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OFFICIAL REPORT
(HANSARD)

Wednesday, February 25, 2015

The Honourable PIERRE CLAUDE NOLIN
Speaker

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

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THE SENATE

Wednesday, February 25, 2015

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

Prayers.

[*Translation*]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 25, 2015

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 25th day of February, 2015, at 10:02 a.m.

Yours sincerely,

Stephen Wallace
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bills assented to February 25, 2015:

An Act to amend the Criminal Code (assaults against public transit operators) (*Bill S-221, Chapter 1, 2015*)

An Act to amend certain Acts relating to agriculture and agri-food (*Bill C-18, Chapter 2, 2015*)

[*English*]

SENATORS' STATEMENTS

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague and Speaker, the Honourable Noël A. Kinsella, P.C.

On behalf of all honourable senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

TRIBUTES

THE HONOURABLE NOËL A. KINSELLA, P.C.

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Government in the Senate, who requests, pursuant to rule 4-3, paragraph 1, that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Noël A. Kinsella, P.C., who resigned from the Senate on November 26, 2014.

I remind senators that pursuant to our rules, each senator will be allowed only three minutes and may speak only once. However, it is agreed that we continue our tribute to our former colleague under Senators' Statements. We will, therefore, have the balance of 30 minutes for tributes. Any time remaining after tributes will be used for other statements. Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Marjory LeBreton: Honourable senators, I would like to take a few brief moments to pay tribute to our former colleague and former senator, Noël Kinsella, now the Honourable Noël Kinsella, Privy Councillor, P.C. Congratulations, Senator Kinsella, on being so named on Monday of this week at the recommendation of the Prime Minister.

Honourable senators, Senator Kinsella was toiling away as Associate Under-Secretary of State, Citizenship and Multiculturalism when he was appointed to the Canadian Senate on the recommendation of Prime Minister Brian Mulroney on September 12, 1990. He brought to this place an impressive resumé. As a licensed member of the College of Psychologists of New Brunswick, Dr. Kinsella spent 41 years as a faculty member at St. Thomas University, Fredericton, New Brunswick, where he taught psychology, philosophy and human rights. His experience and knowledge of human rights issues are well known and widely praised. He served as the Chairperson of the New Brunswick Human Rights Commission for 22 years, was President of the Canadian Human Rights Foundation and is well known nationally and internationally as a human rights advocate and academic. He of course was involved in such cases as *Malcolm Ross*, and he brought *Lovelace v. Canada* to the United Nations Human Rights Committee.

His early education was in his city of birth, Saint John. His post-secondary education took place at University College Dublin in Ireland — B.A. in psychology; at St. Thomas Aquinas

University in Rome, Italy — L.Ph. and PhD; and at the Pontifical Lateran University in Rome — S.T.L. and S.T.D in theology.

Because of this ecclesiastical education and knowledge, his colleagues in the Conservative caucus, back in the 1990s, fondly referred to him as “the Cardinal!” I hope that wasn’t politically incorrect, but you’ll forgive this Protestant girl. I mean no disrespect.

Honourable colleagues, some may recall that when Senator Kinsella was summoned to the Senate on September 12, 1990, another senator was named the same day. The Mulroney government of the day, and of course I was involved in this, being in the Prime Minister’s Office, knew that this particular senator would attract some controversy, but we consoled ourselves with the knowledge that Senator Kinsella with his human rights and education background would in some way temper the expected criticism. Well, that didn’t work out so well. I often teased Senator Kinsella that he was put in a “mission impossible” position, which failed miserably as his appointment was reduced to a few paragraphs at the end of the more sensational story about the other appointee. Not to be deterred, Senator Kinsella went on to serve our country, Parliament and particularly the Senate in many important positions of leadership.

• (1340)

He was Opposition Whip from 1994 to 1999, Deputy Leader of the Opposition in the Senate from 1999 to October 1, 2004, and Leader of the Opposition in the Senate from October 2004 to February 2006. On February 8, 2006, he was named Speaker of the Senate by the Governor General on the advice of Prime Minister Stephen Harper. His work on behalf of our country as he and his wonderful spouse, Ann, represented Canada around the world has been outstanding.

Later today, his official portrait will be placed along with those of other prominent people, like our friend Senator Dan Hays, whom I see here today as well. He, like those other men and women who served as Speaker of the Senate, will be a reminder to all of us who view his portrait over the years that this country and this place are significantly better because of the commitment of Senator Noël Kinsella.

Some Hon. Senators: Hear, hear.

Hon. Marie-P. Charette-Poulin: Honourable senators, I rise today to join in paying tribute to our former colleague, the Honourable Noël Kinsella, who served in this chamber for almost a quarter of a century. He served with grace, dignity and a deep sense of commitment to public service.

I will remember the senator for many things. First and foremost, it will be for his strong defence of the regions. He understood this to be one of the more important duties that he needed to fulfill as a senator — as a senator representing New Brunswick. When he served as Leader of the Opposition in the Senate, his hallmark was his respect for the rules and customs of our institution. I recall his remarks as always being thoughtful and insightful.

[Senator LeBreton]

It is my view that it was during his time as Speaker that Senator Kinsella really made his mark. He displayed an outstanding capacity to adapt to different cultures, whether chairing an event in Canada attended by international guests or when leading a mission abroad, often speaking the language of the country where he was leading the mission.

Senator Kinsella was a gracious host, opening his chambers to Canadians as well as to visitors from beyond our borders, always eager to showcase the Senate.

[Translation]

Honourable senators, I’m sure that his background as a teacher and deputy minister enabled him to explain the Senate’s unique position and key role in parliamentary democracy to his many visitors.

[English]

Yes, colleagues, at his invitation, countless people have had the opportunity to come and learn what the Senate represents and what senators do.

Over and above all, a man of deep faith, Senator Kinsella has always been guided by his beliefs and his strong principles. There is no greater evidence of this than in his final act as a senator, symbolically retiring two days before his seventy-fifth birthday to show his life-long opposition to mandatory retirement: in Senator Kinsella’s words, “. . . to make a point that I’ve promoted personal choice in the matter of retirement.”

Senator Kinsella, I wish you and Ann all the very best in your post-Senate lives. Thank you for your friendship, your many kindnesses and your guidance.

[Translation]

Good luck, my friends!

[English]

Hon. Betty Unger: Honourable senators, I rise today to pay tribute to our former Speaker of the Senate and our former colleague, the Honourable Noël Kinsella.

I would like to focus on one topic, about which he has spoken several times and into which he has obviously put a great deal of thought: Senate reform. Senator Kinsella’s opinion regarding Senate reform is to be respected, and much is to be gained from careful consideration of his words. In a speech last fall to the provincial Speakers of legislative assemblies at the fifty-second Canadian Regional Conference of the Commonwealth Parliamentary Association, Senator Kinsella spoke about possible ways that the Senate might better serve in its role. I respect Senator Kinsella’s position on Senate reform, and I believe there is much to be gained from careful consideration of our former colleague’s words. He stated:

A campaign of internal restoration, external education, and cross-country conversation would be a useful approach.

I fully agree with Senator Kinsella that we should be improving internal policies and protocols to enhance transparency and accountability. Additionally, increasing public awareness of the work that is done by senators in the Senate would undoubtedly benefit this institution. However, we must also be receptive to the public's input when we consider the role that this institution plays in our democracy. For example, if the majority of Canadians believe that they would be better served by elected senators, then that should be part of the conversation as we consider reform. Senator Kinsella believes, and I agree, that we, as parliamentarians, can be the leaders in a national conversation on Senate reform. This process is not meant to diminish the good work that the Senate does but to improve it in ways that will better serve Canadians.

Senator Kinsella made an interesting point when he spoke to Senator Nolin's inquiry into the role of the Senate. He suggested that a dialogue between senators and provincial MLAs could lead to the discovery of a common view, which may even meet the constitutional test, that would make structural reforms to the Senate a possibility. As we move forward, I would ask my colleagues to consider Senator Kinsella's words and keep an open mind regarding Senate reform. The Supreme Court ruling on this matter has provided us with a road map for reform. Should public interest in the Senate continue, a constructive national conversation could be facilitated. We owe it to our former Speaker and to Canadians to carefully consider how our institution can best serve our democracy.

Senator Kinsella, thank you for your great leadership as Speaker in this place and thank you for your valued contributions to the topic of Senate reform. I congratulate you on your well-deserved appointment to the Queen's Privy Council of Canada, and I wish you and Mrs. Kinsella all the best.

[Translation]

Hon. Claudette Tardif: Honourable senators, I am very pleased to say a few words in tribute to the Honourable Noël Kinsella, the former Speaker of the Senate, who retired on November 26.

I would like to congratulate you, Senator Kinsella, on your outstanding parliamentary career, during which you made your mark with dignity and honour as a senator and Speaker of the Senate.

In my role as Deputy Leader of the Opposition, I observed that as you carried out your duties as Speaker of the Senate, you took care to ensure that procedures were followed correctly. You approached your duties in this seat of parliamentary democracy with honesty, thoroughness and wisdom. I especially appreciated your openness and willingness to listen.

• (1350)

You are no doubt aware, honourable colleagues, that the Honourable Noël Kinsella is a great diplomat who loyally defends the values and interests of our country. I had the honour of accompanying him on a few diplomatic missions, and I can attest to the sincere respect and attention he is given by the world's senior leaders.

I would like to highlight in particular the Honourable Noël Kinsella's commitment to and availability for activities involving the Canada-France Interparliamentary Association. I am grateful, Senator Kinsella, for the great interest that you always showed in Canada's diplomatic relations with France and the development of the francophone community in our country and throughout the world. I sincerely thank you for your commitment and your support.

[English]

Senator Kinsella, you deserve our profound respect and gratitude. The Senate was enriched by your generous contributions, your dedication to serve our country, your wisdom and your knowledge. Senator Kinsella, I wish you a happy retirement, dedicating your time to activities that you enjoy in the company of your family and your lovely wife, Ann. My very best wishes for a happy retirement.

Hon. Senators: Hear, hear.

Hon. John D. Wallace: Honourable Senator Noël Kinsella, Speaker Kinsella, Dr. Kinsella, Honorary Naval Captain Kinsella, Canadian Human Rights Foundation President Kinsella, New Brunswick Human Rights Commission Chair Kinsella and, most recently, Privy Councillor Kinsella.

Hon. Senators: Hear, hear.

Senator Wallace: From my many years of knowing Noël Kinsella and his wonderful wife, Ann, I can say with absolute certainty that those words and titles do not say it all, but they are a good start. As with each of you, I can't wait to see what he does with his next time at bat. From past and present experience, we know that can't be too far away.

As impressive, truly impressive, as have been Senator Kinsella's outstanding accomplishments throughout his lengthy career, I do have to say that what impresses me most about him — and I've had the opportunity to experience this during the many years we have known each other — are the personal qualities, values and character of Noël Kinsella the person, his inner strength, his faith, his integrity and his uncompromising conviction to always strive to do the right thing. In Noël's case, these aren't just words; they are reality. They are what he is made of.

In his capacity as Speaker, we've all had the opportunity to experience firsthand his truly impressive and inspiring combination of leadership, dedication, and institutional pride and respect for the Senate of Canada. He consistently exhibits these qualities in everything that he does and, needless to say, the onus is clearly on each of us to continue to build upon that legacy.

During the six years that I've been a member of the Senate, I've been most fortunate to have had opportunities, both in Canada and internationally, to experience and witness the manner in which Speaker Kinsella has performed critically important duties as the senior representative of the Parliament of Canada when hosting, visiting and engaging with national leaders and

organizations from around the world. In fulfilling his diplomatic role and responsibilities, he has always distinguished himself in ways that were a credit and of enduring benefit to the values, reputation and substance of our country, our Maritime region and our Senate institution that he has served so well.

As a fellow New Brunswicker who also grew up in greater Saint John, but not exactly during the same period, I am very proud to say that Noël is a valued personal friend and one for whom I have the deepest personal and professional respect and admiration.

For me, personally, one of my most lasting memories of my time here will be that I had the opportunity to serve together, as a member of the Senate of Canada with Senator, Speaker Noël Kinsella. All of that to say, colleagues, all things considered, he is a pretty good guy.

[Translation]

Thank you, my friend Noël.

Hon. Senators: Hear, hear.

Hon. Joseph A. Day: Thank you, Mr. Speaker.

[English]

Senator Day: I would like, first of all, to adopt all of the fine words of my fellow Saint Johner, Senator Wallace, in recognizing another fellow Saint Johner and a great Irishman, Senator Kinsella.

[Translation]

Honourable senators, I rise today to pay tribute to the Honourable Noël Kinsella, the 46th Speaker of the Senate, and to profess my great respect for him.

[English]

Senator Kinsella was appointed to this chamber in 1990. I met him a few years following that in St. Andrews at a function that involved Senator Michael Meighen. He may recall my congratulating him at the time. I asked him how he enjoyed his time at the Senate. He said, "I love it. I'll give you one piece of advice. If they offer it, accept."

I took his advice and, a few years later, I found myself sitting on that side. Senator Kinsella was the Deputy Leader of the Opposition, sitting on this side. I remember one of the debates when I first arrived that is probably very apropos to what's going on now, but just reversed. He said, "One of the very important pieces of advice that I can give to this institution is that the majority must learn to use its majority powers sparingly." He was talking about a very small group of Progressive Conservatives sitting on that side and a houseful of Liberals sitting over there. The words apply again, Mr. Speaker.

[Senator Wallace]

[Translation]

To be more precise, Senator Kinsella served as a member, chair and deputy chair of various Senate committees. He also served as the Opposition Whip, the Deputy Leader of the Opposition and the Leader of the Opposition before becoming Speaker of the Senate.

[English]

However, honourable senators know that what matters is not how many positions one has filled, but how well one has served his fellow Canadians and the nation in those various positions. Ultimately, what counts is what one is doing to make tomorrow safer, fairer and more peaceful, or, in short, better. Senator Kinsella excelled in doing just that.

Like any good Speaker, Senator Kinsella conducted himself and his duties in this chamber in such a manner that removed any concern that partisanship might affect his responsibilities as the arbiter in this place. He was deliberate, clear and concise. No matter the debate being discussed in this chamber, no matter his political affiliation or views, Senator Kinsella stayed impartial because the rule of law should always be respected in order to protect our democratic values and our institutions. For this, Senator Kinsella is an example to follow.

Today, honourable senators, is Pink Shirt Day. For this occasion, everyone is encouraged to wear pink to express our determination to stop bullying in our schools, in society and online. What a beautiful coincidence that today we will also unveil the official portrait of the Honourable Noël Kinsella, a true advocate against bullying and for human rights.

Hon. Senators: Hear, hear.

Senator Day: Senator Kinsella has been a professor for 41 years at St. Thomas University and, following his retirement, he has decided to return to academia. I know that his students are in good hands and that their lives will be enriched just as ours have been here in the Senate.

• (1400)

Senator Kinsella, through your work, you have honoured and will continue to honour those of us here in the Senate, those of us from the province of New Brunswick, and all of Canada.

Thank you.

[Translation]

Hon. Jean-Guy Dagenais: Honourable senators, I will be brief, but I can't help but express how thrilled and delighted I was today to learn that our former Speaker, the Honourable Noël Kinsella, has been appointed to the Queen's Privy Council.

This is a very well-deserved honour, considering his many years of loyal service to his country and to Canadians. I just want to remind the chamber that Senator Kinsella served as Chair of the

New Brunswick Human Rights Commission for 22 years; he was a member of this chamber for nearly 25 years; and he is still an honorary captain in the Royal Canadian Navy's Naval Reserve.

I wasn't able to do so publicly here before he left last fall, but I want to thank Senator Kinsella for everything he did for me after I was appointed to the Senate. The equanimity he displayed throughout his tenure, and especially during some of the more difficult times we went through last year, serves as an example to me.

The Honourable Noël Kinsella was always an ardent defender of this august institution. A great educator and psychologist, he would set the record straight, when it was necessary, about the role we play in this chamber and the real role of the Senate in the governance of Canada. He is one of those people who reminds us that we can make room for change without denying the importance that must be placed on the rights of the people, the communities and the regions of Canada that are represented here.

Sincerity and respect are important qualities that were always present in all of the various duties Senator Kinsella performed. By appointing him to the Privy Council, Governor General Johnston and Prime Minister Harper are recognizing Senator Kinsella's enormous contribution to defending our democratic rights.

In the course of my duties, I refer to the words of the Honourable Noël Kinsella to raise awareness of our political system and the role of this chamber. We very much need to do that. As he so rightly said, it is up to us to initiate discussions with our communities so that we are better understood.

May his wisdom, which has been recognized today, guide us in the future. Congratulations on your appointment, Senator Kinsella. Thank you for everything, and, once again, happy retirement.

[English]

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to pay tribute to our colleague and dear friend, Speaker Kinsella.

Speaker Kinsella, my respect for your work, as well as on a personal level, is unparalleled. This chamber truly will miss your presence.

Speaker Kinsella has pushed the envelope for what could be done by one person, serving our country in many ways. We know of his long-serving commitment here in the Senate and the various other positions he held, as Chairperson of the New Brunswick Human Rights Commission for 22 years, President of the Human Rights Foundation, and the list goes on.

Speaker Kinsella used his work as a platform to excel the important task of strengthening our democracy. I want to share a story with you about Speaker Kinsella that looks more closely at him as an individual.

In 2009, the Aga Khan Foundation held a public viewing of the Quilt of Belonging. I want to share a few of the Speaker's own words from this event.

The Quilt of Belonging is a remarkable achievement with 263 blocks representing all of Canada's main First Nations groupings and every nation of the world. They are all a part of Canada's complex social fabric, represented here in actual fabric. . . These parts and materials form a bold, integrated, and unified artwork to reflect a bold, integrated, and unified Canada.

Honourable senators, I believe this reflects the core of who Speaker Kinsella is — and this will remain his legacy — a man who focused on people, understands that every individual in our country belongs no matter how different or divergent they are.

All Canadians, from all walks of life, are held in a place very close to Speaker Kinsella's heart. We have had the privilege to see him act on this sentiment throughout his career.

Speaker Kinsella's commitment to human rights has personally served as inspiration and guidance for me. Looking at his remarkable work dedicated to human rights encourages me to keep doing the work that needs to be done. Not only has he advocated nationally for human rights, Speaker Kinsella has brought this work to the international stage, most notably when he helped take *Sandra Lovelace v. Canada* to the United Nations Human Rights Committee.

Many of us in this chamber have been inspired and humbled by Speaker Kinsella's work. I believe we should be inspired by his motivations as well. He understands that in order for a diverse nation such as Canada to thrive, each person must find a way to link to the next — a common connection. Speaker Kinsella used this to guide his work.

I would be remiss if I did not, at this time, thank Mrs. Kinsella for her continuing presence around this chamber and also for the support of Mr. Kinsella. Your supporting him has made his work and his tasks lighter. We thank you for that support.

Much like the Quilt of Belonging, Speaker Kinsella, you have worked to connect the fragmented pieces of our country. This is what makes you an exceptional and genuinely just person. It has been a pleasure to serve Canada alongside you.

Speaker Kinsella, though you have left this chamber, your legacy remains strong and intact. We salute you and Mrs. Kinsella and your incomparable contribution to our institution and our nation. We thank you for your service. Canada is better for it.

An Hon. Senator: Hear, hear!

Hon. Anne C. Cools: Honourable senators, I rise to join colleagues in tributes to our now former speaker, Senator Noël A. Kinsella, who retired from this place last November. I believe that life is a pilgrimage, a journey, a collection of rites of passage as we move from one life stage to the next.

Recently, two precious individuals have retired from this place, Senator Kinsella and Gary O'Brien, our former Clerk of the Senate. These two persons are connected by the fact that their service coincided. Senator Kinsella was our speaker for the whole time that Gary was Clerk of the Senate. They were connected in service, as we senators were connected to the two of them in service. Their departures have touched us deeply and are great losses to us and to this place.

Sadly, colleagues, their retirement represents an end of an era. I recall when Senator Kinsella entered here in September 1990, at the insistence of Progressive Conservative Prime Minister Brian Mulroney. Senator Kinsella was, among others, appointed to help secure the passage in the Senate of the famous GST bill, about the Goods and Services Tax, that was at great risk of defeat by the Liberals. The GST debate was a turbulent and acrimonious Senate battle between the Conservatives and Liberals, of whom I was one. It was a baptism by fire for Senator Kinsella and for those many new Conservative senators. They gave of themselves unstintingly, as did the Liberals. This famous debate was continuous, all day, all night, 24 hours a day for several weeks.

In this time, I acquired great respect and affection for Senator Kinsella and his work on human rights. Senator Kinsella's parliamentary diplomacy has contributed much and has done international relations a great service.

As you, Senator Kinsella, and your dear wife Ann navigate this next life rite of passage, I offer you my warmest wishes for a very wonderful and even more successful future.

I would also like to thank Senator Kinsella's devoted staff and servant of the Senate for many years, Janelle Feldstein, for her untiring service to this institution and its members.

Honourable senators, to reflect upon the character, stamina and greatness of those who are called to leadership, I turn to the Old Testament, the Book of Ecclesiasticus, chapter 44, verses 1, 3 to 4, and 7 to 8. These read:

Let us now praise famous men . . .

Such as did bear rule in their kingdoms, men renowned for their power, giving counsel by their understanding, and declaring prophecies:

Leaders of the people by their counsels, and by their knowledge of learning meet for the people, wise and eloquent in their instructions . . .

All these were honoured in their generations, and were the glory of their times.

There be of them, that have left a name behind them, that their praises might be reported.

• (1410)

Honourable senators, this is one of those moments where we have to admit the Senate has turned a corner, and the Speaker's shoes are very big shoes to fill. Your Honour, Senator Nolin, I have a suspicion you are going to work hard at filling them, and do it very well.

[Senator Cools]

I would like to express my own personal gratitude, my personal affection and my own personal thank you for such a contribution to humanity and to this country.

Senator Kinsella, your work is the meaning of public service, and you have lived a life as a public man. I thank you.

Hon. Senators: Hear, hear.

Hon. Daniel Lang: Honourable senators, much has already been said. I want to add my voice to the tribute to Speaker Kinsella.

I recall six years ago when 18 of us arrived in this chamber, all accepting the position that was provided to us by the Governor General of Canada through the Governor-in-Council and the Prime Minister. We walked into the Senate, I recall, looking at the composition of the Senate. Because of my last legislative experience, I thought, "This is going to be a difficult place to be," with respect to perhaps getting the legislative agenda that would have to be put through the Senate to get approval. We were in a minority government position in the Senate as well as in the House of Commons.

Speaker Kinsella, you can take a lot of credit for guiding us through those years when we had the minority government position in both the Senate and House of Commons. It was not an easy task. It was at some times acrimonious but at the same time you maintained the civility of this place and we were able to accomplish what this place was set out to do at the end of the day. You deserve a lot of credit for those years that we had together when we were in that position.

I also want to comment, as did Senator Cools, about your staff. I appreciated the work that your staff did on your behalf for all of us in the Senate, especially Janelle Feldstein. She did a terrific job for you and for us, and it has to once again be highlighted, as Senator Cools mentioned.

One of the reasons I'm rising is that it is not just you, Speaker Kinsella, that will be missed, but maybe even more importantly, who is going to be missed is Ann. I don't say that lightly. I recall coming here six years ago, along with all the new senators and their spouses, and this is a very strange place to arrive. One day, all of a sudden, you are at the airport and you know virtually no one.

I have got to say, Ann, you opened your door, you opened your heart to all the spouses of the senators that arrived that day, and you maintained that for the period of time you were here. You are going to be missed, Speaker Kinsella, but Ann, you are also going to be missed.

On behalf of Val and myself, *bonne chance*.

[Translation]

Hon. Ghislain Maltais: Honourable senators, upon entering this chamber for the first time, we are impressed by the swearing-in ceremony and by the guide who assigns us our seat in the Senate.

Speaker Kinsella made the transition to the Senate easier for many senators here. For most of us here, he was a great teacher. He was an inspiration to the new young senators as he helped them to properly understand their role in the Senate.

He often helped us to understand that, in addition to our role as legislators, an appointment to the Senate meant that we had become the voice of the voiceless. His primary concern was that we serve all Canadians, regardless of their income, their background or where they live in this vast country. He taught us to respect all Canadians. He also wanted to provide us with a guide for reforming the Senate, not for the sake of the institution itself, but for the sake of the people the institution must serve.

Senator Kinsella, you have had a great influence on Canada that extends well beyond this chamber. You have been a remarkable ambassador outside the country. One need only travel to certain European capitals to see how well-respected Senator Kinsella is for his sound judgment, his faith and his belief in his country.

Senator Kinsella, today you have been appointed as a Privy Councillor, a well-deserved recognition and distinction. However, the title you will hold throughout your new career is that of “honourable,” which suits you well. It will stay with you in the coming years.

I can’t bid you farewell without wishing you an excellent salmon fishing season. This year is supposed to be a good one. Thank you and good-bye, Senator Kinsella.

Hon. Senators: Hear, hear!

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, everything that has been said so far is deserved. There are a couple of points that I want to add, without repeating all the true and wonderful things that have been said.

First, I would like to pay homage to Senator Kinsella’s extraordinary grasp of the letter but, above all, the spirit of the rules of this place, the conventions that govern us and the authorities who have explicated them to us over the years. You need to have sat in this chair to understand what an extraordinary master of those elements of our life he was and probably still is.

One of the proudest moments I have had in the Senate was one day when Senator Kinsella gazed at me and said reflectively with a kindly smile that I showed “some promise of becoming one day a good deputy leader.”

The other thing I want to note is that this is a man who, on the poet’s phrase “walked with kings,” but he knew where he came from, he never forgot where he came from, and he took it with him wherever he went.

A few years ago Senator Nancy Ruth and I were on a mission Senator Kinsella led to the country of Colombia, where we met from the very highest, from the president on out, an absolutely exhausting array of people. I was taken aback to discover that in the middle of this extraordinary agenda, there was quite a long

meeting concerned with the production of potatoes. I was informed that wherever Senator Kinsella went, he made sure that he learned about the local potato business because he knew where he came from.

A little later in the same visit, we were in Cartagena, an extraordinarily interesting port, meeting all kinds of people involved with the navy and shipping. I remember he was wearing his naval uniform at one point, and every single time, Senator Kinsella would find a map in order to explain to the people of Colombia how the Port of St. John was the natural centre of the maritime universe.

• (1420)

He served the Senate so well, but he served New Brunswick well, too. I wanted to put that on the record.

Hon. Senators: Hear, hear!

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of our former colleague and Speaker, the Honourable Dan Hays, P.C.

On behalf of all senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

KEYSTONE XL PIPELINE

Hon. Douglas Black: Honourable senators, I was profoundly disappointed to learn that President Obama vetoed the Keystone XL bill sent to him by Congress. As America’s largest trading partner and closest friend for decades, the president has turned a blind eye to Canada and our shared history.

When it comes to Keystone XL, there are a few things Americans and Canadians all agree upon. We can all agree that Keystone will enhance energy security in North America.

We agree that Keystone Pipeline is the most sophisticated and safest pipeline proposal in the world.

We agree that transporting oil through Keystone is dramatically safer than oil transport by rail.

We agree that allowing Keystone to be built will create jobs and economic growth in both Canada and the United States.

We agree that the environmental impact of oil from the oil sands is no greater than that of U.S. heavy oil and is better than heavy oil being imported to the U.S. from Venezuela, the Middle East and Africa.

For all of these reasons, the choice of approving Keystone should be a very easy one — good for Canada, good for America. Yet we have seen the president use every available opportunity, real or imagined, to delay approving this pipeline.

As Canadians, we understand ragging the puck, but at some point a team wants to get it together and score — and not against yourself. What makes the president's veto deeply troubling is that Canada has historically shown nothing but unwavering support for our friend and ally, the United States.

Just in the last few years, we have offered unmatched support and strong leadership on Ukraine and Israel. We have been active and supported the U.S.-led missions against ISIS and in Afghanistan. We have lost too many Canadian soldiers in these battles.

We have facilitated a détente between the U.S. and Cuba.

As we learned yesterday from Senator Greene's statement, Canada has been making significant contributions to the U.S.-led fight against terror by effectively disrupting drug smuggling off East Africa.

On the domestic front, we are equally supportive. We are the U.S.'s largest and most reliable trading partner. As friends, allies and trading partners, we simply should not accept this type of treatment on an issue that is so important to our country.

Can, or should, we continue on with business as usual? Should we continue being "nice," tolerant, turn-the-other-cheek Canadians, or is it time to say that this complete lack of respect and regard for our national interests is not acceptable to Canada?

Is it time to summon the American ambassador to explain to him, in blunt terms, our disappointment, and to ask how the U.S. plans to address not only Keystone, but the one-way nature of our current relationship?

I say yes.

MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

Hon. Lillian Eva Dyck: Despite blizzard-like weather on February 14, I joined with more than a hundred people who gathered at Saskatoon city hall to show support for the families of missing and murdered Aboriginal women and girls and to push for a national commission of inquiry.

The annual Valentine's Day Women's Memorial March originated in Vancouver's Downtown Eastside to honour the memory of all women who have died due to violence.

Similar marches and rallies were held across Canada to draw attention to the need for real action and a national inquiry prior to the round table on missing and murdered indigenous women and girls on February 27.

The one-day meeting is bringing together Aboriginal groups and members of federal, provincial and territorial governments to discuss the issue. Many hope the event will lead to a national inquiry, something Prime Minister Stephen Harper has rejected.

Saskatoon city council, the Saskatchewan government and the Saskatchewan Urban Municipalities Association have called for the federal government to establish the inquiry. At the rally in Saskatoon, Mayor Don Atchison and Minister Don Morgan spoke in support of a national inquiry.

The family of Monica Burns also spoke. Last month, Monica Burns, a 28-year-old mother who grew up on the James Smith Cree Nation, was found dead on a remote snowmobile trail northwest of Prince Albert.

Between 1980 and 2012, though only 15 per cent of the Saskatchewan population is Aboriginal, more Aboriginal women than non-Aboriginal women have been murdered in Saskatchewan: 153 compared to 116.

Saskatoon Police Chief Clive Weighill said at the rally that he disagrees with Harper's assessment of the issue, and he said: "I know the Prime Minister says this is a crime issue. I think it is a systemic issue. It is a poverty issue, an education issue," Chief Weighill said. "It's not crime. We have to get at the root causes."

Honourable senators, Canadians across the country are rallying to support a national commission of inquiry. I hope the Prime Minister puts the issue of missing and murdered indigenous women and girls in a priority location in his radar and agrees to such an inquiry.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Kamaljit Lehal, lawyer and member of the Ending Violence Association of British Columbia. She is the guest of the Honourable Senator Martin.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

THE ESTIMATES, 2015-16

PARTS I AND II TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Parts I and II of the 2015-16 Estimates for the fiscal year ending March 31, 2016.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Deputy Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, February 25, 2015

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TWELFTH REPORT

Your Committee has approved the Senate Main Estimates for the fiscal year 2015-2016 and recommends their adoption. (Annex A)

Your Committee notes that the proposed total budget is \$88,747,958.

Respectfully submitted,

PIERRE CLAUDE NOLIN
Chair

(For text of Annex A, see today's Journals of the Senate, Appendix, p. 1627.)

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

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

THE ESTIMATES, 2015-16

NOTICE OF MOTION TO AUTHORIZE JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT TO STUDY VOTE 1 OF MAIN ESTIMATES

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine and report upon the expenditures set out in Library of Parliament Vote 1 of the Main Estimates for the fiscal year ending March 31, 2016; and

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

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2016, with the exception of Library of Parliament Vote 1.

• (1430)

ADJOURNMENT

NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 10, 2015 at 2 p.m.

[Translation]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

INTERPARLIAMENTARY MEETING WITH THE EUROPEAN PARLIAMENT'S DELEGATION RESPONSIBLE FOR THE RELATIONS WITH CANADA AND PARLIAMENTARY MISSION TO THE COUNTRY THAT WILL NEXT HOLD THE ROTATING PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION, NOVEMBER 10-20, 2014—REPORT TABLED

Hon. Michel Rivard: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its participation at the 36th Interparliamentary Meeting with the European Parliament's delegation responsible for the relations with Canada and parliamentary mission to the country that will next hold the rotating presidency of the Council of the European Union, held in Brussels, Belgium; Berlin, Germany; and Riga, Latvia, from November 10 to 20, 2014.

QUESTION PERIOD

PUBLIC SAFETY

PREVENTION OF CYBERBULLYING

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate. As you know, today is Pink Shirt Day. Now that Bill C-13 to protect Canadians from cybercrime has passed, what measures proposed in this bill have been implemented by the government?

Hon. Claude Carignan (Leader of the Government): Honourable senator, as you know, these provisions will be implemented after Royal Assent. Law enforcement agencies will be responsible for enforcing them. As with any bill passed by this Parliament, we expect law enforcement agencies to enforce them properly.

Senator Jaffer: I have a supplementary question that addresses young people in particular. What has the government done to help young people who are marginalized and bullied?

Senator Carignan: Senator, as you know, there are a number of school-based projects to prevent cyberbullying. In 2012, \$10 million in funding was committed to crime prevention. Thanks to our public awareness campaign called "Stop Hating Online," Canadians can get information that will help them protect themselves and their families from online threats, including cyberbullying.

[English]

Senator Jaffer: Leader, I specifically asked you what is being done for the marginalized young people since this bill was passed.

[Translation]

Senator Carignan: Senator, as I said, there is strict oversight. If the police want to use one of the new powers that they have, then they must go to a judge to get a warrant. Procedures are in place to allow police to use preventive and investigative measures.

As far as prevention is concerned, as I said, money was committed and awareness campaigns were launched to combat cybercrime.

FINANCE

BUDGET

Hon. Céline Hervieux-Payette: Leader of the Government, you must have seen in the papers that the Parliamentary Budget Officer issued a report on TFSAs, tax-free savings accounts, which allow people to pay taxes now and then let these accounts grow tax-free. The Parliamentary Budget Officer described these accounts as regressive, which begs the question: Whom do they benefit? He also said that these accounts are more likely to benefit people with higher incomes. A person contributes to their RRSP

and then to their TFSA because they have the money to do so. If we look at Canadian household debt, which I have been talking about for quite some time, we see that this policy applies only to the rich.

It will cost us \$1.3 billion. That revenue will not flow to the federal government because it is tax-free. Once people pay tax on the money, they can shelter it. People have done calculations up to 2040, but I wouldn't go that far. I hope they won't take the calculations too far because this is a pretty new measure.

Now that this program exists and is used by a fairly small number of people, I wonder what tax regimes will be available to Canadians who owe more than 160 per cent of their income? What tax program will you introduce? Please don't talk about income splitting for couples, because that program is capped at \$2,000. Tell us about new programs that people with low incomes can use.

Hon. Claude Carignan (Leader of the Government): Senator, I have to correct what you said about TFSAs. Any money the government puts back into taxpayers' pockets is good news for Canadians. As you know, our government created the tax-free savings account to help Canadians save for retirement, for their children's education or for a down payment on a house. These accounts are very good for the Canadian economy. Some 11 million Canadians have a tax-free savings account.

Contrary to what you said, it is mostly low- and middle-income Canadians who have TFSAs. In 2013, 75 per cent of individuals with a TFSA earned less than \$70,000. Nearly 700,000 seniors who earn less than \$22,000 have TFSAs. Half of those with TFSAs earn less than \$42,000 a year.

If that is who you are calling rich people and members of a privileged class, senator, I don't understand the terms you are using to introduce your questions.

These tax-free savings accounts have been applauded by people in the financial sector and by foundations. For example, on February 28, 2008, the Metcalf Foundation told the *Toronto Star* that TFSAs were a very important new measure for low-income Canadians and had great potential.

When the TFSA program was created in 2008, the NDP Premier of Manitoba, Greg Selinger, said:

These new accounts should be especially helpful in encouraging lower income Manitobans to save . . .

These people and foundations, just like the Prime Minister and the government, got it right. As shown by the statistics I provided, a large proportion of contributors, 75 per cent, earn less than \$70,000.

• (1440)

As for future programs, every time we announce a measure such as the universal benefit or income splitting, the goal is to give more money to Canadians. It is not a gift; it is their money to

begin with. Our parties have two different points of view. We prefer to lower taxes and give money back to Canadians. You, on the other hand, prefer to keep this money by raising taxes and putting those revenues into bureaucracy. Those are two different approaches. We believe that our measures do more to promote job creation and that most taxpayers support our approach.

Senator Hervieux-Payette: I would like to know exactly . . . When you plan to balance the budget and you lose \$1.3 billion, along with all the other mechanisms like income splitting . . . Every time, those are revenues that could be used to fund services.

If you want to achieve a balanced budget, do you plan to make cuts to public services or to food inspection, such as the inspection of beef in Western Canada? It seems to me that they are having enough problems with the energy issue. Or will you make cuts in the area of nutrition? You publish lengthy reports on the amount of salt in our food, which kills thousands of Canadians every year, and yet no action is taken. The food in our supermarkets is not subject to any inspections. You are doing nothing to protect Canadian society. You are putting Canadians' health at risk. I am looking at the latest budget figures. You are making cuts all over the place, in areas where you say you are going to provide services. Something doesn't add up here. There must be some magic at work. Either public servants will have to work twice as hard or you will have to raise taxes and reduce services. You can't do both if you want to have a zero deficit. How are you going to wipe out the deficit with the policies you are implementing? Are you going to cut services or bring in more tax revenues?

Senator Carignan: Something is missing from your equation: wealth creation. Your idea is to increase taxes and bureaucracy. We want to lower taxes to create wealth, balance the budget and promote job creation.

Senator, you often jump from one subject to another in your comments. It's hard to give an answer without correcting each of your statements. You mentioned sodium. Our objective with respect to nutrition labels in the fight against obesity is to give Canadians the information they need to make informed decisions for the well-being of their family. We will double the children's fitness tax credit. We are investing \$20 million a year in partnerships to promote an active lifestyle.

Since 2006 we have invested nearly \$250 million in obesity research. According to you, that represents a cut in services. I think there is a terminology problem there. I know you have a dictionary in your desk that you loaned to Senator Cowan the other day. I suggest you look up the definition of "cut." It doesn't mean increasing services and budgets, which is what we are doing in our action plans.

You can rest assured about the budget. As promised, we will balance the federal budget. We're now prepared to fulfill our promise to help families balance their budget. All families with dependent children will have more money in their pockets for their spending priorities. In 2015, these families will have lower taxes — more than \$1,100 lower on average. We will create wealth with these kinds of measures. We are lowering taxes to give families more money. We are creating jobs instead of increasing taxes and bureaucracy.

Senator Hervieux-Payette: I have a comment to make regarding the jobs and wealth you claim to be creating. I do not believe that this government has contributed to an increase in wealth since 2006. The number of jobs created since 2008 has not even made up for the jobs that were lost that year. Right now, the unemployment statistics are not very good, particularly for youth. I would like to share some statistics with you; however, when household debt has increased steadily since 2006 and you are telling me that we have \$11 million . . . I am not denying those figures. I did not look at them. I think that you are honest enough to give us the correct figures. However, it would be a bit strange if Canadian families were able to save when they are deeper in debt than they have ever been before. There must be an error in the system. There has not been a dramatic increase in Canada's gross national product since your government took office. I'm sorry, but the creation of wealth is pure fiction. No wealth has been created in Canada since your government took office, and the number of jobs created since the financial crisis has not yet even brought us up to the number of jobs we had before that. I would like to ask you a very simple question: When are you going to revise your figures on employment and wealth? The figures that I gave you are from Statistics Canada. I am wondering where you are getting your statistics on wealth. I don't see it.

Senator Carignan: The other day, during Question Period, I spent about five seconds imagining what it would be like if you were the finance minister. I had nightmares for part of the week thinking about the policies that could be implemented based on what you said. If we aren't creating wealth . . . nevertheless, that wealth and our track record are recognized throughout the entire world because we have created over 1.2 million jobs since the beginning of the recession and we have given Canadian households an additional \$3,600. If that isn't creating wealth, I don't know what is.

NATURAL RESOURCES

KEystone XL PIPELINE

Hon. Grant Mitchell: It is not surprising that the Prime Minister, as always, is refusing to take his share of responsibility for the failure of the Keystone XL pipeline project.

[English]

It's not a surprise, of course, that the Prime Minister always seems to blame somebody else for everything that goes wrong, and certainly much goes wrong under his regime.

How is it that in this country, with thousands upon thousands of kilometres of pipeline already constructed, that this Prime Minister, after 10 years, this very Prime Minister who claims that Canada is an energy superpower, has been unable to get approval for a single major pipeline project that would diversify our energy markets, which are so badly needed to be diversified? How is it that he can't do that after 10 years? What is it that would suggest to anybody that he's remotely competent in that file?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, I understand that you were talking about Keystone. This is not a debate that pits Canada against the United States. It is between the President of the United States and the American people, who support the project. The question is not whether it will be approved, but when. We will continue to vigorously defend this job-creating project.

• (1450)

The Keystone XL pipeline project will create jobs for Americans and Canadians, all the while enhancing North America's energy security. The State Department itself indicated that it was possible to make this project environmentally sustainable. I'm sure you'll agree that this is a rather strange question coming from you. I find it rather appalling that an Albertan would take a stance against his own province's economic interests and ask such a question.

[English]

Senator Mitchell: I'm the one who is saying it's the Prime Minister who should have been working to overcome whatever obstacles there are. That's why we're paying him the big money, to get a pipeline built that's needed to be built.

Maybe the problem is what the leader said, that the Prime Minister thinks it's actually a debate between the American President and the American people, but it's not. It's a debate between the Canadian Prime Minister, the Canadian people and, perhaps, the American people, but the Canadian Prime Minister on behalf of the Canadian people. The Canadian Prime Minister needed to create the relationship, needed to create the momentum, needed to engage in the debate in the United States so that he could convince those American people and that American President to allow the Keystone XL to be built.

It's not Mr. Obama's fault. It's called leadership. It's Mr. Harper's fault. Mr. Harper has to take responsibility for not getting the job done. We hear over and over and over again, remember Mr. Baird saying over again, "We're getting the job done"? You know what? Mr. Harper didn't get the job done. How many times did he go down to Washington and give a speech to the Washington Chamber of Commerce or other important organizations, to senators, in public, to engage in the public debate to convince Americans that that was the right thing to do? Why is it that he didn't do that?

[Translation]

Senator Carignan: Senator, as I said, this isn't a debate between Canada and the United States. It's a debate between the President of the United States and the American people.

When I listen to your questions, given your normal line of questioning, I think that you should once again launch a public appeal for questions. It's been a long time since I've heard any, and I must admit that they were much better than the ones you ask.

[English]

Senator Mitchell: It's interesting. It's a political decision in the United States by the President, by the houses of Congress, to allow the Keystone XL. That happens to be a decision that would be made in Washington, colleagues. But where did Mr. Harper go? The only place he went and made a public appearance at all was New York. Why would he go to New York to try to convince people in the U.S. to build that pipeline when the decision is a political decision that's going to be made in Washington, and in fact was? And where was he when it came to going to Washington to make that case? The man's a failure. He's a disaster.

[Translation]

Senator Carignan: I don't know what was in your water today, senator, but you seem sad that the President exercised his veto. You usually speak out against this project.

I can tell you that our position hasn't changed. This isn't a debate between Canada and the United States. It's a debate between the President of the United States and the American people. I repeat: The American people support the project. It was approved by a majority in the Senate and in Congress, and this project has the support of the American people.

[English]

Senator Mitchell: If it's a debate between the American people and their President, and not between the Canadian Prime Minister and the American President, why would the Prime Minister of Canada, Mr. Harper, have gone to New York and said loudly and boldly that he's not taking no for an answer? What's he doing now? Is he taking no for an answer, or does he have a backup plan? What's his plan B? Did it help him to say that, or was that just a little too provocative?

[Translation]

Senator Carignan: As I said, the issue is not whether the project will be approved, but when. We will continue to vigorously defend this job-creating project.

[English]

Senator Mitchell: You could defend it all you want. I want the Prime Minister to defend it. Have you talked to him about getting him to defend it? It might not be a bad idea.

The one that seems to still have a chance is the west to east pipeline. It has to go across almost every province in the country. You know what? Maybe it's just me, but I think the premiers of those provinces will have a lot to say about what's going to happen. Do you think it would be a good idea if maybe the Prime Minister thought to meet with all the premiers at once to decide what to do about that pipeline? He could bring them together, build some momentum, create some leadership — or has he forgotten what leadership really is, or did he even ever know?

[Translation]

Senator Carignan: Senator, when you talk about the different projects, whether it is the Northern Gateway or Energy East —

[English]

Senator Mitchell: He screwed that up.

[Translation]

Senator Carignan: — we will not make any decisions on these infrastructure requests until independent reviews have been carried out. Our government leaves it up to the National Energy Board to make decisions regarding these proposals, including the TransCanada Energy East pipeline project.

We have been clear: These projects will be approved only if they are deemed safe for Canadians and, rest assured, if they pose no risk to the environment.

[English]

Senator Mitchell: No, not entirely. They're only going to be approved if Aboriginal people say it's okay to approve them.

Why would it be that when the Prime Minister knows he needs to get Aboriginal approval for these pipelines, the Gateway in particular, for example, he would fundamentally go out of his way to antagonize Aboriginal people in this country by shutting down discussions of the education bill the moment they wanted to raise a question about it?

An Hon. Senator: You're hot today.

[Translation]

Senator Carignan: Frankly, senator, you seem to be mixing up the files, especially education and the bill. You know very well that this bill — which was a step towards implementing the agreement reached with the Assembly of First Nations on major investments in education — was rejected by the representatives, and that is an entirely different matter.

I will repeat that the more I listen to you, the more I miss Canadians' questions. Please put out a call to everyone. It was a fantastic initiative. Since the beginning of the year, I believe that you have not asked one question suggested by Canadians in any 30-minute Question Period. Please put out a call to Canadians.

[English]

Senator Mitchell: It's nice to see that he endorsed our independence from our caucus and the program that came out of it. That's good. He should maybe try it.

It's interesting that the first international trip that President Obama made was to Canada. President Obama reached out to Canada. The first international visit that he made was to Canada. Mr. Harper has probably two international friends in the world, Mr. Netanyahu and Mr. Abbott, both of them right wing.

Why is it that Mr. Harper could not build upon that outreach from Mr. Obama, sustain and build a positive relationship, the kind of relationship that would have motivated Mr. Obama to approve the Keystone XL instead of throwing it back in Mr. Harper's face and saying, "You know what, Mr. Harper? You're going to have to take no for an answer?"

[Translation]

Senator Carignan: Senator, Canadians and Americans support the project. The Prime Minister of Canada and the President of the United States have an excellent relationship. This project will be approved one day. The question isn't whether it will be approved, but when. We will continue to vigorously defend this job-creating project, and we will stand up for Canadians' interests.

As I have said a number of times, this isn't a debate between Canada and the United States, but a debate between the President of the United States and the American people, who support the project.

[English]

Senator Mitchell: That's the line.

• (1500)

BUSINESS OF THE SENATE

Hon. Wilfred P. Moore: Honourable senators, on a matter of information, after listening to the remarks of my colleague opposite under Senators' Statements today, I think it might be timely and useful for His Honour to remind the chamber of the purpose and nature of Senators' Statements. I think it would be instructive.

The Hon. the Speaker: Thank you, Senator Moore. This is not a question that comes to the floor regularly. As recently as 2013 Senator Kinsella made such a ruling. Perhaps I could reproduce his ruling for circulation to all honourable senators. It would be useful if it were printed and circulated to everybody.

The rules are not abundant in terms of direction for the Speaker of the Senate to rule on such matters, but there are some guidelines in that respect.

ORDERS OF THE DAY

MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 2014

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator McIntyre, seconded by the Honourable Senator White, for the third reading of Bill C-47, An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect.

Hon. George Baker: Honourable senators, at third reading I rise to ask that this government bill be passed and to congratulate Senator McIntyre on his speech at second reading of the bill. He attempted to inform us of the fact that this bill is different than any other bill tabled in the Senate or the House of Commons, and we didn't listen to him. I hope that on future occasions in the Senate and in the House of Commons that we do pay particular attention to what Senator McIntyre pointed out.

I want to put on the record two paragraphs from his speech at second reading. Senator McIntyre said:

The Miscellaneous Statute Law Amendment Program, better known as the MSLA Program, was established in 1975 and is administered by the legislation section of the Department of Justice. It was developed in order to provide a means of cleaning up federal statutes. . . .

The process for enacting legislation under the MSLA Program is not the usual parliamentary process; . . . as a first step, a draft bill . . . is tabled in both the Senate and the House of Commons and referred to committees of each of the houses for study. The draft bill is tabled in the Senate under rule 14-1 of the *Rules of the Senate of Canada*, and in the House of Commons under Standing Order 32 of the *Standing Orders of the House of Commons*.

I might depart from his statement here to say that rule 14-1 of the *Rules of the Senate* is used when you table an item, such as documents and reports. That's how this draft bill is brought before the houses, according to Senator McIntyre.

He continued:

It is important to note that the draft bill can be studied by the committees without their being constrained by the rules of the legislative process. Generally, the procedure that is

followed by the committees is that if any member of a committee objects to a proposed amendment in the draft bill, the committee will recommend that the proposed amendment not be included in the bill that will ultimately be drafted by the government.

Senator McIntyre is saying that if one senator objects to a provision in the draft bill, then the committee shall recommend that it be removed.

Senator McIntyre continued:

The second step involves the finalization of the bill by the government, taking into account the committees' reports and introduction of the bill in Parliament. Once the bill is introduced, it is subject to the usual parliamentary process.

However, since the content of the bill had already been examined by committees of both houses, the bill will go through all three readings in each house without being referred to a committee for study. It is for this reason that miscellaneous statute law amendment acts are described as being subject to an accelerated enactment process.

Senator McIntyre then reviewed 10 cases where this had been done previously.

I commend Senator McIntyre and agree with him that in the future, we hope it will go through that process. Of course, there's nothing wrong with the Senate sending it to committee, but our committees have enough to do as it is. It had been there already; but that's what we did. It is not unlawful to do so, but it broke the tradition that has been in effect since 1975.

I thank Senator McIntyre for his observations on the rules of procedure. He's absolutely correct. I think we all agree with him that the bill was dealt with in a magnificent manner twice, albeit by the Standing Senate Committee on Legal and Constitutional Affairs. Congratulations, Senator McIntyre. You were absolutely right, sir.

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

Some Hon. Senators: Question.

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

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

CANADIAN SECURITY INTELLIGENCE SERVICE ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-44, An Act to amend the Canadian Security Intelligence Service Act and other Acts.

Hon. Grant Mitchell: Honourable senators, I'll return to my calm self now to talk about a more serious issue: terrorism, the export of homegrown terrorism and the consequences of terrorism within our own boundaries. Bill C-44 addresses that issue in part, which leads me to the first broad point that I would like to make: to put this bill and the nature of this bill in context.

It is very important for all of us to realize that, while there may be some room for more powers, it is not immediately obvious that that is the case. In fact, the Minister of Defence was very clear on October 29, just after the attack on Parliament Hill, about the nature of the existing laws. He said:

There are already some very robust measures that we can use — 83.3 and 8-10 do allow for the type of preventative interventions, if I can use that word for — for the police.

• (1510)

It is not immediately obvious that it is all about laws. In fact, we're in the midst of a study, in the Senate Defence Committee, on radicalization and terrorism. I think a point may have been made by Senator White in one of his questions, if not by one of the witnesses, that you can't arrest your way out of this problem, that it takes more than simply laws to solve the problem of radicalization, homegrown terrorism.

In fact, one could argue that once you get to the stage of having to apply laws, it could well be way too far down the process and it could be too late, the damage already having been done.

What we are finding, which is quite well known and has even been acknowledged by the Minister of Public Safety, is that a "multifaceted approach" is required. That was a word used by one of our witnesses on Monday in our committee. Laws and powers are one feature of that and, in fact, may not be the most important.

I would like to quote the Minister of Public Safety in his speech to the House of Commons on Bill C-44 at second reading.

He said:

Our approach, "Responding to Violent Extremism", is outlined in a document entitled *2014 Public Report On The Terrorist Threat To Canada*. It is based on three interrelated

strategies: building community capacity, which equates to prevention; building law enforcement capacity, which this bill will do by clarifying the powers of the Canadian Security Intelligence Service; and developing programs to stop radicalization resulting in violence through proactive early intervention. We must remember that preventing terrorism is our national security priority.

The question that even his statement begs is: It isn't simply that we need to have laws; we need to have a variety of other approaches.

A point was made by witnesses from the Kanishka Project, which to the government's credit was founded five years ago to fund research into terrorism and radicalization issues. Important work has been done and we had two very distinguished academics appearing before the committee on Monday to present.

They said that the world and certainly North America is at the quite early stages of understanding — and the research required to create that understanding — the reasons behind root causes. Of course, it would be nice to know what the cause of the problem is before you start trying to apply solutions. When that term was criticized some months ago, it always struck me as odd that the Prime Minister would criticize somebody for talking about root causes, suggesting that the Prime Minister must just make up solutions in the off chance that in some random way they will address the problem he's trying to solve. We need to know root causes. There's a logical connection to knowing the causes and figuring out the best way to fix them.

The Prime Minister clearly didn't seem to want to understand that, but these two presenters did. They said that we need to do a great deal of research. Kanishka is a project in Canada that has funded some of it, but that funding is up. We need to know that funding will be reinstated and continued, particularly now as the issue is so heightened.

It is also the case — the minister alludes to it — that it takes strong, sophisticated police work and intelligence services work.

What is ironic and unfortunate is that despite the fact the minister himself acknowledges that, and despite the fact that literally within the last year this has emerged as a very intense and growing demand on the resources of our police, security and intelligence forces, budgets have been cut significantly by the government.

In 2012, in the government's economic action plan, they laid out their intention to cut \$688 million from the Public Safety budget over three fiscal years, and they have done this.

I'm quoting a speech by the critic in the House of Commons, Randall Garrison.

He points out:

We have seen cuts beginning in 2012 now amounting to \$24.5 million annually for CSIS, something like a 5% cut in 2012. . .

There were \$143 million cut from the Canadian Border Services Agency, a cut of nearly 10%, including cutting more than 100 intelligence staff from the CBSA . . .

The RCMP's budget has been cut by about 15 per cent since 2012, \$195 million in 2012 alone.

Appearing before the Defence Committee of the Senate, the commissioner said that he's reallocated 300 people to this problem, begging the question of who is doing what they used to be doing, and how can he do what he needs to do with a 15 per cent cut in his budget? Perhaps the 300 are sufficient, although he made the point — and a CSIS witness made the point — that they have to prioritize the people they're aware of and make some judgments about who is more intensely a potential problem than somebody else because they simply don't have the resources, I would argue, to do what they need to do.

It would seem that it is also true that they have begun to apply their activities more intensely. We have seen some recent arrests, and to their credit. They unfortunately hadn't been able to do enough or didn't do enough in the Rouleau case in Saint-Jean-sur-Richelieu, but I think it is a question of police resources to do this properly. Now is not a time to be cutting 15 per cent from the RCMP budget, and it is now up to \$45 million since 2012 from the budget of CSIS. It is extremely important that the police have adequate resources.

The third issue that I would like to discuss, in the context of this bill, is that it is extremely important we understand that this bill and the bill to follow, Bill C-51, raise the question of how we find a balance between civil liberties, our freedoms, our values, the way of life that we know and the safety and security challenges that have arisen because of the terrorism problem.

One feature in this area of debate is that it is extremely important — and I think there's a general consensus — we don't become something that we're not. Otherwise, the terrorists have won. It is extremely important to understand that the way we react, what we do and ultimately what we say is a reflection of who we are as Canadians. It is a reflection of our fundamental values, our fundamental strengths, and if we don't react properly, it is a direct reflection that those terrorists are getting to us, eroding who we are and what we are, and the values that we hold so significantly in our culture and in our society.

In that context, I also want to talk about the question of the rhetoric that we use. The way we react to the laws that we bring in, for example, Bill C-44, or the programs that we bring in to support a community or the police, is part of it. Concrete action. But there is also the question of rhetoric and the issue of the words that are used and the focus used and just understanding that talking tough and using strong, provocative language may not only not be effective, but it may be quite counterproductive.

• (1520)

By contrast, I want to read a statement by the Premier of Alberta, Jim Prentice, in reaction to the threat of West Edmonton Mall that was in some terrorist video. I know West Edmonton Mall very well; it's about a kilometre from where my wife and I

live and raised our family. This is, I believe, inspired political leadership and political rhetoric in a good way — I use that term “rhetoric” — at a time when we need inspired leadership and inspired words.

Remember, this threat is in his capital city, the West Edmonton Mall being threatened, surrounded by literally thousands upon thousands of residential houses, condominiums and apartments and, therefore, Albertans, of course:

I share the concerns of Albertans about the recent apparent terrorist threat against North America shopping centres, including West Edmonton Mall.

The RCMP have reassured the public that there is no evidence of any imminent threat to public safety, and the ownership and management of West Edmonton Mall have indicated that additional safety and security precautions are being put in place.

Our law enforcement and security services do excellent work in keeping Albertans safe, and I am confident they are treating this matter seriously. While vigilance among the public is important, the ultimate victory over those who would do us harm is to live our lives in freedom.

On this day, I would encourage all Albertans to do just that — enjoy our friends, families and the province we love in the same way we always do.

Contrast that to other rhetoric that we heard. Contrast that to the action taken by the government to appeal the niqab ruling for the woman who wants to wear and have the right to wear her niqab in the swearing-in ceremony. Consider a federal minister who has suggested that Muslim women should not be allowed to take the oath while even wearing a hijab, which covers the head but not the face. Consider the aggressive terminology that has been used at the national level by certain leaders and compare it to the inspired, insightful and elevating terminology that isn't designed to create fear but instead is designed to unify and strengthen and bring Albertans together, the statement and the rhetoric and the language that has been chosen by the Premier of Alberta, Jim Prentice. It is a very powerful juxtaposition, and it's something to keep in mind.

The pulpit that national political leaders have is extremely powerful, and people, believe it or not, listen to them. They can be very provocative or they can be calming and provide leadership and not play on people's fears.

At the base of this bill, and at the base of Bill C-51, which we will be discussing in several weeks, is, among other things, the question of policing, intelligence and security powers. What we know and what we have seen time and time again in history, and even experienced in our own country, in Canada, is that if we are not ever-vigilant about the powers that we give to police, if we do not supervise, watch and monitor, they, in their passion for doing their job, not out of some malfeasance or negative motivation, but

in their passion for doing their job under the pressures they have to operate, under the stakes that are so high, it is very, very easy for police and security forces to go too far.

Of course, the very inception of CSIS as a non-police force, civilian-based intelligence organization, was the excesses of the RCMP some 30 years ago in the way that they handled security and intelligence matters, and of course it came to a boiling point, if I can use that pun poorly, when they burned down a barn, and finally a decision was made.

And there it is. There's the case. There is the example, in our own experience, very, very clear that if police forces and security forces have powers — as I say, I'm not impugning their motives, but through a passion for the job and the stresses and the stakes at risk in the job at hand, and the consequences if they don't do it properly, they can misuse their powers.

That raises, I think, a key and core issue in this debate and that is the question of oversight of police, security and intelligence agencies. I think there are as many as 14 or 15 actually operating in Canada now, not to mention municipal police forces across the country that are part of this effort as well. I think it is extremely important that we keep in mind that we are increasing policing and security powers for agencies that do not have adequate oversight if measured on a number of metrics, but most obviously measured against our allies, particularly the other four of the Five Eyes, all of whom have, for example, parliamentary oversight; many, if not most, western democracies have parliamentary oversight. Canada simply doesn't.

Now, more than ever, as we bring in Bill C-44, we need to consider that oversight issue very seriously.

Bill C-44 has been described broadly, frequently — I will just quickly summarize — it will address the question of human sources. There is some advantage to that in the way that it does that. It will establish and allow CSIS to protect their human information sources, intelligence sources, in the way that police can now, and it's a response to a court case that said they didn't have the power to do that.

It is a double-edged sword. I will get into that in a few moments. The bill will also simply confirm what is already the case, and that's that CSIS has a mandate with unlimited geographic scope. It can and has been undoubtedly working both within and outside of Canada. The bill will also provide jurisdiction to the Federal Court, requiring them to consider the provision of warrants and, where appropriate, to allocate warrants for intrusive measures such as intercepting private communications with a wiretap or calling on a foreign intelligence service to do the same. This particular clarification is of particular importance where CSIS could be operating in foreign countries without the knowledge of the foreign and local authorities.

It also allows for CSIS to have authority, a warrant to break laws in these other countries. That is, of course, a very powerful and significant issue that we need to take seriously.

The bill will finally hurry up — unfortunately — the coming into power or into effect of the Strengthening Canadian Citizenship Act. That's the one where, if you were born in Canada but because your parents were born in some other country that automatically allocates you their citizenship due to your parents having been citizens or still are, that you could actually be deported for a terrorist activity even though you have never lived in that country, you've never been in that country, and it was simply a citizenship bestowed upon you as a matter of course. That's what the bill does.

I'm not saying that there aren't some things that recommend this bill. In fact, there are some things that recommend the bill. The fact is that we have a problem. We have a serious problem; we need to address it. This bill is, I think, a well-intentioned effort to do that.

• (1530)

It's to the government's credit that the bill actually acknowledges, unlike other countries such as the United States and the U.K., that our intelligence agency, CSIS, will be operating outside the country and that it can, in fact, be authorized to break the laws of other countries in doing so. At least it's open and honest, and that's something worth noting.

There is, of course, some serious and significant advantage in being able to protect human sources of information in the intelligence-gathering business. To the extent that that is necessary, if not often at least from time to time, that's a recommended element of this bill.

It's also true that having the Federal Court involved in the authorization of certain activities that can be questionable is an advantage in this bill.

Before you think I'm going to get carried away with the positives, I'm going to stop and tell you what I think is wrong with the bill, or some of the questions that it begs, or some of the things that we need to do to fix it.

One of the most important problems with the bill is the question of protecting human sources and creating what is called officially the "class privilege." The police have a different standard and a different understanding of that power. They are very reluctant to extend class privilege, guaranteed anonymity of a source because, when it comes to prosecution, that can mean that that source will not be able to present evidence and information received from that source — I'm not a lawyer, but I think this is part of the problem — may not be able to be presented as evidence. The police are careful to use it only when they absolutely have to, and later in investigations usually, and with great care, because it can prohibit the ability to achieve a successful prosecution.

In fact, that's exactly what happened in the Air India case, and it's the reason behind recommendations by the Major inquiry, the "Major" being former Justice Major, into the Air India case. He recommended several ideas for ensuring that intelligence agencies don't extend this protection, this guaranteed anonymity, too readily and too early in an investigation.

There is a different context within which CSIS, for example, and intelligence gatherers work, different than the police. They are more inclined to look for information and less inclined to be concerned about the ultimate prosecution. I'm not saying they're not concerned about it, but the pressure on them is to get information early. There is reason in that. If you're confronted directly with a choice between stopping something from happening and successfully prosecuting a person who might have made it happen or did make it happen, probably your bias would be to make sure that the event didn't happen in the first place. In this intelligence-gathering business, you might be very inclined to extend that privilege, that protection of anonymity, very soon in an investigation.

It's often particularly important in the case of immigrant communities. New immigrants, perhaps, in particular, are quite afraid of being exposed within their own community, or generally, because they often come from countries where being exposed to the police generally doesn't have pleasant outcomes. And there can, of course, be various kinds of pressures that they could be subjected to. It's often very difficult to get people in communities where there may be radicalization occurring to come forward and give information because of these fears, again heightening the inclination to give this protective anonymity early on.

Justice Major's central recommendation was that this anonymity promise should not be implicit. It should be absolutely explicit, and it should be necessary that it be explicitly given to the source. He recommended that then, and there is legal analysis now about Bill C-44 that raises the concern that just the nature of the structure of this bill implies that any human source has this protection already. It would be important to consider an amendment in a way that would specify explicitly that human sources don't get this protection unless it is explicitly given as an explicit promise. It's within that context and that realm that decisions could be made about the point at which you begin to sacrifice the likelihood of successful prosecution for the advantage of earlier information that may prevent this.

This raises another question, and that is the relationship between, for example, CSIS and the RCMP. While it's not as much the case as it used to be, there is evidence, I believe — I think we've heard it in some of the testimony, if not absolutely explicitly, certainly between the lines — of some siloing, if I can use that word, between and amongst the various agencies. Again, with respect to the issue of anonymity and protection of anonymity, it becomes even more important that CSIS and the RCMP are able to work together and are integrated in their work as effectively as possible.

That raises two major questions: how we supervise and how we coordinate. Part of that is reporting. One of the concerns about this bill and about the activities of CSIS and the strengthening of CSIS is the question of supervision. A subset of that is the question of reporting. It has been mentioned in the context of this bill that the Security Intelligence Review Committee, which has responsibility for review of CSIS, has the responsibility also of ensuring that CSIS is reporting adequately to the minister on CSIS's activities. SIRC, in its last report, I think, 2013, made the point very clearly that they weren't convinced that that was happening.

To compound that problem, there was an inspector general with a budget of about \$1 million a year who had the responsibility of ensuring that CSIS was presenting and reporting properly to the minister. It's a very important step that there be that relationship and that the minister is aware of what CSIS is doing. The inspector general's position was done away with by this government, and the responsibility was given to SIRC, the security review agency of CSIS, but they didn't get the million dollars. Not only that, but they have about a \$2.7 million budget with a handful of people — I think about 11. They're a committee of five, the review committee, of which there are only four now appointed, and they are all part time. They have the responsibility of only post facto review, which isn't entirely adequate, but they have that responsibility over an organization with a budget of over \$500 million and 2,000 people. On top of that, they now have the responsibility that used to be accorded to an inspector general, without having been given the money to do it.

• (1540)

So when I mentioned the problem of constraining police and security intelligence enthusiasm from time to time, I'm raising specifically this as an example of how it is that the government hasn't taken that, I think, adequately into consideration.

It's also true that SIRC was very concerned about the lack of cooperation that they saw between CSIS and the Department of Foreign Affairs, DFATD, and consider that they also raised the problem that they can't share information with Communications Security Establishment Canada, CSEC's commissioner or the RCMP review board.

There is a problem with silos. There is a problem with reporting the activities of at least CSIS to the minister, as is prescribed in the act. There is, I believe, and I think many do, inadequate resourcing to one agency, SIRC, that has the responsibility to review what CSIS does. And there is the problem that practically all the other agencies have literally no review board or mechanism whatsoever over what they do. In fact, CSEC does, but it's simply a commissioner with a very small group of employees as well.

The Privacy Commissioner, Daniel Therrien, raised the question about the lack of safeguards also around sharing information from foreign interventions. So CSIS can be active in other countries in cooperation with those countries' authorities or not, and particularly, if they're in cooperation with those countries' authorities, they could be giving up information that they can't then control. That's exactly the kind of thing that happened in the Maher Arar case, and it remains a problem that hasn't been addressed.

As an aside, there is no sunset clause, I think, in this bill. The tradition for this kind of bill is that it should be sunsetted and reviewed every five or two years, and that has not been the case in Bill C-44.

The central theme of my comments is that there is much more to solving the terrorism problem than simply laws. Laws are part of it. This law does some things that may be improvements. It

does, however, run up against the issue of civil liberties and excessive police powers, excessive police force and security agency powers and force. It particularly runs up against that because it makes no provision for adequate, supervised oversight or for adequate reporting.

It's essential, I think, that that be a feature that is an amendment to this bill or that we resurrect as a Senate the bill originally presented by Senator Segal and Senator Dallaire, which I've now undertaken to sponsor, which calls for a United Kingdom-type oversight board, which has had tremendous success. Now, with the pressures that we're under, with the pressures that our police forces are under, it is absolutely essential that we consider this.

Our freedoms and our security are what are at stake here. But being secure and giving up critical freedoms and civil liberties is, as I've said earlier, tantamount to admitting defeat and giving the terrorists what they are looking for. They want to change our way of life.

The way that we need to address that problem is to find the balance. Yes, there are some places where we might be able to enhance, as I say, the laws, but it's also extremely important that the agencies we give the fundamental responsibility for implementing those laws and for creating, sustaining and taking the steps to do that for our security and our safety be properly supervised.

Why is it that this government wouldn't simply do that? It would solve almost every last feature of the criticism they're receiving about this bill, and it wouldn't cost that much money. They spent \$30 million glorifying the War of 1812. To quote the Prime Minister, again, with rhetoric, we're at war, and he can't find the money to make sure that we can fight that war adequately and properly, while at the same time taking relatively inexpensive measures to protect the very thing that we're fighting for: our civil liberty, our values, our basic freedoms, our way of life.

So why is it that he can't see that or wouldn't take that relatively easy step? It's not like he has to make it up.

Senator Cowan: It's called leadership.

Senator Mitchell: It's called leadership, yes.

It's done. There are models of it all over the world, and there are several, three or four, different studies that call for it — one, in fact, done by the Senate of Canada, I think in 2011. That was an all-party committee, of course. It was the Segal-Joyal committee that called for that, and the O'Connor and Major commissions. Again, this is easy to fix, and it's very difficult to understand why the government wouldn't want to go to at least the limited lengths that would be required to fix it.

In summary, I would say that we have to do more than create laws. We have to look at police resources. We have to look at research and understanding so that we know what the problem is. We have to look at empowering the communities that are the

focus of some of this concern about radicalization. It isn't just a single community. Many people in those communities are trying their best to counteract the terrorist message, but they're often not integrated communities, they're spread across the country and they don't have resources.

I was speaking to an imam yesterday who made the point that often immigrant groups are the focus of some of this discussion. The immigrants are very new, they're not wealthy and they're still building their lives and re-establishing themselves in a new society. There needs to be some leadership. Again, that's a place where government could help to empower these communities to make the case, because they want to make the case, against the radicalization that might be occurring within their immediate communities.

We need to have research, police programming, police resources, community support and understanding that there are ways beyond simply applying harsh laws that are preventative and that there are many people working on that in this country that need resources. There is much success in models around the world, where the intervention and the analysis are done long before laws are ever required. As I say, once you need the law, it may be too late.

I'm quite happy to see this bill go from second reading to committee. There are questions that the Defence Committee, which is, of course, a great committee, will be pursuing on behalf of our colleagues in the Senate. These are important questions about how we can strengthen this bill, get to what it needs to achieve, which is building our sense of security and safety but also making sure that is not done at the expense, at the cost, of who we are and what we are as a people and as a society.

• (1550)

Hon. Pierrette Ringuette: Would the honourable senator take a few questions?

Senator Mitchell: Yes, I would.

Senator Ringuette: I have been listening very carefully to your comments about this bill. Did I hear you say that within this bill there are provisions to give CSIS, which should be a law-abiding agency of Canada, a blank cheque within our Canadian framework to break the laws of other countries? Did I hear that correctly?

Senator Mitchell: Not quite a blank cheque. It is apparent — and we need to verify this — that they would need to have authorization of the Federal Court to do that. One well-known academic — I believe it's Professor Wark — made the point that he could never, ever imagine a time when a judge, who is to uphold the law, would be put in the position of having to provide authority for an agency of government to break the law. So it is problematic and it is controversial.

At the same time, as I understand, they're not allowed to break the law within Canada, but this bill would extend them the authority to break the law in countries outside of Canada. I didn't

mention, but it's also true and needs to be acknowledged, that that's another reason why there needs to be strong communication with the minister and there needs to be strong communication among this minister, the Minister of Defence and the Minister of Foreign Affairs, because breaking laws in other countries can have real implications for foreign relations with those countries.

It's also the case, which is unanswered in here, if one of our operatives in CSIS is caught breaking the law in another country, what recourse do we have to assist that person in not being prosecuted or worse?

Senator Ringuette: That's a very important issue, at least for me, as a Canadian and being proud that Canada was a peacekeeper, to all of a sudden find myself looking into legislation that would say in our Canadian laws that an agency of government can break the laws in other countries. I think that is against the Geneva Convention. Hopefully, at your committee, you will seek clarification and opinion in regard to this issue in relation to the Geneva Convention and the international courts.

I understand the purpose, but that doesn't mean we have to go below the terrorist line in regard to action in order to counter them. I honestly hope you will look into the Geneva Convention and have advice of the international courts and the international legal community in regard to this, because fundamentally this is at the heart of our country.

The Hon. the Speaker *pro tempore*: Unfortunately, Senator Mitchell's time is up. Will the chamber grant Senator Mitchell five more minutes?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: I will remind Senator Ringuette that we're waiting for the question.

Senator Ringuette: Yes. The bottom line is that I want to have the commitment from the honourable member that all these international institutions will be brought forth at the committee in regard to this piece of legislation in order to make sure that we're on the right path and not countering the purpose of this bill.

[*Translation*]

Senator Mitchell: Senator Ringuette, thank you for your recommendation and your suggestions about issues to consider in the study of this bill.

I am sure that the chair of the committee, Senator Lang, and the committee members will take your recommendation under advisement.

[*English*]

Hon. Lillian Eva Dyck: Will the honourable senator take another question?

Senator Mitchell: Certainly.

Senator Dyck: Thinking along those same lines where this proposed law is suggesting that Canadian security agents can potentially break the law in another country, has anyone looked at whether there's legislation in other countries that allow their security personnel to break laws in Canada? If that were to happen, what would people think?

As a Canadian citizen, I would think that I wouldn't want someone from another country who is in intelligence being able to come here and break our laws. Do you know anything about legislation from other countries that has an equivalent clause, or what do you think of granting that kind of privilege to someone else to come into our country?

Senator Mitchell: What I do have is analysis that has simply pointed out anecdotally that neither the U.K. nor the U.S.A. explicitly provide for that power for their security intelligence agencies in legislation. That's not to say that they don't break laws in other people's countries. While I am purely speculating — and I'm not sure that anybody could do anything more than speculate about this — it would be far less likely that we would be inclined or need to do that in a country that is an ally such as a Five Eyes ally, including Australia, the U.S. or the U.K., and it's also, one would hope, less likely that our allies would do that in our country.

But, no, I can't give you any source of guarantee that that isn't the case and it's a legitimate concern that we need to raise. It might be, of course, that we would be provoking more of that with this legislation.

(On motion of Senator Fraser, debate adjourned.)

[*Translation*]

REFORM BILL, 2014

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-586, An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms).

(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.)

(The Senate adjourned until Thursday, February 26, 2015, at 1:30 p.m.)

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