



# DEBATES OF THE SENATE

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2nd SESSION • 41st PARLIAMENT • VOLUME 149 • NUMBER 122

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OFFICIAL REPORT  
(HANSARD)

Thursday, February 26, 2015

The Honourable PIERRE CLAUDE NOLIN  
Speaker

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Published by the Senate  
Available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Thursday, February 26, 2015

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

Prayers.

### SENATORS' STATEMENTS

#### UN CONVENTION ON THE RIGHTS OF THE CHILD

**Hon. Jim Munson:** Honourable senators, children in Canada are generally doing well. They have food, shelter and access to world-class health care and education. They are being raised by nurturing families and communities. Their prospects for promising futures are excellent. Unfortunately, we only need to turn our attention to what exists beyond these mainstream realities to recognize shameful indications of Canada's failure to uphold and advance the human rights of our most vulnerable citizens, Canadian children.

The UN Convention on the Rights of the Child is clear. Children's human rights apply to all children at all times, without exception. That most children in Canada are thriving has no bearing on the living conditions and experiences of the most vulnerable of the vulnerable. Aboriginal children, for example, trail the rest of Canada's children in virtually every aspect of well-being, including family income, educational attainment, water quality, infant health, mental health and housing.

Jordan's Principle is a child-first principle created to ensure First Nations children have equal and fair access to government services such as education, welfare and health care. It is named after Jordan River Anderson, a five-year-old First Nations boy who died tragically as a result of not receiving proper medical attention while government officials for two years went back and forth over who should pay for his home care. When Parliament passed the private member's motion supporting Jordan's Principle in 2007, it essentially made a promise to our First Nations population and all of us.

Earlier this month, the Assembly of First Nations, UNICEF Canada, the Canadian Paediatric Society, McGill University and the University of Michigan released a report assessing how the principle is being applied. The findings are distressing. In the words of one spokesperson for the report "... government buck-passing continues and so does the suffering." Lack of federal leadership; ongoing jurisdictional banter; budget cuts and funding shortages for organizations devoted to children's rights; Canada's failure to implement — not just ratify, not just sign — the UN convention within domestic law; and low public awareness and understanding of children's rights.

The UN convention provides us with a clear framework for positive action and ways to handle obstacles like these. Advancements are being realized through provincial governments and civil society organizations. We can draw from them, too.

Honourable senators, we need to begin stirring up the political and social will to make required changes. Canadians deserve to understand that inaction is equivalent to choosing inequality and injustice. Let's put our shoulder to the wheel and take up this challenge; and I know many of you will join me. Let's begin today to put our minds and hearts to this cause. Let us cooperate and act in a way that is worthy of our children.

#### BOKO HARAM

**Hon. Daniel Lang:** Honourable colleagues, I recently received correspondence from a Yukoner who wanted to raise awareness of Boko Haram, the Islamist terrorist group based in Nigeria and surrounding countries, that has pledged allegiance to Abu Bakr al-Baghdadi, leader of ISIS; al Qaeda head Ayman al Zawahiri; and Taliban leader Mullah Omar.

This Yukoner lived and worked in Garkida, in eastern Nigeria, as a teacher for four years. This small town was recently attacked, and as a result, many of the students and their families have been killed or displaced. Boko Haram members are engaging in acts of terrorism, including destroying ancient Muslim burial sites, bombing churches, carrying out raids on towns and villages, kidnapping young school girls for the purpose of sex slavery, and attacking the democratically elected civilian government and military forces.

Canada recognizes the threat to the rule of law and the numerous human rights violations. We are providing financial assistance in the millions of dollars to the United Nations, the Red Cross and the Counter-Terrorism Capacity Building Assistance program in the region. Canadians are also providing technical training to Nigerian police forces involved in the search for the kidnapped school girls. As part of Operation Flintlock, Canadian Special Operations Forces have also been sent to train their counterparts in shooting, communications and mission planning.

Globally, we have to find a cohesive voice and a united approach to take on and defeat those who seek to impose their radical religious ideology on people. From the Philippines, Afghanistan, Iraq, Syria, Lebanon, Iran, North Africa and Nigeria, radical Islamists are pressing ahead with their agenda. Closer to home, Canadians are confronted with growing Islamic radicalization. Just today, we learned of three students from a CEGEP in Montreal leaving Canada to join ISIS.

Colleagues we need a public conversation about what the threat is. We need to name it and to shame it. By that I mean we must condemn and denounce those who spread a radical Islamist ideology in Canada and around the world. While doing this, we must refrain from defaming and attacking those who raise legitimate concerns. We also need to work with friends in the Muslim community, who are experiencing the radicalization up close. It is time that we also recognize that radical ideas lead to radical action.

While we cannot criminalize ideas, we can denounce those ideas and the individuals who are facilitating and promoting them. At the same time, we need to support organizations and groups like Muslims Facing Tomorrow. Colleagues, I support what the Government of Canada has been doing to help Nigerians at this time of need and crisis and would urge additional steps to help defeat Boko Haram.

### THE HONOURABLE CATHERINE S. CALLBECK

#### CONGRATULATIONS ON RECEIVING ROTARY CLUB MENTOR AWARD

**Hon. Elizabeth Hubley:** Honourable senators, earlier this month our former colleague, the Honourable Catherine Callbeck, received the 2014-15 Mentor Award from the Rotary Club of Charlottetown Royalty. This annual award recognizes a member of the community who has encouraged and motivated others through their example as a leader in their profession.

• (1340)

Catherine has done just this for women in both business and in politics. She was the only woman in her commerce class at Mount Allison University, and in fact, she was only the second woman ever to graduate with a commerce degree. She was the only female faculty member teaching business at her school, and when she went back to her family business, she expanded it to include a furniture business — a business that was dominated by men.

In politics, she was the only female minister with a portfolio in Alex Campbell's government, and she was the first woman elected to the House of Commons for the riding of Malpeque. Most notably, she was the first woman ever elected to lead a government — not just in Prince Edward Island, but in the whole of Canada. She has often said, while premier, she made an effort to appoint women to provincial boards and commissions. When presented with lists of preferred candidates, she would ask the ministers, "Where are the women nominees?" It did not take long for those ministers to get the message and start to consider qualified women as well.

Over the years, she has encouraged young women to participate in the political process, speaking at a number of women's campaign and leadership schools in Prince Edward Island. She has mentored women interested in elected office and given encouragement and advice as she could.

In politics and in business, she has certainly inspired others to follow in her path, and I am pleased to see her significant contributions recognized in this way. Please join me in congratulating Catherine Callbeck on this well-deserved honour. Thank you.

[Translation]

### THE LATE MAXWELL F. YALDEN, C.C.

**Hon. Marie-P. Charette-Poulin:** Honourable senators, I wish to pay tribute to a distinguished Canadian public servant, Max Yalden. I join with countless people and groups who were quite saddened to learn of his death, on February 9, and who expressed a great deal of respect for him on this occasion.

[ Senator Lang ]

Max Yalden served Canada and Canadians in leadership positions as a foreign diplomat, Commissioner of Official Languages, Chief Commissioner of the Canadian Human Rights Commission, and as a member of the United Nations Human Rights Committee.

He had a reputation for being honest and direct, and for using his talent for diplomacy and a balanced approach to deal with every issue brought to his attention.

Above all, Max Yalden was a staunch defender of human rights and the rights of Canada's linguistic minorities. In expressing his condolences, Commissioner of Official Languages Graham Fraser referred to Max Yalden's deep commitment to the cause of linguistic duality.

The honours bestowed on Max Yalden in his lifetime speak to the distinguished services he provided. He was named Commandeur of the Ordre de la Pléiade in 1984, and a Companion of the Order of Canada in 1999, after being named an Officer of the Order in 1988.

Honourable senators, join me in extending our sincere condolences to Max Yalden's wife, Janice, to whom he was married for more than 60 years, and his son Robert, daughter-in-law Pearl Eliadis and granddaughter Zoë. Max Yalden remains a role model to us all.

[English]

## ROUTINE PROCEEDINGS

### CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

#### BILL TO AMEND—TWENTY-FOURTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Bob Runciman,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, February 26, 2015

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

#### TWENTY-FOURTH REPORT

Your committee, to which was referred Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity), has, in obedience to the order of reference of Thursday, June 5, 2014, examined the said bill and now reports the same with the following amendments:

1. *Clause 1, on page 1:*

(a) Replace line 6 with the following:

"2. The purpose of this Act is to extend"; and

(b) delete lines 23 to 27.

2. *Clause 2, on page 2:*

(a) Replace line 1 with the following:

**“2. Subsection 3(1) of the Act is re-”; and**

(b) delete lines 11 to 14.

3. *New Clause 2.1, page 2:* Add after line 14 the following:

**“2.1 Subsection 15(1) of the Act is amended by striking out “or” after paragraph (f) and by adding the following after that paragraph:**

*(f.1) in the circumstances described in section 5 or 6 in respect of any service, facility, accommodation or premises that is restricted to one sex only — such as a correctional facility, crisis counselling facility, shelter for victims of abuse, washroom facility, shower facility or clothing changing room — the practice is undertaken for the purpose of protecting individuals in a vulnerable situation; or”.*

4. *Clause 3, on page 2:* Replace lines 17 to 24 with the following:

**“(4) In this section, “identifiable group” means any section of the”.**

5. *Clause 4:*

(a) On page 2,

(i) replace line 28 with the following:

**“4. Subparagraph 718.2(a)(i) of the Act”, and**

(ii) delete lines 36 to 38; and

(b) on page 3, delete lines 1 and 2.

6. *New Clause 4.1, page 3:* Add after line 2 the following:

**“COORDINATING AMENDMENT**

**4.1 On the first day on which both section 12 of the *Protecting Canadians from Online Crime Act*, chapter 31 of the *Statutes of Canada, 2014*, and section 3 of this Act are in force, subsection 318(4) of the *Criminal Code* is replaced by the following:**

**(4) In this section, “identifiable group” means any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, gender identity, sexual orientation, or mental or physical disability.”.**

7. *Clause 5, page 3:* Replace line 3 with the following:

**“5. This Act, other than section 4.1, comes into force 30 days after”.**

Respectfully submitted,

BOB RUNCIMAN  
*Chair*

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

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

## CRIMINAL CODE

### BILL TO AMEND—TWENTY-FIFTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

**Hon. Bob Runciman,** Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, February 26, 2015

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

### TWENTY-FIFTH REPORT

Your committee, to which was referred Bill C-452, An Act to amend the Criminal Code (exploitation and trafficking in persons), has, in obedience to the order of reference of Tuesday, October 28, 2014, examined the said bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN  
*Chair*

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

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

## QUESTION PERIOD

### PRIVY COUNCIL OFFICE

#### PHOTOGRAPHERS—COMMUNICATIONS— ADVERTISING

**Hon. Jane Cordy:** Honourable senators, we learned last week that since 2006, this government has spent over \$2.3 million on contracting photographers to take pictures of cabinet ministers at ribbon cuttings, government announcements and other events.

This averages about \$250,000 a year on contracts for outside photographers — these are outside photographers — when several departments, including the Prime Minister's Office, already employ staff photographers. In fact, this Prime Minister employs three photographers in his office, whereas in the past, prime ministers have had one official photographer. I'm not quite sure why you would need three, whether or not the Prime Minister can be in three places at one time, or whether it's to take pictures of the Prime Minister from three different angles.

In one instance, \$13,000 — I repeat, \$13,000 — was spent to hire a photographer to take pictures of John Baird when he was at the United Nations. That \$13,000 was probably more than the cost of the whole trip.

Why were staff photographers not used? Is any kind of cost analysis performed by this government to determine whether hiring an outside photographer would be less expensive or more expensive than using a staff photographer? What is the government's policy on contracting for photographers to take pictures of cabinet ministers?

• (1350)

[Translation]

**Hon. Claude Carignan (Leader of the Government):** When I hear the opposition party ask questions about advertising and related spending, I can't help but remember what was probably the biggest scandal ever to taint the government: the headline-grabbing sponsorship scandal that involved the Liberals signing contracts to transfer millions of dollars to party cronies. Actually, we are still looking for that money and would really like to write it in our ledger as a bad debt recovered.

I'm sorry, senator, but I don't think the Liberal Party, your party, has any credibility when it comes to advertising. We allocate money to advertising, and we really spend that money on advertising. We don't parcel it out to our pals.

As you know, our government treats taxpayers' money with the utmost respect. We require government operations to be carried out at the lowest possible cost to taxpayers. Advertising is an essential way of informing people about important issues such as temporary stimulus measures, tax credits and public health. I know you're not a fan of our record. However, we will continue to tell people about this government's measures, especially tax cuts,

so that Canadians filling out their tax returns can take advantage of the many benefits that our government has implemented. You always vote against those measures because they are in Canadians' interest.

[English]

**Senator Cordy:** You said to me the last time I asked a question about government spending that you found my questions amusing. I find your answers amusing as well, so I guess that makes us even.

I find it amusing because when I look at Minister Tony Clement, \$50 million spent on gazebos in his riding. This is \$50 million that was supposed to be spent on infrastructure for borders spent in his riding. Not only that, we find out from access to information that the constituency office was used to funnel the money into the riding so that the Auditor General wouldn't have any notes or information on how the \$50 million was spent.

We know that government officials were there. We know that if you wanted to access this money, all you had to do was phone your local MP's office and Minister Clement would make sure that the right people, in his mind, would get to spend that money.

Wouldn't it be something if all MPs received \$50 million in their ridings? I'm certainly not suggesting that they do, but it would be pretty awful if every MP got \$50 million to spend as they wished out of their constituency office without any oversight.

When we look at the numbers, it's not surprising to learn that in 2010 this government spent almost double the average on contract photographers, just under half a million dollars. What was special about 2010, you might ask? Well, 2010 was an election year. So the money doubled in 2010 for photographers, at a time when government spending for social programs was down, scientific research spending was down and, of course, we know that Veterans offices across the country — and one in my province of Nova Scotia — were closed. The Prime Minister's budget is on the rise. The publicly funded Conservative propaganda machine continues to roll on with funding from the taxpayers of Canada.

I recently raised the issue of this government using public funds for an anti-marijuana ad, which coincidentally coincided with the Conservative Party attack ads against Mr. Trudeau.

I'll again repeat the question that I asked on that day a few weeks ago.

Senator Carignan, why should the taxpayers of Canada pay for Conservative Party election campaigning?

[Translation]

**Senator Carignan:** Senator, the government has a responsibility to inform Canadians about the programs and services available to them. Hiring a photographer when the government needs to announce important measures helps inform Canadians about things like temporary stimulus measures, tax credits and public health issues.

The senator actually reminded me of the ad about the effects of marijuana use. When people spread false information and put out propaganda that poses a danger to health, we turn to Health Canada, which is mandated to prevent risks and protect Canadians' health. To that end, the department must be able to communicate with Canadians.

You say that you find it amusing. I can tell you that several Liberals lined their pockets as a result of the sponsorship scandal and they are still amusing themselves with this money.

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

[English]

**Senator Cordy:** I actually agree that the government should communicate with people. Unfortunately, this government is not communicating; they're just sending out photographs and press releases. It would be really nice if the Prime Minister were to meet with the premiers of the provinces, considering they were just meeting down the road here in Ottawa not that long ago and the Prime Minister refused to meet with them.

It would be really nice if consultations by this government were done with people who not only agreed with upcoming legislation or policies, but also with people who disagree so that perhaps consensus could be built and we could have better legislation.

We know that Advertising Standards Canada ruled that the government ads promoting a Conservative employment grant program overseen by Minister Kenney were misleading because they pushed a plan that hadn't been negotiated with the provinces or approved by Parliament.

After the ad industry watchdog received a number of complaints from the public, the government promised that they wouldn't repeat the ads anymore. However, we find out that radio ads have already hit the air promoting the recently announced income-splitting plan for families with children and changes to the Universal Child Care Benefit. But, you know what? Those things haven't been approved yet. They have not been passed by Parliament.

I'm sure they're going to be in the upcoming budget, which has been delayed and delayed. I'm not sure when we're going to have it. When that passes, then indeed we should have those ads on the radio and on television so that Canadians find out about it. But those ads right now are misleading, as were the ads earlier that were ruled out of order by the advertising standards council.

These ads have been on the air. They do have a caveat at the very end that says that they are subject to parliamentary approval, but in fact these ads are being paid for by the Canadian taxpayer. They have not received parliamentary approval.

I ask you again, when will this government stop using taxpayers' dollars to pay for Conservative election campaigning?

[Translation]

**Senator Carignan:** Senator, I find it interesting that you said that the Prime Minister has not met with certain provincial premiers and, at the same time, you criticize spending money on photographing events. The purpose of these events is to show what the Prime Minister is doing. I invite you to look at the Prime Minister's website and look at the photos. You will see that the Prime Minister meets with decision-makers from around the world every day, including provincial premiers. Imagine, you are in this chamber and you don't even know that.

It is vitally important to communicate with Canadians. I invite you to see for yourself the Prime Minister's work and how he holds meetings to help create wealth and collaborate with our partners. Perhaps then you can stop spreading misinformation about the Prime Minister's work.

With regard to policies, senator, as you know, the policies we adopt affect Canadian families, who must have access to this information, especially when Canadians are preparing their income tax returns and annual budgets.

• (1400)

That may not be the case for you. Perhaps you do not need to plan your budget a few months in advance, but most Canadians do, and they need to know exactly how much income they will have. I can guarantee you that all of the members in this chamber will support the tax benefit measures, namely the tax cuts. I can also assure you that these measures will be implemented.

[English]

**Senator Cordy:** I'm married to an accountant, so I can assure you that we have a budget. Those of us in this chamber are all very lucky with the incomes we make and we don't have to worry about budgets the way people who are working seasonal jobs have to and the way that many Canadians have to.

The question I have, which I referred to in my earlier question, is that radio ads have already hit the air promoting the recently announced but not yet approved income-splitting plan for families with children and also for changes to the universal child care benefit. These changes have not received legislative approval.

Now, as I said earlier, it is likely in the budget, but the budget has been delayed. Maybe these ads were developed before the budget was delayed, I don't know, but they should have been cancelled. This is misleading to the Canadian public. Advertising Standards Canada has already taken the government to task for misleading ads that had not been approved by Parliament. The government promised not to repeat those ads, but here we are again repeating similar ads that have not received legislative approval. Why?

[Translation]

**Senator Carignan:** I noticed that, in the same question, you first criticized us for misleading people and then you said that these measures will take effect as soon as the bill is passed. You are just proving that the ad is accurate.

As the Prime Minister and the Minister of Finance explained, the budget has been delayed by several weeks so that we can get a better idea of how the oil prices are changing. However, the government will still balance the budget and this will not affect the tax cuts for families that were announced. The measures to enhance the Universal Child Care Benefit will also still be implemented. Don't worry.

[English]

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, I'm mystified. There is surely, or there used to be, a difference between a press release uttered by a politician, however highly placed that politician might be, and legislation passed by Parliament. At the moment, these ads are conveying information based essentially on press releases, skipping lightly over the requirement for parliamentary approval.

May I ask the Leader of Government in the Senate when this government stopped believing in Parliament and started believing in the divine right of kings?

[Translation]

**Senator Carignan:** I invite you to hold more caucus meetings and talk to Senator Cordy, who said just the opposite. According to her, the government said that this measure was conditional on the budget being passed.

**Senator Fraser:** Perhaps there was an interpretation error, because we were saying the same thing.

## CITIZENSHIP AND IMMIGRATION

### SYRIAN REFUGEES

**Hon. Mobina S. B. Jaffer:** Honourable senators, my question is for the Leader of the Government in the Senate. As you know, the conflict in Syria is ongoing and the refugee crisis is getting increasingly worse. According to the United Nations Refugee Agency, there are now 6.5 million Syrian refugees in Turkey, Lebanon, Jordan and Iraq. Can you give us an update on Canada's efforts to mitigate this crisis? How many Syrian refugees have come to Canada to date?

**Hon. Claude Carignan (Leader of the Government):** I thank the honourable senator for her question. I will come back to you on that with the exact number of Syrian refugees in Canada after next week's break.

**Senator Jaffer:** I appreciate your answer, Leader. Would it also be possible to find out the number of refugees the government plans to accept in the future?

**Senator Carignan:** Senator, when Canada renewed its commitment to Syrian refugees, it committed to welcoming 10,000 more Syrians over the next three years, which brings Canada's total effort up to 11,300 Syrian refugees.

[ Senator Carignan ]

## ORDERS OF THE DAY

### ENERGY SAFETY AND SECURITY BILL

#### BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Manning, for the third reading of Bill C-22, An Act respecting Canada's offshore oil and gas operations, enacting the Nuclear Liability and Compensation Act, repealing the Nuclear Liability Act and making consequential amendments to other Acts.

**Hon. Grant Mitchell:** Honourable senators, I am very pleased to take part in the debate on Bill C-22, which is a very important bill. It is a good bill, but I am confident that it can still be improved.

[English]

That's difficult for me to say, as you know. I'm going to make this as painless as possible by referring people to my second reading speech, which will go down in the annals of parliamentary history as one of those speeches. I was reading it again and thinking that it was a pretty good speech. I don't need to repeat it all. By my own admission I thought, who wrote this? Is this one of mine?

**Some Hon. Senators:** Oh, oh.

**Senator Mitchell:** It says a lot about Hansard, I'll tell you. I think Hansard cleaned it up.

In any event, in all seriousness, this is serious legislation. It does accomplish some important advancements and I will be supporting it. I refer people to my second reading debate, and to Senator Tannas' second and third reading speeches, which really cover the bases, so there is no need to repeat too much.

I need to emphasize a couple of things. This bill fills an important gap with respect to covering liability in the event of nuclear accidents with a nuclear facility and in the event of spills in oil and gas production. It increases the liability limit in the nuclear case from \$75 million to \$1 billion. Over a period of three years that increase will occur. That is absolute liability and fault doesn't have to be proven.

In the case of nuclear, that will be the limit of the liability. That catches some people a bit in the craw, as it were, because a nuclear accident would likely end up in damages of much more than \$1 billion, but ultimately governments are almost exclusively responsible for these installations, so their resources would back those damages.

• (1410)

It's also a case of this industry being extremely expensive, and if the limits of liability were too high, the expenses would be increased too much and would make it very difficult.



My colleague Senator Ringuette has made a very strong case about the implications of the insurance structure that is implicit with respect to nuclear facilities in this bill, and I'm sympathetic to what she says about that. I think we have to be cognizant and watch that her fears are not realized. If they are, then I think we would have to address those and readjust.

One thing I want to emphasize that this bill will accomplish with respect to nuclear damage liability is that ratifying this bill, passing this bill, will allow Canada to ratify the treaty that comes under the International Atomic Energy Agency's Convention on Supplementary Compensation for Nuclear Damage, which is an international pooled fund to which we would have access in the event of a nuclear accident in Canada. So that is a positive that offsets some of the concerns that people might have that the limit of liability is at \$1 billion.

It's also important to note, and this is, I think, quite interesting, that Bill C-22 will increase the span of time over which an effect due to a nuclear accident, a health effect, can be attributed to that nuclear accident. Now it's 10 years. Under this bill, it will be expanded to 30 years, which isn't something that most of us would probably have thought of, but it's quite interesting when you consider it.

The second major section of this bill applies the same kind of philosophy to the question of oil and gas exploration and production. It increases for offshore oil and gas exploration and production the absolute, no-fault-has-to-be-proven liability to \$1 billion, but in this case the companies have an unlimited liability if fault can be proven. Of course, that difference is a direct reflection of the economics of the nuclear industry and the economics of the oil industry, although one can say that the economics of the oil industry have certainly changed since I gave second reading to this bill, but hopefully that will correct itself at some point.

I do want to say that the Senate should be given credit once again for having had impact in changing the course of events and affairs in this country, and that is because the Senate recommended the increase of liability in 2000. A committee of which I was a member, at a time when our former colleague Senator Angus was the chair — I was the deputy chair at that time — issued a report in response to the BP Gulf blowout where we said that a comprehensive review of the issue of liability, including whether the thresholds should be adjusted to reflect current economic realities, would be recommended by our committee.

Once again, there is the Senate doing its job, and there's the government listening to the Senate having done its job thoughtfully and with credibility. I want to congratulate the Senate and my colleagues on that Senate committee for having had that impact.

The bill also does another important thing, which many of us wouldn't necessarily think of, but the Energy Committee had considered this in our study of offshore spills from transportation of petroleum products, and that is that there comes a point at which in the event of a spill of petroleum products in water, there is a trade-off between using a chemical to help disperse the spill material or even to burn the spill material, and allowing the spill material perhaps to wash up on a shore, come to a fishery feeding

ground, a bird sanctuary area or habitat where it could do really serious environmental damage. This bill will allow the spill responders — who are, from my experience and the committee's experience, extremely professional, very concerned about the environment, and who feel that that's at the core of the work that they do in recovering spills — it will allow them to make the decision as to whether or not they should use a dispersant or even set spilled material on fire, that being in cases where the preponderance of likelihood is that the damage will be less if they did that than if they allowed the spill to spread to some sensitive area.

I would like to say also that this bill says it enshrines the polluter-pay principle. It doesn't exactly and completely do that, but it does acknowledge the importance of that principle, and I think that's worthy of emphasis. I congratulate the drafters of the legislation on doing that. I think it renders this bill even more supportable. It's a very important principle as we confront increasingly intense pollution and climate change problems, I believe. I think that that principle, enshrined as it is in this piece of legislation, may well come back to make us act in a more responsible manner in other circumstances, in other legislation and in other policy decisions.

Your Honour, I will close my comments at that point and indicate that I will be supporting the bill.

[Translation]

**Hon. Pierrette Ringuette:** Would the honourable senator take a question?

**Senator Mitchell:** Yes.

**Senator Ringuette:** Senator, are you aware that the bill deals with the obligations of Crown corporations and entities that belong to all taxpayers, on the same platform as any other private entity?

**Senator Mitchell:** This is an interesting situation for senators on the government side because we're independent Liberal senators. It is now possible to see two senators on the same side debate transparently and probably passionately.

I must say that Senator Ringuette is particularly passionate about this debate, which is scaring me a bit. Senator Ringuette, yes, I'm aware of the point you brought up. Nuclear facilities can be found in several areas, and most of these facilities belong to the government or are Crown corporations.

[English]

**Senator Ringuette:** I will relieve my colleague a little bit and switch my line of questioning to English, although his French is very good.

• (1420)

Does my honourable colleague also agree that it is proper to have a sole provider of this kind of liability insurance? It means that we have in this country only one insurer that is registered and

licensed by the federal government to provide insurance. All these entities are facing a monopoly situation; there is no room for negotiation.

I find that is an additional cost to New Brunswickers, in regard to the operating costs of Point Lepreau, that is absolutely unacceptable, since it is a Crown corporation and all New Brunswickers are part owners of this entity. This entity, since it's been in operation, had never had an accident. So why should New Brunswickers be going from a current liability scheme of \$65,000 to anything between — the bureaucrat from National Resources that was in front our committee said the new liability of \$1 billion would probably cost Point Lepreau somewhere between \$6 million and \$8 million. Why should New Brunswickers assume all that additional cost?

**Senator Mitchell:** First of all, it's my understanding, and we had witness testimony to confirm this, that right now there are very few, maybe only one, authorized, ratified providers of insurance for nuclear facilities. A provider of insurance for a nuclear facility certainly has to be a credible firm with a great deal of financial strength because of the nature of the risk and the level of the potential liability.

My first point is that this legislation will allow for the ratification by government of other providers, thereby creating competition in the provision of insurance for nuclear facilities and thereby presumably, given economic principles, reducing the cost over what it would otherwise have been.

I'm sympathetic to your argument, Senator Ringuette, that the costs clearly will go up for insurance for Point Lepreau in your province. But to say there has never been an accident —

**Senator Ringuette:** An operating accident.

**Senator Mitchell:** An operating accident. And I don't mean this as aggressively as it's going to sound, of course, but to say that that is a reason for not insuring I think is not a strong argument. You've never had your house burn down, but you insure it. You may never have had a car accident, but you insure it.

Not only that, but while \$6 million to \$8 million is not insignificant, given the costs of running nuclear facilities, which are in the hundreds of millions of dollars, as in the experience of the refit of Point Lepreau, among other figures, would emphasize and underline, this is not an inordinate amount of money to do two things, to save billions of dollars of taxpayers' money if there ever were an accident, because the insurance company would have to cover it, and to get Canada into this international fund which would reduce overall the cost of the Canadian taxpayer, provincial taxpayers included, as a result of our being able to ratify that treaty now.

I'm also not aware that there was any pushback from the provincial Crown corporation owners, the provincial governments, of these facilities. It may be that they weren't consulted, but I believe that they were, and I would hardly imagine — in fact, Point Lepreau would know of this legislation for sure, and had it been a serious problem for them, I'm sure they would have rallied their colleagues in the same circumstances, and we would have had some pushback, which we didn't have.

**Senator Ringuette:** The honourable member will recall my asking at the committee to have the Point Lepreau officials, the operator, come to the committee, and to also have the operators of the Ontario Crown corporation that generates nuclear power in front of our committee; and the only group in regard to the nuclear industry that we had was an association, and when they were at our committee I asked them the numbers. Now, there are not 100,000 members of that nuclear operator association. They were not able to give us numbers. Can you imagine that?

I guess the other question that needs to be answered, and the answer needed to be highlighted, is that also — by the way, in regard to certifying other groups of insurance within the country, this piece of legislation was not needed in order for the federal government to remove this monopoly situation in regard to insurance providers.

That being said, you are saying that we will be saving billions in case of an accident and that this will provide for the federal government to put money into an international fund. What do you think about the fact that this international agreement is mainly to exempt nuclear suppliers from any kind of liability?

**Senator Mitchell:** I wonder, Your Honour, if you could recognize somebody from the Conservative side to ask me a question. Beam me out of here. These are good questions, very tough.

I hear you, Senator Ringuette, and I can't say that I agree. I respect your concern. What I would say is it is obviously legitimate. You've thought it through. We should watch and make sure that it isn't realized.

If your concern is realized, then I think the government, and hopefully that might well be a Liberal government next time, would return to this piece of legislation and make the changes necessary to address your concern.

I am very concerned about impeding the progress of nuclear energy development. I know that sounds odd, coming from somebody who — most of us are concerned about the environment, many people are concerned about nuclear, and I'm way more concerned about climate change. I want to make nuclear possible. I think the risks in nuclear are at least manageable, where the risks in climate change are infinite and not manageable, if we don't get after them quickly.

Given that we're not getting after them as quickly as I would like, I don't want to encumber the nuclear industry that we have any more than it already is by its quite unwieldy cost structure.

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

**An Hon. Senator:** Question.

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

**Hon. Senators:** Agreed.

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

• (1430)

## CANADIAN SECURITY INTELLIGENCE SERVICE ACT

### BILL TO AMEND—SECOND READING

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.

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

**Some Hon. Senators:** Question!

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

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

### REFERRED TO COMMITTEE

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

(On motion of Senator White, bill referred to the Standing Senate Committee on National Security and Defence.)

## RED TAPE REDUCTION BILL

### SECOND READING—DEBATE ADJOURNED

**Hon. Douglas Black** moved second reading of Bill C-21, An Act to control the administrative burden that regulations impose on businesses.

He said: Mr. Speaker, I'm pleased to have this opportunity to speak in support of Bill C-21, an act to control the administrative burden that regulations impose on businesses, or the red tape reduction act.

I grew up in a family of small business. My parents owned a small business. The only complaint I ever heard from my parents about running that business, for over 40 years, was the constant and growing amount of money and time that needed to be spent on meeting the regulatory demands imposed by government. Bill C-21 starts to address this problem by enshrining the government's one-for-one rule into law.

The effect of the one-for-one rule is to cap the number of federal regulations that create administrative burdens for business. When a new regulation is introduced, an existing regulation must also be repealed of the same or greater administrative burden or cost, one for one.

As many of you know, a policy preceding this legislation has been in effect since April 1, 2012. As of June 2014, I am pleased to report that the rule has resulted in a net annual reduction of over \$22 million in administrative burden on business in Canada; an estimated annual saving of 290,000 hours in time spent dealing with regulatory red tape; and a net reduction of 19 federal regulations — a very good start.

The federal government recognizes and celebrates the important contribution made by small businesses across this country and the challenges they face. We know that for business to succeed, like my parents' small business, entrepreneurs need an environment of low taxes and minimal regulation, and we are committed to creating that environment. We want Canadian businesses to be able to innovate, expand and create more jobs, particularly in this time of economic uncertainty.

Mr. Speaker, I would add that small businesses are particularly crucial to our long-term prosperity. Small businesses are the engines for job creation in Canada, and it is the determination and innovative spirit of the people who own them and work for them that drive our economy forward.

Allow me to mention a few interesting facts that have been provided to me by Industry Canada about small businesses. Small businesses in Canada account for more than 98 per cent of all firms in Canada. They therefore play a very large role in net job creation. In fact, from 2002 to 2012, they created nearly 78 per cent of all private-sector jobs, which makes it all the more important that we ensure that we create the right conditions for these businesses to prosper.

We all know that red tape can take a small company's focus and energies away from doing what it does best. It often becomes too much for individual entrepreneurs to manage, given their small staffs and regulations' increasing complexity, and therefore it turns them to a growing number of lawyers, accountants and consultants for help. This, in turn, makes their costs go up and reduces their opportunities for profit and growth.

As the Prime Minister has said, and I agree, red tape is a hidden tax and a silent killer of jobs. That's why we're taking action to help businesses and the people who run them.

Let me give you a few concrete examples of how the one-for-one rule has helped to cut red tape in Canada since the policy directive of 2012.

Statistics Canada has amended regulations under the Corporations Returns Act that are used to collect financial and ownership information on corporations that do business in Canada. With these changes, only corporations with revenue of more than \$200 million, assets over \$600 million, or foreign debt and equity over \$1 million have to report financial and ownership information. As a result, more than 32,000 businesses are no longer required to file this complex government return. We expect this to reduce the administrative burden by approximately \$1.2 million this year.

In another example, Employment and Social Development Canada is reducing the red tape burden and cost to businesses by repealing a set of regulations that imposed unnecessary

administrative requirements on construction companies awarded federal government contracts. With these changes, the estimated annual savings for business is over \$900,000.

In short, the red tape reduction act ensures that regulations take seriously the need to control the amount of red tape and the cost of administrative burden. It challenges regulators to carefully think through how to design and implement regulations in ways that don't create unnecessary administrative burden.

But while this is tough legislation, it's also flexible. It should be noted that government has ensured, through Treasury Board policy, that health, safety and security regulations are not subject to the one-for-one rule, as we believe in finding the balance between reducing administrative burden on business, and ensuring and protecting a healthy and safe environment for Canadians.

Mr. Speaker, the one-for-one rule has proven its worth. Its implementation has already saved businesses 290,000 hours of time, has resulted in a reduction of \$22 million in administrative costs for small businesses annually, and has reduced 19 federal regulations.

Enshrining the one-for-one rule into law is the right thing to do to protect and enhance these gains. It is the right thing to do for small business, and it's the right thing to do for Canada's prosperity.

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

(On motion of Senator Fraser, for Senator Massicotte, debate adjourned.)

[Translation]

## VICTIMS BILL OF RIGHTS BILL

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

**Hon. Pierre-Hugues Boisvenu** moved that Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts, be read the second time.

He said: Honourable senators, it is with much emotion and a great deal of pride that I rise today at second reading of Bill C-32, An Act to enact the Canadian Victims Bill of Rights and to amend certain Acts. I cannot speak to this bill without honouring the memory of my daughter Julie, who was killed more than 12 years ago, and Julie Surprenant, who disappeared in 1999, and whose father is here in the gallery.

You can appreciate that this bill has special meaning to me, both as the father I am and the defender of victims' rights I have been for the past 12 years.

My personal experiences as a father, and the experiences I shared with victims' families, helped me realize there was an urgent need for a victims bill of rights. Across all legal

proceedings, the Canadian justice system needed to have a more compassionate approach to dealing with victims of crime. No victim going through an unbearable situation should be reduced to being a simple helpless spectator. We cannot accept leaving them to navigate the complicated justice system on their own. Victims of crime deserve to play a key role in that system, even a leading role.

• (1440)

In 2002, during the trial following the murder of my daughter, Julie, I quickly realized that the Canadian Charter of Rights and Freedoms does not give victims of crime any rights at all. However, it does contain 19 sections on the rights of criminals.

In 2005, when I met Prime Minister Harper, we talked about principles for a future bill of rights. I began to draft that bill of rights, whose purpose was to strike a balance between the rights of victims and those of criminals. In the fall of 2013, the Minister of Justice launched cross-Canada consultations with the intention of introducing a victims bill of rights in April 2014.

[English]

Do I need to remind you, honourable senators, that victims of crime have never enjoyed any legal protections or rights in this country? Successive governments have simply uttered statements of principle as a way to provide victims with some kind of support.

[Translation]

Bill C-32 will bring about a fair, equitable and respectful change to the rights of victims of crime in our justice system. For the first time, the Canadian Victims Bill of Rights will enshrine the rights of victims of crime in our legal system. This bill will change how victims of crime fit into our justice system as well as their role. That was always the primary goal as we drafted this bill. This is really a bill for victims and by victims, and it is based on their experiences and those of their family members.

From April to October of 2013, the Minister of Justice personally held public consultations across the country to gather different points of view on the purpose, scope and content of a victims bill of rights. Many other federal ministers, MPs and senators participated in the many round tables that were held across the country with the Minister of Justice. We also held a public online consultation for all Canadians. It was on the Minister of Justice's website from May to September of 2013. Over 500 interveners, including victims of crime, victims' organizations, federal, provincial and territorial public servants and criminal justice professionals — such as Crown prosecutors and defence lawyers — shared their points of view on the bill. It's rare that a bill is subject to such a thorough, participatory and open public consultation process.

All participants, whether or not they were victims, affirmed the urgent need to recognize the legal rights of victims. The consultations identified three specific needs that victims have all too often experienced and that cause great frustration: victims need more information about the criminal justice system, the legal process and decisions, and victim services; victims need measures

[ Senator Black ]

that provide greater protection so they can report their assailants more often and see legal proceedings to their conclusion; victims need their points of view to be clearly considered by decision-makers in the criminal justice system.

Bill C-32 was largely based on these consultations. It was carefully drawn up to achieve the government's objective of giving victims of crime a role in the justice system that was just as important as that of criminals, while respecting constitutional jurisdictions.

Bill C-32 is based on two fundamental principles cherished by victims of crime and their families: respect and dignity.

The notion of respect is so essential that it is found in the preamble to the Victims Bill of Rights, as follows:

Whereas victims of crime and their families deserve to be treated with . . . respect, including respect for their dignity;

[English]

The testimonies presented by victims of crime and victim advocates at the standing committee hearings in the other chamber are moving stories reminding us why the time has come to recognize rights for victims of crime.

All of the victims who appeared as witnesses offered their congratulations and support for the bill that would create rights for victims of crime in four areas: information, protection, participation and restitution.

[Translation]

An important requirement was regularly brought up at the consultations: victims must have more information and be better informed. This basic need was recognized by a large number of academic research studies done over the past 35 years.

Under the Victims Bill of Rights, victims will henceforth have the right to obtain information about the criminal justice system and victim services and programs. If this right, which is conferred by law, is breached, victims will be able to file a complaint.

Bill C-32 amends the Corrections and Conditional Release Act, with respect to victims' right to information. Victims will be able to request that Correctional Service Canada send them information, either about the offender's correctional plan, the offender's progress to date, or the conditions imposed on the offender's temporary absences, parole or statutory release.

Furthermore, victims of crime will be able to request a photograph of the offender, taken at the time of release. This requirement will enable victims to have a recent photograph of the criminal, which will help them feel safer. This is a significant legislative reform. It recognizes that a criminal's anonymity cannot take precedence over the victim's safety.

The second right recognized by the Canadian Victims Bill of Rights is the right to protection. The bill will give victims the right to have their security and privacy considered and protected

from intimidation or retaliation, whether these victims are complainants or witnesses in criminal proceedings. Furthermore, victims will have the right to request testimonial aids. This area of law has developed considerably in the last 20 years and it gives victims and witnesses a big advantage. I repeat: in cases of sexual assault, one out of ten victims will report their attacker and 50 per cent of victims will drop their complaint over the course of the process.

Canada is a world leader in the development of testimonial aids. When victims of crime testified at the Standing Senate Committee on Legal and Constitutional Affairs last year, many of them demanded better protection for victims of sexual assault during cross-examination. The proposed changes in Bill C-32 will finally provide that another person conduct cross-examination on behalf of the accused, which takes into account how difficult it is for complainants to face this type of situation. Imagine a rapist questioning his victim. This is the kind of thing that the Victims Bill of Rights will no longer allow.

The third right that victims of crimes demanded, and one that is fundamental to the Canadian Victims Bill of Rights, was the right to participate. Victims will be allowed to give their opinions on the decisions being made by the criminal justice personnel. Think of all the plea agreements in which victims or their families are too often ignored, when the Crown and defence are "bargaining" without informing or consulting the main people involved, the victims themselves.

The other very important change has to do with provisions on the victim's statement. They will be amended to allow victims to be accompanied by a support person when delivering their impact statement, whether in person, behind a screen or from outside the hearing room on closed circuit television. A victim, or anyone acting on their behalf, can have a photograph of the victim while they are giving their testimony.

[English]

Honourable senators, this right finally granted to the families of those who have been murdered is an important and invaluable one. These families carry their loved ones in their hearts. Preventing these families from showing who their loved ones are simply serves to victimize them all over again. In a way, these families are becoming the voices for their loved ones whose right to speak and to live has been stolen from them.

• (1450)

[Translation]

The fourth right set out by the Canadian Victims Bill of Rights has to do with the right to restitution. Victims will have the right to ask the courts to consider a restitution order in all cases against the offender, as well as the right to have that order enforced as a civil judgement in case the offender fails to make a restitution payment.

Through previous consultations, victims expressed serious concerns about the cost of criminal offences, which is borne by the victims themselves. This change addresses those concerns.

Honourable senators, the Canadian Victims Bill of Rights represents a new philosophy within Canada's criminal justice system and correctional system.

In short, the bill strikes a balance between the newly enshrined victims' rights and the constitutional rights of criminals. Section 20 requires that the act be construed and applied in a manner that is reasonable in the circumstances and in a manner that is not likely to interfere with police discretion, with prosecutorial discretion or the discretion of any person authorized to release an offender into the community. The bill also stipulates that it must be applied in a manner that does not delay the investigation or the prosecution of any offence. Any victim who believes their rights, as guaranteed by this act, have been infringed or denied may file a complaint with the appropriate federal department or agency. Every department or agency that has obligations under the law must have an internal mechanism available to victims that provides for a review of complaints, the power to recommend corrective measures to remedy any infringements and the obligation to notify the victims of the results of the reviews. Criminals have had access to such a procedure since 1982. How can we accept that in 2015, victims still do not have the same right to appeal? This right will help resolve such complaints more quickly and efficiently, I hope, because the departments and agencies will have to take corrective action much faster than in the past. Any victim who is dissatisfied with the results of that first level of review can also file a complaint against the department with any other authority that has jurisdiction to examine complaints against that department.

The government recognizes that it is important to ensure that the rights set out in the Canadian Victims Bill of Rights are respected as much as possible. With that in mind, where there are inconsistencies in two laws, this act will take precedence over any other federal legislation, with the exception of any inconsistency between the Canadian Victims Bill of Rights and other laws that have been recognized as quasi-constitutional by the courts. Accordingly, the Canadian Victims Bill of Rights will share the same quasi-constitutional status as those other laws and where these inconsistencies exist, the courts will strike a balance between the laws.

By including victims of crime in a supra-constitutional law, the Canadian Victims Bill of Rights marks a turning point in the history of Canadian criminal law. This historic step forward is the result of a long process. I am proud to have contributed to and fought for this legislation for over 12 years. Heartened by the support of so many victims and their families, I now hope to receive support from all of you in this chamber. This bill is not an end in and of itself; instead, it will be legal recognition through which all of us as legislators can state loudly and clearly that all victims in this country will have the same rights as the individuals who attacked their dignity. On behalf of victims of crimes and their families, I ask you to vote yes with a profound sense of recognition and respect. Tell them that we will give them the right they deserve, namely to have a bill of rights, their very own Canadian Victims Bill of Rights. On behalf of all victims of crime in Canada and their families, honourable senators, thank you.

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

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

[ Senator Boisvenu ]

[English]

### THE ESTIMATES, 2014-15

#### JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 1C OF THE SUPPLEMENTARY ESTIMATES (C)

**Hon. Yonah Martin (Deputy Leader of the Government),**  
pursuant to notice of February 19, 2015, moved:

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 1C of the Supplementary Estimates (C) for the fiscal year ending March 31, 2015; and

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

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

### THE ESTIMATES, 2015-16

#### JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT AUTHORIZED TO STUDY VOTE 1 OF THE MAIN ESTIMATES

**Hon. Yonah Martin (Deputy Leader of the Government),**  
pursuant to notice of February 25, 2015, moved:

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.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

#### NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

**Hon. Yonah Martin (Deputy Leader of the Government),**  
pursuant to notice of February 25, 2015, moved:

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.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## ADJOURNMENT

### MOTION ADOPTED

**Hon. Yonah Martin (Deputy Leader of the Government),** pursuant to notice of February 25, 2015, moved:

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.

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

**Some Hon. Senators:** Agreed.

**An Hon. Senator:** On division.

**The Hon. the Speaker:** Adopted, on division.

(Motion agreed to, on division.)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### ELEVENTH REPORT OF COMMITTEE ADOPTED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Order No. 6:

The Senate proceeded to consideration of the eleventh report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Supplementary Estimates (C) 2014-2015) presented in the Senate on February 24, 2015.

**Hon. George J. Furey** moved the adoption of the report.

He said: Honourable senators, the Senate Supplementary Estimates (C) for 2014-15 have been presented on behalf of the Chair of the Standing Committee on Internal Economy, Budgets and Administration.

• (1500)

The Senate has been operating in a framework of financial constraint for several years. Under the federal government's 2011 Strategic and Operating Review, numerous initiatives were deferred and resources reduced. Furthermore, the Economic Action Plan 2014 will see that budget cost-containment measures continue until the end of 2015-16.

To manage under this continued period of restraint, the Senate has implemented various internal processes to ensure that funds are allocated to the mandatory requirements and highest-priority activities. The current budget of \$91,485,177 is now largely limited to meeting the operational requirements of the organization. The events of October 22 put considerable pressure on the Senate to accelerate and expand several aspects of its security operations. As a first step, the purchase of scanners, firearms and related equipment was approved for the current fiscal year at the Internal Economy Committee meeting of November 20, 2014, and the Senate requested supplementary estimates for these purchases in the amount of \$900,000.

In closing, I wish to take this opportunity to thank my fellow members of the committee and the administration and senators' staff for their work in these complex and challenging times. I ask, honourable senators, that you support the adoption of this report.

**Hon. Joseph A. Day:** Will the honourable senator accept a question?

**Senator Furey:** Yes.

**Senator Day:** Thank you. I see where this particular Order No. 6 says Senate Supplementary Estimates (C). That, I assume, is part of the Supplementary Estimates (C) that are now before the Finance Committee, so, presumably, what is in this report has already been adopted into the supplementary estimates. We've finished studying those supplementary estimates, so I'm just wondering if this report is lagging somewhat. What is going on otherwise?

**Senator Furey:** Thank you, Senator Day. My understanding was that this would be able to be dealt with, and that it would move forward. I don't see a lag there at all.

**Senator Day:** I don't have my Supplementary Estimates (C) with me. My question is, is what is in this report reflected in the Supplementary Estimates (C) that have already been published and are already out there, in which event, why are we moving this motion that has already been adopted in the supplementary estimates?

**Senator Furey:** That's a good question, Senator Day, and I understood that it would be dealt with. So I'll have to check with your Supplementary Estimates (C) and will get back to you. Thank you.

**Hon. Pierrette Ringuette:** Would the honourable senator answer a question in English?

Senator, in the Supplementary Estimates (C), is there any additional cost to the Senate caused by the Auditor General's process right now?

**Senator Furey:** Senator, thank you for the question, but, no, this is strictly to deal with the increased need for security and the updating of security with scanners and arms and the other matters that were discussed at Internal.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

TWELFTH REPORT OF COMMITTEE—  
DEBATE ADJOURNED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Order No. 7:

The Senate proceeded to consideration of the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration (Senate budget for 2015-2016), presented in the Senate on February 25, 2015.

**Hon. George J. Furey** moved adoption of the report.

He said: Again, honourable senators, the Senate's Main Estimates for 2015-16 were presented on behalf of the Chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, and the Senate's Main Estimates for the fiscal year 2015-16 showed that the proposed total budget is \$88,747,958, down from \$91,485,177 from the previous year. This translates into a reduction of the total budget by 2.99 per cent.

The Senate has been reviewing its spending very carefully over the last five years. More specifically, it has participated in a comprehensive Strategic and Operating Review, as did all departments and agencies in 2011-12. A number of initiatives, as well as the purchase of equipment, were deferred until the end of the Strategic and Operating Review exercise in 2014-15. To deal with unfunded requirements that arose over that period, a stringent resource reallocation process was implemented to identify any anticipated surplus, while all requests to access these central funds were reviewed to assess necessity and priority levels.

Senators' offices and the Senate administration were given a mandate to streamline operations and realign activities, and the Senate is continuously striving for greater fiscal responsibility and accountability.

In closing, I want to take this opportunity again to thank my fellow members of the committee, the administration and senators' staff for their work, as well as their assistance in preparing for these presentations.

I ask that colleagues support the adoption of this report.

**The Hon. the Speaker:** Any questions? Senator McCoy.

**Hon. Elaine McCoy:** Will you take a question, senator, or a series of questions?

**Senator Furey:** Yes.

**Senator McCoy:** Thank you. Looking at this detail on the Main Estimates, it would appear that all of the reductions have to do with senators, and all of the increases have to do with administrative staff. So there are a \$3 million reduction for senators' travel, a \$765,000 reduction for senators' office budgets, which has to do with, in my case in particular, research and support, and a \$1.2 million reduction in Senate committee work, which is the lifeblood of the Senate.

On the other hand, we have a \$1.1 million increase for administration and corporate, which presumably covers the extra \$1 million for guns and scanners. There are no other reductions for administrative staff.

Can you give us your justification for weakening the *raison d'être* of this institution, that is, senators, keeping in mind that you say that the purpose for program activities, at least the budgetary portion, is to provide the best possible environment for senators to contribute effectively to federal legislation and public policy? It would seem to me that the emphasis is on staff and their environment and less emphasis is on senatorial contribution.

• (1510)

**Senator Furey:** Thank you, Senator McCoy. I will deal with the three or four points you have raised in the order in which you raised them.

With respect to senators' travel, indeed, there was a decrease of \$3 million, but this was in part due to the number of vacancies we've experienced that have not been filled. It's also partly due to the fact that there has been an actual decrease in the cost of travel because we find that more senators are now using less expensive ways to travel through whatever airlines they are using. There are a number of senators who are using packages, for example, as opposed to single flight costs. Those reductions are in line with a number of different things.

With respect to the reduction of \$765,000 in senators' research and office expense budgets, that does not reflect in any way a reduction in the overall budgets of senators' office expenses. It is a reflection of the utilization rate by all senators of that amount. It looks like a reduction, but it's not in any way, shape or form to be interpreted as a reduction in the amount that every senator receives for office expenses. It's a result of the utilization rate.

With respect to the Senate committee budget, I couldn't agree with you more, Senator McCoy. Committee work is the lifeblood of our institution and we are always very careful when we think about reducing monies that are available to committees. But this particular reduction is based on the historical use of the money that has been set aside for committees and it falls in line with the work that is being done and will not, if we look at historical use, in any way reflect a curtailment of the good work of our committees.

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

**Senator McCoy:** I want to pause and give our colleagues enough opportunity to applaud you.



I have a further question. Regarding the increase to staff, not so long ago I had occasion to pursue with our finance department various suggestions that would make it possible to more effectively exercise my responsibility as a senator to properly account for public funding under my direction. In looking at the information that is provided by Senate Finance, it becomes very clear that much of that information is not immediately of use to me as a senator. There would be some small but meaningful changes that could make it more useful to me and make my job and my responsibilities, therefore, more effective if those changes were made.

On the one hand, Senate Finance agreed with me and on the other hand said, unfortunately, they would be unable to make those changes due to an “antiquated” — my word, not theirs — system or systems that they are saddled with in keeping accounting records, many of which don’t agree immediately and many of which are old-fashioned and don’t meet contemporary needs as well as they would like. Their request for upgrading those systems has been turned down because it would take an investment to upgrade. That was three or four months ago.

My question is this: Has Internal Economy been giving serious attention to investing in the tools that our administrative staff need in order to modernize the Senate, as opposed to simply buying guns?

**Senator Furey:** Thank you, Senator McCoy.

The increase in the Senate administration budget is essentially meant to provide for step and approved economic increases for the Senate administration and the creation of the six-and-one-quarter FTEs that were approved.

With respect to upgrading equipment, we are now into a process, under the very capable chairmanship of Senator Wells, of zero-based budgeting with respect to each department. Each department that is looking for improvement in either equipment or additional personnel will come before the committee to make their case, and we will await the report on whether or not there will be expenditures for those matters.

I agree with you that if we are dealing with processes and equipment that are antiquated, then we obviously need to take a serious look at upgrading, but we will await the report from Senator Wells with respect to how we’re going to deal with that in the future.

Thank you.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Will Senator Furey take another question?

**Senator Furey:** Sure.

**Senator Fraser:** Sorry about this, but it’s so fascinating.

I interpreted your answer to Senator McCoy as suggesting that the economic increases for Senate administration staff that have been approved are known. When will we know about the economic increase for senators’ own staff?

**Senator Furey:** I did not mean to imply that we already know the exact amounts. There’s an allocation made. These are estimates after all. We do not arrive at a number until the unions are finished their negotiations and we have an idea of what other staff are going to be receiving. That number, again, will apply to senators’ staff. An allocation is made for that as well.

**Hon. Joseph A. Day:** Senator Furey, I hope you won’t be offended by my asking these questions. I think it’s important from the point of view of our Committee on National Finance to understand the interplay between the Senate’s request for funds in Supplementary Estimates (C), which we just dealt with. We have the Supplementary Estimates (C) floating around that has been prepared by Treasury Board and now we’re adopting a request by the Senate, which seems to me to be either a little late or will not be reflected in the Supplementary Estimates (C). If it is, then why are we dealing with this?

I’m concerned that you’re asking us to vote on a budget that I haven’t seen. I stepped out for the three minutes yesterday, but I haven’t seen any budget that will be reflected in the Main Estimates for next year which were referred to our committee today. We just dealt with the Main Estimates. We don’t have them yet, but they’ve been referred to our committee. We’ll have to check the Main Estimates to see if the estimates that have been requested by the Senate Internal Economy are reflected in the budget that you’ve just presented. We’ll have to do a comparison here.

I would be inclined to ask you not to move the adoption of this report until we have had a chance to at least see the budget and compare it to the Main Estimates.

**Senator Furey:** Thank you, Senator Day. I take absolutely no offence to any questions about any work that I do here. It’s not personal. If people are looking for information, the more information we have and the more information we can share with each other, the better-informed decisions we can all make. So please, ask away.

As I indicated with respect to the first report that we accepted, I will endeavour to get you the information and we can discuss the Supplementary Estimates (C), and we can check how it corresponds with your committee.

If you want to take some time and have a more in-depth or closer analysis and review of the Main Estimates, I have no problem with that. I don’t own this. It’s just being presented for information and for discussion and, if people want more time to look at it, I’m more than happy to allow for it.

• (1520)

**Hon. Pierrette Ringuette:** Honourable senators, I have a short question.

**The Hon. the Speaker:** Are five minutes granted to Senator Furey, honourable senators?

**Hon. Senators:** Agreed.

**Senator Ringuette:** This deals with the budget for 2015-16. Legally we'll have an election on or about October 19. We have to presume that the Senate will not be sitting in September, October and maybe November. Has all of this been taken into consideration regarding the budget?

**Senator Furey:** Senator Ringuette, that's a very good question. Yes, it has been considered. There is always some risk management with this type of thing because, as you know, an election can be called at any time. In an election year, we certainly take that into account because sometime between now and 2016, we will have an election.

**Senator Day:** Honourable senators, part of the problem is that a number of us hadn't seen the Supplementary Estimates (C) and the Main Estimates for next year. They were tabled, but apparently the new process at the table is to not distribute them. Perhaps for things like budgets, surely we could go back to the old rule and distribute those documents to everybody so we have them in front of us. It was only yesterday that they were tabled.

**Senator Furey:** Senator Day, I will be more than happy to ensure that's done. If you would like to move the adjournment of the debate so that we as a group can have time to bore into and feel more informed about the decision we're going to make, I would be more than happy to agree with your request for a postponement.

**The Hon. the Speaker:** For the information of all honourable senators, yesterday's *Journals of the Senate* contain all of those numbers. I don't want to get into the debate, but I think you have the answers.

**Senator Day:** Could we have clarification with respect to the *Journals of the Senate*? I was thinking they were in the Order Paper and I was looking under Notices but didn't see them. Are the *Journals of the Senate* made available to those of us here or to those of us who sit in our offices and follow proceedings on a computer?

**The Hon. the Speaker:** There are two ways to get them. First, you may receive Orders of the Day if you make a request. The *Journals of the Senate* contain everything that was presented yesterday. You may access them in hard copy, which you can receive at your desk, or on the Internet at IntraSen. We have cut back on our use of paper so they are not delivered as they used to be. I understand the question answered by Senator Furey. The information will be available for everybody.

(On motion of Senator Day, debate adjourned.)

[Translation]

## CORRECTIONS AND CONDITIONAL RELEASE ACT

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

**Hon. Pierre-Hugues Boisvenu** moved the third reading of Bill C-479, An Act to amend the Corrections and Conditional Release Act (fairness for victims).

He said: Honourable senators, today I rise at third reading stage of Bill C-479, which seeks to amend the Corrections and Conditional Release Act.

I want to begin by thanking all the members of the committee who did exceptional work on this bill, and all the witnesses who came and shared with us their experience with the Parole Board of Canada.

[English]

But first of all, I would like to highlight the important contribution of victims who came to deliver such sensitive testimonies in our committee. Here are some of their words: "Finally we will have information for our protection"; "Victims were always left out of the process"; and "Thanks to all of you, now we feel we have a role in the proceedings."

[Translation]

Thanks to the will and determination of these victims, the objective of Bill C-479 is being realized. I am also proud to say that this bill will make it possible to continue the excellent work that has been done by the ministers and our government since 2006, by recognizing fundamental rights for victims of crime.

There are two key components to Bill C-479, which deals with fairness for victims of violent crimes.

The first focuses on strengthening the voice of victims of violent crime and providing additional support to victims in the parole process.

The second seeks to modify parole and detention review dates, giving the Parole Board of Canada the option of increasing the interval between parole hearings for violent offenders.

Honourable senators, I remind you that this bill will apply primarily and solely to violent offenders.

The bill will extend the mandatory review period for parole. In other words, if an offender convicted of a serious violent offence is denied parole, the Parole Board of Canada will have to review the offender's file within a maximum of five years instead of two years, as was the case before.

If the Parole Board cancels or terminates parole for an offender who is serving at least two years for an offence involving violence, the Board's review period would be changed to a maximum of four years.

[English]

The Parole Board of Canada should be more sensitive to the needs of victims of crime and their families so they can attend the hearings and witness the proceedings.

[Translation]

It should also seriously consider the statements given by victims and the victim's loved ones.

If requested, the Board would be required to provide the victim information on the offender's parole, statutory release or temporary absences, as well as the offender's correctional plan, including information regarding the offender's progress towards meeting the objectives in this plan.

Honourable senators, these are all the reasons why I did not hesitate to sponsor Bill C-479, An Act to Bring Fairness for the Victims of Violent Offenders. This measure will give the Parole Board of Canada the tools it needs to better serve victims, their families and all Canadians.

(On motion of Senator Baker, debate adjourned.)

• (1530)

[English]

### CANADA PENSION PLAN OLD AGE SECURITY ACT

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

**Hon. John D. Wallace** moved second reading of Bill C-591, An Act to amend the Canada Pension Plan and the Old Age Security Act (pension and benefits).

He said: Honourable senators, your federal government believes in a criminal justice system that places the rights of victims before the rights of criminals and is one that is firmly based on long-standing principles of law.

One such common-law principle, known as *ex turpi causa*, states that an individual should not benefit from his or her crime. Bill C-591 that is before you today proposes to amend both the Canada Pension Plan and the Old Age Security Act to officially align them with that particular principle of law. Specifically, Bill C-591 would deny survivor benefits to any individual convicted of murder, whether it is first or second degree, or anyone convicted of the manslaughter of a parent, spouse or partner.

Honourable senators, that is a fair, reasonable and just outcome, given that someone who has committed such an atrocious crime should not be able, as a consequence, to receive financial benefit from the Government of Canada.

In practice, payments of survivor benefits in these circumstances are not presently permitted by the government. When the government becomes aware that someone convicted of murdering a parent, spouse or partner is collecting their survivor benefits, those benefits cease. Bill C-591 would enshrine this practice in law, and it would also deny survivor benefits to those convicted of manslaughter.

As some of you may be aware, the inclusion of manslaughter in the provisions of Bill C-591 occurred after the bill received second reading in the house. A charge of manslaughter can apply to a broad spectrum of moral culpability. However, unlike murder, it is considered unintended homicide, although there may have been intent to cause physical harm.

Rare and exceptional circumstances do occur in which an individual is convicted of manslaughter but receives a suspended sentence. The imposition of a suspended sentence usually indicates that the court does not consider the convicted person to be a danger to society. In such cases, which I reiterate are rare, Bill C-591 would allow that individual to receive survivor benefits.

An example of such a rare and exceptional circumstance could arise in the case of an individual who has endured a long history of violent abuse and is convicted of killing their abuser.

Honourable senators, in a just society, denying the payment of Canada Pension Plan and Old Age Security survivor benefits to convicted criminals, in these circumstances, is the right thing to do.

Bill C-591 would take the right thing to do and grant it full legal authority by codifying in the Canada Pension Plan and the Old Age Security Act the common-law principle that criminals should not benefit from their crimes.

Honourable senators, I will now outline for you the actual survivor benefits that Bill C-591 would apply to. There are four.

First is the survivor's pension, which is a monthly pension paid to a surviving spouse or common-law partner of a deceased Canada Pension Plan contributor. Second is the orphan's benefit under the Canada Pension Plan, which is a monthly benefit paid to dependent children of deceased contributors. Third is the death benefit under the Canada Pension Plan, which is a one-time lump sum payment of up to \$2,500 that is usually made to the estate of a deceased contributor. Fourth is the Old Age Security Act Allowance for the Survivor, which is a monthly benefit for low-income survivors aged 60 to 64 who satisfy the residence requirements and have not entered into a new relationship since the death of their partner.

These particular survivor benefits, among others, are paid to a large number of Canadians each year. For example, in 2014, the Canada Pension Plan and Old Age Security each had more than 5 million beneficiaries. The number of individuals, however, who would be denied survivor benefits under the provisions of Bill C-591, that is, those who have committed the most violent of crimes against their parents, spouse or partner, would be very low. Of course, that is because the occurrence of homicides within Canadian families is rare.

Based upon the information available, it is anticipated that Bill C-591 would affect approximately 30 convicted criminals each year. On a go-forward basis, the government should continue to work closely with victims' rights organizations in order to facilitate the reporting of any cases in which individuals convicted of murder or manslaughter may be receiving survivor benefits as a consequence of their crime.

Bill C-591 would become effective immediately upon its enactment, and furthermore, it would also apply retroactively. If the government becomes aware of a convicted criminal who has

been receiving survivor benefits in error, appropriate action would be taken to recover those survivor benefits paid since the date of the homicide.

Honourable senators, Bill C-591 would greatly assist in ensuring that criminals do not benefit financially from their crimes. It would also enhance and support the principles of accountability and transparency in cases that involve the receipt of ineligible survivor benefits.

Additionally, Bill C-591 supports victims of crime and their families, and the commitment of your federal government to continue to strengthen Canada's criminal justice system. Honourable senators, I respectfully request your support for Bill C-591.

(On motion of Senator Fraser, debate adjourned.)

## FISHERIES AND OCEANS

### BUDGET—STUDY ON THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY— EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of the Standing Senate Committee on Fisheries and Oceans (supplementary budget—study on the regulation of aquaculture, current challenges and future prospects for the industry in Canada), presented in the Senate on February 19, 2015.

**Hon. Fabian Manning** moved the adoption of the report.

He said: Honourable senators, no debate.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Given that I was so confused the last time Senator Manning tried to explain this report, I wonder if he would be gracious enough to repeat his explanation.

**Senator Manning:** Thank you, Senator Fraser, and join the list of those who are confused.

Basically the report is submitted in relation to my travelling to the International Boston Seafood Show in March as a part of our study into aquaculture and the fishing sector in general. It's been recommended by many people in the industry. I have never had the opportunity to be there before, and it's been suggested that it would be a great learning experience and a great networking opportunity and would add much to the report that we're doing.

So I hope to be able to bring back a report to my colleagues on the Fisheries Committee as we continue on with our aquaculture study, which we hope to be able to present here to the Senate in June.

**Senator Fraser:** My acquaintance with Fisheries Committee is slight and sporadic, but I seem to recall that there is a yearly conference in Boston to which we normally send at least one senator. Is this that conference? We used to send someone? We don't anymore?

**Senator Manning:** Thank you, Senator Fraser. I may not be helping erase some of the confusion. I'm not sure if the interpreters get everything I say here, but yes, you are correct. This is a world-renowned international seafood show in Boston. My understanding is that several former members of the Fisheries Committee and especially the chairs on the Fisheries Committee have travelled there before, from both sides of the Senate. Again, it's in discussions with some of those people that I have been encouraged to go there. I have never had the opportunity to be there before. I've had the privilege of serving as the Chair of the Fisheries Committee for a number of years now. I certainly hope that it's a learning experience for me and that I will gain some knowledge not only of aquaculture but of the global fishing economy in general. I think this is where we need to be. You are correct. That is the international report they're talking about.

• (1540)

**Hon. Jim Munson:** Would you accept one more question?

**Senator Manning:** Yes.

**Senator Munson:** If you find good and innovative things on your trip this time, would you consider taking the deputy chair the next time?

**Senator Manning:** Honourable senators, I would consider taking the deputy chair anytime. She's more than welcome to travel with me at any time. She's always a pleasure to be with, and her company is excellent. Some members of the committee on our side, especially the whip, may not be so gracious in receiving the invitation from me at the present time. Thank you.

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

**Some Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## NATIONAL SECURITY AND DEFENCE

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON SECURITY THREATS—ELEVENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on National Security and Defence (budget—study on Security threats facing Canada—power to hire staff and to travel), presented in the Senate on February 24, 2015.

**Hon. Daniel Lang** moved the adoption of the report.

He said: Honourable senators, this is a financial request for a fact-finding mission to Toronto in March of 2015. The amount of money being asked for is \$24,380, and the purpose of the fact-finding visit is to meet with key stakeholders on our current study of terrorist threats to Canada. That would include the Integrated National Security Enforcement Team in Toronto, as well as Peel regional office, representatives from CSIS, the RCMP and community members in the Greater Toronto Area to get a better understanding of the issues and challenges that they face day to day.

We also hope to meet with representatives of the provincial government if time permits. It will take approximately two days, and I think it's going to be a very worthwhile visit in view of the threats that Canada faces today.

**Hon. Mobina S. B. Jaffer:** May I ask a question?

**Senator Lang:** Yes.

**Senator Jaffer:** Senator Lang, since Toronto has a very large community, I'm wondering if you're going to be meeting with any community members as well.

**Senator Lang:** Yes. We're just in the process of putting together a schedule, and it is my hope that we would be meeting with community members as well. I should have mentioned that in my description of exactly what we are intending to do.

**Senator Jaffer:** May I ask if you have considered what communities you will be meeting with and in which different parts? Toronto is such a large city with many different communities.

**Senator Lang:** Colleagues, I have to admit I'm not that familiar with Toronto myself, in view of where I come from.

We are in the process of speaking with individuals who are giving us recommendations in respect to how we could put a schedule together and make the best use of the time that we have. As I said earlier, we are intending to meet with all aspects of the community — again, within the time frame we have.

**Hon. Jim Munson:** Very briefly, will you be visiting the Muslim community of Toronto?

**Senator Lang:** Yes, the Muslim community, obviously, and the various authorities and what I outlined earlier.

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

**An Hon. Senator:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

## TRINITY WESTERN UNIVERSITY

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Plett, calling the attention of the Senate to the decisions made by certain provinces' law societies to deny accreditation to Trinity Western University's proposed new law school.

**Hon. Norman E. Doyle:** Honourable senators, I want to say a few words on the inquiry introduced by Senator Plett with respect to Trinity Western University. I want to congratulate him, first of all, for his good work. The inquiry is a good one. It draws attention to some of the various law societies across Canada who would deny accreditation to Trinity Western University's proposed new law school.

I know Senator Baker will want to speak on this, given his interest in the law and law societies in our country. I think it's important to discuss the issue and to talk about the university itself and what we know about Trinity Western University.

Given the name, we know it's a Christian university. We know as well, from the wording in the inquiry, that the university's plan to establish a law school has met with a few roadblocks because of the institution's religious orientation. To be clear, the university requires students who wish to be part of the student body to sign the covenant or an agreement that bars sexual intimacy other than within the confines of a traditional marriage. According to Trinity Western University, everything outside of that would be forbidden.

Obviously such a covenant would not allow students to be part of a common-law relationship either if they are to be part of the student body. Trinity Western University maintains that to have such a moral code is their right, and I would agree.

Because of Trinity Western University's moral code, a number of provincial law societies in Canada have gone on record as saying they will not recognize the credentials of any graduate coming out of Trinity Western University's law school. That's very serious.

There's been a small change, which hopefully will lead to a greater change, Your Honour, in how the law society in Nova Scotia will view their previous position. The Supreme Court of Nova Scotia, just a few weeks ago, ruled that any proposed ban on Trinity Western University law graduates by the provincial law society is unconstitutional and, as a result, illegal.

The Nova Scotia Supreme Court stated:

For better or for worse, tolerance of divergent beliefs is a hallmark of a democratic society.

It's disappointing that it was the legal profession that had to be reminded by the court that it has a duty to respect our country's Charter of Rights and Freedoms. It appears that the legal profession in Nova Scotia was, on this issue, woefully misinformed of what the Charter said and allowed, and too bad if it was, because it's a serious issue for a number of reasons.

First of all, we're told by the courts that to deny Trinity Western University the right to establish its own law school is a violation of the Charter. Second, I'm told it's a violation of democratic principles. Third, I'm told by very learned people, although not my friend from Gander, that it's a violation of the freedom of religion.

• (1550)

These same learned people I talked with also make the point that whenever we see such important principles as freedom of religion, freedom of speech, freedom of assembly and freedom of the people to teach their children in their own faith, beliefs — whenever that's threatened even in a minute way — then we should pause, reflect, wonder and analyze what motives lie behind these disturbing views.

I'm not going to speculate because speculation is a waste of time. However, it should be noted, colleagues, in a country that prides itself on its many freedoms, including the freedom of religion, doesn't it seem that the stated position of certain law societies amounts to political correctness run amok? After all, the law program curriculum at Trinity Western University would be the same as in the other law schools, and graduates from Trinity Western University law school would be operating in the same court system and be subject to the same rules as all the other lawyers in the country.

The only difference in graduates from Trinity would be the fact that their previous campus life would have been governed by the aforementioned personal code of conduct. Given the recent well-publicized incidents of misogynous conduct on the part of many groups of male university students, I cannot see how such a personal code of conduct should be frowned upon or banned by society at large.

Now it would be a whole different story if Trinity Western University was the only law school in the country. If it was the only game in town, then requiring students to live by an essentially Christian moral code of conduct would be an unfair imposition on students who were of a different religion or of no religion at all.

However, Canada has plenty of law schools, and a student doesn't have to attend Trinity Western University if he or she doesn't wish to abide by its code of personal conduct. Nobody is being forced to attend Trinity Western University against their

will. Attendance at such a university is entirely voluntary, and I fully appreciate that it may not appeal to the majority of aspiring lawyers. But just because something does not have a majority appeal doesn't make it wrong in and of itself.

I am pleased, as we should all be, that the Supreme Court of Nova Scotia made that point. However, we should all remember that other courts will also have their chance to make their views known as well.

Honourable senators, I have a bit of personal experience in dealing with this type of political correctness in my previous incarnation as a Member of Parliament for St. John's East. Back when I was a student in the province of Newfoundland and Labrador, which is light years gone, we had a denominational education system in Newfoundland. That system developed before we entered Confederation and was included in our 1949 Terms of Union with Canada. It was a peaceful way of dealing with the sometimes problematic sectarian tensions that we had inherited from our ancestors in the British Isles. We had a common academic curriculum, but that curriculum was delivered in a denominational context by the various Christian faith groups. Math was still math, English was English, but the school as an institution operated under a moral code appropriate to the religion in question.

The premier of the day brought in a constitutional amendment to eliminate the denominational system, and the amendment passed the provincial House of Assembly unanimously. When the amendment came to Parliament, I was the only MP from my province who voted against it. True, there had been a referendum in which a majority had voted to eliminate the system, but I felt an obligation to speak up for those who were being disenfranchised. Granted they were a minority, but a minority who had rights.

However, I was shocked at the anger aimed at me personally for speaking up in the House of Commons on behalf of those whose did not want to have their constitutional right to denominational education extinguished. As was my right, I spoke up for the minority, and as was their right, the majority nailed me to the wall.

The point I was making was that minorities in Canada have constitutional rights to protect them from the tyranny of the majority. There may have been a time when people living by a certain moral or religious standard were in the majority, but in today's largely secular Canada, that is no longer the case. However, if we truly have freedom of religion in this country, people who wish to live by these standards should, and do, have the right to do so. At least one court, the Supreme Court of Nova Scotia, said that they do.

If someone attending a mainstream law school wants to personally live by such a code while he or she is going to school, no people or court can deprive them of that right. When a group of people collectively adhering to those standards of conduct want to attend the law school with these same standards, why should they not be allowed to do so? If the curriculum is the

same, why should their law degree not be equal to the other law degree? After all, once such students graduate, they practise under the same laws and under the same Constitution as do all lawyers in the country.

Trinity Western University is not some fly-by-night, half-qualified institution. It is apparently one of the best universities in Canada. Why do I say that? I can only tell you what I read. *The Globe and Mail* rated Trinity Western University with an A plus in its annual survey of higher education every year since 2005. It is accredited by the Association of Universities and Colleges of Canada. It is recognized by the United States Department of Education.

Trinity Western University enrolls 3,500 students. It has a broad-based liberal arts, science and professional studies curriculum offering 45 undergraduate majors and 17 graduate and postgraduate programs.

Trinity Western University has a student-to-faculty ratio of 16:1 and an average overall class size of 15.

Trinity Western University is a member of the Royal Society of Canada, and did you know that Trinity Western University probably has the highest tuition rate of any university in Canada at \$22,260 a year?

The students are from all 10 provinces, 37 U.S. states, 33 foreign countries, and the student body is 72 per cent Canadian, 12 per cent American and 13 per cent foreign.

I don't know if this is significant, but I read that Trinity Western University employs a faculty of 250 professors, over 85 per cent of whom have a doctorate degree, so it's quite an institution.

In closing, honourable senators, in Canada we have freedom of religion and we also have freedom from religion. In other words, we're allowed to practise the religion of our birth or our choice, and we're allowed to have no religion at all.

Recently, we saw a story on the news about a blogger in Saudi Arabia who was sentenced to jail and 1,000 lashes for not adhering to certain religious standards. In many places on Earth, not only must you belong to a certain religion, it's against the law to speak against that religion or even quietly abstain from practising that religion. Not being a part of the mainstream religion in such countries can cost you your liberty and even your life. By Canadian standards, this is religious tyranny and would not be allowed in a country such as ours.

• (1600)

In closing, we would do well to be careful about falling under the influence of other tyrannies, including secular tyrannies, which can and does happen when political correctness runs amok.

(On motion of Senator Martin, for Senator Runciman, debate adjourned.)

[Translation]

## ROYAL ASSENT

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

Rideau Hall

February 26, 2015

Mr. Speaker,

I have the honour to inform you that Ms. Patricia Jaton, Deputy Secretary to the Governor General, in her capacity as Deputy of the Governor General, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 26th day of February, 2015, at 3:20 p.m.

Yours sincerely,

Stephen Wallace  
*Secretary to the Governor General*

The Honourable  
The Speaker of the Senate  
Ottawa

Bills assented to on February 26, 2015:

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 (*Bill C-47, Chapter 3, 2015*)

An Act respecting Canada's offshore oil and gas operations enacting the Nuclear Liability and Compensation Act, repealing the Nuclear Liability Act and making consequential amendments to other Acts (*Bill C-22, Chapter 4, 2015*)

[English]

## RWANDA CENTRAL AFRICAN REPUBLIC

### INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the clear and present links between the genocide in Rwanda and the crisis in the Central African Republic today.

**Hon. Mobina S.B. Jaffer:** Honourable senators, today more than 850,000 people in the Central African Republic are displaced. Today, nearly 1 million people of the Central African

Republic have fled their homes, either remaining in their country under unimaginable circumstances or fleeing to neighbouring countries and living under equally painful conditions. Women, children, girls, boys and fathers are searching for peace in their country, and it is only with international help that they will finally find it.

Ache, a 16-year-old girl from Darfur, Sudan, has already overcome many obstacles in her life. She finished elementary school in the Central African Republic this past August, but violence has come knocking at her door once more. She is now asking, "With our lives in danger, how will I keep studying?"

Ache was nine years old when she started hearing explosions in her backyard in Darfur. Honourable senators, I know what she means about the explosions, because at the time that she was in Darfur, I spent many, many days in Darfur. The difference was that I was under UN protection and she was alone.

Ache continues to say that the soldiers were coming so fast at her home in Darfur, that her family did not have the chance to take anything with them. They walked for five days to the northeastern corner of the Central African Republic. Ache married when she was 15 years old. With the help of international organizations, her family became self-reliant, farming and rearing cattle. She was able to continue school, but war has followed Ache and she fears for her life once more.

Honourable senators, the United Nations says that this is a humanitarian crisis among the world's worst. Despite the dire and pressing situation in the Central African Republic, it risks being overshadowed if support is not provided immediately.

I rise before you today in this chamber with hopes that my words will resonate with you and the people you represent. I hope that this forum, on the national stage in front of Canada's leaders, will be enough to convince you that we are not doing our part in safeguarding the human rights and the humanitarian needs of those most in need of them. Honourable senators, I believe this is a responsibility that as Canadians we have historically and rightfully taken upon ourselves to fulfill.

The history of the conflict: The Central African Republic is a small, landlocked country almost precisely in the middle of the African continent. Gaining independence in 1960, it is a new country with many ethnic groups and religions making up its cultural background. With 5.2 million people, the life expectancy at birth is only 51 years, but today it is the violence and instability caused by civil war since 2012 that I would like to bring to your attention.

After the elections in 2012 that were believed to be fraudulent, a rebel union known as the Séléka began to capture towns in response to their dissatisfaction with the government. The rebels finally arrived at the capital, Bangui and ousted the government and the president, who was later indicted for crimes against humanity. This *coup d'état* was only successful through kidnappings, murders and attacks on innocent civilians.

Since the transitional government came to power in March 2013, the violence has continued. Humanitarian groups are continuously finding bodies in the streets. Killings continue in the capital and security has worsened around the entire country. The Séléka deliberately and systemically killed civilians, looted and destroyed thousands of homes, and burned villages. Further violence between the Séléka and the old regime supporters, as well as the violence between Séléka factions, have resulted in a war that is pitting religions and ethnicities against each other.

The Lord's Resistance Army is now operating in many regions of the Central African Republic. As you are aware, honourable senators, the Lord's Resistance Army has done tremendous damage in northern Uganda, killing many women and children.

In the Central African Republic, the Lord's Resistance Army is forcing children into fighting. Not only are they being forced into fighting, they're also being made sex slaves. More than 10,000 children in the Central African Republic have been recruited by armed groups. Between the Muslim rebels toppling the government and the Christian militias retaliating, children are going missing amid the violence — an entire generation is disappearing.

Stories of girls as young as 10, 12 and 14 are emerging. They are held as cooks and maids, but also as sex slaves who often become pregnant. These girls do not have a home to go back to, on the off chance that UNICEF negotiates their release. Their families have fled and contacting them is impossible.

• (1610)

The international response and the United Nations: International response to the deteriorating humanitarian crisis in the Central African Republic has not been adequate. The French government, which has been sending troops and resources to help African troops attempt to protect the civilian populations, repeatedly called out to the international community that without more help, the situation would stay on the route to destabilize the entire region, threatening international peace and security.

With a series of resolutions, the UN Security Council described the security situation in the Central African Republic as, and I quote:

... a total breakdown in law and order [with] widespread human rights violations and abuses, notably by Séléka elements, including those involving extrajudicial killings, forced disappearances, arbitrary arrests and detention, torture, sexual violence against women and children, rape, recruitment and use of women and children and attacks against civilians.

The Security Council mandated a peacekeeping force of 12,000 blue helmets to the Central African Republic, but unofficial warnings of genocide had already started.



By December 2013, the Security Council adopted a resolution under Chapter 7 of the UN Charter, which means that it had to turn to the use of force in order to implement security measures destined to restore peace and security.

A series of sanctions was put in place, and importantly all member states of the United Nations were called upon to respond to the humanitarian appeals of the UN and other organizations in order to meet the spiralling needs of people inside the Central African Republic and refugees who have fled to neighbouring countries.

Unfortunately, the reports of these efforts show a bleak picture. Violence continues to escalate, and armed security operations are still needed on the ground. The current European Union force and UN peacekeeping force is not enough.

The current humanitarian situation: Amnesty International has declared that Christian militias have committed ethnic cleansing against Muslim populations in the Central African Republic. The result has been, in the words of Amnesty International, "... a Muslim exodus of historic proportions."

Sporadic killings around the country have developed into systemic murders of civilians. There is no way to hide because the motives of the perpetrators cover every religion and ethnicity. The number of displaced people this year is half a million more than in 2013. Two years of chaos has affected the entire country, including children who cannot go to school because the education system is in a state of crisis.

The last official number we have is 5,186. That is 5,186 deaths since 2013.

[Translation]

This year, your government allocated \$5 million to humanitarian projects in the Central African Republic. I am very pleased that UNICEF, the World Food Programme and Save the Children are being given these funds, which are necessary to provide humanitarian aid, food, drugs and shelter to those who need it most. However, humanitarian aid remains a priority, and this is an area where our country could have a major positive impact.

[English]

Honourable senators, you remember Senator Dallaire's pleas in this house for Canadian involvement in the Central African Republic crisis and his call for this inquiry. I want to thank him for initiating this inquiry. What Senator Dallaire explained to us is increasingly relevant today, as the violence in the Central African Republic is not nearing any end.

The UN spokesman has said that mobilizing troops for this peacekeeping mission is taking months. They are knocking on doors to gather troops, equipment and helicopters. Canada, unfortunately, has not answered the call.

Canada is placed in an ideal situation to play a strong and fundamental role in a peacekeeping mission to the Central African Republic. With the necessary language and cultural skills, a fellow Francophonie nation and highly regarded in terms of peacekeeping experience and skill, Canada should be playing a leading role in stabilizing the region. A non-colonizing nation such as Canada is not just welcome in peacekeeping coalitions in the region, but sought after.

We talk a lot about money, but when will we admit that humanity and our neighbour's lives do not have a dollar value? When will we remember that as Canadians we believe in the basic inalienable human rights and the need to protect them?

Canada has been an integral part in building a new system of international peace and security since the end of the Second World War. Our Armed Forces are specifically trained and designed for missions like the one needed in the Central African Republic.

And yet our country has refused to take part in the current missions. We have refused our internationally recognized military skills and resources that would be integral in building the foundations of an effective security mission, one that the Central African Republic and the surrounding regions could trust.

There are many examples of international treaties and laws that as Canadians we have not only voluntarily agreed to follow, but that we have helped to write. I would like to share with you one example, which is the General Assembly resolution from the 2005 World Summit, and I quote:

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means . . . to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council . . . on a case-by-case basis . . . should peaceful means be inadequate and national authorities are manifestly failing to protect their populations . . .

Honourable senators, timely and decisive action is needed to establish peace and security in the Central African Republic. How many more need to perish before we decide enough is enough? How many more need to perish before we follow our international obligations?

Let me remind you it was Canada's Lester B. Pearson, then Minister of External Affairs, who led the initiative for the first-ever UN peacekeeping force. It was the first mission to use military personnel to create a buffer zone between belligerents and to supervise the withdrawal of forces. This was, of course, UNEF 1, the first United Nations Emergency Force deployed to secure a peaceful end to the Suez Crisis in 1956.

Lester Pearson is known as the father of modern UN peacekeeping. He argued to the General Assembly that "... a truly international peace and police force ... large enough to keep those borders at peace while a political settlement is being worked out" was the only foreseeable safe way out.

Honourable senators, the first-ever UN peacekeeping mission was led by the first commanding officer, General Tommy Burns, a Canadian. The next year, Lester Pearson won the Nobel Peace Prize.

I, of course, do not need to tell anyone here why peace matters in Africa. You all know too well, as history has shown us before, let us not allow history to repeat itself.

Honourable senators, I would like to end by sharing a story with you of Didiatou Hassam, who was a new mother. This past May she was part of a convoy transporting hundreds of Muslim families away from the ethnic violence in the country. Didiatou Hassam was on her way to safety. She had just finished breastfeeding her baby when she was shot in the head.

It was too dangerous to stop, so Didiatou Hassam's body lay in the truck for six hours until the convoy could stop for the night. She was buried with others whose lives were also taken during the ambush. Honourable senators, international peace —

**The Hon. the Speaker *pro tempore*:** Senator Jaffer, your time is up. Will the chamber grant Senator Jaffer five more minutes?

**Hon. Senators:** Agreed.

**Senator Jaffer:** Honourable senators, international peace and security depend on the cooperation and will of all countries who are equipped, big or small. Today, international peace and security is depending on many of us Canadians.

In closing, honourable senators, I ask you to consider the cries for help of the women and children of the Central African Republic. They need us to be with them today. We are a Francophonie country. They are a Francophonie country. Their cries of help should not be unheeded.

Thank you.

• (1620)

**The Hon. the Speaker *pro tempore*:** Honourable senators, if no other senators want to speak on it, this inquiry will be considered debated.

(Debate concluded.)

## THE SENATE

### ROLE IN PARLIAMENTARY DIPLOMACY—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin, calling the attention of the Senate to its role in parliamentary diplomacy.

**Hon. Yonah Martin:** Honourable senators, I move the adjournment in my name.

(On motion of Senator Martin, debate adjourned.)

## SENATE REFORM

### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mercer, calling the attention of the Senate to Senate Reform and how the Senate and its Senators can achieve reforms and improve the function of the Senate by examining the role of Senators in their Regions.

**Hon. Elizabeth Hubley:** Honourable senators, I move adjournment in my name.

(On motion of Senator Hubley, debate adjourned.)

(The Senate adjourned until Tuesday, March 10, 2015, at 2 p.m.)

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