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(HANSARD)

Tuesday, March 31, 2015

The Honourable LEO HOUSAKOS
Speaker pro tempore

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

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THE SENATE

Tuesday, March 31, 2015

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

Prayers.

[*Translation*]

SENATORS' STATEMENTS

BARBADOS

Hon. Percy Mockler: Honourable senators, I would like to address some of the opinions I have heard about transparency and accountability, which, in my view, do not reflect reality.

[*English*]

I rise today to draw your attention to the Canada-Barbados trade relationship that is so critical to the economic development of Canada and Canadians.

Recently I visited the incredible island for the first time. This enchanting land, with its pristine beaches and highly educated citizens, is the model of transparency and efficiency.

I have read a statement made in this chamber in February by our esteemed colleague, Senator Hervieux-Payette, wherein she spoke of tax havens and countries of convenience that have no transparency, such as Barbados or the Turks and Caicos. I do not know that much about the Turks and Caicos, but I did not find Barbados to be a country with no transparency. I want to share with you a few items.

Quite the contrary, Barbados is Canada's third choice for foreign direct investment after the United States and Europe. While there, I also found out that each year many billions of dollars coming from Canadians flow through Barbados to enable our manufacturing, mining, financial institutions and other trading companies to conduct trade around the globe. Yes, honourable senators, Barbados is an icon among global international financial centres.

Other facts: Barbados is ranked by the World Economic Forum's Global Competitiveness Report 2013-14 as having the third most stable banking system in the western hemisphere. Also, Barbados has undergone three successful financial sector assessments by the World Bank and the International Monetary Fund. Over and above that, Barbados has also ensured compliance with the Foreign Account Tax Compliance Act, FATCA. The international business customer charter details the commitments of regulatory agencies to provide swift, efficient and professional services to the international business sector.

Honourable senators, I've also enjoyed meeting and talking with people who have a high quality of health care and education. Barbados was also ranked fifty-ninth in the world in the UN Human Development Index in July 2014.

In conclusion, let me leave you with a recent economic piece about Barbados. One of the attractive features of Barbados business landscape is:

... its enabling climate. Barbados offers a well-regulated, transparent and supportive environment for business. Competition is enhanced by transparent policies and effective laws.

Colleagues, Barbados is a great friend of Canada and a wonderful place to visit. Yes, I believe we must continue — Canada must continue — to foster free trade agreements and share our best professional management skills for enhancing transparency and effective policies with our partners in the world.

INTERNATIONAL TRANSGENDER DAY OF VISIBILITY

Hon. Mobina S. B. Jaffer: Honourable senators, March 31 marks the International Transgender Day of Visibility. Rachel Crandall, a transgender activist, founded this day in 2009.

Transgender Day of Visibility is a day to show your support for the trans community. It aims to bring attention to the accomplishments of trans people around the globe by fighting sexism and transphobia by knowledge of the trans community.

Why is this day important for the trans community and us? With more visibility comes more understanding of their reality. Let me share with you a few statistics, according to Trans Student Educational Resources: 80 per cent of trans students felt unsafe at school because of their gender expression; 40 per cent of trans people have attempted suicide; and 58.7 per cent of gender non-conforming students experienced verbal harassment in the past year because of their gender expression, compared to 29 per cent of their peers.

On this day I would like to share with you personal stories of trans people living with this reality. I quote Naomi, who says:

One does not come hastily to the decision to transition. A great deal of forethought occurs and those that do, who want to live as their "authentic selves," are the bravest men and women I know.

I emotionally supported my child with this transition. I love him with all my heart and I am well aware the suicide rate for transgender individuals is 54 per cent. I would rather have a transgender child than a dead one!

Although he may not appear as he once did, he is still the same sweet, caring, loving, thoughtful, intelligent person he was when he was my daughter. Only the packaging is different.

He went to university, is working and is a taxpayer and he should have the same rights as the rest of Canadians do. There is enough fear-mongering occurring in this world against transgender men and women and for them not to be protected by the laws of the free land is abhorrent.

The term “human rights” applies to all people and should apply to all genders. If not, our national anthem is meaningless. How can we expect citizens to stand on guard for thee if our country will not stand on guard for all of us?

From a proud parent of an almost 30-year-old son.

Honourable senators, I now would like to share with you the story of Julie. This letter echoes the feelings of her son.

He is still transitioning from female to male and I fear for his safety every day both from external threats of antagonistic individuals who refuse to see him as a person and the internal threat of self destruction from not fitting into a traditional gender role.

Do I not as a Canadian citizen have the same right to expect my government to protect my family and their human dignity; their sense of belonging and being valued in Canadian society? I want my son to be free from fear of attack for being himself. I want to feel some pride in Canada’s commitment to human rights and calling myself Canadian.

On this day, honourable senators, I wanted to share the real stories to raise awareness of the daily struggles trans people have to go through. Thank you.

CANADIAN FILM INDUSTRY

Hon. Victor Oh: Honourable senators, I rise today to acknowledge the contribution that Canadians make to the movie industry and our creative economy.

At this year’s Oscars, two Canadians were honoured: director Chris Williams, who won the best animated feature for the movie *Big Hero 6*, and Craig Mann for sound mixing on *Whiplash*. Three films directed by graduates of Sheridan College in Oakville, Ontario were nominated for the best animated feature category. This brings to a total of five Oscar awards won by Sheridan graduates. I congratulate Sheridan College, referred to by the Governor General as the “Harvard of animation schools of the North,” on this significant achievement. It plays an important role in the development of our movie industry.

• (1410)

As we know, the movie industry operates in a highly dynamic environment. For example, the deep compositing technology has been applied in films such as *Life of Pi*, *Avatar* and *Frozen*, notably the Mudbox software designed by Sheridan College. I applaud the creative talent of Canadians and the work we do to support Canada’s contributions to the movie industry. Figures show that the film and television production industry is at the

forefront of the sector. In 2013-14, it helped to sustain 125,400 full-time jobs, and an increase of \$5.86 billion was directly contributed to our GDP. Investment in film and television, through federal and provincial programs and tax credits, yields returns for our companies, making Canada a preferred location for movie production, known as the “Hollywood of the North.”

Honourable senators, please join me in congratulating Canadians on their achievements in the movie industry.

THE LATE A. E. (BUD) INGS, O.P.E.I.

Hon. Elizabeth Hubley: Honourable senators, I would like to pay tribute to the late Dr. A. E. (Bud) Ings who passed away March 20 at the age of 89 years. Born in Mount Herbert, P.E.I., Bud Ings grew up on the family farm. He later went on to Prince of Wales College in Charlottetown, and then continued toward his goal of becoming a veterinarian at the Ontario Veterinary College in Guelph. He graduated in 1952 and began his veterinary practice in Fortune, before moving to Montague in 1954. It should be noted that at that time he was the only practising veterinarian in the whole county.

Over the course of his career, Dr. Ings established two veterinary clinics: Montague Veterinary Clinic and Brudenell Animal Hospital. After his retirement in the early 1990s, he wrote two books about his adventures as a country vet, *Mud, Sweat and Tears* and *Vet Behind the Years*.

Bud was not just a successful veterinarian. He was also a great contributor to his community and his province. In 1970, he was elected as an MLA for 3rd Kings in the government of Alex Campbell and was re-elected in 1974, 1978 and 1979. During his decade in the legislature, he also served as Minister of Agriculture and as Minister of Health and Social Services. Later, in the 1980s, he became President of the Liberal Party of P.E.I. He was instrumental in the establishment of the Queen Elizabeth Hospital as well as the Atlantic Veterinary College, for which he was awarded the Eugene Whelan Green Hat Award.

He served on Montague Town Council and was a charter member of the Garden of the Gulf Museum. He was a member of the Montague Rotary Club, and there won both the Paul Harris Fellow and the Mentor Award. Music played a significant role in his life. He was a lifetime member of the Queens County Fiddlers and sang in the Hillcrest United Church Choir and Montague Male 8 Chorus.

His contributions were many, and the impact was recognized in a variety of ways, like the Atlantic Award of Excellence in Veterinary Medicine and being inducted into the Atlantic Agricultural Hall of Fame. I think it will come as no surprise to anyone who knew him that he was most proud to be awarded the Order of Prince Edward Island.

There can be no doubt that Bud Ings made life better for both the animal and the human population of eastern Prince Edward Island. I had the good fortune to know him, and it is certain that he will be missed. I would like to offer my sincere condolences to his daughters, Jeanne, Joanne, and Jayne, their families and all of Bud’s family and friends.

[Translation]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

SPECIAL REPORT TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, pursuant to section 39 of the Access to Information Act, I have the honour to table, in both official languages, the special report of the Information Commissioner of Canada entitled *Striking the Right Balance for Transparency*.

[English]

TRANSPORT

INTERIM ORDER RESPECTING FLIGHT DECK OCCUPANTS TABLED

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Interim Order Respecting Flight Deck Occupants, dated March 27, 2015, pursuant to the Aeronautics Act.

[Translation]

THE ESTIMATES, 2014-15

MAIN ESTIMATES—EIGHTEENTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Joseph A. Day: Honourable senators, I have the honour to table, in both official languages, the eighteenth and final report of the Standing Senate Committee on National Finance on the expenditures set out in the Main Estimates for the fiscal year ending March 31, 2015.

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

[English]

PARLAMERICAS

BILATERAL VISIT, FEBRUARY 6-13, 2015— REPORT TABLED

Hon. Michael L. MacDonald: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the ParlAmericas respecting its participation at the Bilateral Visit, held in Cartagena, Medellín and Bogotá, Columbia, February 6 to 13, 2015.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to sit at 3:00 p.m. on Tuesday, April 21, 2015, even though the Senate may then be sitting, and that Rule 12-18(1) be suspended in relation thereto.

[Translation]

ROLE OF SENATORS

NOTICE OF INQUIRY

Hon. Marie-P. Charette-Poulin: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to my reflections on the role of a senator.

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I wish to draw to your attention the presence in the gallery of a dear friend of mine and guest of the Honourable Senator Merchant, His Excellency George Marcantonatos, Ambassador of the Hellenic Republic.

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

Hon. Senators: Hear, hear!

• (1420)

ORDERS OF THE DAY

APPROPRIATION BILL NO. 5, 2014-15

THIRD READING

Hon. Larry W. Smith moved third reading of Bill C-54, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015.

Hon. Joseph A. Day: Honourable senators, I spoke on this particular matter yesterday evening and there was one point I wanted to clarify.

I was talking about carry-forwards in budgets of various departments and I indicated it was 5 per cent with respect to operating and 5 per cent with respect to capital. Those who were here last evening will recall that.

I'm told that recent rule changes with respect to Treasury Board provide for up to 20 per cent carry-forward for capital, year over year, as opposed to 5 per cent. It's 5 per cent, as I had indicated, for operating carry-forward, but 20 per cent for capital. I wanted to clarify that particular matter, honourable senators.

What you are looking at in Bill C-54 is \$1.8 billion as Supplementary Estimates to conclude this fiscal year, which ends today. At this time, you're being asked to vote at third reading \$1.8 billion.

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

Some Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

APPROPRIATION BILL NO. 1, 2015-16

THIRD READING

Hon. Larry W. Smith moved third reading of Bill C-55, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2016.

He said: Just to dazzle the folks in this room, my colleagues, with three little pieces of information on the 2015-16 Main Estimates. It is important to understand that of the \$241 billion planned for 2015-16, there are three elements: first, the transfer payments, \$148.8 billion, which is 61 per cent of the budget; second, the operating capital, \$67.16 billion, which is 27.8 per cent of the budget; and, third, servicing the public debt, \$25.62 billion, which is 10.6 per cent of the \$248 billion. I thought those numbers would be helpful to put it into perspective.

The major transfer payments, of course, are a major part of this budget: the largest transfer, elderly benefits, will be \$46.7 billion in 2015-16 and second is the Canada Health Transfer, which is \$34.3 billion. These numbers will give you the scope and magnitude, and outline the importance not only of the breakdown, but of the transfer payments. Thank you very much, Mr. Speaker.

[Senator Day]

Hon. Joseph A. Day: Honourable senators, I applaud my colleague for reminding you of those figures, which are in our first interim report, the seventeenth report of our committee. It's very important for us to recognize that out of \$241 billion, rounded off to \$242 billion, that the federal government anticipates at this stage of spending and that we haven't seen any of the supplementary estimates. In fact, we haven't heard about the budget or any new initiatives. But based on the estimates developed from November, December, January and February of this year, \$241 billion, the operating and capital portion — that's the discretionary programs expenditure that the government has — is \$67 billion. I repeat, \$67 billion out of \$241 billion. That's where the cutbacks have to happen. If you want to balance the budget, that's where you've got to look, because the transfer payments and the public debt charges are locked in. That's a very important set of figures that my colleague has referred you to: \$67 billion out of \$241 billion.

Honourable senators, we are at the stage where we are now being asked to approve \$25 billion as the first tranche, the first three months of the fiscal year, which begins tomorrow. Out of the \$241 billion, roughly 10 per cent or \$25 billion is being requested for the first three months of the year. That's the interim financing which the government is seeking in order to carry on with matters.

We, in the Senate Committee on National Finance, will continue to study the Main Estimates, which we have received and on which we reported our preliminary studies. We will continue to study other departments and see where they are, what they anticipate, and whether they anticipate any supplementary estimates.

Honourable senators, just this morning we found out that the Canadian economy shrank by 0.1 per cent in January. We are heading in the wrong direction and these estimates were based on a growing as opposed to a shrinking economy. We're in the negative territory. It may be that we will find that a lot of the assumptions made to develop the estimates will not be there and will not be helpful to us.

Where are we going to try and meet the projections? Where are we going to meet: the transfer payments that have already been locked in and that the provinces are counting on, or the transfer payments to seniors or to pay the public debt? Goodness, we hope it doesn't happen, but if interest rates ever went up, you can imagine how that figure will escalate to meet our public debt when we consider where it is.

I'll mention that in my remarks, but the low Canadian dollar, at 79 cents U.S. for each Canadian dollar, shows no signs of improvement over the next while. It is becoming clear that low interest rates aren't helping the manufacturing sector. The low Canadian dollar is not helping the situation from the point of view of revenue that we had hoped that the manufacturing sector would pick up for oil price decreases and the low activity in Alberta, Saskatchewan and British Columbia, but that appears not to be the case. Low oil prices cause concerns for our fiscal state of affairs, especially in those provinces heavily dependent on oil revenue, such as Alberta which is predicting a huge deficit for this year as a result of a lack of revenue coming in from oil extraction activities.

The government has yet to table a federal budget and we can't tell when or if we will be receiving a budget. That doesn't instill a lot of confidence in what's happening to our Canadian economy right now. We have a public debt that is larger than at any other point in our history as a nation in almost 150 years. Our public debt is now \$611 billion as of last fiscal year. We don't know yet what the deficit for this year ultimately will turn out to be, but it's a few billion to \$10 billion.

• (1430)

We're close to \$150 billion of added accumulated debt since this government took over running our country. Since 2006, \$150 billion — repeat that in your mind — \$150 billion more. There was a huge amount that was inherited from the earlier administrations, both Conservative and Liberal. We are somewhere up in the range of \$625 billion of accumulated debt that we have to pay for out of these public debt charges. We're setting aside \$25 billion to pay it at an interest rate that is unprecedented in how low it is.

That's where we are, honourable senators, and we seem to be trying to dig ourselves out of a major hole here.

We have seen no signs that the government is prepared to start paying this debt down, and I think that is a huge contingent liability if interest rates go up even one percentage point, which they inevitably will because they're historically low right now. When they go up, we have got to pay the interest on that debt. The interest will go up. It will not stay fixed for the \$625 billion that we have as debt now. The interest rate will go up on everything. It is a looming problem that we have got to have in mind.

Honourable senators, we have heard the Minister of Finance speaking about, "How can I use the surplus? I'm going to balance the budget and then I'm going to use the surplus." He talks about revenue splitting and little boutique programs for youth.

All of these things are wonderful, but we can't afford to do them. We should not be focusing on how we can disburse any surplus, if and when we have one, honourable senators. The surplus must be used to pay down this debt. We cannot, in all conscience, leave for our children and our grandchildren an accumulated deficit in the amount of over \$600 billion and still growing.

Instead of being honest with Canadians about the economic challenges we are facing, the government is telling us not to worry. Politics seems to be taking precedence over good fiscal management and that's wrong, honourable senators.

The commitment to balancing the budget at all costs is also wrong. There are many economists who argue that the difference between running a small deficit and running a small surplus is negligible compared to the damage that you will cause to the economy and the people of Canada. The damage that you are prepared to cause you must think about. You are prepared to have an increased deficit of \$150 billion or \$160 billion in the last seven or eight years.

Honourable senators, the provinces are in difficulty. Saskatchewan, New Brunswick, Alberta and Quebec have all announced that they are going to be increasing the taxes and fees that they will be charging to their citizens to try to bring their fiscal house in order and bring down their deficits.

The Bank of Montreal economist reported just yesterday that, in his estimation, three quarters of what the federal government is suggesting it is offering to families will be eaten up by provincial austerity budgets because of the very serious fiscal situation that exists in the provinces.

That gives us a little better understanding of where we're going in the economy. I mention that in conjunction with these supply bills because they were based on a much rosier outlook some months ago. We know where we are now.

What concerns me is that there is so much discussion about Bill C-44, Bill C-51 and anti-terrorism. They are important, but we must not forget the economy and the economic arguments that have to be made in order to understand what is happening to our country right now as we speak. We are operating with less money generated in January of this year than we did last year.

Thank you, honourable senators.

Hon. Anne C. Cools: Honourable senators, I would like to thank Senator Day, as always, for his very well-delivered and thorough presentation on these appropriation acts.

My question is if by chance you would happen to know off the top of your head the quantum of monies appropriated to the Auditor General for the next fiscal year, 2015-16, particularly in light of the fact that the Senate audit is continuing.

Senator Day, I recognize that you may not know that off the top of your head, but I was just curious about it because no one seems to discuss the cost of the Senate audit. It has been a deep concern for many here, as to the cost of this audit of senators. I quite understand if you do not have the questions handy. It seems that you do.

Senator Day: Thank you for speaking long enough to let me find it in the Main Estimates. I appreciate that. Thank you, honourable senator, for your question.

The Auditor General has over 500 employees and has many part-time employees, and we don't know how many of those. That changes from time to time.

I understand, with respect to the audit that the Auditor General is doing in relation to the Senate of Canada at our invitation, that there were several part-time auditors who have now ceased to be employed by the Auditor General as that moves along.

The total amount in the Main Estimates, and I don't know what might be in the Supplementary Estimates, but the total amount is \$78,795,000 for this fiscal year.

Senator Cools: Honourable senators, could Senator Day tell us, if he has the information off the top of his head, how the Auditor General's budget and sums compare to what I would describe as the large government agencies and departments. Is there equality in their costs and expenditure?

Senator Day: Thank you, honourable senator, for your question. I am not able to answer that without some considerable research and reflection, but I do appreciate your question.

Hon. Wilfred P. Moore: Senator Day, would you take another question?

Senator Day: Yes.

Senator Moore: You mentioned that the total spending provided for in Bill C-55 is \$242 billion, and that \$67 billion is discretionary spending. Do you know what the amount of discretionary spending was this time last year when we were looking at these accounts? I would like to know if it went up or down.

Senator Day: I have comparative figures for the last fiscal year and this fiscal year, honourable senator. The total budgetary this year is \$241 billion. Last year it was \$235 billion, total.

• (1440)

The discretionary, which is the one you particularly asked about, is the operating and capital with \$65.87 billion in 2014-15, and then for the fiscal year coming, it is \$67 billion.

Senator Moore: What type of projects or accounts is that discretionary spending being spent on? Is it spent over a number of departments, or is it being handled by one lead department?

Senator Day: Thank you, honourable senator. That's the total amount for the Government of Canada through all of the departments, and the amount within those departments is not transfer payments but rather is used for program expenditure.

Senator Moore: I have one final question. I'm very concerned about your remarks with respect to the public debt, the servicing of that debt and the likelihood that interest rates will go up, if we can take as an indication that the Federal Reserve recently stated in its last meeting that they have been patient in holding rates down but that that patience is now gone.

Is there a thought or a provision set aside for the likelihood of increased interest rates and what that could do to the interest payments Canada will have to pay on this public debt?

Senator Day: Thank you again, honourable senator, for your question. I'm glad you are focusing on the public debt charges, because I think it is one of those looming problems that we must not ignore.

The problem is that in Main Estimates, we provide for an amount of \$25 billion to look after this huge debt that we have. Those are the interest charges on it. That's not paying down any of the outstanding debt we have accumulated.

That amount has been decreased by almost \$1 billion from last year because of the reduction in interest rates. If the interest rates go up, all we can do is anticipate an increase in overall government expenditure through supplementary estimates to meet the additional burden on the government because they have nowhere else to go.

Hon. Grant Mitchell: Honourable senators, I have a couple of points. I want to say that I was dazzled by Senator Smith's comments, but I was startled by his comment about the portion of the budget that goes to paying interest carrying costs, which I think he quoted at \$25 billion.

I want to point out for the record that under this government over the last 10 years, this hard-nosed, right-wing government that says that it can manage economies — I don't know why anybody thinks that is the case because all the evidence is to the contrary, and this is part of it — has actually increased the debt by upwards of 35 per cent, maybe 36 or 37 per cent.

In the course of what is now getting to be close to 10 years in government, in their tenth year of government, despite the fact that interest rates have come down, one third of that \$25 billion is attributable to the increase in debt that has been incurred by this government's mismanagement of its budget. That's about \$8 billion or \$9 billion a year we're spending on debt that we wouldn't be spending had they been able to manage the budget properly from the outset.

It is one great irony that the government that has always argued that, as Conservatives, they can run economies and budgets, simply can't. They haven't done it. In the course of that, they have set unprecedented record deficits. In fact, the deficit peaked at \$56 billion after they received a \$12 billion surplus from the previous government, meaning they actually turned around the deficit over expenditures by \$65 billion.

I'm on debate.

Senator MacDonald: That's a long time ago.

Senator Mitchell: I'm on debate. I know you don't like it, but it's true. I'm not asking you questions; this is rhetorical, because I know what the answer is. The second thing is that I'm interested to know whether the government has actually factored into its projections of income for the next year the revenues that might come from a new pipeline. Now that we're in our tenth year of a Conservative government, we still haven't got a new pipeline to broaden and diversify our markets beyond the single — I know you don't like to hear it. I love it. It motivates me.

You have actually increased. Ten years later, you haven't been able to build a pipeline in what the Prime Minister continuously referred to as "Canada, the energy superpower." This is an energy superpower whose government can't build a pipeline to

diversify its markets, leaving us with a single market, which is the U.S. market, for our single export market. That market is very likely going to be self-sufficient; in fact, the indication of its success in that regard, its building that regard, is evidenced by the current low prices of oil.

I rhetorically ask whether the government has factored into its future projections the possibility that we might have other markets for our oil and gas that would have been created by the development of another pipeline, which has simply been beyond their ability to manage.

The fact of the matter is that had they understood that not attacking the environment, not gutting environmental processes and earning people's social licence, respect and understanding and that it is government's role, as a third party, to protect the environment and send that message, we would have been able to build these projects. If we built these projects, if we continued to encourage our business sector to use that wealth and our energy companies to become real energy companies — not just oil and gas companies, but energy companies of all sorts — then we could use that wealth to develop a very different energy future, which is simply not occurring. In fact, now it is in jeopardy in many different ways because the government hasn't been able to support its oil and gas industry in the way it certainly would say that it wants to.

I also want to say that the idea that the budget this fiscal year will in any way, shape or form have a legitimate surplus, which the government will claim because it has to politically, it wants to politically, and it is approaching an election in which it wants to be able to say that it finally balanced the budget, of course is not true.

If it has actually balanced the books at all — and I don't believe that to be the case legitimately — it will have done so only by deferring many costs.

We have seen the consequences of that. That is what has happened in Alberta. With the recent budget that was brought out, it was because of, in many respects, deferring costs. Over the last 10 years, the government hasn't bought a single fighter jet. It has deferred that. It hasn't bought a single reconnaissance aircraft, deferred that, hasn't bought new search and rescue aircraft, has deferred that, hasn't cut steel on ships, and has deferred that. It has deferred all kinds of infrastructural investment, and it has sold off real estate assets, one-time income, which they're counting as income to help balance this budget.

Let's disabuse ourselves of the fact that in any way, shape or form this fiscal year is balanced and that the government going forward, with oil prices at \$50 a barrel or less, is going to be able to balance the budget. It is not.

It seems to escape the capability of Conservative governments to really balance a budget. The first two years they did, but they had a \$12 billion surplus from the previous government with which to do that. We have heard it many times, but it may be as much as 100 years since the Conservatives have balanced an unbalanced budget. Senator MacDonald is smiling over there. I'm sure he's not proud of it. It is better than 110 years.

Senator MacDonald: It is.

Senator Mitchell: It is better than 120 years, but it has been probably in excess of 100 years since that occurred.

The other thing that is very worrisome is the erosion of the quality of jobs. Much of the government's income comes from the nature of the employment, and the higher the quality of jobs, the more revenues the government can anticipate. This government has supervised the transformation of our economy from one with a certain level of job creation, a certain velocity, a good one — a good velocity of job creation of high-quality jobs. They say they created a million jobs, this government, since 2009, give or take, interestingly enough.

• (1450)

Senator Tkachuk: It's 1.2.

Senator Mitchell: They were elected in 2006, so what happened to the dark three years when they lost 500,000 jobs? They probably created about 500,000 jobs, and those jobs are generally known to be part-time, not particularly career-oriented, low-paying and without benefits.

Senator Tkachuk: They're all full-time.

Senator Mitchell: That becomes an inherent drag on a future economy, on prosperity for Canadians, which is, of course, the most important objective, but also it becomes a drag, an inherent anchor to the government's ability to balance future budgets and to balance the books in the future.

I just raise those several concerns to put in perspective what is really at stake in the way that the government is handling its budgetary experience. Thank you.

Hon. Richard Neufeld: Thank you, Mr. Speaker. I wasn't prepared to make any remarks at all until some of the rhetoric started coming from that side.

One thing we should all remember in this house is that the Liberals have been in government many more years than any Conservative government — all but 23 years. To think in 23 years it was a Conservative government that actually created all that debt, only a Liberal would think that.

An Hon. Senator: Oh, oh.

Senator Neufeld: I listened quietly to you; it is my turn now.

When I hear words over there like "Paul Martin," I think about the time I was in government in British Columbia and Paul Martin cut the transfer payments way down.

Some Hon. Senators: Oh, oh.

Senator MacDonald: It was 40 per cent.

Senator Neufeld: Okay, well, if you're proud of that, then if this government was to do that, would you stand up and vote for that? You haven't voted for one budget yet since I have been here, not one. You have all been opposed to them all the time. So, for you to stand up and say that all of this is a Conservative problem is just a bit hard to take for me.

Senator Plett: Hear, hear.

Senator Neufeld: It takes a lot to make me just a little bit angry.

Under Prime Minister Harper, we went through one of the worst recessions that the world — not Canada — has ever seen, and we still have the best job-creation record of any country.

I don't know how Senator Mitchell wants to cut it, but every once in a while or quite often I hear him standing up here and talking about GHGs, that we have to get to another way of energy — and in fact, those were some of your words just recently — and that means getting rid of oil. The fellow from Alberta wants to get rid of oil and then complains that no pipeline was built.

You are wrong. Thousands of miles of pipeline have been built in western Canada to move crude oil products. You are talking about Keystone XL and that's up to the United States of America, not up to the Prime Minister of Canada. Had it been up to Prime Minister Harper, that pipeline would have been built.

It is just a little rich for me to listen to you actually go on at length about those kinds of things.

Take your politics, put them in your back pocket for a minute and think about what is going on, and that maybe there should be some cooperation between sides for the people of Canada. It is a great country and we should start thinking together about how we can attack these problems, instead of you just getting up and complaining about what is being done on this side.

I have heard about all I want to hear from you, Senator Mitchell, about GHGs and pipelines. That is a ridiculous argument. If we would have had the pipeline, there would have been a lot more GHGs. So, get off the fence. It is a little tough standing with one leg on each side of the fence. It is going to get a little hard on your gonads after a while to be able to continue do that.

I don't usually get up and say much, but I just wanted you to remember that most of Canada's history has been governed by Liberals, and most of Canada's debt is from Liberals, time after time after time.

Some Hon. Senators: Hear, hear.

An Hon. Senator: Not true.

Senator Neufeld: With those few remarks, I rest my case.

Senator Moore: I wasn't about to say anything, either, beyond my questions for Senator Day, but, Senator Neufeld, I have got to say something here.

You know, with regard to Keystone, I don't think it helped our chances for our Prime Minister to go to New York and make a speech and say: "I won't take 'no' for an answer."

An Hon. Senator: Hear, hear.

Senator Moore: Not only is it discourteous, you are talking to probably the most powerful man in the world who could help us.

I don't think that was helpful. I think that might have set us back a bit. When I talk to people in the administration in the U.S., some of whom I know, they remember that, so that's not quite the way to do it.

You talk about numbers. Well, in 1993, I remember when the Liberals came to power and we took over a \$43 billion deficit. I remember the World Bank and others saying that Canada was an economic basket case. Cuts had to be made. They were made in my province. I didn't like it. I couldn't stand what happened, but it had to be done. Everybody had to share the pain.

You have to remember, too, with regard to the downturn in the Great Recession, as it was called, when your party took over, there was a \$13 billion surplus. That, plus the strength of our banking system, saw us through and that was there for the greater good. That wasn't there for the Liberal Party; that was for the greater good of the country.

So, I understand your frustration. Sometimes Senator Mitchell gets a little steamed up, but I think his heart is in the right place. I just wanted to make those few remarks.

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

Hon. Senators: Question.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

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

ROUGE NATIONAL URBAN PARK BILL

THIRD READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eaton, seconded by the Honourable Senator Gerstein, for the third reading of Bill C-40, An Act respecting the Rouge National Urban Park.

Hon. Art Eggleton: Honourable members, it is my intention to speak on this bill on Thursday. Last Thursday, Senator Eaton spoke on the matter and I'm putting together some notes.

The reason I'm standing up saying this is that I understand the leadership opposite is anxious to get this moving along. Well, I will be speaking Thursday and I move adjournment of the debate.

(On motion of Senator Eggleton, debate adjourned.)

CANADIAN SECURITY INTELLIGENCE SERVICE ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

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

Hon. George Baker: Thank you, Mr. Speaker. I decided to say a few words about this bill and to congratulate the Senate committee in dealing with the bill, and to congratulate the government for bringing in certain measures in this bill.

Before I do, though, I would like to make a couple of remarks. I read a lot of case law and I notice sometimes an individual senator is singled out for contributing to the interpretation of a law. I noticed a recent case that singles out three Conservative senators and another case that singles out two Liberal senators. Since they are in the chamber right now, I should mention it.

• (1500)

About a month ago, on February 23, 2015, a judge of the Ontario Court of Justice, Justice Watson, in a case found at 2015 Carswell Ontario 2631, *Her Majesty v. Dan Vladescu*, was searching for the meaning of a new bill that we had passed in the Senate. The judge looked everywhere for the legislative meaning of words in the bill, and finally found it in a speech given by an individual senator in the chamber. This was a month ago. Let me read from paragraph 30:

Although the legislative summary —

We all know the legislative summary always spells out what's in a bill, and our courts look at legislative summaries to find out what the purpose of legislation is, but they also go to the debates in the House of Commons and the Senate, usually the Senate, and they end up finding the actual intent of the bill. This was the case here.

The judge says at paragraph 30:

Although the legislative summary does not speak directly to the issue, nor was I able to locate —

Now, what the judge was looking for was the meaning for the words "purport to relate to," a very important decision of the court. He said that he was not able to locate anything in the submissions or debates before Parliament that spoke directly to this issue.

. . . I was able to locate a direct reference to the issue in the Senate Debates (Hansard) 2nd session, 40th Parliament, Volume 146, Issue 25 wherein on Thursday, April 2, 2009, the Honourable John D. Wallace . . .

— who is present with us today —

I will quote in part from the submissions of Honourable John D. Wallace.

I'm not going to read out everything that he quotes from Senator Wallace, but the concluding sentence is: "Or even containing fictitious identity information." Then the judge says "(emphasis is mine)."

Then he concludes from Senator Wallace's words, paragraph 31:

It is clear that it was intended by the legislators that section 56.1 of the Criminal Code would apply to documents containing both real identity information and fictitious identity information. I find therefore that the offence does not require proof that the person named in the identity document is a real person In this case the Crown has proved the essential elements of the offence beyond a reasonable doubt and the defendant will be found guilty of all three counts.

Thanks to Senator Wallace. The point is the meaning for that phrase will now be used over and over again by our courts, thanks to a speech given by Senator Wallace in this chamber.

Let me refer to another instance, since I notice that Senator Frum is here. Senator Carignan just left, but let me reference a much-repeated reference to the evidence in a committee hearing. This involves a very serious matter of a multiple murder, and it was first interpreted — that is, the intent of the legislation — in 2013, ABQB 761. That's the Alberta Court of Queen's Bench. In this judgment, the judge searches for the meaning of a bill that we had passed concerning multiple murders. The judge quotes Mr. Nicholson speaking at paragraph 32, who is the Minister of Justice. He says as follows:

Whether multiple murders are committed at the same time or if they are spaced out, that section will kick in.

Senator Frum: Okay, because if the sentencing was happening at one time, the "has already been convicted" would apply to the sentence that they received five minutes ago on murder A, and then —

Mr. Nicholson interrupts:

On murder two, even if it is five minutes later, the provision of this bill would kick in with respect to the parole ineligibility. It would be completely separate even though, in terms of time, they took place five minutes apart, to use your example.

Then Senator Carignan goes on for some considerable period of time, which I won't quote, and then Mr. Nicholson responds. Then the chair Senator Joyal has a supplementary question on this point, and then Senator Joyal has a few words to say.

Those exchanges were determinative of the matter; in other words, determinative of the sentence that was given. The judge says:

I interpret those provisions to indicate that those provisions would apply where there are multiple murders within a short period of time such as this.

In this case, there were five people murdered within minutes of one another. So there again the discussion was on intent and the judge and the court went to the Senate and took speeches from the Senate and the committee to determine what the legislation meant.

One other reference of course involves Senator Day. As you know, Senator Day's words can be used sometimes on both sides of an argument.

Senator Day: At the same time!

Senator Baker: At the same time. And this is what happened in a case before the federal government, which is now precedent. It's in the case of patents. The heading to the case is as follows — I'm quoting from 309 F.T.R. 135 ENG. It's a case involving the applicant and the Commissioner of Patents. As we all know, Senator Day is an expert on patent law.

The heading says that the inventor had filed a patent as a large entity under the rules, so he had to pay higher maintenance fees than the small entity. Then the inventor changed his status of small entity prior to paying the next maintenance fee. The inventor also used small entity status when he filed a second patent application with respect to improvement of invention. However, the inventor failed to pay certain maintenance fees for each application, so they were statutorily deemed to be abandoned. The inventor then failed to request reinstatements within the statutory time limits.

Anyway, the argument put forward in the court, in one sentence at paragraph 26, the judge relies specifically upon the comments of the Honourable Senator Joseph A. Day as contained in the *Debates of the Senate*. That was the applicant, the chap who had lost his status on his patent.

Then the court turns around in the judgment, and while quoting the applicant using Senator Day's words, the judge says then at paragraph 36:

The Hansard excerpt of Senator Day's comments is equally telling. After providing the background regarding Dutch Industries

Do you recall that, Senator Day?

. . . Senator Day stated: In other words

[Senator Frum]

• (1510)

And then he goes on and on, and then he says that the decision in *Dutch Industries* "could legally make any corrective payments and thus maintain their rights."

It was on that basis the judge said at paragraph 40:

For the foregoing reasons, the application for judicial review . . . must be dismissed as will the applications for judicial review [on other matters].

In that case, the applicant was using the words of Senator Day to put forward his argument, and the judge used the very same words of Senator Day in the same speech to rebut the argument and to defeat the case.

Anyway, I wanted to mention those three things. There are dozens of cases where a senator is speaking and a senator doesn't realize that the senator's words can be used later in a court of law regarding the same matter.

I wanted to say a couple of words about Bill C-44. The reason for doing this is the following: There were witnesses before the House of Commons and the Senate committee who criticized adversely Judge Mosley of the Federal Court. Before the Senate committee, a witness, a professor, said that the judge had overreached.

Now, senators, we have to put this bill into context. When we passed the terrorism provisions many years ago, we had two separate acts: the National Defence Act and the CSIS Act. Under both acts we allowed for warrants to intercept private communications. Section 273.4 of the National Defence Act authorized the interception of communications by warrant, by an affidavit for an information to obtain submitted by the security establishment, not CSIS, for intercepting communications in foreign nations.

CSIS only applied to Canadian citizens in Canada, and the defence establishment could seek warrants in foreign nations but not for Canadians. That was the regime.

When Senator White made his speech, he made a very important point in saying that the government should be congratulated in this bill — and I think they should — for extending CSIS's power into foreign nations, because they only had jurisdiction within Canada, and that an application would be made to a Federal Court judge to do so.

Some foreign nations, as Senator White pointed out, have a system in place where you can apply for a warrant to a cabinet minister, Minister of Justice. We have the same thing in Canada with the security establishment. They apply for a warrant to the Minister of Justice, the Attorney General, to intercept private communications in foreign nations. CSIS applies for interceptions in Canada to a Federal Court judge. That's the system we have.

In 2007, CSIS applied for a warrant to intercept communications of Canadians who were overseas in foreign countries. They applied to the Federal Court judge. The Federal

Court judge ruled — and it was Justice Edmond Blanchard from New Brunswick, who unfortunately died tragically, just recently, at a very young age; he was an excellent judge. He was the Chief Justice of the court as it pertains to the Armed Forces.

Hon. Ghislain Maltais (The Hon. the Acting Speaker): Senator Baker, do you need a few more minutes?

Senator Baker: If I could.

Some Hon. Senators: Five minutes.

Senator Baker: Let me wrap this up. I'm pretty slow here today in assembling my thoughts.

Let me get right to the point that really charged my interest in this, and a lot of people.

The Security Intelligence Review Committee made a report in 2013. In magazine articles that deal with the law, it pointed out that CSIS had a new warrant authority to intercept communications in foreign nations that was granted in 2009. Those of us who knew the warrant provisions said, "Where did they get that from?" Sure enough, when SIRC, the oversight body — we hear a lot about oversight — released its report in 2013, they had a special section, the review of a new section 21 warrant power. Then they gave a summary of it, that they had reviewed 34 warrants of a total of 673 warrants that have been issued in three years.

They made this statement. They said this was initially authorized by the Federal Court in 2009. Those of us who follow case law knew that was incorrect. It was not authorized. Judge Mosley, who was the judge assigned by the chief judge of the Federal Court to deal with CSIS warrants, called the people together, including the commissioner of the security establishment, the oversight body. He called them all together and said, "What is going on here?"

In the judgment released by Judge Mosley, he makes this statement at paragraph 115:

These passages suggest that SIRC is operating under the mistaken impression that the 30-08 warrants issued by this Court authorize the collection of intercepts respecting Canadian persons by foreign agencies.

This was not the case. Here we have the review agency believing that CSIS had had this new authority granted by a federal court when that was not correct at all. After this, there was a sequence of hearings, and finally the Federal Court and the Federal Court of Appeal ruled that CSIS did not have the power to be issued the 673 warrants.

That matter is being appealed to the Supreme Court of Canada by the Government of Canada, as they have to, and they should, because the fruits of unlawfully issued warrants cannot be used then to ground legitimate warrants, which the RCMP use in Canada to further prosecutions under the terrorism provisions of the Criminal Code.

That is why it's very important for the Government of Canada to bring in the legislation they're bringing in. But there is no justification for any witness — and these were professors who appeared before the committee and who said that Judge Mosley had overreached in his particular decisions.

I wanted to make that point, and just to point out as well one final concluding remark. I struggled with French for 40 years on Parliament Hill, and it was brought home to me when I looked at this bill the importance of giving to the interpreter a copy of your speech. That's difficult with me sometimes because I don't write speeches. But it is so important, and here's why: The word "corporation" is used in this act, the CSIS Act, under this amendment being proposed. In French, the "Canada Corporations Act" is "*corporations canadiennes*." The Canada Business Corporations Act, which I have some familiarity with, says a corporation is "*les sociétés par actions*." Under the CSIS Act, it's "*les personnes morales*."

It depends upon the context that the word "corporation" is used, and that's why it's important to give to the interpreters your speech in advance so they will know what words to use. I thought "*personnes morales*" to the NDP would be an oxymoron. I think it's a good description, and I'm glad to see that that's what is in the CSIS Act. I presume those people have more knowledge than me in French, but I imagine it would involve a corporation that can be sued because it would be a "*personne morale*."

• (1520)

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

(On motion of Senator Mitchell, debate adjourned.)

ADJOURNMENT

MOTION WITHDRAWN

On Government Business, Motions, Order No. 95, by the Honourable Yonah Martin:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, March 31, 2015 at 2 p.m.

(Motion withdrawn.)

GENETIC NON-DISCRIMINATION BILL

ELEVENTH REPORT OF HUMAN RIGHTS COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on Human Rights (Bill S-201, An Act to prohibit and prevent genetic discrimination, with amendments), presented in the Senate on February 19, 2015.

Hon. Linda Frum moved the adoption of the report.

She said: Honourable senators, before I make any comments on the contents of Bill S-201, and the reasons why the Human Rights Committee chose to make amendments to it, I wish to acknowledge that Senator Cowan has done Parliament and Canada a great service by bringing forward the issue of genetic discrimination. He is to be thanked.

In Bill S-201, Senator Cowan has addressed the important issue of potential for discrimination based on the results of genetic testing. With completion of the mapping of the human genome in 2003, we have the entire blueprint for building a human being. Based on this information, there are now more than 26,000 tests for some 5,400 conditions registered with the U.S. National Institutes of Health — and these numbers continue to grow.

The insight now available to us into medical conditions and potential medical conditions is staggering. This has opened new and hopeful horizons in medicine, but has also raised a host of moral, ethical and legal questions about the uses to which all of this new information is to be put.

Senator Cowan's bill has sought to address these. However, Bill S-201 is problematic in at least two respects, which is why it has been amended by your committee by the deletion of a number of clauses.

First, if passed in its original form, the bill would seek to regulate the contractual arrangements between insurance companies and their clients in a way that is unconstitutional. Insurance regulation falls within provincial jurisdiction.

Second, it proposes that the overly-broad phrase "genetic characteristics" be added to the list of prohibited grounds of discrimination under the Canadian Human Rights Act.

Senator Cowan said at the Human Rights Committee that this bill: "... is not in pith and substance about ... insurance. ... The only reference to insurance is in clause 6."

But the testimony heard by the Human Rights Committee made it clear that this bill is almost exclusively about insurance.

For example, proposed sections 3 and 4 would have prohibited any person from requiring an individual to undergo or disclose results of a genetic test as a condition of providing goods or services, entering into or continuing a contract or agreement or offering or continuing specific terms or conditions in a contract or agreement with an individual. Since corporations are considered persons in law, clearly this would have applied to corporations — most specifically insurance corporations — and the people working for them.

In Senator Cowan's own testimony to the committee last September, he made the intended purpose of the legislation very clear when he said:

Right now, there is nothing to prevent an insurance company or a potential or current employer from demanding the results of any genetic testing one may have had, and then using that information to one's detriment.

He went on to mention concerns about insurance companies and insurance policies several times throughout his presentation as author of the bill.

There can be no doubt — this bill is directed at the insurance industry.

Honourable senators, I understand Senator Cowan's concern, and there is good reason for concern — legitimate concern.

Senator Cowan told the committee about a man with a serious condition, hypertrophic cardiomyopathy, whose family underwent genetic testing. Some in the family had a gene responsible for the condition; some did not. Some of the older family members who did have the gene did not go on to develop the heart condition. However, because his 19-year-old daughter carried the gene, she was deemed uninsurable, despite the possibility she might never develop the condition. Being uninsurable, she could not open her own business because that requires life insurance.

These kinds of stories are of deep concern. However, our Constitution sets out what are to be federal and what are to be provincial areas of jurisdiction. These are found in Part VI, "Distribution of Legislative Powers," sections 91 and 92.

In practical terms, as stated on the website of the Office of the Superintendent of Financial Institutions:

In general, OSFI conducts prudential reviews of the federally regulated insurers to determine their financial soundness, while the provinces regulate the licensing of insurers operating within their jurisdictions as well as the marketing of insurance products.

The matter Senator Cowan addresses in clauses 3 through 7 of this bill, insofar as these sections include insurance companies, plainly falls within provincial — not federal — jurisdiction.

Why, then, should we be passing a bill, parts of which would in all likelihood be found to be unconstitutional? I believe we should not, which is why our committee struck clauses 3 through 7 and 9 through 11 from the bill.

I know that Senator Cowan believes it is important that the constitutionality of legislation be considered by Parliament. I know that he champions the Senate as the chamber of sober second thought. That is why his argument that the provinces are awaiting federal leadership on the matter of genetic discrimination, the inference being that his bill provides it, seems pretty weak in the face of the constitutional problem it raises.

Finally, let us consider Bill S-201's original intent in clause 8 to add a new category of "genetic characteristics" to the list of prohibited grounds of discrimination under the Canadian Human Rights Act.

The bill provided no definition of "genetic characteristics," leaving it an open question as to what these characteristics might include. This is problematic as just one example.

Insurance companies at present regularly use family medical histories, given by patients to their doctors, in helping determine the degree of risk their clients represent for insurance purposes. A family medical history might include reference to a disease or condition that is known to be genetically caused or based.

Would those aspects of medical histories be considered to be “genetic characteristics?” Would family medical histories therefore be excluded from insurance company consideration? This would be a radical departure from the way insurance companies currently assess risk and is not a proposition to be entered into lightly — when and if the provinces choose to address this issue.

This is why, in committee, the majority voted to delete substantive clauses 3 through 7 and 9 through 11. That leaves one substantive clause, number 8, “adding genetic testing” to the Canada Labour Code.

The committee agreed that this was a useful addition to the Code and there is no justifiable reason to practice genetic discrimination in workplaces that fall within federal jurisdiction.

As I said at the outset, despite the substantial alteration to this bill, Senator Cowan is to be commended and thanked for bringing the important issue of the potential for genetic discrimination to the attention of the Senate and the country.

This is a case where science and technology is ahead of legislation. To ensure social justice, we must scrutinize our laws to ensure they are adequate and fair. For that reason, honourable senators, it is my sincere hope that the Social Affairs, Science and Technology Committee will choose to study this issue in the future and to see what role, if any, the federal government can play going forward.

(On motion of Senator Cowan, debate adjourned.)

• (1530)

CANADIAN HUMAN RIGHTS ACT CRIMINAL CODE

BILL TO AMEND—TWENTY-FOURTH REPORT
OF LEGAL AND CONSTITUTIONAL AFFAIRS
COMMITTEE—MOTION IN AMENDMENT—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Batters, for the adoption of the twenty-fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity), with amendments), presented in the Senate on February 26, 2015;

And on the motion in amendment of the Honourable Senator Mitchell, seconded by the Honourable Senator Dyck, that the twenty-fourth Report of the Standing Senate Committee on Legal and Constitutional Affairs be not now adopted, but that it be amended by deleting amendment No. 3.

Hon. Mobina S. B. Jaffer: There is an adjournment from Senator Plett on Bill C-279. I ask that, once I have spoken, the adjournment be back in Senator Plett’s name.

[Translation]

Honourable senators, I am speaking today at report stage of Bill C-279, An Act to amend the Canadian Human Rights Act and the Criminal Code (gender identity).

I would like to begin by thanking my colleagues and all the witnesses for their dedication and hard work. I would also like to take this opportunity to talk about one amendment in particular that was adopted in committee. It reads as follows:

That Bill C-279 be amended, on page 2, by adding 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”.

In light of the arguments made by the various witnesses who appeared before our committee, I find that this amendment is very discriminatory and that it makes the pith and substance of the bill very problematic.

This amendment makes me very uneasy. It suggests that a transgender person is a threat to public safety, which is not so. On one hand we are saying that we are upholding gender identity, but on the other hand we are saying that transgender persons cannot use certain facilities because we perceive them as aggressors when we say that others are in a vulnerable situation.

There is therefore a presumption that these people are engaging in offending behaviour, and that is just another of the many difficulties they must face.

By way of illustration, I would like to quote a Vancouver poet, Ivan E. Coyote, who wrote a poem entitled *The Facilities*, which was inspired by a conversation he had with a young girl about how difficult it is for a transgender person to access public washrooms.

[English]

I can hold my pee for hours. Nearly all day. It's a skill I developed out of necessity, after years of navigating public washrooms. I hold it for as long as I can, until I can get myself to the theatre or the green room or my hotel room, or home. Using a public washroom is a very last resort for me. I try to use the wheelchair-accessible, gender-neutral facilities whenever possible, always after a thorough search of the area to make sure no one in an actual wheelchair or with mobility issues is en route. I always hold my breath a little on the way out though, hoping there isn't an angry person leaning on crutches waiting there when I exit. Sometimes I rehearse a little speech as I pee quickly and wash my hands, just to be prepared. I would say something like, I apologize for inconveniencing you by using the washroom that is accessible to disabled people, but we live in a world that is not able to make room enough for trans people to pee in safety, and after many years of tribulation in women's washrooms, I have taken to using the only place provided for people of all genders.

[Translation]

I only read a very small part of the poem. However, I strongly encourage you to take the time to read it.

To continue, I would like to read an email I received from a mother who explained the difficult situation of her daughter, who is transgender. This is what she said:

[English]

The bathroom amendment to Bill C-279 [has] the trans community, including the network of parents with trans children, absolutely terrified that our children will become the victims, having to go to the bathroom in the room reserved for the gender to which they do not belong.

Gender and sex are not the same thing. It sounds so basic, but the majority of people I talk to about this are simply unaware of this factual reality. As a society, we have been so indoctrinated with the simple but erroneous idea that there are just two sexes in this world: male and female.

So what is the motivation behind this amendment? Fear — fear of the unknown, of change, of something that is different.

As transgender people become more visible in the world, fear can arise. Supposedly this bill is designed to protect women — sisters, daughters, mothers, wives. From what? I don't believe there has been one single incident that was brought to court.

So . . . to my daughter. When she came out, she had to endure puberty as a male, so change is slow.

Presenting as a woman out in public was terrifying for her, particularly if she had to pee. The worst time was at Kennedy subway station in Toronto. She had to pee, had no choice, was loudly told to use the men's room by a cleaner.

[Senator Jaffer]

Imagine how frightening that was for her — a subway station and forced to use the bathroom that did not align with her gender.

I must say that things are much better now. University of Toronto has done a lot to make gender neutral bathrooms.

I sincerely hope that this bill does not pass and trans women and trans men remain safe in Canada's bathrooms.

Honourable senators, I find this letter very concerning. As a mother and a grandmother, I cannot imagine the pain and feelings that trans people and their families have to go through.

I would like to share with you Nina's letter:

Senator Jaffer, I'm writing to tell you my story as a member of the Canadian armed forces with 35 years' service.

As far back as I can remember, I dreamed about what it would be like if I was a girl. As a small, skinny kid, I was frequently bullied. I frequently wore secretly my sister and mother's clothes. Occasionally, my parents caught me. I am so lucky my parents never punished me as they thought I would grow out of it.

While still in high school, I joined the Canadian Forces in the Air Reserves. During my military career, I have been an aircraft technician for more than 30 years.

On the night that Saddam Hussein fired the scud missile that landed a few miles north of the Doha airport, I was changing a fuel quantity probe of a CF-18 in the dark with a flashlight, while the fuel ran out over the wing.

During my 35 years of service to Canada, I had many experiences, both good and bad.

I have served my country Canada faithfully. I never turned my back when the CF needed me and was always the first to volunteer. I continued to wear female clothing every chance I could.

Living in barracks was very hard, keeping my stash of clothes hidden.

In 2009, at age 47, feeling safe, I came out to my family and the CF as transgender. I have lived full time since August 2009. The CF was supportive and worked to help me transition in the workplace.

Having no more need to be secretive, I can finally be who I always was. I have a much happier life.

Unfortunately, this amendment assumes that I have done this just so I can use a female washroom and molest children.

What will this amendment mean for me as a 35-year member of the Canadian Armed Forces? Will this mean I have to use the male bathroom again? What about the shower room in a barracks?

• (1540)

Finally, I would like to share with you one more letter I received, which stated:

The problem is that one controversial amendment makes C-279 of no actual force, effect or usefulness, because it affords the heads of all federal agencies absolute discretionary power when it comes to dictating what facilities should be used, and by whom.

From my perspective, to equate a transgender person with a sexual predator is despicable. By suggesting that women need protection from sexual predators and disallowing transgender from washrooms-change rooms, you are implying gender variance is pathological. There is absolutely no evidence to support this. It is the same argument offered by previous generations to justify excluding gays and lesbians.

I write today to tell you there are a great many moms of transgender kids out there, who consider this an issue of diversity, not pathology. I hasten to add that though I worry about the safety of women too, I also know that women will be victimized by sexual predators everywhere, until we, as a society, change the way we teach our boys, pay our girls, and respond to mental illness.

[Translation]

Honourable senators, I hope that these letters have made you think about the impact of this amendment. Today, we have the opportunity and the duty to remedy this situation.

[English]

In British Columbia, we have the Gender Identity and Expression Human Rights Recognition Act. I would like to share with you the summary of the act because it makes it clear that it's the government's duty to protect the rights of trans people. It states:

This Bill supports the ongoing evolution of the term sex in Human Rights legislation by formally recognizing that the term is intended to include protection for Gender Identity and Gender Expression.

This Bill affirms the rights of transsexuals, transgenderists, intersexed persons, cross-dressers, and other groups who routinely suffer discrimination based on the expression of their gender or the gender identity they experience.

This Bill reaffirms the government of British Columbia's broad and inclusive approach to protecting the rights and dignity of all people.

Ontario has also a policy on preventing discrimination because of gender identity and gender expression under the Ontario Human Rights Commission. Under the Ontario Human Rights Code, people are protected from discrimination and harassment

because of gender identity and gender expression in employment, housing facilities and services, contracts, and membership in unions, trade or professional associations.

Barbara Hall, OHRC Chief Commissioner, said:

It has been a long struggle to have these rights clearly protected in the *Code*. Adding these grounds makes it clear that trans people are entitled to the same legal protections as other groups under the *Code*. The challenge now is to send a message across Ontario that discriminating against or harassing people because of their gender identity or gender expression is against the law. This Policy provides the tools to do this.

Let me repeat what OHRC Chief Commissioner stated:

The challenge now is to send a message across Ontario that discriminating against or harassing people because of their gender identity or gender expression is against the law.

Honourable senators, unfortunately, this amendment does the exact opposite. It sounds out a message saying that it's okay to discriminate against trans people. It's okay if they're being attacked or harassed because they're in a public facility where they feel they belong.

Finally, Saskatchewan's position is quite similar to B.C.'s and Ontario's positions. In a news release on the Transgender Day of Remembrance on November 20, 2014, the Saskatchewan government stated:

Hatred and violence directed to any individual, group or organization is a direct affront to democracy in Canada. Violence towards members of the transgender community must be denounced without equivocation.

Transgender Canadians deserve every benefit, consideration and accommodation afforded to them through citizenship. The Saskatchewan Human Rights Commission recognizes that the rights of transgender people are, far too often, attacked through acts of discrimination and violence. The commission has a legislated responsibility to address these wrongs when called upon. To be clear, complaints from transgender people are accepted and pursued to the fullest extent and with a broad and encompassing interpretation of the Saskatchewan Human Rights Code.

[Translation]

These provinces are well ahead of the federal government.

[English]

Honourable senators, let me remind you of one important point: Being transsexual, transgender or gender-nonconforming is a matter of diversity, not pathology. Thus, transsexual, transgender and gender-nonconforming individuals are not inherently disordered. I would like to conclude my speech by reminding all honourable senators that as senators one of our first

duties is to protect all Canadians against discrimination, not to create or encourage discrimination against any group of Canadians.

Therefore, honourable senators, I encourage you to vote against the so-called “bathroom amendment.”

Hon. Grant Mitchell: Honourable senators, I spoke to the original motion on the report but I haven’t spoken to the actual amendment that I moved at the end of my comments at that time, if I could take a few moments now.

Hon. Donald Neil Plett: Honourable senators, I have a question for Senator Jaffer if she would take a question.

Could you explain to this chamber where any transgender person does not have the right, under the amendment I am proposing, to enter the bathroom of his or her choice? That is indeed not what the amendment says at all. There has never been a legislated right for any person not to enter a bathroom —

The Hon. the Speaker *pro tempore*: Is Senator Jaffer asking for more time?

Senator Jaffer: Honourable senators, may I have five more minutes?

Hon. Senators: Agreed.

Senator Plett: As I was saying, there is no legislated right — never has been. Where does my amendment prevent somebody from entering the bathroom of their choice? My amendment says, in fact, that if I believe I’m transgender and I want to enter your bathroom, I am allowed to do that. You are allowed to say that you feel uncomfortable and to ask the management, I guess in this case it might be the Clerk: “I’m not comfortable with Senator Plett in my bathroom, so could you ask him to leave until I’m done?” You have that right.

If my amendment doesn’t pass, you don’t have that right. If you did and the Clerk asked me to leave, I could bring him before the Human Rights Commission. But I still have the right to go into that bathroom. That hasn’t changed. Could you tell me where you have read in my amendment that I am disallowing, with that amendment, anybody from entering the bathroom of their choice?

Senator Jaffer: Senator Plett, thank you for your question. I guess for you and me, because we don’t have to use each other’s bathrooms, it is just speculative. I’m not going to speculate about whether I will let you use my bathroom because that situation will not arise because we both do not have the challenges that this bill addresses. The best answer I can give you is in the stories I read of the people who feel that the amendment introduced by you will threaten their quality of life. What I have already read answers your question that they do not feel comfortable with this amendment. That’s the best answer I can give you.

Senator Plett: That didn’t come anywhere near to answering the question because the same would apply if it wasn’t you or I. The same would apply if it was a transgender individual. That transgender individual has the right to walk into that bathroom. Since you used an illustration, let me use one as well.

[Senator Jaffer]

I will read a short paragraph of the story of a woman in British Columbia who had known her now ex-husband for some 25 years. She’s 45 years old and has two children. She says here:

— my ex went to see the therapist at the local “gender clinic.” After two one-hour sessions that occurred over a few weeks, my husband was given a letter by the therapist that stated he was transgender. With that letter, he was able to immediately get his driver’s licence changed in British Columbia to state that he was female. He had not at that point taken any hormones, or any other medical procedures, or started to transition in any other way.

• (1550)

Now, this is her again saying:

So to reiterate, after TWO HOURS with a therapist, he was able to change his driver’s licence to female. This allowed him to legally enter any female sex segregated facility. My ex-husband is a smaller man but very “swarthy” in appearance and “well endowed” —

— and, again, these are her words — :

— to put it delicately. He looks and sounds very masculine. I can imagine that his presence in a bathroom would be very disconcerting to other women. In fact it was, when he entered the women’s washroom at my daughter’s gymnastics club and the other girls were understandably uncomfortable with his presence here. The mothers in that case would have no recourse to ask him to leave, and that’s unacceptable.

The amendment doesn’t prevent him or her from going there, but it allows people who are uncomfortable with a situation — and in all of my speeches, which I am sure you have read or listened to most of them, have I ever suggested that the transgender individual was a threat? I have never suggested that. I have said others might take advantage of that. But do you believe that this quite well-endowed individual should be entering his daughter’s gymnastics class bathroom?

Now, the last question that I will ask and I will put these together: You called this the bathroom bill. Over and over again, I have said that this is not the bathroom bill. When Senator Mitchell brought his amendment forward, he called it the bathroom bill. You have suggested it is the bathroom bill. The transgender community is tweeting the world telling people that I have called it the bathroom bill. I don’t want to call it the bathroom bill.

In fact, I used names, in my amendment with respect to a facility here: a correctional facility, a crisis-counselling facility, shelter or victims of abuse, washroom facilities, shower —

Some Hon. Senators: Order, order.

The Hon. the Speaker *pro tempore*: Senator Plett, Senator Jaffer’s time has expired.

(On motion of Senator Plett, debate adjourned.)

MARINE MAMMAL REGULATIONS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Norman E. Doyle moved second reading of Bill C-555, An Act respecting the Marine Mammal Regulations (seal fishery observation licence).

He said: Honourable senators, I want to say a few words today in support of Bill C-555, an Act respecting the Marine Mammal Regulations (seal fishery observation licence). I want to take a moment to thank the Member of Parliament for West Nova for bringing forward this important bill that is going to help protect the safety of those who take part in our seal harvest.

I would like to note and convey my appreciation that the bill received all-party support in the House of Commons. It is good to know that members of all political parties are committed to ensuring the well-being of our sealers.

Today, I will use my few minutes to speak about what the bill will do to improve the safety of our sealers and why it is needed.

It is important when discussing the bill to recall that the seal hunt is the key source of income and economic opportunity for many of our rural and coastal communities. We wouldn't tolerate unsafe working conditions in other sectors. Therefore, it is imperative that the Senate do what it can to ensure that the conditions that sealers work in are as safe as possible.

As many in the house may know, the Marine Mammal Regulations have specific provisions regarding the management of the seal hunt. Now, what does the bill do? It would require the cabinet, Governor in Council, to amend these regulations in order to increase the distance that a person must be from a hunter who is engaging in the seal hunt, unless that observer is operating under the authority of a seal fishery observation licence.

In particular, the proposed amendments would increase the distance that the non-licensed observer must keep away from a seal hunter from one half a nautical mile to one full nautical mile. That is an amendment that makes a great deal of sense. This is because the seal hunt is conducted on the ice, so I cannot emphasize enough how very important it is that the integrity of the ice be as intact as possible. Our sealers' safety depends on it.

By providing a safer hunting environment and reducing the potential dangers to those on the ice, Bill C-555 is improving the security of Canadians participating in the traditional hunt.

I should also note that these amendments will not change the ability of interested parties to observe the seal hunt. Observers have been and will continue to be able to view Canada's seal harvest through licences issued by the Department of Fisheries and Oceans Canada.

Of course, all licensed observers must abide by the conditions of their licence. The government can and will refuse to issue a licence to anyone who intends to disrupt the seal harvest or otherwise interfere with sealers.

Under the regulations, if anyone has been convicted, for instance, in the previous five years of violating the conditions of an observation licence or other offence under section 32, such as approaching too close to the hunt without a licence, the minister must take that into account when deciding whether or not to issue that person a licence.

Of course, there are individuals who do not wish to go through the permitting process for a seal licence. So the bill is needed to help address concerns regarding the issue of unlicensed observers who may pose a threat to the safety of anyone involved in the harvest.

Currently, an unlicensed observer must keep away from a hunter at a distance of only about 900 metres or 3,000 feet. I believe all members of the house can agree that that distance is certainly not far enough. Given that the harvest is conducted on ice floes, any reckless disruption or protest activity may put sealers' lives in jeopardy. If unlicensed observers violate the half-nautical-mile distance, our enforcement officials are left with relatively little time, usually in difficult sea conditions, to react and intervene to protect sealers.

The proposed amendment to double the safety barrier to one full nautical mile will have a real impact on the safety and security of sealers out on the open ice. As history can tell you, it is important to have this additional distance to give enforcement personnel more time to react to those who would attempt to disrupt the harvest.

Let me give honourable senators an example. Back in 2008, Fisheries officers arrested activists belonging to the Sea Shepherd Conservation Society and seized their vessel, the *Farley Mowat*.

- (1600)

These radical activists were putting the lives of seal harvesters and Coast Guard personnel at risk by approaching alarmingly close to the hunt.

Because of its close proximity, the offending boat was breaking up the ice floes on which the sealers were trying to carry out the seal harvest. Sealers reported fearing for their lives. It was an extremely dangerous situation that required the intervention of government officers and a Canadian Coast Guard ship. The *Sea Shepherd* vessel also caused significant damage when it rammed a Canadian Coast Guard icebreaker.

This bill would give sealers more peace of mind regarding their safety while they are hunting and provide enforcement officials, who are also operating in challenging conditions, with additional time to react should there be another criminal incident putting sealers at risk.

Our government fully supports the Canadian sealing industry and the seal harvest. It is a harvest that reflects sustainable and humane management practices, a harvest that has been part of our heritage for 300 years, and a harvest that is so critical to our rural and coastal communities.

Canada will continue to defend strongly our humane, sustainable and well-regulated traditional seal hunt. It has been conducted in an open and transparent manner and will continue to be so for those who wish to observe our well-regulated hunt, as long as sealers are safe.

The bill before the Senate today will reduce the risks to sealers while they conduct their traditional hunt and we must not wait for a tragedy to occur before we act. Through Bill C-555 we can demonstrate our continued support for our rural and coastal communities of Atlantic Canada, Quebec and the North. We fully support all sealers' rights to a safe hunt, just as any other Canadian has the right to be safe in their workplace.

I urge all honourable senators to join me in supporting the bill.

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

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Furey, seconded by the Honourable Senator Eggleton, P.C., for the adoption 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. Joseph A. Day: Honourable senators, I'll give you a little bit of background on this particular matter. When this was first proposed by Senator Furey for adoption, I was wondering about the fact that we already had the Main Estimates, and the Senate was in the midst of the Main Estimates. We had another document that in effect was the Main Estimates asking this body to adopt that, when we would be asked to adopt, and we have now adopted the report on the Main Estimates and Bills C-54 and C-55.

I don't want to say there was inconsistency. I wanted to make sure there wasn't any inconsistency, but there may be some duplication in these two matters. If the Senate was going to adopt the Main Estimates, in my view it should have been done a lot sooner so they could be taken and reflected in the Main Estimates. The Main Estimates, as you know, came out in February.

I asked for an adjournment to try and clarify this in my own mind and to compare the motion that had been filed to the Main Estimates that were accepted by Treasury Board and put in this Main Estimates document.

Honourable senators, I have found that they are identical and there is no inconsistency. Therefore, I am content that the motion that has already been moved be proceeded with at this time.

[Senator Doyle]

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

Some Hon. Senators: Question.

Hon. Yonah Martin (Deputy Leader of the Government): Your Honour, if I may, I have been caught a little bit off guard on this item. Therefore, I will take adjournment of this motion.

(On motion of Senator Martin, debate adjourned.)

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON SENATE MODERNIZATION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Joyal, P.C.:

That a Special Committee on Senate Modernization be appointed to consider methods to make the Senate more effective, more transparent and more responsible, within the current constitutional framework, in order, in part, to increase public confidence in the Senate;

That the committee be composed of nine members, to be nominated by the Committee of Selection, and that five members constitute a quorum;

That the committee have the power to send for persons, papers and records; to examine witnesses; and to publish such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to hire outside experts;

That, notwithstanding rule 12-18(2)(b)(i), the committee have the power to sit from Monday to Friday, even though the Senate may then be adjourned for a period exceeding one week; and

That the committee be empowered to report from time to time and to submit its final report no later than December 31, 2015.

Hon. Joan Fraser (Deputy Leader of the Opposition): I move the adjournment of the debate in the name of Senator Joyal.

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

BUSINESS OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, pursuant to rule 16-1(8), I wish to advise the Senate that a message from the Crown concerning Royal Assent is expected later today.

The Hon. the Speaker *pro tempore*: Honourable senators, rule 16-1(8) provides that after the Leader or Deputy Leader of the Government has made such an announcement:

. . . no motion to adjourn the Senate shall be received and the rules regarding the ordinary time of adjournment or suspension, or any prior order regarding adjournment shall be suspended until the message has been received or either the Leader or Deputy Leader of the Government indicates the message is no longer expected. If the Senate completes the business for the day before the message is received, the sitting shall be suspended to the call of the Speaker, with the bells to ring for five minutes before the sitting resumes.

These provisions shall therefore govern proceedings today.

COMMITTEES AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That committees of the Senate scheduled to meet today have the power to do so, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

(Motion agreed to.)

• (1610)

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF
FINAL REPORT ON STUDY OF INTERNATIONAL AND
NATIONAL HUMAN RIGHTS OBLIGATIONS

Hon. Mobina S. B. Jaffer, pursuant to notice of March 10, 2015, moved:

That, notwithstanding the orders of the Senate adopted on Tuesday, November 19, 2013, and Thursday, June 12, 2014, the date for the final report of the Standing

Senate Committee on Human Rights in relation to its examination and monitoring of issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations be extended from March 31, 2015, to February 29, 2016.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND
DATE OF FINAL REPORT ON STUDY OF
INTERNATIONAL MECHANISMS TOWARD
IMPROVING COOPERATION IN THE SETTLEMENT
OF CROSS-BORDER FAMILY DISPUTES

Hon. Mobina S. B. Jaffer, pursuant to notice of March 10, 2015, moved:

That, notwithstanding the orders of the Senate adopted on Thursday, February 27, 2014, and Thursday, December 11, 2014, the date for the final report of the Standing Senate Committee on Human Rights in relation to its examination of international mechanisms toward improving cooperation in the settlement of cross-border family disputes, including Canada's actions to encourage universal adherence to and compliance with the Hague Abductions Convention, and to strengthen cooperation with non-Hague State Parties with the purpose of upholding children's best interests be extended from March 31, 2015, to February 29, 2016.

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

Hon. Senators: Agreed.

(Motion agreed to.)

COMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF ISSUES OF
DISCRIMINATION IN HIRING AND PROMOTION
PRACTICES OF FEDERAL PUBLIC SERVICE AND
LABOUR MARKET OUTCOMES FOR MINORITY
GROUPS IN PRIVATE SECTOR

Hon. Mobina S. B. Jaffer, pursuant to notice of March 10, 2015, moved:

That, notwithstanding the orders of the Senate adopted on Tuesday, November 19, 2013, and Thursday, June 12, 2014, the date for the final report of the Standing

Senate Committee on Human Rights in relation to its examination of issues of discrimination in the hiring and promotion practices of the Federal Public Service, to study the extent to which targets to achieve employment equity are being met, and to examine labour market outcomes for minority groups in the private sector be extended from March 31, 2015, to February 29, 2016.

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

Hon. Senators: Agreed.

(Motion agreed to.)

The Hon. the Speaker *pro tempore*: The Senate has completed its business for the day. Pursuant to rule 16-18(a), the Senate is suspended, to resume after a five-minute bell.

(The Senate suspended during pleasure.)

(The sitting was resumed.)

• (1730)

[*Translation*]

ROYAL ASSENT

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

RIDEAU HALL

March 31, 2015

Mr. Speaker,

I have the honour to inform you that the Right Honourable David Johnston, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 31st day of March, 2015, at 5:02 p.m.

Yours sincerely,

Patricia Jaton
Deputy Secretary

The Honourable
The Speaker of the Senate
Ottawa

Bills Assented to Tuesday, March 31, 2015:

An Act to amend the Public Service Employment Act (enhancing hiring opportunities for certain serving and former members of the Canadian Forces) (Bill C-27, Chapter 5, 2015)

An Act respecting National Fiddling Day (Bill S-218, Chapter 6, 2015)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2015 (Bill C-54, Chapter 7, 2015);

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2016 (Bill C-55, Chapter 8, 2015)

(The Senate adjourned until Wednesday, April 1, 2015, at 1:30 p.m.)

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