries, recognizing that once information goes beyond Canada's borders, it may be impractical or impossible to prevent unauthorized uses, disclosures, or transfers of that information, or to ensure that it is properly protected.

On the previous pages, the report analyzed the Beyond the Border agreement — and I refer you to page 43 — and then it makes at least five recommendations that I could read to you that are very substantial in terms of the fallout of the Beyond the Border agreement as far as privacy is concerned.

You will understand why I am skeptical about the approach whereby the Beyond the Border agreement seems to contain a lot of loopholes or avenues for anyone to move in. Today, you will be the one who will be trying to plug the holes. Do you understand why I feel that there is some discomfort for some of us because you are now the one who will have to give effect to those recommendations that analyze what you were doing before?

I don't question your professional integrity whatsoever. You did what you were expected to do. On the other hand, any citizen who reads this report and sees you would say, "How come this person is now in a better position to defend my privacy rights?"

Mr. Therrien: I think I need to explain here what my role has been vis-à-vis the Beyond the Border agreement. My role has been to negotiate, with the U.S. government, the overarching privacy principles against which these specific agreements are tested. I was not involved — other departments were involved — in concluding subsidiary agreements. If I become Privacy Commissioner, part of my role will be to ensure that the agreements that are reached and implemented under the Beyond the Border agreement live up to the principles that I have negotiated.

I think I am particularly well placed, having negotiated these agreements, to determine whether what other departments try to negotiate with the United States, under its umbrella, comply with the principles that were reached.

Senator Joyal: Can we talk about security certificates? I understand that you were involved with the legislation that followed the decision of the Supreme Court in relation to security

certificates. This house of Parliament was recommending, before the Supreme Court ruled on it, that there were problems with security certificates.

What position did you hold at that time with the Department of Justice regarding the definition of the concept of security certificates and the way they should be implemented?

Mr. Therrien: Sorry, what period are you referring to now?

Senator Joyal: I understand that you were with the Department of Justice from 2005.

Mr. Therrien: Yes.

Senator Joyal: So security certificates were in existence at that time.

Mr. Therrien: Absolutely.

Senator Joyal: I can quote the report of the Senate chamber in relation to the amendments that needed to be brought to the issue because, in our humble opinion, they were contrary to the Charter. Following that, the Supreme Court ruled according to the point that we had raised in this chamber.

I am concerned that you, having been the adviser to the Department of Justice in relation to security certificates, were in fact ruled out by the Supreme Court, and you had to more or less go back to the drawing board to come up with a bill that would give way to the decisions of the Supreme Court. I am concerned with that also on the basis of your previous role in the Department of Justice in relation to security and how you managed with the principles of the Charter of Rights and Freedoms that had been applied in the decision of the Supreme Court in relation to the legality of the certificate.

Mr. Therrien: I definitely know that my role has been to assist in modifying and amending the security certificate process, following the decision in *Charkaoui* in 2007, essentially to incorporate the role of special advocates into the process to ensure that the interests of the individual who is the subject of the certificate are well protected.

I had a role in advising government on how to improve the Immigration and Refugee Protection Act so as to recognize the flaws found by the Supreme Court in *Charkaoui* and correct them. As you know, recently the Supreme Court, in the *Harkat* decision, found that the amendments that were made are constitutionally valid.

If I understand your question correctly regarding what role I played in the legislation previous to *Charkoui*, if I am not mistaken — I could be mistaken — the security certificate procedure at the time dated from quite a while ago and was set aside in *Charkaoui*. Actually, I was involved in the amendments that became IRPA, the Immigration and Refugee Protection Act, in the early 2000s, which, in part, revamped what was then the

procedure. The security certificate process prior to *Charkaoui* had been in place essentially since the late 1970s. It was brought under the new umbrella of the Immigration and Refugee Protection Act in the early 2000s, and I was involved in that, but the procedure did not change substantially. The Supreme Court found it flawed in *Charkaoui*, in 2007, and then I was involved in remedying these problems, apparently with success, as found by the Supreme Court in *Harkat*.

Senator Lang: I want to say that I am very impressed with your resumé. Senator Joyal reflected some reservations with respect to your knowledge of government. It is a double-edged sword in some respects. It is great to have that knowledge, but the question is, how sympathetic are you to the government, at the end of the day, when you are having to review future issues of privacy versus what government or private enterprise might want to do or vis-à-vis our surveillance agencies and the RCMP? That is what I would like to spend a little bit of time on because it is important to Canadians.

Mr. Therrien: Absolutely.

Senator Lang: That is, the question of surveillance, the question of how that balances with the real threats of terrorism that Senator Jaffer referred to earlier and how we ensure fairness for those Canadians whose information has inadvertently been stored by the government agencies through the aegis of metadata.

Over this past year, when Canadians were informed that surveillance was taking place at the various airports, metadata was being collected about them and they had no involvement whatsoever, obviously, with respect to the questions that the intelligence agencies were pursuing, do you feel that the agencies breached their privacy in any way through the collection of this type of data?

Mr. Therrien: I don't know the facts. I did not give advice on these particular facts, but I certainly know where I would come from in terms of an authority perspective.

I understand that CSEC explained these actions as being part of a pilot project. CSEC has three mandates under its statute: one, to protect technological systems of the government; two, to proceed with foreign intelligence; and three, to assist other security agencies that are named in its legislation. The authority for CSEC to collect information starts and ends with these three reasons. I do not know whether the pilot in question was consistent with these three reasons, but that would be how I would look at the situation.

• (1600)

Senator Lang: I want to follow up, if I could, Mr. Chair, with the collection and storage of metadata that is the personal information of individual Canadians. I understand — and correct me if I'm wrong — that a study is under way, I believe through the Office of the Privacy Commissioner, to assess the situation with metadata and the storage of metadata. This leads me to ask: Do you feel at the end of the day that metadata should be destroyed at some point if it has been collected and has no real reason to be stored?

Mr. Therrien: Certainly metadata can reveal a whole lot about individuals. To that extent, it is protected by privacy rights. As such, there should be a life expectancy to that information. Therefore, it should be destroyed after some period.

Senator Lang: Would you be prepared to take that on as a priority in respect of your responsibilities to ensure that at least some very sound recommendations come forward to the attention of government so that with those recommendations this stored metadata can be destroyed?

Mr. Therrien: Yes.

Senator Lang: That's clear.

I want to go further on the question of sharing information between security agencies, basically CSIS and CSEC. I'd like to hear your comments on the decision by Justice Mosley in respect of the sharing of such information. How do you see your office in the future dealing with these agencies to ensure that privacy is taken into due consideration in view of the requirement for intelligence?

Mr. Therrien: I will stay at the general level because the government has appealed the decision of Justice Mosley. It would be inappropriate to talk about that judgment, per se; and so I would return to general principles.

Among the agencies that CSEC is authorized to assist is the security service, which is limited in the types of information it can gather. I would look at arrangements between CSEC and CSIS in light of the authority of the security service to collect and of CSEC to assist CSIS in that task.

Senator Mercer: Welcome to the Senate. We appreciate you being here. I will ask short, practical questions.

Should all data breaches be reported to the Privacy Commissioner, rather than as the Canadian Bankers Association recommended to the Standing Senate Committee on Transport and Communications this morning when they said:

... report to the Privacy Commissioner about breaches that may represent a real risk of significant harm to individuals.

They talked about real risk, but didn't define it. Do you think all breaches should be reported to your office?

Mr. Therrien: I must say that I haven't reflected on that question extensively. Obviously, the Office of the Privacy Commissioner should be informed as much as possible. There might be a capacity issue. I have no idea of how many breaches and their nature that we're considering. The standards suggested by private companies tend to be on the high side, in my view. I would not want to say without the assistance of people in the office whether having information on all breaches would be within the capacity of the office.

Senator Mercer: It would seem that the Privacy Commissioner would want to see all of the breaches, but not necessarily investigate all of the breaches. If you're not receiving notification

of all breaches, how can you possibly watch the trends that may be happening, which start off as breaches that are not necessarily of a real risk, as the Canadian Bankers Association says, but may progress into that? You may want to monitor the changes. As others have noted, in today's changing society with Twitter, email and everything else, we don't know what the next problem will be. In my view, the Privacy Commissioner should monitor the situation so that the office can anticipate problems and make some recommendations to Parliament on how to fix them as they come up.

Mr. Therrien: I'm certainly open to that; but I don't know if there's capacity to do that. Your suggestion to distinguish between breaches, which would lead to reports and investigations, of which there would be fewer, makes imminent sense. I would look at that question, for sure.

Senator Mercer: Should the commissioner make the determination of individual notification of any breaches of Canadians? Should your office be telling all Canadians of any breach of privacy issues so they are aware?

Mr. Therrien: I'm sorry. What type of breaches?

Senator Mercer: A breach of privacy. If there's been a breach of my privacy because somebody had access to information that they shouldn't have that could harm me, should your office advise me of that, with the caveat, of course, that I would be advised only if it was not going to interfere with a criminal investigation?

Mr. Therrien: I'm sorry, but I'm not sure I understand the question exactly. Certainly, if someone complains to the Privacy Commissioner and a privacy breach is found, absolutely, the individual should be advised, if that is the question. I'm not absolutely sure.

Senator Mercer: That is the question.

My last question is: The Standing Senate Committee on Transport and Communications has heard several witnesses talk about the sharing of data and information between private companies. This is obviously a concern that data on customers may be passing from one company to another. How should that be regulated? The data that my bank has may affect my ability to do business with someone else, or vice versa. Should there be restrictions on the sharing of data between corporations?

Mr. Therrien: I would go back to my point about the importance of individuals having control over their information, vis-à-vis the government or private organizations. There's no question that it is of concern when information is provided to a company for one purpose and it is then used for another purpose. There's no question that this is an issue to be looked at seriously.

[Translation]

Senator Maltais: Mr. Therrien, welcome to the Senate. I know that this is not easy for you, so I will be concise. In any case, this is preparing you for your future role.

From what I can see, your career path has equipped you with all the assets you need to fill the position that you have been chosen for.

Many people in the other place have said that the fact that you worked for the Justice Department means that you may be less impartial when it comes to the issues that you will have to address. What do you think?

Mr. Therrien: I have a few comments to make on that. First, I am acutely aware that the position of commissioner requires total independence and complete impartiality.

• (1610)

As I was saying earlier, my legal training enables me to understand these concepts well, and I will deal with all the issues that are referred to me with a completely open mind in terms of the facts and the provisions of the law.

Second, a number of Department of Justice lawyers have become officers of Parliament or judges. Their employment history has not prevented them from being excellent officers or judges and fulfilling their duties in a completely objective and impartial way.

The most important thing to me is understanding that, in my capacity as a government lawyer, I am an advisor to the government with respect to the legality of its actions. My role is not to take those actions myself. If I become commissioner, I will no longer be bound by my duty of allegiance to the executive, and I will exercise my responsibilities completely independently.

With respect to the principles, I am personally comfortable with that, but of course, it is up to parliamentarians to decide whether I am deserving of their trust given my employment history and the explanation I just gave you.

Senator Maltais: Thank you. I find your explanation entirely satisfactory. I wish you the best of luck in the next steps of your appointment.

[English]

Senator Baker: Welcome, witness, to the Senate chamber.

On the last point that you made, you said that people in similar positions to you have been appointed to the court and have had to — I think the legal term is a “reasonable apprehension of bias.” Is that correct; do you agree?

Mr. Therrien: It is.

Senator Baker: I imagine you had in mind Richard Mosley as being one of the people appointed to the court. As you will recall, in *Khawaja*, his reasonable expectation of privacy was tested, and he gave a judgment — because you’re always asked to make a judgment of your own, whether or not you, yourself, are biased

under a reasonable expectation of privacy. The judgment was that he was not. There was no reasonable apprehension of bias in this case, for the very same reasons that you gave just now; namely, that you were an employee. You were advising, yes, but you weren’t making decisions. Is that correct?

Mr. Therrien: Yes, it is.

Senator Baker: Prior to that, there was Justice Binnie of the Supreme Court of Canada. It was the same procedure. I think he was in the same position that you were in. He was the Assistant Deputy of the Department of Justice.

Mr. Therrien: He was a level above the position I hold now, but close.

Senator Baker: A decision had to be made by the Supreme Court of Canada — the eight remaining judges — as to whether his job, as the assistant deputy, even though he dealt with what was referred to at that time as “native law” — and he made the decisions and so on. But again, the Supreme Court of Canada said there was no reasonable apprehension of bias. Do you recall that?

Mr. Therrien: Yes, I do.

Senator Baker: Now we’ve got that straight. I imagine that’s the argument you’re going to use when it’s brought up to you. I expect you will have the same charge or question, probably, to address in the future. Do you anticipate having to make that judgment?

Mr. Therrien: I certainly am prepared to do that, and my mind will be open and alive to these issues should they occur.

At this point, I must say that, because certain questions were raised about concerns about impartiality in my case, I did look in my mind as to whether there would be such occurrences. At this point, I do not see any. But I’m certainly alive to the issue, and should it occur in a given situation, I might be in a reasonable apprehension of bias, not because of personal disclosure but because of what someone would think of the situation. Then I would not hesitate to withdraw from that file.

I note that the Privacy Act provides for the possibility of the appointment of an interim or ad hoc commissioner. That is the mechanism that should be used then. But in my heart, I think this would be exceptional, and I cannot think of such a situation at this time.

Senator Baker: If it does arise, I imagine you’ll use the exact same case law that I mentioned, and if you need any more, just let me know.

Witness, I was sitting here listening to your explanations. As you pointed out, all Canadians were concerned that over a million instances occurred whereby personal information was divulged to the public or went to corporations or organizations without a warrant. In your discussion with senators about what you

perceive your role to be in the future, I turn my mind to the fact that it's because of the law as it presently exists. In PIPEDA, paragraph 7(3)(c.1) says that:

- (ii) the disclosure is requested for the purpose of enforcing any law of Canada, a province or a foreign jurisdiction, carrying out an investigation relating to the enforcement of any such law or gathering intelligence for the purpose of enforcing any such law, or
- (iii) the disclosure is requested for the purpose of administering any law of Canada or a province;

That means that a dog catcher would have access to the information under PIPEDA, under that paragraph. It's so wide open.

What would you do in that case? We have the problem now. How do you anticipate closing that loophole, as well as the one in section 487.014 of the Criminal Code of Canada? Do you recall that one? It is under "Production order," and it says you can disclose the information, as long as it's not declared unlawful in law. Do you remember that section?

Those are the two sections that Canadians are thinking about when all of these millions of requests for private information are disclosed. But how can you change the law?

Mr. Therrien: I would describe the situation more or less in the following way. You've referred to specific statutory provisions. I have not worked directly on Bill C-13. But in the context of what Madam Bernier disclosed in terms of warrantless disclosure, my understanding is that the legal authority for this to happen, by and large, is that citizens — in this case corporations — can voluntarily provide information to the police for the enforcement of law. That's an old common law proposition for which you can see a good basis not only in law but in logic, many times.

What is shocking, frankly, in the situation disclosed was the number of these disclosures and the nature of the information being disclosed under this common law authority, which was correctly created but I would suggest not to the point where quite sensitive and personal information about individuals is given to the police in massive numbers.

So what would I do with this situation? I may be mistaken, but I think we're dealing with the reliance on a common law concept or possibility for a citizen to assist the police, which is well founded, but is taken to an extreme and has a concern from a privacy perspective that is extremely significant. It might mean that this common law power, if used in this way, needs to be constrained to ensure that privacy rights are properly protected.

• (1620)

Senator Baker: You addressed earlier the fact that you would, if the question arose of a reasonable apprehension of bias against you — and it's not uncommon in case law to see Privacy Commissioners confronted with this question of a reasonable apprehension of bias. There's a plethora of cases, from British

Columbia and Alberta, concerning that very matter. They have in their Privacy Acts a provision to delegate. I looked at the delegation authority you have in your act that you will be operating under, compared to the provincial act, and the very same delegation authority exists in your act.

In similar circumstances, if you were confronted with that question and you thought that maybe there would be a reasonable apprehension of bias, would you then delegate the matter to someone else?

Mr. Therrien: That is essentially what I've suggested earlier. If I'm in a position like this, yes, I think the mechanism would be to delegate to an ad hoc or interim commissioner, if one exists.

Senator Baker: Thank you.

Senator Batters: I am always hesitant when I follow my friend and colleague, Senator Baker, but I will do my best.

Thank you very much, Mr. Therrien, for coming to appear before us today. I was pleased to hear you respond to Senator Maltais' questioning, discussing that simply because you were a Department of Justice lawyer in your previous career does not disqualify you from this type of a position.

When I was considering what I might like to ask you today, I was thinking that Crown prosecutors and defence attorneys become judges all the time in Canada. If we didn't pick judges for our courts from one side or the other, who would we have as judges in this country?

You are coming from within the public service federally and most recently you served as an assistant deputy minister. Your predecessor came to this role from outside the system. I want you to explain to us how you believe you can be objective and remain neutral in exercising that role, particularly when you're auditing the policies and practices enacted by the government, because you were involved in developing some of those.

Mr. Therrien: I've answered previously in terms of my legal training and the impartiality it provides, but I think at the end of the day what I would say is I'm here before you to offer my services as someone who wants to serve. I believe that my experience and knowledge of government agencies will actually help me in eliciting issues from a privacy perspective that need to be corrected.

I come before you as someone who is undertaking that, if I am appointed Privacy Commissioner, my allegiance will no longer be with the executive, but it will be with Parliament and I will serve Parliament with all of my abilities.

Senator Batters: How have your current qualifications and your past experience prepared you to assume this role, and what would you consider your most important strengths that you would bring to be a success in this particular position?

Mr. Therrien: I would say again my knowledge of government operations, combined with my legal training and experience in the law, with experience as an executive in government able to

manage the administration of that office. But I would say mostly knowledge of government and knowledge of the law.

Senator Batters: Other than the Beyond the Border initiative, which you've elaborated on substantially here already, could you give me a particular example — one that you're able to talk about in a public forum — to illustrate how a particular strength that you have in your past career with the Department of Justice would have been something that will illustrate that you're going to be a successful Privacy Commissioner for Canada?

Mr. Therrien: I think, as I said in my opening remarks, that the main theme, the key theme of my career is human rights, even though I practised in government, and privacy is absolutely a human right. I have knowledge of privacy issues, but I'm mostly a person with knowledge of human rights. I've worked toward the advancement of human rights, even though in a government context.

I will give one example of that during my tenure advising the immigration department. At that time — and I will refer here to the refugee protection system — prior to the amendments made to the Immigration and Refugee Protection Act in 2002, refugee protection was given only for risks under the Refugee Convention, persecution, essentially. With the amendments made at that time, refugee protection was then provided for other risks, such as the risk of torture or other mistreatment. The risk assessment provided to foreign nationals about to be removed was moved contemporaneously to their removal so that there would be little or no chance that a risk would occur between the risk assessment and the removal of the individual.

These two enhancements — the expansion of the grounds for protection and the change in procedure to align the assessment to the time of removal — were significant progress in terms of refugee protection being a human right, and I intend to advance privacy as a human right in the same way.

[Translation]

Senator Mockler: Mr. Therrien, thank you for being in this august chamber to answer our questions.

When we look at your long and enviable career and your impressive CV, we see that you want to serve at another level. You want to serve Canadians, our country. Why do you want to be Privacy Commissioner?

Mr. Therrien: I would come back to my passion for human rights. I have always liked working in areas where human rights and constitutional issues were important, first in the area of corrections, then in immigration, then in the area of policing and security. Obviously, my role at that point was to advise the government to ensure that those rights were being respected; my role was as a legal adviser.

I think the common thread is human rights, but now I would like to serve Parliament, our country, Canadians, still in the area of human rights, but specifically in connection with a right that I

feel is particularly important and currently at risk because of the government's policing and security activities and the use of personal information by private companies.

In my view, privacy is an important human right that is at risk. In my own small way, I would like to be able to help promote these rights and ensure that Canadians' privacy is improved in a tangible way.

• (1630)

Senator Mockler: We are seeing on a daily basis the role that social media play in people's lives. In light of the rapid evolution of the entire notion of privacy and the protection of our information at all levels, Mr. Therrien, how do you see the role of the Office of the Privacy Commissioner of Canada in its mission to protect and promote individual privacy in the coming years?

We could provide examples and name names, but I don't want to do that.

Let me repeat the question: how do you see the Office of the Privacy Commissioner of Canada fulfilling its role of protecting and promoting individual privacy in the coming years in our country so that the current quality of life that Canadians enjoy can be maintained?

Mr. Therrien: The office can play a number of roles in that area.

Most immediately and directly, it can provide information to the public about the dangers to privacy posed by various technologies. The office can also work with its counterparts in other countries — as it has been doing, and I pay special tribute to Ms. Stoddart in this area — to ensure that these issues, which go beyond our borders, are handled commonly or jointly with other jurisdictions and other countries.

There is also the watchdog role, of course, with government and the private sector, making sure that the legislation is complied with and, in a more general sense, that Canadians have the best possible control over their own information.

Senator Mockler: I would like to ask you one last question. What approach would you take to establish effective relationships and to improve our relationships? You talked about informing the public and other jurisdictions as well, and you talked about establishing effective relationships with stakeholders, including Canadian parliamentarians.

Mr. Therrien: Once again, Ms. Stoddart did a good job in this area. A lot of information has been made available on the office's website, which is already a major step. I talked about the need for public debate on the balance between privacy and other interests, and the commissioner can play a role in promoting this type of debate.

Clearly, more directly, in relation to Parliament — and this position is that of an officer of Parliament — I intend to share information about my activities with you, and I also want to

encourage you to share with me the priorities you would like the commissioner's office to focus on a little more.

Senator Mockler: Thank you.

[English]

Senator Meredith: Thank you, Mr. Therrien, for appearing before us today.

I listened attentively to your frank answers with respect to questions raised about how you would handle conflicts. One of the things I would like to ask you is the following: How have you handled the criticisms around your selection, given the slate of individuals that you are up against? Going forward, how will your office be impacted by the criticisms that will come?

Mr. Therrien: At the end of the day, I truly hope and believe that my actions will demonstrate my passion for privacy rights and that I can be a good champion for privacy rights in Canada. I will let my actions speak in the immediate future.

As I have said, I will communicate with civil society and other players immediately. Certainly in the next 100 days or so, by the early fall, I will communicate with civil society organizations and with provincial privacy commissioners to ensure that we are in a good working relationship.

It's by communicating and contacting important partners in the immediate future and, eventually, through my actions that I hope I will establish my credibility and that they will see me as a good champion for privacy rights.

Senator Meredith: I have a follow-up question. With respect to your experience in working with the Departments of Justice, Public Safety, Defence and Immigration, it was alluded to earlier your involvement with these departments. How did you handle privacy matters within those departments? How will it be different now with respect to any breaches that may occur from within these departments?

Mr. Therrien: My immediate role is essentially that of manager, where privacy issues or advice on privacy issues is provided by legal services to departments, these legal services being under my supervision. My role in terms of the operations is limited. My direct role has been, as I have said, with respect to privacy principles under the border accord.

Essentially, my role has been as a supervisor of legal advisers. Here my role would be much more direct; it would be as a champion for privacy rights and leader of the Office of the Privacy Commissioner, consisting of many excellent people. I have seen their work, and it is truly impressive. My role would be to lead the work in that office and be a champion of privacy rights.

Senator Meredith: Canadians in this era have been leery about their privacy. How will your office assure Canadians that you purport to be a champion and you will be a champion of privacy on behalf of Canadians? What three things can you state to this

chamber today that will, again, assure Canadians that you are the right individual for this particular responsibility and thus carry out the duties of this particular office?

Mr. Therrien: I would talk about my passion for human rights, of which privacy is one. I will enter into the position, if appointed, with a passion for human rights and the protection of individuals.

I am someone who acts in a consultative way, so I will ensure that the preoccupation of individuals is reflected in my actions, and I will provide the best advice possible to Parliament on these matters.

Senator Meredith: Thank you.

Senator Cools: Honourable senators, I thank you very much. I would like to begin by welcoming the witness, Mr. Therrien, to our Senate. I would also like to take the opportunity of thanking him for his many and long years of service. I would also like to add that his credentials are indeed impressive. I just wanted to put that out front very quickly.

Mr. Therrien: Thank you.

• (1640)

Senator Cools: Honourable senators, Mr. Therrien, by your remarks, and I have been listening for quite some time now, four times — at least three but I believe I counted four — you have made a statement to wit your allegiance is to Parliament. I wanted to get some clarification on that. I will tell you why I would like some clarification.

Your position, your office or your future office or your hoped-to-be office of Integrity Commissioner is described by many as — sorry —

An Hon. Senator: It was close.

Senator Cools: No, they are quite different. As Privacy Commissioner. There is an abundance and a plethora of literature these days describing the office and that whole collection of positions — Auditor General, Official Languages Commissioner, et cetera — as officers of Parliament. I wonder if your statement “allegiance to Parliament” is as part of that group.

Before I get there, I wish to be clear there is no such constitutional creature as an officer of Parliament; neither are these officers of Parliament agents of Parliament. Some serious parliamentary clarification is required on this point. I have found it very disturbing that some of these individuals, and I won't cite them by name, describe themselves as officers of Parliament, the guardians of Canadian values who are far above the fray of partisan politics with this great duty to guard Canadian values.

Honourable senators, I want to clarify that the term “officers of Parliament” is a great misnomer. These officers are neither officers of Parliament neither are these claimed officeholders agents of Parliament. It is not clear at all that they are even the servants of Parliament.

[Mr. Therrien]

Honourable senators, it is very important. As a witness, sir, you referred to allegiance to Parliament. Allegiance is owed to Her Majesty. I have no doubt that you have a great sense of allegiance to Her Majesty, but there is copious literature on this. I was just reading a little while ago a book by a Department of Justice senior lawyer entitled *Officers of Parliament: Accountability, Virtue and the Constitution*. In this abundant literature that has multiplied in the last many years, these officerholders are viewed as virtues based officers.

I wish to clarify this because, Mr. Therrien, your role is extremely important and must be extremely focused because the era is begging for better and greater regulation of privacy rights. I just wanted to say that out to you.

Honourable senators, if we were to go and take a peek at the Public Officers Act and the Seals Act, in their Formal Documents, under the heading “Officers of Parliament” they only list the officers of the houses — the clerks, the Black Rod and the Sergeant-at-Arms, those sorts of officers. The interesting thing to note about Parliament is that its officership follows the houses. Those persons, such as the Clerk of the Senate, the Clerk of the House of Commons, the Black Rod and the Sergeant-at-Arms, are attached to the separate houses, not to Parliament per se. I wanted to say this in the hopes that that will be incorporated in our conclusions.

Honourable senators, privacy is your issue and will be your passion. I think you have served with great passion and commitment and, in addition to that, with great intelligence and I would say quite a mental prowess. I have no doubt that privacy will be a passion for you.

What I want to put forward for your consideration, if you care to answer or feel so inclined, is that I have been struck that in today’s community any person who opts to serve in public life seems to lose all privacy rights. If a person comes to serve as a senator or serve in the House of Commons, it is as though they have lost all privacy rights. I do not know if anybody at the highest levels of legalistic conceptualization and formation of legal concepts and legal responses has paid any attention to this. I give you an example.

The Chair: Senator Cools, do you want the witness to answer or comment?

Senator Cools: Mr. Therrien, would you care to comment on what I have said so far? Go right ahead.

Mr. Therrien: I welcome your guidance, senator, on the concepts of “officers.” Certainly when I have described myself as eventually an agent of Parliament, it was in relation to my current allegiance to the executive. I wanted to make that perfectly clear, but I take your guidance on these concepts. Thank you.

Senator Cools: That is what I heard from you, I must say.

Honourable senators, it is just that this time last year we were in a situation here involving the suspension of three senators. I found it all extremely disturbing. I still find it disturbing. I saw

these peoples’ careers smashed. I saw them accorded no privacy rights, or other rights, whatsoever. There are large issues looming here before these institutions, before both houses, in respect at the point at which somebody hands files over to the police and the points at which internal processes intrude into their calendars and emails which are opened up without their permission.

Honourable senators, I am very sympathetic to Mr. Therrien’s new office, because I understand the complexity and the difficulties involved in today’s contemporary society where information is moving so quickly. I wonder if there is forming anywhere in the minds of those who evolve solutions to these problems the protection of human beings who serve in respect of their privacy rights.

Mr. Therrien: I am not aware of any such writings. What I am tempted to answer is that beyond the statutory protections provided by the Privacy Act and PIPEDA, there is a constitutional right to privacy that applies to all, whether governed by these two statutes or not, and that constitutional right to privacy would be part of what I would consider in my actions.

The Chair: Senator Cools, I will put you on the second round, if we have time.

Senator Cools: Put me on the second, but this is a matter, Speaker *pro tempore*, that we should deal with not under this aegis, not under this rubric, but at a future time. What are the limits to privacy — and I’m not just speaking of the two chambers — for those who serve, even people like himself?

• (1650)

The Chair: Thank you, Senator Cools. We have three minutes to go.

Senator Moore: Thank you, Mr. Therrien, for being here. I will make a couple of remarks and then I will ask you about Canadians’ rights.

The matter of the Beyond the Border accord to date has been a bureaucratic exercise. Canadians don’t know anything about that, even though it’s their rights that are being negotiated. Their rights are the subject of those negotiations.

With regard to Communications Security Establishment Canada, I have asked many questions in this chamber about that agency and its work in relationship with other agencies, and have been thwarted every time with the comment that it’s a matter of national security, but it’s not. It’s clear that a lot of the stuff they’re doing and the information they have doesn’t really pertain to national security; it’s the personal, individual information that it has.

Thank goodness for Edward Snowden and his revelations. He has done Canadians and many others a great service because we had no idea about the depth and the role of CSEC and the other agencies among the Five Eyes of the world.

With regard to our Charter, the key part, section 2, “Fundamental Freedoms” states:

Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

With the collection and dissemination of metadata pertaining to individuals, those rights are being violated. Others can determine with whom they are communicating, meeting, assembling, when and why.

What would you do to protect Canadians from any violation of these fundamental rights?

Mr. Therrien: You are raising a very important, if not fundamental, question. I would deal, I think, with examples of breaches of privacy at the level of individual occurrences. We come to see breaches when we hear, as we have recently, that massive numbers of disclosures are made without warrants. We’ve had some discussion here of why this is a problem. Perhaps there needs to be a legislative solution to that problem.

Here we have a concrete example of massive disclosure: 1.2 million disclosures of information, including metadata. To me, that’s something concrete to look at, examine and find solutions therefore. That’s how I would look at the question.

Senator Moore: As part of your response to Senator Lang, you said this metadata should be subject to a life expectancy. I would like to know what you think the determinants might be and how long it should be retained before it’s removed and erased. Now, it’s up to 30 years, and then it can move to Library and Archives. It could be endless. What are your thoughts on that?

Mr. Therrien: The length of the retention period should be a function of the nature of the information and its use. It’s difficult to say in the abstract that it should be 2, 5, 30 or 40 years. I would look at the nature of the information and the use to which it is put.

Senator Moore: I understand that now it can be held for 75 years.

The Chair: Unfortunately, we have run out of time. I still have five names on the first round list and three names on the second round.

Honourable senators, the committee has been sitting for two hours. In conformity with the order of the Senate, I am obliged to interrupt the proceedings so that the committee can report to the Senate. I know you will join me in thanking Mr. Therrien.

[Senator Moore]

Mr. Therrien, thank you very much for your time.

Hon. Senators: Hear, hear.

The Chair: Honourable senators, is it agreed that I report to the Senate that the witness has been heard?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Pierre Claude Nolin: Honourable senators, the Committee of the Whole, authorized by the Senate to hear from Mr. Daniel Therrien respecting his appointment as Privacy Commissioner, reports that it has heard from the said witness.

MOTION TO APPROVE APPOINTMENT— DEBATE ADJOURNED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of May 29, 2014, moved:

That, in accordance with subsection 53(1) of the *Privacy Act*, Chapter P-21, R.S.C. 1985, the Senate approve the appointment of Mr. Daniel Therrien as Privacy Commissioner.

The Hon. the Speaker: Is there debate, honourable senators?

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, I think we are all very grateful for the two hours that we had to hear from Mr. Therrien, which must have seemed very long to him. His testimony was extremely useful and at times eloquent.

As it happens, our caucus is meeting tomorrow morning. Therefore, until tomorrow, I move the adjournment of the debate.

(On motion of Senator Fraser, debate adjourned.)

TLA’AMIN FINAL AGREEMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Raine, seconded by the Honourable Senator LeBreton, P.C., for the second reading of Bill C-34, An Act to give effect to the Tla’amin Final Agreement and to make consequential amendments to other Acts.

Hon. Larry W. Campbell: Honourable senators, I rise to speak to Bill C-34. Unfortunately, I wasn’t here for the comments by the Honourable Senator Raine, but I have read them and concur

with all of her comments. I found her speech to be very enlightening.

We support this bill for a number of reasons. I would like to review the benefits that will come from the Tla'amin Final Agreement.

Section 35 of the Constitution Act, 1982, recognizes and affirms existing Aboriginal rights and title. However, in the absence of a treaty, there is uncertainty as to the nature, scope and content of those rights. Because there are very few historic treaties in British Columbia, the vast majority of the province's land base is subject to outstanding Aboriginal claims and to rights, titles and resources. This has led to disruptions and discouraged economic activity, capital investment and business opportunities.

The Tla'amin Nation was one of the first nations to step forward and enter into the treaty process. Negotiation is the preferred method for settling claims. Negotiations lead to resolutions that balance the rights of all Canadians. This approach deals with Aboriginal concerns based on openness, transparency and collaboration, reducing uncertainty, litigation and conflict for everyone.

With this proactive approach, a final agreement rewards all Canadians with an equitable and honourable society. Canada believes that the Tla'amin Final Agreement is fair and equitable, as do I, and that it respects the existing rights of third parties.

• (1700)

A fundamental goal of a treaty is to achieve certainty. This means the ownership and use of lands and resources will be clear for all parties and will create opportunities for the First Nation and will result in predictability for continued development and growth in the province.

The Tla'amin Final Agreement will bring certainty with respect to all of the Tla'amin Nation's Aboriginal rights, including title, and resolve its claims to its traditional territory — approximately 609,000 hectares. This settlement clarifies land and resource ownership, thereby helping to create a positive and stable investment climate in this region. This certainly will bring stability and economic benefits for the Tla'amin Nation, government, industry and all Canadians.

The final agreement provides the Tla'amin Nation with land, resources, self-government and other rights. These authorities and resources will help the Tla'amin Nation to take control over its affairs, build a sustainable economy, create jobs for its citizens, enhance living standards for all its citizens and contribute to the regional economy.

The Tla'amin Nation will be responsible for its own governance, and the final agreement provides that the Tla'amin Nation will bear an increasing proportion of its operating costs as it develops its economy and generates new sources of revenue.

I hope this agreement goes to committee and returns quickly to this place.

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

Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Raine, bill referred to the Standing Senate Committee on Aboriginal Peoples.)

[Translation]

ECONOMIC ACTION PLAN 2014 BILL, NO. 1

FOURTH REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE ON SUBJECT MATTER—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Banking, Trade and Commerce (subject matter of Bill C-31 (Parts 2, 3, and 4 and Divisions 2, 3, 4, 8, 13, 14, 19, 22, 24 and 25 of Part 6)), tabled in the Senate on May 29, 2014.

Hon. Diane Bellemare: Honourable senators, I rise today to speak to the fourth report of the Standing Senate Committee on Banking, Trade and Commerce, but I am not moving that it be adopted.

Our report provides a good summary of the comments heard during this pre-study. It is rather long because we had to study several divisions. I encourage you to read it.

Some divisions of this report deserve our careful consideration, specifically Division 14 of Part 6, which would amend the Insurance

Companies Act in order to permit the demutualization of mutual property and casualty insurance companies, and Division 25 of the same part, which amends the Trade-marks Act.

What these two divisions have in common is that they raise important questions about property rights. In addition, it is not clear that the short-term benefits of the proposed measures will exceed the medium- and long-term costs for Canadian society.

Division 14 of Part 6 would give the Governor in Council the authority to make regulations respecting the demutualization of federal mutual property and casualty insurance companies or general mutual companies.

Here are a few facts concerning the problems associated with demutualizing these federally regulated mutual companies.

There are more than 95 mutual property and casualty insurance companies in Canada. This sector is undergoing a major restructuring. Mutual companies account for 20 per cent of the general insurance sector, while federal mutuals account for 10 per cent of the market.

[English]

On the legal side, subsection 237(1) of the Insurance Companies Act permits a federal mutual to demutualize in accordance with regulations, with the approval of the Minister of Finance. Regulations that define the framework of the demutualization of federal life mutual companies were adopted in the 1990s. However, there are no regulations that define the framework for the demutualization of federal property and casualty mutual companies, because no company had yet expressed the desire to demutualize.

According to the testimony of the Canadian Association of Mutual Insurance Companies, many mutual life insurance companies disappeared when they were permitted to demutualize in the 1990s. As François Pouliot reported in the journal *Les affaires* on February 11, 2014:

[Translation]

At the time, the demutualization of the life insurance sector led to a major consolidation of the sector, and a number of subscribers made a lot of money when they received shares.

The Canadian Association of Mutual Insurance Companies called this “legalized theft from past generations”.

The Standing Senate Committee on Banking, Trade and Commerce heard from the primary groups affected by this issue: Economical Insurance, which wants to demutualize, and three associations, including the Insurance Brokers Association of Canada, the Canadian Association of Mutual Insurance Companies and The Co-operators Group.

The problem and the issue with Division 14 can be summarized as follows. In 2010, Economical Insurance, a general insurance mutual company, approached the Department of Finance to request that it adopt the rules for the demutualization process that would transform this general insurance mutual into a joint-stock company.

One of the questions that needs to be addressed in this regulation is the following: Who owns the surplus that the mutual accumulated over more than 140 years? Does this \$1.6 billion surplus belong to the 940 existing mutual insurance policyholders, as Economical Insurance claims, or does it belong to the 900,000 existing insured parties, or is the surplus a public good that also belongs to past generations and must be distributed accordingly, as the other three groups we heard from claim? These groups are certainly not opposed to having the government set rules for the

demutualization of a mutual. However, they recommend that the government pay particular attention to how the surplus is distributed. They want the surplus to be distributed with the objective of, and I quote:

eliminating the circle of self-interest.

In French:

Que le surplus soit réparti de manière à éliminer le cercle de recherche d'avantages personnels.

Those are some comments I took from the Canadian Association of Mutual Insurance Companies website.

Honourable senators, surely you agree with me that this issue warrants our attention, especially since we know that 32 per cent of people who have mutual insurance policies with Economical and who are claiming a stake in the surplus are directors and employees or former employees of brokers. We don't know who the other 68 per cent are, but they may well be related to that first group.

The government has already said that it will not allow Economical Insurance to divide the \$1.6 billion surplus among the 940 insured members, as was the case when life insurance companies demutualized. However, we don't know what principles will guide that process. A number of stakeholders, including Economical Insurance, stand to make substantial gains from demutualization. The courts are going to have to get involved.

As the Insurance Brokers Association of Canada said, when it comes to mutual property and casualty insurance companies' surpluses, the property rights are not clearly defined. I would like to quote the testimony we heard:

[English]

Turning to the question of what is the relationship between policyholders and the mutual itself. First, unlike mutual life insurance companies, there is no direct connection between present constituents, i.e., the policyholders, and the assets of the mutual. The constituents of P&C mutual insurers subscribe to their policies on an annual basis and once their policy expires, so too does their membership in the mutual.

Second, and flowing from the first, is that the assets of a mutual are essentially community assets built up over the generations of those living in the community.

Third, as such, present policyholders have no more right to claim the assets of the mutual than past policyholders or the other way, present and past policyholders both have their participation built up, through capital, the ability of the mutual to be able to offer this “protection,” this insurance, in essence, the sole purpose for the mutual's existence.

[Senator Bellemare]

In light of the above three points, it should be clear that it is conceptually difficult, if not impossible, to determine a clear line of property rights flowing from policyholders to P&C mutual's assets.

• (1710)

[Translation]

In this legal and historical context, how is it possible to propose robust regulations when the basic principles are not included in legislation on which there is a national consensus? Wouldn't it be better to include in the insurance act the nature of the property rights with regard to the mutual surplus? It seems to me that we cannot leave this to the courts or to regulations.

That is what Quebec does. It provides that in the event of the liquidation or dissolution of a financial co-operative, all the members choose to pay the surplus to one of three legal entities: another co-operative, a federation of co-operatives or the Conseil québécois de la coopération et de la mutualité.

What is more, allowing the demutualization of mutual property and casualty insurance companies without studying the impact on the entire insurance sector and Canada's financial security would expose the entire sector to undesirable and possibly irreversible consequences.

Mutual insurance companies first came to be in the first half of the 19th century in response to Canadians' need for financial security when there were no private insurance companies. Mutual insurance companies played and still play an essential role in rural communities. They insure at least 75 per cent of Canadian farmers. They are present in every province. Quebec has at least 26 mutual property and casualty insurance companies in its regions.

Federal regulations on the demutualization of federal mutual property and casualty insurance companies will not have a direct impact on the provincial mutual insurance companies, which are governed by provincial law. Nonetheless, they create a precedent that could have an indirect impact on the survival of provincial mutuals by encouraging some people to develop a demutualization plan in order to get their hands on the accumulated surplus.

The mutual insurance sector continues to thrive in the 21st century. As an alternative to private insurance, it meets needs in several sectors known for their common interests, including agricultural sectors. Mutuals are extremely adaptable because they care more about their members' needs than about profit. Today, the principles that guide mutual insurers inspire a number of economic initiatives, such as crowdfunding, which is popular in the cultural sector.

Financially, they are well managed. According to the Canadian Association of Mutual Insurance Companies, mutual insurers' surpluses relative to millions of dollars in total gross premiums written are, on average, higher than those of companies with shares.

Honourable senators, I believe that mutual property and casualty insurance companies deserve our support for their activities. We should protect the surpluses accumulated by generations of Canadians. Why not draw on Quebec legislation or even French legislation? If demutualization occurs, French legislation requires that the company's surplus or the proceeds of its sale, whichever is higher, be distributed to other mutual insurance companies or to charities.

I think that property rights are of the utmost importance and should be addressed via legislation, not by regulation.

[English]

I repeat: The issue of property rights seems to me to be so major that it should be dealt with in legislation and not by regulation.

[Translation]

Honourable senators, the purpose of my intervention is to alert the government to the broader implications of the demutualization of Economical.

Honourable senators, I would like to talk about Division 25, but I will be brief because I do not have much time left. This division would amend the Trade-marks Act to add several provisions relating to three international treaties that the federal government seeks to ratify: the Madrid Protocol; the Singapore Treaty; and the Nice Agreement.

Some of these provisions — including the elimination of the requirement to declare the use of a trademark when it is being registered — have triggered an outcry from a number of groups. Right now, when a trademark is registered, the applicant must fill out a form to indicate how the trademark is being used or the applicant's intention to use it in the next three years.

The Canadian Chamber of Commerce, Canadian Manufacturers & Exporters, the Canadian Bar Association, as well as a group of more than 228 Canadian intellectual property experts, unanimously denounced the negative consequences for Canadian companies, as well as the potential constitutional consequences of eliminating the requirement to declare the use of a trademark at registration. That is why they are asking that this division be withdrawn or, at least, that the clauses amending sections 16, 30 and 40 of the Trade-marks Act be withdrawn and that consultations be held to determine what adjustments are needed.

However, Industry Canada argues that eliminating this provision will make it easier for companies to register trademarks and that there is still a requirement to declare the use of a trademark.

Nonetheless, if we take a closer look, we can see that if these provisions are passed, it will be up to the company that wants to use a trademark previously registered by another company that is not using it to prove that the registered trademark was not used in the three years after registration.

Honourable senators, I don't want to discuss the details of the bill before us. I simply want to point out how much criticism there has been of the elimination of the requirement to declare the use of a trademark at registration. The criticism comes from credible groups. The department should perhaps look into this. I think this is reasonable, especially since Canada can sign the treaties, like the agreement with the European Union, without having to remove the requirement to declare the use. That is actually what our American partner decided to do; our partner signed the three treaties without eliminating the requirement to declare the use of a trademark.

I say this because I think it is our role, as senators, to speak out when we realize what we are hearing; I feel that responsibility.

Despite everything, I would like to assure my colleagues that I will vote for Bill C-31 because this budget contains a lot of good points overall and deserves to be passed. However, I would like to alert the government to take note of these observations in future proceedings.

Thank you for your attention.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: I see that there are questions and comments. Honourable senators, shall the senator be granted five more minutes?

Some Hon. Senators: Agreed.

Hon. Josée Verner: Senator Bellemare, I listened to your speech on Division 14 on demutualization with interest. Although I am not a member of the Standing Senate Banking Committee, my understanding is that Economical Insurance, which has applied to demutualize, has not been accepting members since 2010, which means that the number of policyholders is currently limited to 940 members. Should demutualization occur, those 940 individuals would come into a substantial amount of money.

• (1720)

In all the testimony you heard, what was the justification for giving that right to the company in question?

Was any significant economic, fiscal or financial value indicated, or is it a purely political decision? I believe that Economical focuses its activities in southern Ontario. In Quebec, it is not a company that we often hear about.

I am thinking about the quotation from François Pouliot, a reporter with *Les affaires*. He said that we have to make sure that people are not involved in the process just to get rich. Could you elaborate on that?

Senator Bellemare: Your comments raise several questions. Economical told us that it needed to demutualize in order to grow and take an active part in the market. I took a look at its record.

It is very well rated in financial circles. It was recently rated A-. The demutualization plan seems to be taking its sweet time. We asked to be given historical data about the number of insured people with the right to vote. They have only given us data since 2004. You can see small variations, but there are not very many of them.

Economical wants to demutualize. However, the government has a problem. Under the Insurance Act, government regulations are required for demutualization. But the government has waited. Economical's application was officially filed in 2010, but the government always had reasons for waiting. I read the correspondence with policyholders. The company always told them that it was coming, that it didn't know yet how the money would be divided up, meaning whether it would be paid out in cash. Now, things are moving along. In 2014, the government announced in the budget that it would allow mutuals to demutualize and that it would make regulations.

I want to make it very clear that the government stated that it would not give Economical what it is looking for. We are not exactly aware of the basic principles. Will it be the current value of what policyholders have invested over the years? We don't exactly know what principles will apply because they will be in the regulations and apparently we are not able to find out.

The situation is difficult also because there are no principles; there are no principles in the legislation. No one knows who the surplus belongs to. The entire mutual and cooperative group claims that it is a public asset, collective property, and that it must even be used for the future of mutuals. Some say that Economical could strengthen its position on the market and grow without needing to demutualize.

This is an important issue because it meets very specific needs in rural areas and the situation is evolving. At the moment, it takes all kinds of forms. The government will make regulations. However, as there are no basic principles, the matter will certainly end up in court. Economical said so in its correspondence with its policyholders; they have to be ready to go to court to make their claims.

They claim that because life insurance mutuals were able to get their hands on the money, the policyholders have a right to it because there is a precedent. You have to understand that, for life insurance, when you are in a mutual company, it is about savings. But for property and casualty insurance, you really have insurance for a year. After a year, if you do not renew, you are no longer part of the mutual.

We are facing important issues. We know that in Quebec, too, believe you me, because the cooperative and mutual movement is an important value for us in Quebec.

The Hon. the Speaker: I regret to inform you that your additional time has expired.

Hon. Céline Hervieux-Payette: As deputy chair of the Banking Committee — and I assume the chair will also speak — I move adjournment of the debate so that I can speak tomorrow.

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

Hon. Senators: Agreed.

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

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Richard Neufeld: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit today, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

CITIZENSHIP ACT

BILL TO AMEND—SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE AUTHORIZED TO STUDY SUBJECT MATTER

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Greene:

That, in accordance with rule 10-11(1), the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the subject matter of Bill C-24, An Act to amend the Citizenship Act and to make consequential amendments to other Acts, introduced in the House of Commons on February 6, 2014, in advance of the said bill coming before the Senate;

And on the motion in amendment of the Honourable Senator Ogilvie, seconded by the Honourable Senator Patterson, that the motion be amended by adding, immediately before the final period, the following:

“;

That the committee be authorized to meet for the purposes of this study, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto;

That, notwithstanding rule 12-18(2)(a), the committee be also authorized to meet for the purposes of this study, even though the Senate may be then adjourned for more than a day but less than a week; and

That, pursuant to rule 12-18(2)(b)(i), the committee be also authorized to meet for the purposes of this study, even though the Senate may then be adjourned for more than a week”.

Hon. Art Eggleton: I held this last time it was here. It's a request for a pre-study. However, the bill is just about through the House of Commons, so by the time the committee starts its study on Bill C-24, it won't be a pre-study.

The useful part of the bill, however, is that the committee gets a chance to now schedule its hearings. We're in the June rush, and getting the schedule to get our witnesses in on the bill is a good idea, which is what Senator Ogilvie's amendment attempts to accomplish. So I'll call for the question.

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

Hon. Senators: Question.

The Hon. the Speaker: As there is a motion in amendment, I should be putting that first:

And on the motion in amendment of the Honourable Senator Ogilvie, seconded by the Honourable Senator Patterson, that the motion be amended by adding, immediately before the final period, the following:

Shall I dispense?

Hon. Senators: Dispense.

The Hon. the Speaker: Those in favour of the motion signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those contrary minded say, “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: On division. The main motion is amended.

(Motion in amendment adopted, on division.)

The Hon. the Speaker: Question? Those in favour of the motion signify by saying “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed signify by saying “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: Carried, on division.

(Motion, as amended, agreed to, on division.)

CRIMINAL CODE NATIONAL DEFENCE ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Donald Neil Plett moved third reading of Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment).

He said: Honourable senators, I am proud to rise today to speak to Bill C-394, An Act to amend the Criminal Code and the National Defence Act (criminal organization recruitment). This bill seeks to protect Canadians, especially our youth, by making the act of criminal organization recruitment or, in other words, gang recruitment, an offence under Canadian law.

• (1730)

Under Bill C-394, anyone who, for the purpose of enhancing a criminal organization, solicits, encourages, coerces or invites a person to join a criminal organization is guilty of an indictable offence, which carries a punishment of imprisonment up to five years. Furthermore, anyone who recruits, solicits or invites an individual under the age of 18 to join a criminal organization will face a mandatory minimum sentence of six months in prison.

I have spoken twice in this chamber about the severity and prevalence of recruitment of youth into gangs in this country. I will not repeat all of the statistics and heart-breaking stories I have shared in the past, but I will highlight a few of the most

pressing issues with gang recruitment and how this act will provide our law enforcement with another tool to protect children and limit the expansion of gangs and gang activity.

Coming from Winnipeg, I have been familiar with the issue of gangs targeting youth for some time. In a recent study by the RCMP, it was found that street gangs across Canada are becoming increasingly aggressive with recruitment tactics. They have seen trends of criminal organizations targeting youth under the age of 12 and as young as 8.

There are a number of reasons gangs are targeting our youth. Tom Stamatakis, President of the Canadian Police Association, told us at committee:

There are two principal reasons for that: First, as I'm sure you are all aware, these criminals know well that the penalties imposed by the courts on young offenders are remarkably more lenient than adults will receive; and, second, gangs only work when there is a constant stream of new recruits to replace those whom law enforcement has managed to incarcerate or who have fallen victim to the realities of gang violence prevalent on the streets of our cities.

Perhaps most concerning is the fact that members know they can advance the objectives of the gang through the control, fear and intimidation of the youth they recruit. Children in Canada who have been recruited into gangs are being forced to deal drugs, commit robbery and theft and engage in prostitution.

The author of the bill, Member of Parliament for Brampton-Springdale, Parm Gill, discussed the Peel Region and the growing rate of gangs. He said that in 2003, there were 39 street gangs in his neighbourhood. Today, there are well over 110. Colleagues, this is a growing problem.

Knowing of the rampant gang problem in Winnipeg, I discussed this proposed legislation with local stakeholders to determine what kind of effect it could have locally if it were implemented. Specifically, Winnipeg's Boys and Girls Clubs, like their national counterparts, offered their support for the bill as it will directly help them with an issue that continues to occur at one of their locations. At one club, gang members linger outside waiting for vulnerable, often immigrant or newcomer youth to come out so that they can approach them and invite or encourage them to take part in their criminal organization. Because this law will criminalize the invitation regardless of whether the targeted individual accepts, it provides youth with the power to report those who have approached them and provides police with the power to crack down on recruitment before it occurs.

George VanMackelbergh, Vice-President of the Winnipeg Police Association, spent six and a half years heading Winnipeg's organized crime unit as an investigator at a multi-jurisdictional level. He told our committee that Winnipeg is one of the most challenging jurisdictions in the country when it comes to gang activity. He said that Winnipeg has 10-year-old children being actively recruited into gangs, and 14- and 15-year-old children currently on charge for murder as they were pushed into it by older gang members.

What is particularly sad about youth who have been recruited into gangs is that in almost all cases, they find it nearly impossible to leave. We heard from numerous experts about vulnerable children being lured into a certain lifestyle without any idea of what they were getting into. For some of these kids, it has been a death sentence. Mr. VanMackelbergh told our committee:

... once a youth enters a gang it is very difficult to leave. He faces severe beatings, threats to his family, and there are all sorts of deterrents that you don't hear about. It is insidious, whether it's the owing of money or threats. I have seen tattoos scrubbed off with wire brushes. It is not a pretty sight.

Colleagues, the recruitment of youth into gangs is a heinous crime, and our legislation needs to reflect that.

Of course, our committee hearings would not be complete without critics. We heard from some that this bill is not a complete package — that it will not address every socio-economic reason that puts certain youth at a higher risk of joining a gang. However, it is a valuable tool for law enforcement to use to crack down on this problem, as Mr. VanMackelbergh told the committee:

... it's a three-pronged approach to dealing with gang activity in Canada — education, resources for youth, and laws and legislation and tools for enforcement — and we're here to talk about a tool.

Parm Gill told the committee that if this bill saves even one life, then it is all worth it. I would certainly agree with that. However, based on what we have heard from law enforcement and youth organizations, this bill has the potential to go much further than that.

Another criticism we heard is not a new issue for our Committee on Legal and Constitutional Affairs: mandatory minimum sentences. As I have said repeatedly, mandatory minimum sentences have a long-standing history in Canada. They are generally used when the public finds a crime to be particularly heinous and offensive. Most senators in this chamber would qualify the recruitment of a child into an often irreversible life of crime as particularly heinous. A six-month prison sentence for this is only reasonable. In most cases, in fact, we have been told that the punishment would likely be more severe. This is simply ensuring a guaranteed consequence for gang members who have targeted our vulnerable youth.

However, we heard from defence attorneys, who frequently appear at our committee and who always seem to suggest that mandatory minimums are not a deterrent. One even mocked the idea, saying that any youth committing a criminal organization crime doesn't pick up a Criminal Code, read through it and say, "Wow, there's a minimum sentence. I'm not going to go ahead with this."

First, as he well knows, this law does not apply to youth, only to adults trying to recruit them. Youth under the age of 18 will be dealt with under the Youth Criminal Justice Act, which includes options for restorative justice. Second, law enforcement officials

told us repeatedly exactly how familiar gangs are with the law. The nature of organized crime is that it is organized and calculated. The fact that they use children to commit heinous offences for the specific reason that there will be little to no punishment shows that they are weighing out the consequences.

Knowing that gang members consider lenient consequences a reason for taking advantage of the law, it is unreasonable to think they would not be influenced by harsher penalties. If anyone could be influenced by mandatory minimums, it certainly would be gangs.

In fact, we heard from police officers from Quebec City who stressed the practical importance of the bill because it will decrease the burden of proof that the police must present to the courts. At committee, when I asked one officer about the idea that criminal organizations are not paying attention to the Criminal Code, he responded, "I've been working in the area of organized crime for nearly 14 years and I can tell you that many of the accused that I've arrested over those years were more familiar with the Criminal Code than I am."

• (1740)

We did run into one issue during our deliberation of the bill, and that was a discovery of two oversights in the drafting of the legislation that would lead to some inconsistency in the Criminal Code. Thankfully, Senators Joyal and Baker brought those to our attention.

The problem, however, with sending this back to the other place, as per the normal course, is that the author of the bill in the other place, Parm Gill, has become a parliamentary secretary since he originally introduced this bill. Parliamentary secretaries cannot introduce private member's legislation and, as confirmed by our clerk, cannot even receive their amended piece of legislation back from the Senate. In effect, that means the bill would have been killed.

Thankfully, Justice officials assured us there would be no gap in the interpretation or application of the law should the bill pass in its current form. They also assured us that the consistency issues could simply be fixed at a later date through another piece of legislation. Our committee attached observations to this effect, encouraging the government to make in the near future these minor changes for the sake of consistency.

I would like to thank the committee members for their diligence in studying this bill and for their understanding and cooperation in getting this bill passed in its current form, with observations. It means that we can extend this protection to our youth sooner and provide law enforcement with the tools they need to limit gang activities in our communities.

I will close with a quote from Manitoba's Justice Minister — a NDP member — Andrew Swan at committee testimony:

... criminal organizations do operate across Canada. We know they operate in Manitoba. We know they engage in illegal and harmful enterprises that affect our citizens and communities. We know that the threat gangs pose to the

safety of our society would be reduced if Bill C-394 was passed . . . We know that youth are particularly vulnerable . . . We believe that strong laws must be in place to ensure the safety and security of Canadian citizens, especially our youth.

Colleagues, I urge you to vote in favour of Bill C-394.

(On motion of Senator Campbell, debate adjourned.)

DIVORCE ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Anne C. Cools moved second reading of Bill S-216, An Act to amend the Divorce Act (shared parenting plans).

She said: Honourable colleagues, I shall not be long because, as we can see, we are approaching the magical hour of six o'clock. However, I would like to say one or two quick things.

This bill embodies and represents many years of industry, labour, study and reading in the field. It will amend the Divorce Act in a way that is quite different and unique, but necessary to enhance the power of judges in respect of the best interests of the child. As we know, the term “best interests of the child” — and I am taking a lot of time, and I shall to put all this on the record — was a term created and formed in the chancery courts — or courts of equity — which, as you know, had to look after the well-being of and matters that concerned children, women and mentally challenged individuals.

In any event, I do want to go into this in a fulsome way, which is exactly my plan, so I shall keep you in suspense for just a few more days or so, at which time I will present to you the most glorious research you will have ever heard.

(On motion of Senator Cools, debate adjourned.)

CANADIAN MILITARY SERVICE IN AFGHANISTAN

INQUIRY—DEBATE ADJOURNED

Hon. Hugh Segal rose pursuant to notice of May 13, 2014:

That he will call the attention of the Senate to the contributions of our men and women in uniform and of Canadian civilians in their efforts in the 12 year-long mission in Afghanistan in the war on terrorism and to their support for the Afghan people.

He said: Colleagues, I will be brief, with a view to the clock, but I wanted to read into the record a speech that was made at Canadian Forces Base Kingston in front of 1,000 members of the Canadian Forces on May 9, the day when we honoured the contribution of not only the Canadian Forces, but civilians in the aid, diplomatic and service areas to the campaign in Afghanistan.

[Senator Plett]

The speech was made by Major-General James R. Ferron, who was with the 1st Canadian Division Headquarters. He did so in the presence of the families of the fallen, the families of the men and women who had served, members of the Royal Canadian Legion and me.

Here is what he said:

This is a moment where we mark a day in our history . . .

• (1750)

[Translation]

. . . when we honour the sacrifices we made and reflect on our accomplishments in Afghanistan.

[English]

At the outset I would like to recognize the families of the fallen and the wounded, many of whom are joining us today in Ottawa, while others attend ceremonies across the country.

I would also like to express my sincere thanks and appreciation to the members of our families and our friends who have joined us here today and those across the country to pay tribute to the 40,000 Canadian Armed Forces soldiers, sailors, air men and women who participated in the Afghanistan mission. Without your unwavering support our success in Afghanistan would not have been possible.

So why are we here today?

Clearly to remember those who paid the supreme sacrifice as:

They shall not grow old, as we that are left grow old
Age shall not weary them, nor the years condemn.
At the going down of the sun and in the morning
We will remember them.

Having said that tribute to those who have fallen they, the fallen, would want us to remember what they contributed to, what it meant to be in Afghanistan.

As professionals they would want us to recognize the bonds developed between warriors.

Soldiers will fight for many things. . . first amongst equals, amongst being those soldiers who are covering their “six” and their flanks. . . regardless of nation — our Afghan brothers-in-arms included.

They would want us to understand how Canada directly contributed to the training and combat capability of over 350,000 Afghan soldiers and Police Officers and what that created.

What it created was a “security bubble”, an environment where a nation, after decades of tyranny and oppression, is finally showing signs of being able to fend for itself. A nation that is no longer an unopposed refuge for international terrorists. A security environment today where: Thousands of boys and in particular young girls are going to school and the incredible impact that this will have on the future of that nation. Where a nation of 35 million was able to get the majority of their eligible voters to the polls, in some of the most challenging conditions in the world, without catastrophic incident. . . reinforcing one of the most fundamental rights of a free nation. . . the freedom of choice. Where the seeds of security have allowed Afghans to be trained as Doctors and Nurses, with access to medicines. . . professionals who are now able to provide a level of healthcare that has had a measurable effect on reducing infant mortality and providing for longer and healthier lives for all Afghans.

In the last decade, Afghanistan’s economy has begun to slowly break away from a debilitating dependency on the drug trade. . . a nation now where engineers, mechanics, construction workers, and yes cell phone providers are all being trained — all of whom are contributing to a burgeoning quality of life that was previously unknown in Afghanistan.

But most of our fallen would want us to remember that their sacrifice was made in the full knowledge of the risks they faced. . . that they fell doing what they loved: BEING SOLDIERS.

[*Translation*]

Today, let us not despair.

[*English*]

So, today, let us not despair.

Let us take a moment to reflect upon the accomplishments of our people — our soldiers, sailors, air

men and women and their families in over 12 years of conflict in Afghanistan — men and women who have sacrificed much. . . all serving with honour, with bravery and a compassion for those less fortunate than themselves — and then let us take a moment to be proud of what we as a community, as a military family, have accomplished in Afghanistan.

And that ladies and gentlemen is why we are here today.

We will remember them.

That was the end of the general’s speech. This week, when we celebrate or mark D-Day, the liberation of Europe, we think about the tyranny that still exists in a country that our colleagues spoke so eloquently of, in terms of the tragedy of Tiananmen Square a few hours ago, and when we celebrate the twenty-fifth anniversary of democracy in Poland.

As we sit here today, let us not in any way underscore, diminish or dilute the tremendous contribution men and women in the Canadian Forces, and civilians in our diplomatic corps, CIDA and elsewhere made in that campaign, and don’t accept the view of those who say it was all for naught. I heard people say that after the Korean War and look at the difference today between a free and democratic Korea and the communist oligarchy that exists to its north.

Let us recommend to all of our fellow citizens that we take Afghanistan as a step ahead in difficult times, made by brave men and women who had the privilege of wearing the Canada flash on their shoulder.

Thank you, colleagues.

Hon. Senators: Hear, hear!

(On motion of Senator Martin, debate adjourned.)

(The Senate adjourned until Wednesday, June 4, 2014 at 1:30 p.m.)

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

THE SPEAKER

The Honourable Noël A. Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Claude Carignan, P.C.

THE LEADER OF THE OPPOSITION

The Honourable James S. Cowan

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Gary W. O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

J. Greg Peters

THE MINISTRY

(In order of precedence)

(June 3, 2014)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Bernard Valcourt	Minister of Aboriginal Affairs and Northern Development
The Hon. Robert Douglas Nicholson	Minister of National Defence
The Hon. Peter Gordon MacKay	Minister of Justice
	Attorney General of Canada
The Hon. Rona Ambrose	Minister of Health
The Hon. Diane Finley	Minister of Public Works and Government Services
The Hon. John Baird	Minister of Foreign Affairs
The Hon. Tony Clement	President of the Treasury Board
The Hon. Peter Van Loan	Leader of the Government in the House of Commons
The Hon. Jason Kenney	Minister of Employment and Social Development
	Minister for Multiculturalism
The Hon. Gerry Ritz	Minister of Agriculture and Agri-Food
The Hon. Christian Paradis	Minister of International Development
	Minister for La Francophonie
The Hon. James Moore	Minister of Industry
The Hon. Denis Lebel	Minister of the Economic Development Agency of Canada for the Regions of Quebec
	President of the Queen's Privy Council for Canada
	Minister of Infrastructure, Communities and Intergovernmental Affairs
The Hon. Leona Aglukkaq	Minister of the Canadian Northern Economic Development Agency
	Minister for the Arctic Council
	Minister of the Environment
The Hon. Lisa Raitt	Minister of Transport
The Hon. Gail Shea	Minister of Fisheries and Oceans
The Hon. Julian Fantino	Minister of Veterans Affairs
The Hon. Steven Blaney	Minister of Public Safety and Emergency Preparedness
The Hon. Edward Fast	Minister of International Trade
The Hon. Joe Oliver	Minister of Finance
The Hon. Kerry-Lynne D. Findlay	Minister of National Revenue
The Hon. Shelly Glover	Minister of Canadian Heritage and Official Languages
The Hon. Chris Alexander	Minister of Citizenship and Immigration
The Hon. Kellie Leitch	Minister of Labour
	Minister of Status of Women
The Hon. Greg Rickford	Minister of Natural Resources
	Minister for the Federal Economic Development Initiative for Northern Ontario)
The Hon. Maxime Bernier	Minister of State (Small Business and Tourism, and Agriculture)
The Hon. Lynne Yelich	Minister of State (Foreign Affairs and Consular)
The Hon. Gary Goodyear	Minister of State (Federal Economic Development Agency for Southern Ontario)
The Hon. Rob Moore	Minister of State (Atlantic Canada Opportunities Agency)
The Hon. John Duncan	Minister of State and Chief Government Whip
The Hon. Tim Uppal	Minister of State (Multiculturalism)
The Hon. Alice Wong	Minister of State (Seniors)
The Hon. Bal Gosal	Minister of State (Sport)
The Hon. Kevin Sorenson	Minister of State (Finance)
The Hon. Pierre Poilievre	Minister of State (Democratic Reform)
The Hon. Candice Bergen	Minister of State (Social Development)
The Hon. Michelle Rempel	Minister of State (Western Economic Diversification)
The Hon. Ed Holder	Minister of State (Science and Technology)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(June 3, 2014)

Senator	Designation	Post Office Address
The Honourable		
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Colin Kenny	Rideau	Ottawa, Ont.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
Janis G. Johnson	Manitoba	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
Marie-P. Charette-Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy E. Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.

Senator	Designation	Post Office Address
Stephen Greene	Halifax-The Citadel	Halifax, N.S.
Michael L. MacDonald	Cape Breton	Dartmouth, N.S.
Michael Duffy	Prince Edward Island	Cavendish, P.E.I.
Percy Mockler	New Brunswick	St. Leonard, N.B.
John D. Wallace	New Brunswick	Rothesay, N.B.
Michel Rivard	The Laurentides	Quebec, Que.
Nicole Eaton	Ontario	Caledon, Ont.
Irving Gerstein	Ontario	Toronto, Ont.
Pamela Wallin	Saskatchewan	Wadena, Sask.
Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.
Yonah Martin	British Columbia	Vancouver, B.C.
Richard Neufeld	British Columbia	Fort St. John, B.C.
Daniel Lang	Yukon	Whitehorse, Yukon
Patrick Brazeau	Repentigny	Maniwaki, Que.
Leo Housakos	Wellington	Laval, Que.
Suzanne Fortin-Duplessis	Rougemont	Quebec, Que.
Donald Neil Plett	Landmark	Landmark, Man.
Linda Frum	Ontario	Toronto, Ont.
Claude Carignan, P.C.	Mille Isles	Saint-Eustache, Que.
Jacques Demers	Rigaud	Hudson, Que.
Judith G. Seidman	De la Durantaye	Saint-Raphaël, Que.
Carolyn Stewart Olsen	New Brunswick	Sackville, N.B.
Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning, N.S.
Dennis Glen Patterson	Nunavut	Iqaluit, Nunavut
Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.
Pierre-Hugues Boisvenu	La Salle	Sherbrooke, Que.
Elizabeth Marshall	Newfoundland and Labrador	Paradise, Nfld. & Lab.
Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.
Salma Ataullahjan	Toronto—Ontario	Toronto, Ont.
Don Meredith	Ontario	Richmond Hill, Ont.
Fabian Manning	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.
Larry W. Smith	Saurel	Hudson, Que.
Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.
Betty E. Unger	Alberta	Edmonton, Alta.
JoAnne L. Buth	Manitoba	Winnipeg, Man.
Norman E. Doyle	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Asha Seth	Ontario	Toronto, Ont.
Ghislain Maltais	Shawinigan	Quebec City, Que.
Jean-Guy Dagenais	Victoria	Blainville, Que.
Vernon White	Ontario	Ottawa, Ont.
Paul E. McIntyre	New Brunswick	Charlo, N.B.
Thomas Johnson McInnis	Nova Scotia	Sheet Harbour, N.S.
Tobias C. Enverga, Jr.	Ontario	Toronto, Ont.
Thanh Hai Ngo	Ontario	Orleans, Ont.
Diane Bellemare	Alma	Outremont, Que.
Douglas John Black	Alberta	Canmore, Alta.
David Mark Wells	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Lynn Beyak	Ontario	Dryden, Ont.
Victor Oh	Mississauga	Mississauga, Ont.
Denise Leanne Batters	Saskatchewan	Regina, Sask.
Scott Tannas	Alberta	High River, Alta.

SENATORS OF CANADA

ALPHABETICAL LIST

(June 3, 2014)

Senator	Designation	Post Office Address	Political Affiliation
The Honourable			
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Ataullahjan, Salma	Toronto—Ontario	Toronto, Ont.	Conservative
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Batters, Denise Leanne	Saskatchewan	Regina, Sask.	Conservative
Bellemare, Diane	Alma	Outremont, Que.	Conservative
Beyak, Lynn	Ontario	Dryden, Ont.	Conservative
Black, Douglas John	Alberta	Canmore, Alta.	Conservative
Boisvenu, Pierre-Hugues	La Salle	Sherbrooke, Que.	Conservative
Brazeau, Patrick	Repentigny	Maniwaki, Que.	Independent
Buth, JoAnne L.	Manitoba	Winnipeg, Man.	Conservative
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carignan, Claude, P.C.	Mille Isles	Saint-Eustache, Que.	Conservative
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Charette-Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Independent
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dagenais, Jean-Guy	Victoria	Blainville, Que.	Conservative
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauson	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
Demers, Jacques	Rigaud	Hudson, Que.	Conservative
Downe, Percy E.	Charlottetown	Charlottetown, P.E.I.	Liberal
Doyle, Norman E.	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
Duffy, Michael	Prince Edward Island	Cavendish, P.E.I.	Independent
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Liberal
Eaton, Nicole	Ontario	Caledon, Ont.	Conservative
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Enverga, Tobias C., Jr.	Ontario	Toronto, Ont.	Conservative
Fortin-Duplessis, Suzanne	Rougemont	Quebec, Que.	Conservative
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Frum, Linda	Ontario	Toronto, Ont.	Conservative
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gerstein, Irving	Ontario	Toronto, Ont.	Conservative
Greene, Stephen	Halifax - The Citadel	Halifax, N.S.	Conservative
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Housakos, Leo	Wellington	Laval, Que.	Conservative
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal
Johnson, Janis G.	Manitoba	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Independent
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative

Senator	Designation	Post Office Address	Political Affiliation
Lang, Daniel	Yukon	Whitehorse, Yukon	Conservative
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
MacDonald, Michael L.	Cape Breton	Dartmouth, N.S.	Conservative
Maltais, Ghislain	Shawinigan	Quebec City, Que.	Conservative
Manning, Fabian	Newfoundland and Labrador	St. Bride's, Nfld. & Lab.	Conservative
Marshall, Elizabeth	Newfoundland and Labrador	Paradise, Nfld. & Lab.	Conservative
Martin, Yonah	British Columbia	Vancouver, B.C.	Conservative
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Independent (PC)
McInnis, Thomas Johnson	Nova Scotia	Sheet Harbour, N.S.	Conservative
McIntyre, Paul E.	New Brunswick	Charlo, N.B.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Meredith, Don	Ontario	Richmond Hill, Ont.	Conservative
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Mockler, Percy	New Brunswick	St. Leonard, N.B.	Conservative
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Neufeld, Richard	British Columbia	Fort St. John, B.C.	Conservative
Ngo, Thanh Hai	Ontario	Orleans, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Ogilvie, Kelvin Kenneth	Annapolis Valley - Hants	Canning, N.S.	Conservative
Oh, Victor	Mississauga	Mississauga, Ont.	Conservative
Patterson, Dennis Glen	Nunavut	Iqaluit, Nunavut	Conservative
Plett, Donald Neil	Landmark	Landmark, Man.	Conservative
Poirier, Rose-May	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent, N.B.	Conservative
Raine, Nancy Greene	Thompson-Okanagan-Kootenay	Sun Peaks, B.C.	Conservative
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivard, Michel	The Laurentides	Quebec, Que.	Conservative
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Runciman, Bob	Ontario—Thousand Islands and Rideau Lakes	Brockville, Ont.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Seth, Asha	Ontario	Toronto, Ont.	Conservative
Seidman, Judith G.	De la Durantaye	Saint-Raphaël, Que.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Smith, Larry W.	Saurel	Hudson, Que.	Conservative
Stewart Olsen, Carolyn	New Brunswick	Sackville, N.B.	Conservative
Tannas, Scott	Alberta	High River, Alta.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Unger, Betty E.	Alberta	Edmonton, Alta.	Conservative
Verner, Josée, P.C.	Montarville	Saint-Augustin-de-Desmaures, Que.	Conservative
Wallace, John D.	New Brunswick	Rothsay, N.B.	Conservative
Wallin, Pamela	Saskatchewan	Wadena, Sask.	Independent
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Wells, David Mark	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Conservative
White, Vernon	Ontario	Ottawa, Ont.	Conservative

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(June 3, 2014)

ONTARIO—24

Senator	Designation	Post Office Address
The Honourable		
1 Anne C. Cools	Toronto Centre-York	Toronto
2 Colin Kenny	Rideau	Ottawa
3 Marjory LeBreton, P.C.	Ontario	Manotick
4 Marie-P. Charette-Poulin	Northern Ontario	Ottawa
5 David P. Smith, P.C.	Cobourg	Toronto
6 Jim Munson	Ottawa/Rideau Canal	Ottawa
7 Art Eggleton, P.C.	Ontario	Toronto
8 Nancy Ruth	Cluny	Toronto
9 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
10 Nicole Eaton	Ontario	Caledon
11 Irving Gerstein	Ontario	Toronto
12 Linda Frum	Ontario	Toronto
13 Bob Runciman	Ontario—Thousand Islands and Rideau Lakes	Brockville
14 Salma Ataullahjan	Toronto—Ontario	Toronto
15 Don Meredith	Ontario	Richmond Hill
16 Asha Seth	Ontario	Toronto
17 Vernon White	Ontario	Ottawa
18 Tobias C. Enverga, Jr.	Ontario	Toronto
19 Thanh Hai Ngo	Ontario	Orleans
20 Lynn Beyak	Ontario	Dryden
21 Victor Oh	Mississauga	Mississauga
22		
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
The Honourable		
1 Charlie Watt	Inkerman	Kuuujuaq
2 Jean-Claude Rivest	Stadacona	Quebec
3 Pierre Claude Nolin	De Salaberry	Quebec
4 Céline Hervieux-Payette, P.C.	Bedford	Montreal
5 Serge Joyal, P.C.	Kennebec	Montreal
6 Joan Thorne Fraser	De Lorimier	Montreal
7 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
8 Roméo Antonius Dallaire	Gulf	Sainte-Foy
9 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
10 Dennis Dawson	Lauzon	Ste-Foy
11 Michel Rivard	The Laurentides	Quebec
12 Patrick Brazeau	Repentigny	Maniwaki
13 Leo Housakos	Wellington	Laval
14 Suzanne Fortin-Duplessis	Rougemont	Quebec
15 Claude Carignan, P.C.	Mille Isles	Saint-Eustache
16 Jacques Demers	Rigaud	Hudson
17 Judith G. Seidman	De la Durantaye	Saint-Raphaël
18 Pierre-Hugues Boisvenu	La Salle	Sherbrooke
19 Larry W. Smith	Sauvel	Hudson
20 Josée Verner, P.C.	Montarville	Saint-Augustin-de-Desmaures
21 Ghislain Maltais	Shawinigan	Quebec City
22 Jean-Guy Dagenais	Victoria	Blainville
23 Diane Bellemare	Alma	Outremont
24

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
The Honourable		
1 Wilfred P. Moore	Stanhope St./South Shore	Chester
2 Jane Cordy	Nova Scotia	Dartmouth
3 Terry M. Mercer	Northend Halifax	Caribou River
4 James S. Cowan	Nova Scotia	Halifax
5 Stephen Greene	Halifax - The Citadel	Halifax
6 Michael L. MacDonald	Cape Breton	Dartmouth
7 Kelvin Kenneth Ogilvie	Annapolis Valley - Hants	Canning
8 Thomas Johnson McInnis	Nova Scotia	Sheet Harbour
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
The Honourable		
1 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
2 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
3 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
4 Pierrette Ringuette	New Brunswick	Edmundston
5 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
6 Percy Mockler	New Brunswick	St. Leonard
7 John D. Wallace	New Brunswick	Rothsay
8 Carolyn Stewart Olsen	New Brunswick	Sackville
9 Rose-May Poirier	New Brunswick—Saint-Louis-de-Kent	Saint-Louis-de-Kent
10 Paul E. McIntyre	New Brunswick	Charlo

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
The Honourable		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy E. Downe	Charlottetown	Charlottetown
4 Michael Duffy	Prince Edward Island	Cavendish

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
The Honourable		
1 Janis G. Johnson	Manitoba	Gimli
2 Maria Chaput	Manitoba	Sainte-Anne
3 Donald Neil Plett	Landmark	Landmark
4 JoAnne L. Buth	Manitoba	Winnipeg
5		
6		

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
The Honourable		
1 Mobina S. B. Jaffer	British Columbia	North Vancouver
2 Larry W. Campbell	British Columbia	Vancouver
3 Nancy Greene Raine	Thompson-Okanagan-Kootenay	Sun Peaks
4 Yonah Martin	British Columbia	Vancouver
5 Richard Neufeld	British Columbia	Fort St. John
6		

SASKATCHEWAN—6

Senator	Designation	Post Office Address
The Honourable		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 David Tkachuk	Saskatchewan	Saskatoon
3 Pana Merchant	Saskatchewan	Regina
4 Lillian Eva Dyck	Saskatchewan	Saskatoon
5 Pamela Wallin	Saskatchewan	Wadena
6 Denise Leanne Batters	Saskatchewan	Regina

ALBERTA—6

Senator	Designation	Post Office Address
The Honourable		
1 Claudette Tardif	Alberta	Edmonton
2 Grant Mitchell	Alberta	Edmonton
3 Elaine McCoy	Alberta	Calgary
4 Betty E. Unger	Alberta	Edmonton
5 Douglas John Black	Alberta	Canmore
6 Scott Tannas	Alberta	High River

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
The Honourable		
1 George Furey	Newfoundland and Labrador	St. John's
2 George S. Baker, P.C.	Newfoundland and Labrador	Gander
3 Elizabeth Marshall	Newfoundland and Labrador	Paradise
4 Fabian Manning	Newfoundland and Labrador	St. Bride's
5 Norman E. Doyle	Newfoundland and Labrador	St. John's
6 David Wells	Newfoundland and Labrador	St. John's

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
The Honourable		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
The Honourable		
1 Dennis Glen Patterson	Nunavut	Iqaluit

YUKON—1

Senator	Designation	Post Office Address
The Honourable		
1 Daniel Lang.	Yukon.	Whitehorse

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