



# DEBATES OF THE SENATE

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OFFICIAL REPORT  
(HANSARD)

Tuesday, May 26, 2015

The Honourable LEO HOUSAKOS  
Speaker

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## THE SENATE

Tuesday, May 26, 2015

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

[English]

Prayers.

[Translation]

## MYANMAR

### SENATORS' STATEMENTS

### ROHINGYA MUSLIMS

#### ARMENIA

**Hon. Paul E. McIntyre:** Honourable senators, as President of the Assemblée parlementaire de la Francophonie, I would like to say a few words today about Armenia. A parliamentary delegation from that country is currently on an official visit to Canada.

Armenia joined the APF as an observer in 2003 and became an associate member in 2009. In 2014, during the 40th annual meeting of the APF here in Ottawa, the APF gave the Armenian branch full member status. It was a unanimous decision. As President of the APF, I am pleased to see that Armenia is an active member of the APF and la Francophonie.

For example, the conference of branch chairs of the Europe Region was held from March 30 to April 1, 2015, in Yerevan, the Armenian capital, at the invitation of Ms. Margarit Yesayan, chair of the Armenian branch. The Armenian branch, with help from the APF, is set to hold a national youth parliament. Moreover, the Armenian government is preparing to host the Conférence ministérielle de la Francophonie and the Conseil permanent de la Francophonie in October.

Although it is a foreign language, French is quite present in Armenia. In 2010, an estimated 180,000 people there, or six per cent of the Armenian population, spoke French. In 2010, 25 per cent of elementary school students, 10 per cent of secondary school students, and 16.5 per cent of university students were learning French as a second or third language. The dialogue of cultures that is so important to the APF is alive and well in Armenia.

I would like to comment further on the conference of branch chairs in Yerevan. The branch chairs of the Europe Region concluded their debates by adopting a declaration inviting Turkey to acknowledge the Armenian genocide and expressing hope that such recognition would serve as a starting point for a historic reconciliation between the Armenian and Turkish peoples. With that declaration, the APF once again demonstrated its commitment to intercultural dialogue and universal values.

I would like to conclude my statement on a poetic note with a quote from the great Armenian writer, Gostan Zarian, author of *The Island and a Man*:

It is our very smallness that saves us. Our ears, our eyes, all of our senses are limited, and we are great only in our smallness. We are the depth that, like space and time, is immeasurable. It stretches into the past and the future. The present is depth.

Thank you.

**Hon. Mobina S. B. Jaffer:** Honourable senators, I rise today to speak about the dire situation of the Rohingya of Burma. I would like to recount to you the heart-wrenching story of 10-year-old Mohammad Aesop and his 8-year-old sister Untas, two Rohingya Muslims who lost their mother to a machete attack in their native land of Burma.

Their father, working in a menial job in Malaysia, paid a broker to send his children to Malaysia via boat in the Bay of Bengal. For nearly three months, the siblings were forced to sit with their knees bent in an over-capacity boat where thousands of Rohingya were organized like human puzzle pieces to make best use of boat space. If the children tried to stretch their legs or move to change positions, they were beaten. Plagued with illness from lack of food, water and the gruesome conditions on the boat, Untas explained that she would shiver from the cold while also feeling burning sensations at the same time. Mohammad tried to keep a brave face to protect his sister, but in reality he felt helpless.

After being abandoned by the ship's captain due to Thailand cracking down on human trafficking networks, the siblings were left stranded at sea, scared, with no mother or father to lean on.

This is the fate thousands of Rohingya Muslims who are currently stranded at sea in the Bay of Bengal in the Southeast Asian waters in what the United Nations have described as "floating coffins." As boats approach the shores of Thailand, Malaysia and Indonesia, coast guards and navies have been deployed to turn them away or provide them with a little food and water and urge them to find another destination.

As a result of international condemnations, Malaysia and Indonesia are offering temporary shelter for the Rohingya at sea, but they have made no commitment to resettle them permanently or to take in future migrants. The siblings, temporarily sheltered in the shores of Indonesia, worry if they will ever be reunited with their father or forever be alone fending for themselves.

The Rohingya have no place they can call home. While the Rohingya trace their ancestry to Burma, the Burmese regard them as illegal immigrants from Bangladesh and refuse to give them the title of Rohingya, instead referring to them as Bengals. The Burmese Government separated the Rohingya from the rest of the state, restricting their movement, revoking their temporary registration certificates and ultimately rendering them stateless. As such, the United Nations has described the Rohingya as one of the most persecuted minorities in the world.

Honourable senators, the fate of the Rohingya is unsettling. While there are temporary shelters, the Rohingya fear return to their home country where they will likely be persecuted. Children are separated from their families and many, like Mohammad and Untas, are likely to lead their lives as orphans.

Honourable senators, I ask that we recognize the grave and inhumane conditions and injustice occurring with the Rohingya people and that we commit to doing more in Canada to help these persecuted minorities. Thank you.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to the presence in the gallery of a parliamentary delegation led by His Excellency Galust Sahakyan, President of the National Assembly of the Republic of Armenia.

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

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

### MATERNAL, NEWBORN AND CHILD HEALTH WEEK

**Hon. Norman E. Doyle:** Honourable senators, recently Parliament voted to designate the second week in May of each year as International Maternal, Newborn and Child Health Week. As we've just celebrated Mother's Day, which always falls on the second Sunday in May, I thought it might be important to take note of the passing of the first anniversary of the Maternal, Newborn and Child Health Week designation.

When our former colleague, Dr. Seth, spoke on the motion, she quoted our Prime Minister, who had highlighted the importance of the matter at a special G8 summit in Muskoka in 2010. He said:

Saving the lives of mothers and children is not only a moral imperative; it is the foundation for building prosperous communities for this generation and the next.

I couldn't agree more.

As a parent and a grandparent, I was truly staggered to read just a couple of the statistics in the field of maternal and newborn health.

• (1410)

For example, the UN reports that a woman dies every two minutes as a result of pregnancy-related complications, the vast majority of which are preventable by cost-effective, evidence-based interventions.

Believe it or not, 12 children under the age of 5 still die every minute from mostly preventable causes. In 2012, 6.6 million children around the world died before they could

celebrate their fifth birthday. During the next 10 minutes, 120 children will die, mainly in the Third World. Compared to highly publicized disasters like floods, earthquakes and airline crashes, this is truly a mind-boggling number when we consider how many minutes there are in a day, not to mention a week or a month.

These days, Canada is helping the less fortunate around the world by providing \$2.8 billion in support for maternal, newborn and child health. Canada has been able to mobilize \$7.3 billion from our international partners. Thanks to these efforts, worldwide maternal mortality has fallen from 543,000 deaths in 1990 to 287,000 deaths in 2013. During the same period, the number of children dying before reaching the age of five has dropped from more than 12 million in 1990, to the earlier mentioned 6.6 million today.

So we thank our former colleague, Dr. Seth, who is in the gallery today, for her hard work on the issue. In this regard, I inform colleagues that she is hosting a reception on Parliament Hill this evening to celebrate the first anniversary of Maternal, Newborn and Child Health Week and we are all invited to Room 256-S at 5:30.

Colleagues, we are making good progress on this matter. However, during Maternal, Newborn and Child Health Week, we have to reflect on where we are now and how far we have yet to go. As designated weeks go, Maternal, Newborn and Child Health Week is a very important one.

### DISTINGUISHED VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw the attention to honourable senators of the presence in the gallery of our former colleague the Honourable Asha Seth. Accompanying her is her husband Dr. Arun Seth.

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

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

### ENERGY SECTOR

**Hon. Douglas Black:** Honourable senators, over the spring, I've been travelling across the country talking with Canadians about the importance of the energy sector to our economy. In partnership with the Economic Club of Canada, we've assembled panels of Canadian leaders from the Aboriginal, innovation, youth, policy and business sectors in a series we've called Canada's Energy Agenda: Getting it Right.

Our panels have focused on the three key issues that are the major challenges to energy projects proceeding — Aboriginal engagement, environmental innovation and market

access. Resolving these three challenges is fundamental to our energy future. The three issues are inextricably linked. The reality is that we won't get — we cannot get — market access for our energy products without Aboriginal engagement and participation. Of course, we won't get Aboriginal engagement if we can't develop, through environmental innovation, the ability to clean up oil spills, not just to disperse oil spills.

So far the speaking tour has visited Vancouver, Edmonton, Toronto and Montreal. Ottawa is set for June 4 and Halifax, Regina, Calgary and Washington, D.C., are planned for the fall.

We have learned much already. We've learned that there's no way that resource projects will move forward unless and until Aboriginal peoples are at the negotiating table and, ultimately, at the decision table.

We've also learned that it isn't about the money for Aboriginal peoples, as was demonstrated most recently through the Petronas LNG project in British Columbia. Aboriginal peoples take their role as generational stewards of the land, water and fish as their first priority. We've learned that we need to take the risk of oil spill cleanup as the top priority for innovation. Support for energy market access will not happen without this confidence. The recent marine oil spill in Vancouver harbour gives us all pause for consideration.

We've learned that market access remains the central concern for Canada to ensure continued growth and prosperity.

Finally, we've learned that there are successful models for Aboriginal engagement that we can build on, including the participation of First Nations in energy projects in Alberta and in northern Quebec.

We have an urgent and historic duty to secure our energy future and the prosperity that flows from it. I have seen that by making this conversation about our energy agenda positive and respectful we can end our current stalemate and accomplish nation building together.

[*Translation*]

**DONALD J. SAVOIE, O.C., O.N.B.**

**Hon. Percy Mockler:** Honourable senators, today I would like to pay tribute to an eminent Acadian professor, Donald Savoie, who just received the 2015 Killam Prize for Social Sciences from the Canada Council for the Arts.

The Canada Council for the Arts awarded him this prestigious prize for his life's work. He is the first Acadian and the first professor in Atlantic Canada to receive this distinction.

[*English*]

Can you imagine? The only one from Atlantic Canada. Dr. Donald Savoie has published 44 books and more than 200 articles in various professional and academic publications. His research work and various publications on public administration have been recognized in Canada, the United States and Europe.

[*Translation*]

Mr. Savoie has seven honorary doctorates from Canadian and international universities. He was named an Officer of the Order of Canada in 1993 and a Fellow of the Royal Society of Canada in 1992. He was also made a member of the Order of New Brunswick in 2011.

This Acadian's record of achievements is remarkable, impressive and exemplary. He takes pride in being the founder of the Atlantic Canada Opportunities Agency (ACOA). Former Prime Minister Brian Mulroney asked him to come up with a concrete proposal for a new economic development agency in the Atlantic provinces. Today, 28 years later, ACOA continues to contribute to the Atlantic region's economic development thanks to Mr. Savoie's remarkable work and the enlightened vision of the government of the time and today's government.

Mr. Savoie is from Saint-Maurice, near Bouctouche, in my home province of New Brunswick. He is one of the few Acadian Rhodes scholars and one of the few people in New Brunswick to have a D. Litt. from Oxford. He is also internationally known as a Canadian expert on regional economic development, public administration and governance.

He is known across the country for his extraordinary leadership, and he is currently the Canada Research Chair in Public Administration and Governance at Université de Moncton.

[*English*]

I can assure honourable senators that Mr. Savoie doesn't shy away from commenting on governance at the provincial and federal levels and is frequently sought after for his intelligence and timely comments on public finances and public administration. For example, he recently said that the new provincial government was wrong in not addressing immediately its deficit situation while, honourable senators, as we all know, the federal government will be balancing its own budget this fiscal year.

[*Translation*]

Finally, in addition to being a shining example for young people and families in the Atlantic Provinces, Mr. Savoie, you are a wonderful role model and visionary. You are an inspiration to the great people of Acadia. Thank you.

• (1420)

## ROUTINE PROCEEDINGS

### OFFICIAL LANGUAGES

#### BUDGET—STUDY ON BEST PRACTICES FOR LANGUAGE POLICIES AND SECOND-LANGUAGE LEARNING IN A CONTEXT OF LINGUISTIC DUALITY OR PLURALITY—FIFTH REPORT OF COMMITTEE PRESENTED

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

Tuesday, May 26, 2015

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

#### FIFTH REPORT

Your committee, which was authorized by the Senate on Thursday, November 21, 2013, to examine and report on best practices for language policies and second-language learning in a context of linguistic duality or plurality, respectfully requests funds for the fiscal year ending March 31, 2016.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

CLAUDETTE TARDIF  
*Chair*

(For text of budget, see today's Journals of the Senate, Appendix, p. 1870.)

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

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

### STUDY ON USER FEE PROPOSAL

#### INDUSTRY—ELEVENTH REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE TABLED

**Hon. Dennis Dawson:** Honourable senators, I have the honour to present, in both official languages, the eleventh report of the Standing Senate Committee on Transport and Communications, on user fees for fixed-satellite services and broadcasting-satellite services spectrum in Canada.

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

[English]

### LEGAL AND CONSTITUTIONAL AFFAIRS

#### NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS AND ADJOURNMENTS OF THE SENATE

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

That during the month of June 2015, for the purposes of its consideration of government legislation, the Standing Senate Committee on Legal and Constitutional Affairs:

- (a) have the power to sit even though the Senate may then be sitting, with the application of rule 12-18(1) being suspended in relation thereto; and
- (b) be authorized, notwithstanding rule 12-18(2), to meet from Monday to Friday, even though the Senate may then be adjourned for more than a day but less than a week.

[Translation]

## QUESTION PERIOD

### INTERNATIONAL TRADE

#### FREE TRADE AGREEMENTS

**Hon. Céline Hervieux-Payette:** Honourable senators, my question is for the Leader of the Government in the Senate and is about one of my favourite subjects.

For some time now, I have been asking questions about a specific subject: the economy, trade and free trade agreements. The answers are often reassuring and quite similar, and I have been told that the government's various economic action plans should get results.

I would like to ensure that I have fully understood. Does your government know whether, as a result of these action plans, Canadian exports are now greater than they were before the recession, at the beginning of the Conservatives' mandate, in 2007 and 2008?

**Hon. Claude Carignan (Leader of the Government):** Honourable senator, as you know, ours is the government that has signed the most free trade agreements. It is a government that will continue

to promote Canadians' trade interests in all sectors of the economy, no matter what issues may arise. We will continue our efforts to create jobs.

You can surely appreciate the magnitude of the free trade agreement with Europe, which will provide access to more than 500 million consumers and is being applauded by stakeholders in all of Canada's economic sectors.

We will continue to grow the Canadian economy.

**Senator Hervieux-Payette:** In the course of your mandate, you have signed nine free trade agreements, but we have a negative trade balance in six of those cases.

However, I would like to revisit a statistic that I presume you have forgotten, the much-touted 80,000 jobs that the European agreement is supposed to generate. Leader, please tell me where you got this figure of 80,000 new jobs. Which studies that have been recognized by economists substantiate that number and when did you arrive at it?

**Senator Carignan:** Senator, as I said, we have trade experience. We have signed free trade agreements with 38 different countries, and last year, Canada recorded a \$5.2 billion trade surplus, which was a turnaround of \$12 billion. Exports were up 10 per cent over the previous year. That should answer your previous question a little more specifically.

We are therefore very optimistic that we will continue to create wealth and create jobs, with access to more than 500 million consumers. Of course, those are conservative numbers, which is how we normally like to present them.

**Senator Hervieux-Payette:** I doubt we will agree on the end result. When you talk about 38 agreements, I would remind you that your government has signed nine agreements since 2006; the others were already in place, not to mention the general agreements that significantly lowered the tariffs previously imposed. Free trade agreements are much more restricted now, because they address issues like labour standards, health and intellectual property. Those are other parameters, and in terms of customs tariffs, international agreements had already changed the situation quite a bit.

However, it is important to know the statistics that were used to conduct the preliminary study of the Canada-Europe agreement. Based on what data are you telling me and the people of Canada that the agreement will create 80,000 jobs? Can you tell me which studies prove that? If you can't answer that, I won't hold it against you.

The fact that there are 500 million consumers is not an argument. There are over 1 billion in China, and that does not change anything. I would like to know what methodology was used and what the figure is based on. Where will these 80,000 jobs be created? In which sectors and when?

**Senator Carignan:** I'm sorry that I don't share your opinion, senator. One billion people who decide to consume — a few more percentage points — have a direct and indirect impact on job creation. Tens of thousands of jobs are automatically created. Having access to a market of 500 million consumers has a direct impact on job creation.

**Senator Hervieux-Payette:** We can follow that line of thought and ask ourselves what mechanisms we have put in place to ensure that our free trade agreements create jobs and generate a return on investment in Canada.

• (1430)

According to my data, between 2009 and 2013, performance indicators for government agencies that promote trade weakened significantly. Export Development Canada reported 20 per cent in terms of jobs obtained, and the Canadian Commercial Corporation reported 44 per cent for the total value of trade facilitated.

What is your government's plan to rectify the situation and make these government agencies more effective?

**Senator Carignan:** Senator, as I said, we will continue to sign agreements and negotiate free trade agreements to give Canadian businesses access to markets and the greatest number of consumers possible. As you know, the Trans-Pacific Partnership, which is currently being negotiated, is another great example of how we are increasing wealth in Canada and supporting job creation.

**Senator Hervieux-Payette:** We must not be reading the same economic reports. *La Presse* said that according to the Governor of the Bank of Canada, the winter that just ended was "atrocious" for Canadian foreign trade. That's a pretty strong word. The number of medium-sized Canadian exporting companies dropped by 17 per cent between 2006 and 2010. We now have 38,000 such companies. There are over a million small and medium-sized enterprises in Canada, including the most robust 500, which are already on the financial markets.

Export Development Canada and the Business Development Bank of Canada have carried out studies on the shrinking number of companies and the connection to international trade. It's hard to increase our sales if the number of companies selling is dropping. The Export Development Canada report is no longer available. We had access to it for a while. All of a sudden, the information just disappeared from the website, and now we no longer have access to the data. Fortunately, we got the report before they removed the information that had been available to the public.

I would like you to tell me, after consulting your Minister of Industry or your Minister of Finance, how the government explains this downward trend. Canada now ranks 14th in the world instead of 5th, which is where it ranked when your party came to power.

**Senator Carignan:** As I said, senator, last year Canada recorded a \$5.2 billion trade surplus, which was a turnaround of \$12 billion. Exports were up 10 per cent over the previous year.

If I ask the minister, that is the excellent answer he will give me.

[English]

#### AUTOMOBILE INDUSTRY

**Hon. Grant Mitchell:** Honourable senators, I would like to continue with this line of questioning, which gets to the root of this question: Why would anybody think that the Conservatives can actually run an economy? The fact is that manufacturing is declining, not only in general terms, but during a period of time over which the Canadian dollar has dropped 20 per cent, which would of course enhance the pressures on increasing manufacturing and not reducing it. But we've got an insight here into why that is happening.

The government, through Economic Development Canada, gave a \$526 million loan — a half a billion dollar loan — to an automobile company to build automobiles. Now, the interesting thing is that the automobile company isn't a Canadian company. It's Volkswagen. Second, the automobiles are not going to be built in Canada; they are going to be built in Mexico.

How is it that your government would be undertaking a policy to outsource the auto sector, the automobile-building sector, in Canada to a foreign country?

[Translation]

**Hon. Claude Carignan (Leader of the Government):** Senator, the minister recently announced that Honda was going to export CRVs to Europe every year. Thanks to our free trade agreement with the European Union, Honda will have access to more than 500 million additional clients. Ford also announced 400 new jobs in Oakville, in addition to the 1,000 jobs it announced last year. We are talking about a total of 4,500 jobs in Oakville. GM is investing \$560 million in Ingersoll to assemble the new generation of the Chevrolet Equinox, a move that will secure more than 3,000 jobs. The car that has garnered the most media attention in 2015, the new Ford GT, will be built in Canada. Chrysler has invested \$2 billion in its minivan plant in Windsor.

We are always looking for new investments in the auto sector. The fact remains that over the past few years, automakers have invested nearly \$4 billion in the Canadian auto sector. It is all thanks to the measures our government is taking to create an environment that is conducive to such investment, measures such as signing free trade agreements, which I just mentioned.

[English]

**Senator Mitchell:** In this case we're not talking about exporting cars, but money to another country so it can build the car, so its people can be employed and not Canadians. We're talking about a loan to Volkswagen, a German company, building cars in Mexico. There isn't even a requirement that Volkswagen needs to utilize Canadian parts manufacturers in the manufacturing of

those cars in Mexico. Why would you give half a billion dollars to a foreign company to build cars in a foreign country that won't create any jobs nor any guarantees of jobs in Canada? They won't even necessarily be required to buy parts from Canadian companies in Canada. Why would you want to create jobs in Mexico for Mexicans and not in Canada for Canadians? Why would you spend half a billion dollars to do that? Who would do that?

[Translation]

**Senator Carignan:** As I said, senator, the Canadian automotive industry is doing well. The Prime Minister recently made announcements about the manufacturing sector and companies, like Honda, that will be exporting to Europe. We will continue to make investments in order to develop the manufacturing sector, especially the automotive industry.

[English]

**Senator Mitchell:** Honourable senators, I don't know what this government's estimation of a healthy sector is because the automobile sector has lost 38,000 thousands jobs since they started and 15,000 of those have gone to Mexico. How is it that our exports of auto parts to Mexico have gone down, while Mexican auto manufacturing has gone up over that same period of time, particularly when the dollar is going down and should enhance exports? You know how it is? Tell me if you don't know how it is. It is because you have given \$526 billion to a foreign country, Mexico, to employ foreign workers in Mexico and it has nothing to do with Canada and Canadians here.

[Translation]

**Senator Carignan:** Senator, in 2007, we introduced measures such as the accelerated capital cost allowance in order to foster investment in machinery and equipment used in manufacturing. Economic Action Plan 2015 proposes to provide manufacturers with an accelerated capital cost allowance at a rate of 50 per cent on a declining-balance basis for assets acquired before 2026. These measures will provide meaningful long-term support for Canadian manufacturers, enabling them to plan the investments they need to make to meet the challenges of global competition. These investments were applauded by organizations such as the Canadian Chamber of Commerce, which said:

The measures to support Canada's manufacturing sector are timely. . . This sector is evolving rapidly and set to seize new opportunities. The budget will have a positive impact in a sector poised for new growth.

• (1440)

This is a series of measures for the manufacturing sector and the automotive sector that were put in place to promote the development of those industries. As I said earlier, we are always looking for new investments in the automotive sector. Over the past two years, auto manufacturers have invested nearly \$4 billion in the Canadian auto sector. We will continue to create a favourable climate for investment in Canada, specifically with respect to the subject of your question today, the auto sector.



[English]

**Senator Mitchell:** So you've sent \$526 million dollars — half a billion dollars — to Mexico to help a German company build cars in Mexico to employ Mexicans. Why don't you stop calling that "investment in Canada" and start calling that "foreign aid"?

[Translation]

**Senator Carignan:** Senator, as I said, our goal is to create jobs in Canada, develop wealth and create a favourable climate for Canada's manufacturing sector, in order to stimulate job creation in Canada, but also to promote exports.

[English]

**Senator Mitchell:** I read the press release, too. It says:

. . . EDC has a role to play in making sure that Canadian companies have the opportunity and financial wherewithal to compete for that business.

Since when did Volkswagen become a Canadian company?

[Translation]

**Senator Carignan:** Senator, I see you read the EDC press release, and I subscribe to the same news feed.

[English]

**Senator Mitchell:** You got me.

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## ORDERS OF THE DAY

### ECONOMIC ACTION PLAN 2015 BILL, NO. 1

#### MOTION TO AUTHORIZE CERTAIN COMMITTEES TO STUDY SUBJECT MATTER—ALLOTMENT OF TIME—MOTION WITHDRAWN

On Government Business, Motions, Order No. 107, by the Honourable Yonah Martin:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for the consideration of motion No. 105 under "Government business", concerning the subject matter study of Bill C-59.

(Motion withdrawn.)

### GENETIC NON-DISCRIMINATION BILL

#### ELEVENTH REPORT OF HUMAN RIGHTS COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Demers, for the adoption 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. Rose-May Poirier:** Honourable senators, I would like to take the adjournment of the debate.

**Hon. James S. Cowan (Leader of the Opposition):** Might I ask the honourable senator when she might speak on this item, please? It has been on the Order Paper for some time.

Will you speak to it next week perhaps?

**Senator Poirier:** Shortly.

**Senator Cowan:** Next week?

**Senator Poirier:** I can't promise that. I'm working on it.

(On motion of Senator Poirier, debate adjourned.)

## INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT BILL

### SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Greene, for the second reading of Bill S-220, An Act to establish the Intelligence and Security Committee of Parliament.

**Hon. Wilfred P. Moore:** Honourable senators, I rise today to speak to Bill S-220, An Act to establish the Intelligence and Security Committee of Parliament.

This bill is the result of the care and concern of our former colleague the Honourable Senator Hugh Segal regarding the oversight of Canada's security apparatus. This bill would provide for parliamentary oversight for the creation of a committee, independent of both houses, composed of:

. . . nine members of both Houses of Parliament who are not ministers of the Crown or parliamentary secretaries, and of whom three must be members of the Senate and six must be members of the House of Commons.

The members of the committee will be required to take an oath of secrecy that is permanent and parliamentary privilege may not be invoked with the purpose of communicating information of the work of the committee.

The mandate of the committee is:

. . . to review the legislative, regulatory, policy and administrative framework for intelligence and national security in Canada, and activities of federal departments and agencies in relation to intelligence and national security.

The committee will be granted the power to compel testimony and the production of documents in the course of its review. An annual report will be submitted to the Prime Minister of Canada, who may exclude information from the report that is deemed to be injurious to national security.

That there is need for this type of parliamentary oversight is the subject of the debate here today. The government maintains that the system in place today is sufficient, while many others, including former prime ministers, Supreme Court justices, members of the House of Commons and the Senate, and others, believe that the time for this oversight by Parliament is past due and should be enacted immediately.

We know that the oversight of security and defence is an indication of the maturity of a democracy. Establishing parliamentary oversight of these areas has occurred in the United States and the United Kingdom — the United States in 1976, in the form of the Intelligence Committees of both the House of Representatives and the Senate, and in the U.K. in 1994 in the form of the Intelligence and Security Committee of Parliament.

In the United States, the formation of this oversight came in response to the Watergate scandal. I would argue that in Canada, the McDonald Commission, with removal of RCMP security services and the creation of the Canadian Security and Intelligence Service, should also have led to the foundation of the type of parliamentary oversight we are speaking about today in Bill S-220.

It's the type of oversight that the United States embraced as necessary to restore public confidence in its security apparatus. Indeed, in the United States the 9-11 Commission recommended that Congress's oversight capabilities needed to be enhanced and it abolished term limits on membership of intelligence committees so that members may build expertise. In fact, only last week the U.S. Congress passed the USA Freedom Act of 2015 that provides that the National Security Agency will be unable to collect phone records in bulk, referred to as metadata.

In the U.K., former Home Secretary David Blunkett has called for much stronger oversight of that nation's security establishment, especially in the collection of personal data, something we have some experience with here in Canada.

The Government of Canada maintains that the status quo is sufficient, however. On the one hand, the Minister of Defence dismisses the need for parliamentary oversight while, on the other hand, he speaks of more terror attacks on Canadian soil and the need to grant more powers to security agencies to combat these attacks.

Prior to the tragic events of 9/11, there were no anti-terror laws in Canada. Although we had endured several events, which today are regarded as terrorist in nature, it was left to existing criminal law to deal with the perpetrators of those crimes.

• (1450)

Since 9/11, Canada passed a series of anti-terror laws beginning in 2001 with Bill C-36, the Anti-terrorism Act. Contained in this act were provisions that were controversial, including a motive clause, preventative arrest powers as well as a provision for investigative hearings that would be used to compel suspects with knowledge of a terrorist act to provide evidence. There were also provisions to widen electronic surveillance powers, interception of foreign communications and stronger anti-hate law.

In 2004, Bill C-42 was enacted, the Public Safety Act. This was the origin of the no-fly list used, of course, to prevent people on the list from boarding a plane arriving at or departing from Canada. Once again, a host of other provisions were also included in Bill C-42, all aimed at providing more powers to various agencies to prevent acts of terror.

In 2005, the Canada Border Services Agency Act was passed, which created a new agency with a host of powers to deal with border security issues. It must be said that, since its creation in 2005, the Canada Border Services Agency has taken on many new powers, not the least of which is intelligence gathering. The CBSA does not have a watchdog; it reports to the Minister of Public Safety only.

In 2013, Bill S-7, the Combating Terrorism Act, became law. This renewed lapsed laws from 2001, such as preventative arrest, until 2018 when another sunset clause will kick in.

In 2013, Bill C-13, the Protecting Canadians from Online Crime Act, was passed. This allows authorities to compel telecom companies to save and share metadata of their customers, something that I would just mention that the United States did away with last week. The metadata is the stuff that allows police to build a bit of a file on a citizen, getting to access identity, online activity and transactions. This also allows for the secrecy of such requests by law enforcement so a citizen may never know that he or she has been checked up on in such a way.

This brings us to Bill C-44, the Protection of Canada from Terrorists Act. This, of course, allows the Canadian Security Intelligence Service, CSIS, to act outside Canada to monitor communications — to eavesdrop in foreign countries. For some reason, I thought the Communications Security Establishment of Canada did that. This does get confusing. In any event, Bill C-44 received Royal Assent in April of this year.

The latest expansion in powers for our security establishment comes in the form of Bill C-51, legislation that has obviously been controversial. The constitutionality of some of its provisions has been questioned by many witnesses appearing in both Houses of Parliament.

Bill C-51 would create a new offence of “promoting terrorism,” which has prompted fears over freedom of speech violations of section 2(b) of the Canadian Charter of Rights and Freedoms. The new offence is broad. It may sweep up those promoting innocent debate, debate that is not meant to promote terrorism.

Under the proposed legislation, CSIS would see its powers again expanded significantly. CSIS has traditionally been an intelligence gathering body. In fact, the original concept of CSIS was to separate intelligence gathering from actual law enforcement in the hopes of reducing abuses. CSIS, under Bill C-51, would now be able to take what is referred to in the bill as “measures” to reduce threats to Canadians.

Clause 12.1 of the bill reads:

If there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, the service may take measures within or outside Canada to reduce that threat.

Senators, in a responsible democracy such as ours, after the passage of so many bills that in many ways curb the rights of Canadian citizens, including their privacy rights, it would seem prudent to provide some balance to at least monitor how these laws are working or not working and to provide Canadians with the assurance that their parliamentarians are in the loop and playing this oversight role. Bill S-220 does not seek to even curb these new powers granted since 2001. It is merely an attempt to ensure that the rule of law is respected. I have to ask: Have we reached a point where our laws should not be upheld by members of the House of Commons and Senators?

Colleagues, countries often look to Canada to provide advice or to help build failed institutions. In preparing these brief notes in support of former Senator Segal’s bill, I thought it might be interesting to see what kind of work Canada was doing through CIDA to rebuild government infrastructure in failed states.

According to the Report to Parliament on the Government of Canada’s Official Development Assistance 2012-13, one of the major projects undertaken was to aid Zimbabwe in drafting a new constitution. It is commendable work, to be sure, with some very interesting input by adviser nations such as Canada regarding oversight of security services in Zimbabwe. For example section 11, Part 2, headed “Security Services,” sub-section 207 part 2 stipulates:

The Security Services are subject to the authority of this Constitution, the President and Cabinet and are subject to Parliamentary oversight.

Section 210, entitled “Independent Complaint Mechanisms,” states:

An act of Parliament must provide an effective and independent mechanism for receiving and investigating complaints from members of the public about misconduct on the part of members of the security services, and for remedying any harm caused by such misconduct.

It seems to me that if we are advising a strong parliamentary oversight mechanism in other nations, should we not at least adhere to that same wisdom in our own country?

Colleagues, Bill S-220 seeks to provide proper parliamentary oversight of the security sector in Canada. It seeks to do so in a reasonable and balanced way. It is not groundbreaking

legislation. Many of our allies have been providing this type of oversight for many years. Bill S-220 does not seek to curb any of the powers granted to Canada’s security apparatus since 9/11.

I hope that senators will give this issue serious consideration. The powers of our security apparatus will likely grow in the foreseeable future. Hence, should we not provide the proper balance indicative of a mature democracy?

(On motion of Senator Martin, debate adjourned.)

### CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Mitchell, for the second reading of Bill S-223, An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

**Hon. Elizabeth Hubley:** I move adjournment of the debate in my name.

(On motion of Senator Hubley, debate adjourned.)

### MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Frum, seconded by the Honourable Senator Demers, for the second reading of Bill C-518, An Act to amend the Members of Parliament Retiring Allowances Act (withdrawal allowance).

**Hon. James S. Cowan (Leader of the Opposition):** Honourable colleagues, I rise to speak to Bill C-518, An Act to Amend the Members of Parliament Retiring Allowances Act (withdrawal allowance), or the alternative title, appropriately not referred to as the short title since in fact it is longer than the official title, the Protecting Taxpayers and Revoking Pensions of Convicted Politicians Bill.

Colleagues, I will be brief. This bill will provide that parliamentarians do not receive a retirement allowance if convicted of certain offences committed while serving as a parliamentarian. The purpose, as Senator Frum explained to this chamber, is to send a message.

I support that message.

My issue with the bill is not that it goes too far but that it does not go far enough.

The bill is limited to offences “that arose out of conduct that in whole or in part occurred while the person was a member.”

Colleagues, this excludes conduct that occurred immediately prior to the person becoming a member. It excludes even criminal conduct that may have been committed that enabled the person to take his or her seat in Parliament. For example, if a person is later found to have committed bribery during an election campaign and, as a result of that bribery, they won the election — as drafted, the bill would allow that person to voluntarily resign with full pension. Surely that was not the intent of the proponent of the bill. Surely that is not what Canadians expect to result.

I'm also concerned that the bill is limited to offences against the Criminal Code. In particular, if someone commits an egregious violation of the Canada Elections Act, without which they would not have become a member of Parliament in the first place, why would we want to say that they should be allowed to keep their retirement allowance? I'm confident that Canadians would agree that such individuals should not keep their ill-gotten retirement allowance. It was obtained as a result of illegal conduct.

• (1500)

Colleagues, sadly, we've witnessed too many instances where individuals and, indeed, whole political parties have violated the Canada Elections Act with, for example, convictions for election campaign overspending. Should not such illegal actions have consequences? If the purpose is, as Senator Frum said, to send a message, do violations of the Canada Elections Act not merit such a strong message as well? That act provides the legislative framework that assures all Canadians that the essence of democracy — free and fair elections for all — will be upheld.

As Senator Frum described, we're trying to reflect Canadians' sense of honesty, hard work and fair play. Surely winning a seat in Parliament by unlawful acts should be included in the message of this bill. As parliamentarians, surely that needs to be part of the message we send to prospective candidates for Parliament.

Cheating Canadians is wrong, whether it's cheating them out of their hard-earned tax dollars when one takes his or her place as a parliamentarian, or cheating them out of their democratic vote in order to become a parliamentarian in the first place. In both cases, the conduct is reprehensible, but by focusing on only one and ignoring the other, is this bill sending the wrong message to Canadians about the critical importance of the democratic process itself? I hope that both of these issues are explored when the bill is studied, as I hope it will be soon, in committee.

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

**Hon. Senators:** Question.

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

**Hon. Senators:** Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On the motion of Senator White, bill referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.)

## BANKING, TRADE AND COMMERCE

### BUDGET—STUDY ON THE USE OF DIGITAL CURRENCY—TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Senate Committee on Banking, Trade and Commerce (budget—study on digital currency), presented in the Senate on May 14, 2015

**Hon. Yonah Martin (Deputy Leader of the Government)** moved the adoption of the report standing in Senator Gerstein's name.

She said: Honourable senators, I understand that a brief explanation is helpful before the adoption of this report. If I may, Senator Gerstein has indicated that the reason for the request for funds is that the committee is currently studying the use of digital currency and expects to present its final report in mid-June of this year.

I did have the opportunity to attend a few of the committee meetings during the course of this study, which is still ongoing, and it was very interesting and informative. I have to commend the committee for the work that they have done.

There is a breakdown of expenses, which I'm happy to provide: hiring an outside communication consultant at the cost of \$11,700. That, too, can be broken down, but in essence it is: the project fee of \$10,000 and pre-approved expenses, which would include transportation to and from Ottawa for the said consultant, hotel charges for up to three nights in Ottawa and Treasury Board travel per diems at \$92.70 per day. Living fees would not exceed \$1,700 and would be reimbursed after original receipts are submitted.

There are some details regarding the fees to the consultant: \$250 per hour or \$2,000 per eight-hour day. It is anticipated that the work would require approximately 40 hours or five days to complete. The consultant's task would include setting up op-eds; interviews with print, Web, blog and TV journalists outside of Ottawa; outreach to development agencies, legal firms, et cetera; meetings with editorial boards and columnists; preparing media advisories and news releases; and organizing the press conference.

There are several reasons cited for hiring this outside consultant, which include capability of engaging with wider and different media outlets across Canada; complexity of the subject matter; and the fact that the consultant is familiar with the workings of the Senate and has worked with various Senate committees in the past with successful outcomes. There are several examples cited.

In terms of the issue of bilingualism, the consultant has given reassurances to the committee that both languages will be equally represented. The communication firm has bilingual staff who will be assigned to work on the release of the report.

Then there's also a miscellaneous expense category of \$5,000. The breakdown includes expenses to cover any unexpected cost related to the release of the report, for instance, hiring a graphic designer if the committee feels there is a need to do so and the production of a video to be posted on the committee's website.

That is the extent of the breakdown of costs.

**The Hon. the Speaker:** If there are no further questions, is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

(Motion agreed to and report adopted.)

### THE SENATE

#### MOTION TO STRIKE SPECIAL COMMITTEE ON EQUALIZATION AND FISCAL FEDERALISM— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cowan, seconded by the Honourable Senator Munson:

That a Special Committee on Equalization and Fiscal Federalism be appointed to consider whether the current formulae for equalization and other related federal transfers affect the ability of Canadians living in all regions of the country to access a basic standard of public services without facing significantly different levels of taxation.

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

That, the committee have 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, notwithstanding rule 12-18(2)(b)(i), the committee have 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 March 31, 2015.

**Hon. Jim Munson:** I wish to adjourn this motion in my name.

(On motion of Senator Munson, debate adjourned.)

### TRINITY WESTERN UNIVERSITY

#### INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. Don Meredith:** Honourable senators, I rise today to lend my voice to the debate on Trinity Western University. The Charter of Rights and Freedoms, section 2, states:

2. Everyone has the following fundamental freedoms:

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

These are our rights and freedoms in a democratic country like Canada. They are also the pillars of our nation's Constitution Act that legally gives Canadians universal rights to live freely in this country. When we see that these rights are infringed upon, we must not waver in our commitment to defend them.

The late Nelson Mandela once said:

For to be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.

This is the principle that the Nova Scotia Supreme Court upheld in their ruling in favour of Trinity Western University earlier this year. The Nova Scotia Supreme Court ruled that the Nova Scotia Barristers' Society doesn't have the authority to deny accreditation to graduates of TWU law school.

• (1510)

In April 2014, the province's law society voted to ban TWU students from its bar admission program unless the university dropped or changed its Community Covenant. The covenant includes that students refrain from "sexual intimacy that violates the sacredness of marriage between a man and a woman." The university then took the law society to court arguing their case on the grounds of religious discrimination.

Honourable senators, there are similar cases that are ongoing in Ontario and B.C. that challenge the university's ability to offer its law program. Originally, B.C. approved consent for the school to provide law degrees but has since revoked its decision. TWU's application to open a law school has already been approved by the Federation of Law Societies of Canada as well as the Provinces of Alberta, Saskatchewan, Prince Edward Island, New Brunswick and the Territory of Yukon.

In the Nova Scotia Supreme Court's ruling, the law society clearly went above the rights that protect Canadians. In his ruling, Justice Jamie Campbell, presiding judge, clearly outlined that the province's law society did not have the power to prohibit the accreditation of law degrees from Trinity Western University. This decision featured two main points. Justice Campbell stated:

I have concluded that the NSBS did not have the authority to do what it did. I have also concluded that even if it did have that authority it did not exercise it in a way that reasonably considered the concerns for religious freedom and liberty of conscience.

Honourable senators, the federal government weighed in on this ruling as an intervenor. In his submission, the Attorney General of Canada stated that the decision by the Law Society of Upper Canada to refuse accreditation to graduates of an Evangelical Christian law school was unnecessary and not reasonable.

Not reasonable, honourable senators. Of course it's not reasonable because it threatens our Charter of Rights and Freedoms. These are the rights that should not be denied for TWU and its students and those who live in this great country.

The claims by the Nova Scotia Barristers' Society clearly highlight a troubling concern where entities think they can override the law and penalize Canadians for exercising their basic freedoms. Students who attend the university should be free to go to a school that shares their values and not be penalized for it by having their rights denied. In its judgment to exclude the university from being accredited, the Nova Scotia Barristers' Society exceeded its jurisdiction and did not comply with the Charter of Rights and Freedoms. This was also expressed by the British Columbia Civil Liberties Association, when it stated:

... for the Law Society to deny TWU's application for accreditation would itself be contrary to law, as established by the Supreme Court of Canada, and would result in unlawful discrimination against and infringement of the fundamental freedoms of those who seek only to be able to study law and be allowed entry to the legal profession without discrimination based on their religious beliefs.

In court, the Nova Scotia Barristers' Society deemed this an issue of equality. But instead, we now see by the Nova Scotia Supreme Court ruling that this issue goes against the Charter of Rights and Freedoms. For the barristers' society to even think they were above the Constitution is, honourable senators, repugnant and quite offensive. Let me be clear, honourable

senators, in saying that this is not an argument of equality rights and discrimination as critics opposed to the Nova Scotia Supreme Court ruling would like us to believe, but a disrespect of our civil liberties. Section 12 of the NSSC ruling clarifies this further where it states:

The NSBS is not the institutional embodiment of equality rights for LGBT people. To justify an infringement of religious liberty the NSBS action has to be directed at achieving something of significance. Refusing a TWU law degree will not address discrimination against anyone in Nova Scotia.

In a recent article entitled "The Problem isn't Trinity Western Law School. It's the Legal Guild System." Karen Selick, Litigation Director, Canadian Constitution Foundation, said that although she is an atheist and lives in a common-law relationship, she believes that TWU law graduates "... should be admitted to the bar under the same criterion as everyone else..." She continued:

Students who can't go to TWU can still go to another law school. But there are no competing law societies to turn to if the government-authorized body bars your way.

Honourable senators, the issue isn't about how people conduct themselves outside the principles of marriage, but that there are forces out there that want to undeniably challenge the institution of our rights and freedoms that are critical to how we function as a society in this nation. Honourable senators, it is a very scary predicament when groups that exist to uphold the law, like this law society, have no respect for the Charter of Rights and Freedoms. Section 15 of the Nova Scotia Supreme Court ruling warns us of this reality where it states:

The refusal to accept the legitimacy of institutions because of a concern about the perception of the state endorsing their religiously informed moral positions would have a chilling effect on the liberty of conscience and freedom of religion.

Furthermore, how do we respect human rights, honourable senators? *The Merriam-Webster Dictionary* defines "tolerance" as "the willingness to accept feelings, habits, or beliefs that are different from your own."

We live in a pluralist society where over 35 million Canadians, deemed secular and non-secular, live side by side. In some Canadian neighbourhoods, you have a Muslim family living next door to Catholic believers. As a faith leader, I engage with other faith leaders in Canada and across this great country on issues of national importance, including youth violence, human rights and immigration. All of us have different beliefs, but we respect each other's differences, whether they are religious or cultural. We know that, as Canadians, we are safe to practice our beliefs without fear of persecution. We are proud to live in this great country of Canada where we have these freedoms. Tolerance and respect go hand in hand. We must accept each other and look past our differences.

We must value our religious freedoms and demand a place for them to exist in our pluralist society. Section 11 of the Nova Scotia Supreme Court ruling states:

People have the right to attend a private religious university that imposes a religiously based code of conduct. That is the case even if the effect of that code is to exclude others or offend others who will not or cannot comply with the code of conduct.

This sentiment is echoed by Guy Saffold, former TWU Executive Vice-President, on speaking about the NSSC ruling:

We believe this is an exceptionally important decision from Justice Campbell. It affirms that protection of religious freedom is and must continue to be a central value in Canada's pluralist society.

Honourable senators, students at TWU should not be left on the fringes because they share the same values and beliefs and want to attend a school that aligns with their lifestyle. Section 11 of the NSSC ruling states:

Learning in an environment with people who promise to comply with the code is a religious practice and an expression of religious faith. There is nothing illegal or even rogue about that. That is a messy and uncomfortable fact of life in a pluralistic society. Requiring a person to give up that right in order to get his or her professional education recognized is an infringement of religious freedom.

• (1520)

Honourable senators, there are institutions in this country that operate and have different religious views and we don't oppose them. But when it comes to Christian institutions, there seems to be a double standard. Could it be that we're targeting these schools because of their religious beliefs and not respecting their right to operate in the way that they do?

There are other universities in the United States that are accredited by the American Bar Association. They have codes of conduct that are similar to TWU's protocol. This includes Brigham Young University, Boston College, Notre Dame and Pepperdine University. These schools function and coexist alongside secular schools with law programs.

Honourable senators, this is not the first time a case like this has come before the courts. In 2001, the B.C. College of Teachers refused to accredit TWU education graduates. That case went to the Supreme Court of Canada and they ruled in favour of TWU, stating that TWU has the Charter right to include traditional sexual morality as part of its community standards. Even in light of this previous case, law societies of B.C. and Ontario have refused to approve TWU law degrees, forcing TWU to commence a court action to secure and fight for the very freedoms that people are denied around the world.

Critics opposed to TWU are wasting time and money in bringing the university to court. This is a worrying reality for TWU President Bob Kuhn who stated:

These lawsuits come down to a sad commentary that three monopolies see fit to put the school through costly legal proceedings and TWU shouldn't have to fight for this right.

Honourable senators, in Ontario, the Law Society of Upper Canada voted 28 to 21 in April to reject TWU's Law School bid. On the cusp of this review, which will take place next month, I earnestly hope that these governing bodies can act appropriately and will not try to go beyond their jurisdiction in rendering a decision on this case. I urge them to look at the Charter of Rights and Freedoms which has been the compass that guides our civil liberties. We must be careful and always on the alert for those who want to put our freedoms in jeopardy.

We live in a multicultural society of vast differences, including religion. We see this in many communities across Canada as people around the world are choosing to come here to live. In support of the Nova Scotia Supreme Court ruling, Bruce J. Clemenger, President of the Evangelical Fellowship of Canada talks about the inclusion of Christian schools as a positive aspect of multicultural society in Canada. He says that the decision in *TWU v. NSBS* is a significant affirmation of freedom in Canada. It acknowledges the integral role that religious communities play in the expression of religious beliefs of Canadians.

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

**Senator Meredith:** I respectfully ask the chamber for five more minutes. Thank you. Like a preacher, I am coming down.

Institutions like TWU provide high-quality education and prepare students to meaningfully contribute to the broader Canadian society. Around the world, we see Christians being denied basic rights and freedoms because of their belief in God.

We must make sure that our basic human rights are not denied in our own country. Why would we prevent TWU from offering law degrees to anyone who applies to their school just because they adhere to a code of conduct? Based on our Charter of Rights and Freedoms they have every right to conduct their school in the way they choose.

In his findings, Judge Campbell stated:

The discomfiting truth is that religions with views that many Canadians find incomprehensible or offensive abound in a liberal and multicultural society. . . the law protects them and must carve out a place not only where they can exist but flourish.

Honourable senators, I hope that the Province of Ontario will follow the example of the Nova Scotia Supreme Court ruling.

In closing, we are at a crossroad where institutions like Trinity Western University are being alienated and their rights and freedoms are under attack. We need to be on guard and defend not only these students but all Canadians from entities that threaten the Charter — a national pillar that lays out the foundation for Canadians to have their rights and freedoms secured so they can live and prosper in this country.

I will leave you with this quote from Canada's thirteenth Prime Minister, John G. Diefenbaker:

I am Canadian . . . free to speak without fear, free to worship . . . in my own way, free to stand for what I think right, free to oppose what I believe is wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

(On motion of Senator Jaffer, debate adjourned.)

### REMEMBRANCE DAY

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To those who served in World War I, with its stupendous sacrifices, its massive mobilisation and fielding of millions of men, on all sides, and to its enormous casualties and losses of life, and, to our young country's noble contribution to this far away overseas War, of 620,000 men, being ten percent of Canada's then population, and, to our 60,661 fallen, being ten percent of those serving, and, to Canada's Prime Minister, the Conservative, Robert Borden's success in earning Canada's representation at the 1919 Allies' *Paris Peace Conference*, and, to his and his Ministers' presence there, and, to the respect he earned for Canadian contribution to the war, and for Canada's control of its foreign affairs, wars and peace, and, to the changing relations between the Allied leaders, and, to their changing politics at home, and, to Canadians at home and abroad, particularly the Canadian-born British Prime Minister, Andrew Bonar Law and the

Canadian Max Aitken, known as Lord Beaverbrook, both of whom were active in British politics in these events, and who endeavoured, in 1922, to avoid a new war at Chanak, in the Turkish Dardanelles.

**Hon. Yonah Martin (Deputy Leader of the Government):** Honourable senators, I wish to take the adjournment of this item in the name of the Honourable Senator Cools.

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

### PEACE MAKING

#### INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to November 11, known to all as Remembrance Day, of this, the centennial year of the July 28 start of hostilities in the 1914-1918 Great War, which day is given to the national and collective mourning of Canadians, on which we remember and honour the many who served and who fell in the service of God, King and Country, and, whose incalculable sacrifice of their lives, we honour in our simultaneous yet individual, personal acts of prayer and remembrance, wherein we pause and bow our heads together in sacred unity, at the eleventh hour, of the eleventh day, of the eleventh month, for the many who gave themselves, and:

To Canadian and British peace of mind, freed from the fear and sorrow of the possible sacrifice of their beloved sons to war, so soon again, and, to their "blessed relief," and, to Canadian unanimity in support of their Prime Minister Mackenzie King's stand against war at Chanak, and, to Canadian events, and, to Canadians such as John Wesley Dafoe, the great journalist-editor of the Manitoba Free Press, later the Winnipeg Free Press, who had attended the 1919 Allies' Paris Peace Conference with Prime Minister Robert Borden's Canadian delegation, and, who had supported Canada's position on Chanak, and, who had strenuously opposed Prime Minister Lloyd George's demands to the Dominions and Canada to send troops there, and, to John Dafoe's brilliant account of Canadians and the Canadian Government's desire to live without war against people who had done them no harm, and, to his historic Manitoba Free Press article, titled, *The Rise of the Commonwealth Dominion Responsibility For External Affairs*, and, to Canada's influence on British politics and the other Dominions, and, to Canada's firm, principled, and vindicated position not to send Canadian troops to the Dardanelles, at Chanak, and, to Canadian-born British Prime Minister Andrew Bonar Law's negotiated and lasting peace with Turkey, in the Treaty of Lausanne, that is still in force, and, to the profound truth that the greatest act of peace is simply to make no unnecessary war, and, to make absolutely no war, for the purpose, that is the pursuit of ambition.

**Hon. Don Meredith:** Honourable senators, I wish to take the adjournment of this item.

(On motion of Senator Meredith, debate adjourned.)



• (1530)

## THE SENATE

### MOTION TO TAKE NOTICE OF THE MONTH OF JUNE AS THE BIRTH MONTH OF HELEN KELLER AND TO RECOGNIZE IT AS “DEAF-BLIND AWARENESS MONTH”—DEBATE ADJOURNED

**Hon. Yonah Martin (Deputy Leader of the Government),**  
pursuant to notice of May 6, 2015, moved:

That the Senate take notice of the month of June as the birth month of Helen Keller, who is renowned around the world for her perseverance and achievements and who, as a person who was deaf-blind, is an inspiration to us all and, in particular, to members of the deaf-blind community; and

That the Senate recognize the month of June as “Deaf-Blind Awareness Month”, to promote public awareness of deaf-blind issues and to recognize the contributions of Canadians who are deaf-blind.

She said: Honourable senators, I rise today to ask for your support to recognize the month of June as Deaf-Blind Awareness Month in Canada. I had the honour to introduce this motion back in 2013, but the session ended prior to its adoption. Therefore, today, Senator Jim Munson and I are pleased to bring forward this motion once again.

In May, we recognize National Vision Health Month as a result of the leadership of our former colleague Senator Asha Seth. This motion to recognize June as Deaf-Blind Awareness Month will build even greater awareness about those who live with deaf-blindness and will celebrate the life of their greatest inspiration, Helen Keller.

June 27 is Helen Keller Day, which was enacted by President Jimmy Carter in 1980, on the day of her birthday. As many of you know, Helen Keller’s journey is an inspiration to many, as she triumphed over adversity and went from a world of silence and darkness to vision and advocacy.

Honourable senators, I rise once again in the hope that we recognize deaf-blind awareness and the challenges deaf-blind citizens experience in Canada from coast to coast to coast. I will quote former Ontario MPP David Young, whose private member’s bill created Deaf-Blind Awareness Month in Ontario, to describe why a month like this is so essential:

... I believe this legislation is a step in the right direction to further improve the lives of deaf-blind Ontarians. With June declared Deaf-Blind Awareness Month, it will appear on every politician’s calendar and many will make that extra effort to promote this cause in their communities. Why? Because it is the right thing to do.

Honourable senators, we now have the opportunity to recognize the month of June as we take important steps in raising awareness among Canadians. In doing so, we recognize the strength, courage and perseverance that deaf-blind people

show every day in living their lives and facing their daily challenges. A month dedicated to honouring them will mean so much to them, their families and those who work closely with them.

The number of people who live with deaf-blind challenges in Canada is significant. Statistics Canada reports that there are approximately 69,700 Canadians over the age of 12 living with the dual disability of deafness and blindness or a combination of both vision and hearing losses that limit their everyday activities. Only 3,000 of these have been acknowledged by the organizations providing intervenor services.

I would once again like to describe three important terms to better understand the deaf-blind community. The first is a person with deaf-blindness, which is unique and separate from deafness or blindness on their own. A person living with this disability is an individual with a considerable degree of loss in sight and hearing, the combination of which results in significant difficulties in assessing information and in pursuing educational, vocational, recreational and social goals. An individual with the combined losses of hearing and vision requires specialized services, including adapted communication methods.

The second term is “intervenor.” Intervenors are specially trained to act as the eyes and ears of an individual who is deaf-blind. The intervenor’s job can include providing access to information — auditory, visual or tactile — by means of a variety of communication methods, acting as a sighted guide. Some methods of communication include tactile signing systems, Braille, large print and communication boards. In fact, I met an intervenor at the May event on the Hill and was amazed at how the hand becomes a typewriter, so to speak. The role they play is essential to a deaf-blind person being able to access the world — to be able to see and experience life through these intervenors.

The third item is “intervenor service,” the provision of a professional service, paid or voluntary, that facilitates interactions of persons who are deaf-blind with other people, places and environment. Our former colleague Senator Vim Kochhar cofounded the Canadian Helen Keller Centre and Rotary Cheshire Homes, which are two examples of excellent facilities. In fact, Rotary Cheshire Homes is said to be the only facility in the world where those who are deaf-blind can live independently.

I wish to recognize Senator Jim Munson who is also a champion of this cause and the co-sponsor of this motion once again.

Honourable senators, there are many deaf-blind persons around the world who have overcome adversity and achieved leaps and bounds like Helen Keller. The determination of people living with deaf-blindness and all those who dedicate their time to working with them leave me inspired. It is my hope that we can unanimously pass this motion to endorse June as Deaf-Blind Awareness Month. I urge all honourable senators to support this motion.

Thank you.

**Hon. Jim Munson:** Honourable senators, it is my pleasure today to express support for Senator Martin’s motion to recognize June as Deaf-Blind Awareness Month. The purpose of this

motion, as Senator Martin put it, is to raise public awareness of the issues impacting people with deaf-blindness and to recognize the contribution of these people to our society.

Helen Keller was born in June, so it is appropriate to select the month to direct our attention and energies to learning about this particular disability and inciting Canadians to do the same. For many of us, the inspiring story of Helen Keller is a reason we know anything at all not only about the challenges of being deaf-blind, but also about the human capacity to overcome them. This woman, after all, broke through the walls of limited vision and near silence to establish connections with people, her community, the world and future generations like us. A writer, an activist and a humanitarian, Helen Keller is today, almost 50 years after her death, an example of hope, heroism and the reason a motion like Senator Martin's should be supported.

Overcoming adversity is, by nature, difficult. Overcoming adversity alone — well, I doubt that is even possible.

We are fortunate as parliamentarians to have a public profile. We are well-positioned to nudge social issues like those related to deaf-blindness into the light. Earlier today, we saw former Senator Asha Seth with us. Look what she has done, as well, with her inspiration and passion in this regard. She is still passionate about the issue, as we look at her good work at the Canadian Helen Keller Centre.

We talk about our good friends. There was Vim and now there's Jim. Vim Kochhar has already cleared the path for us. You certainly couldn't say no to Senator Kochhar. For more than 30 years, he has been helping those with deaf-blindness through activities that bring real, meaningful improvements to their lives. In the 1980s, he was instrumental in raising the necessary funds and bringing plans to provide housing for deaf-blind people to fruition. As Senator Martin said, I'm referring to the Rotary Cheshire Homes. It is the only facility in the world that specifically enables deaf-blind people to live independently.

The Great Valentine Gala also bears Vim's distinct stamp. Since 1984, he has been doing the front-line work, putting on this annual fundraising event to benefit people with disabilities.

Currently, there are almost 70,000 deaf-blind people over the age of 12 in Canada. The prevalence of this dual disability is surprising to me. In part, that is because I know little about deaf-blindness; I need to know more. I work so much in so many other areas dealing with disabilities that this is the one that caught my imagination. It is the influence of senators like Senators Martin, Kochhar and Seth that has spurred me on to talk about this particular area of life.

I hate to look at the word "dis-." I look at the "ability." I don't like that "dis-" word, but it seems to be in our vocabulary.

I understand that disabilities limit people in their everyday activities. Here, I can apply what I know of some other disabilities to appreciate the emotional, financial and other hardships these limitations create. I can also apply my insights into the experiences of people with disabilities to appreciate that limitations like these betray what our society is failing to do in the interests of deaf-blind people.

[ Senator Munson ]

• (1540)

As Senator Martin has said, only 3,000 deaf-blind people have been identified as clients of organizations that help them interact with other people, places and environments. That is 3,000 out of 70,000 deaf-blind people. Think about it. In terms of the fundamental rights we all have to live as fully as possible and to realize our potential, this is a travesty.

In terms of what Senator Martin is proposing in her motion to recognize June as deaf-blind awareness month, these numbers are a starting point for us all. We can begin to change the odds by learning about deaf-blindness and the real life experiences of people with this distinct disability.

Unwilling to simply tuck the few facts I know away, I'm inspired by what I glean from them. It is clear to see there is so much work ahead for us if we are to set this imbalance right.

Senator Martin, I thank you personally for your motion and your determination to get it passed. It is simple. I hope we can do it faster than my autism bill, which took three years, but was still worth it. Every minute, every day, it is worth it to do these things, because people do pay attention.

If I can get in a plug on autism, there is more money than ever before in the last decade and people are doing better things. The same thing should be happening here. Your motion is a simple and straightforward request.

I am sure all honourable senators can see clearly the moral and social purpose of this measure. I urge you to join us in supporting it.

Thank you very much.

(On motion of Senator Fraser, debate adjourned.)

[*Translation*]

## OFFICIAL LANGUAGES

### COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF BEST PRACTICES FOR LANGUAGE POLICIES AND SECOND-LANGUAGE LEARNING IN CONTEXT OF LINGUISTIC DUALITY OR PLURALITY

**Hon. Claudette Tardif**, pursuant to notice of May 12, 2015, moved:

That, notwithstanding the order of the Senate adopted on Thursday, November 21, 2013, the date for the final report of the Standing Senate Committee on Official Languages in relation to its study on best practices for language policies and second-language learning in a context of linguistic duality or plurality be extended from June 30, 2015 to December 15, 2015; and

That the Standing Senate Committee on Official Languages be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

She said: Honourable senators, I move the motion standing in my name.

**The Hon. the Acting Speaker:** It is moved by the Honourable Senator Tardif that, notwithstanding the order of the Senate adopted on Thursday, November 21, 2013, the date for the final report of the Standing Senate Committee —

**Hon. Senators:** Dispense.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[English]

#### ROLE OF SENATORS

#### INQUIRY WITHDRAWN

On Inquiry No. 49 by the Honourable Marie-P. Charette-Poulin:

That she will call the attention of the Senate to her reflections on the role of a senator.

**Hon. Joan Fraser (Deputy Leader of the Opposition):** Honourable senators, this is an inquiry that Senator Charette-Poulin put down on the Notice Paper.

I know we all would have been extremely interested to hear what she had to say about her reflections on the role of a senator. As you can tell by the wording of the proposition, it would have been a very personal account. She was a valued senator for a long time. Unfortunately, as we all know, she had to retire for reasons of health before she was able to deliver her remarks for this inquiry. It is therefore with very great regret that I seek leave to have the item withdrawn from the Notice Paper.

Before I ask for that permission, I would also ask honourable senators to join with me in wishing our former colleague well on her health journey, which is not easy. We can only hope that it does go well for her.

Colleagues, I seek your leave to withdraw this inquiry from the Notice Paper.

**The Hon. the Acting Speaker:** Is it agreed, honourable senators?

**Hon. Senators:** Agreed.

(Inquiry withdrawn.)

(The Senate adjourned until Wednesday, May 27, 2015, at 1:30 p.m.)

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