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(HANSARD)

Thursday, May 28, 2015

The Honourable LEO HOUSAKOS
Speaker

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THE SENATE

Thursday, May 28, 2015

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

Prayers.

SENATORS' STATEMENTS

MATERNAL, NEWBORN, AND CHILD HEALTH WEEK

Hon. Mobina S. B. Jaffer: Honourable senators, I am proud to support Senator Seth's motion to recognize the second week of May as International Maternal, Newborn, and Child Health Week. This will be the first time that the week dedicated to this cause will be held in Canada. Its purpose is to allow stakeholders and policy-makers to come together to discuss the ways in which the health of these three groups can be improved, both within Canada and internationally, in order to sustain a more meaningful impact in this area.

Some of Canada's main goals in this field are to reduce maternal and infant mortality; to improve the health of mothers and children in the poorest countries of the world; and to promote equal access to health care for all, regardless of gender, race, class or any other factor.

Over the years, I have worked and met many marginalized Canadian women who have suffered from abuse, high levels of stress and postpartum depression during and after pregnancy solely due to their gender or class. I have also spoken to Aboriginal women who have become mothers at a very young age and have therefore been put at an increased risk for physical abuse. This is unacceptable. We must take steps to ensure that all Canadians are able to be healthy, both physically and mentally.

Internationally, Canada has taken measures to advocate for the health of mothers, newborns and children, but these have ultimately been insufficient. Though we created the 2010 G8 Muskoka Initiative which resulted in progress towards reducing infant mortality, malnutrition and the scope of infectious diseases, there are a number of principles and targets that are outlined in that initiative that have not yet been fulfilled.

It is crucial that we live up to this commitment. Millions of women and children still die every year due to pregnancy and childbirth complications. Ninety-nine per cent of these deaths are preventable and it is our duty to do everything we can to prevent them. We must ensure that maternal, newborn and child health continues to be Canada's central development priority until this is no longer the case.

Honourable senators, I want to take a second to recognize Senator Seth. Although she has retired from the Senate, she has not given up working on the issues that she was working on while she was a senator. I want to thank her on behalf of all of us. I know that she continues working on issues that she was working on here.

Honourable senators, I hope you will join me in supporting the rights of mothers, newborns and children worldwide to live lives that are as healthy as those most privileged amongst us. Thank you.

AZERBAIJAN

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I rise today to recognize the ninety-seventh anniversary of the founding of the Republic of Azerbaijan. It was on May 28, 1918, that the Republic of Azerbaijan became the first democratic and secular republic in the Muslim world.

Among some of its most significant accomplishments is the fact that it was the first Muslim nation to grant suffrage to women in 1919, giving women equal political rights to men. We should note that it was the same year that Canadian women received the right to vote and it was years ahead of Britain and the United States of America. Azerbaijan's first democratically elected government showed dedication to a robust and independent state, while also upholding the values of liberty, justice and equality.

Sadly, Azerbaijan's independence did not last long. Only two years after achieving independence, the Soviet Red Army overtook the capital city of Baku and the Republic of Azerbaijan was no longer free and democratic. The Soviet Union maintained its influence over Azerbaijan for 71 years, until the collapse of the Soviet Union.

On October 18, 1991, the Independent Republic of Azerbaijan was restored by a declaration within its National Assembly. The long history of Azerbaijan's independence allowed it once again to support a strong and thriving democratic state. Today, Azerbaijan is one of the fastest growing economies in the region. It is a secular country that guarantees religious freedom for all of its citizens. Hence, in a country with a predominantly Muslim population, Jewish and Christian communities are able to practice their faith freely. Azerbaijan is to be commended for embracing religious freedom and coexistence. Additionally, despite the decades of Soviet rule, Azerbaijan was able to maintain much of its rich culture of literature, folk art and dance.

In 2013 I had the opportunity to visit Azerbaijan as part of a parliamentary delegation. I saw first-hand the rich cultural heritage and historic sites of Azerbaijan, embedded within a bustling modern capital, Baku. From the prominent female legislators we met, to our female interpreter and protocol officer, to the mothers and teens throughout Azerbaijan, I also saw bold and beautiful women who exuded strength and a genuine joie de vivre, evidence of their true independence. These Azari women and men were such gracious hosts and our trip was most memorable.

While in Baku, we also noted that two of the most prominent buildings, one nearing completion atop a hill in the shape of flames, were, in fact, Canadian-owned, five-star hotels. We

learned that Canadian businesses, though modest in number, are doing well. There is certainly room for future development in various sectors of business and trade.

Honourable senators, please join me in acknowledging the Azari population living in Canada for their contributions to Canada's cultural mosaic, the important role of the Azerbaijani mission in Ottawa and the current leadership of Ramil Huseynli, Chargé d'Affaires from the Embassy of Azerbaijan in Canada, and in marking the ninety-seventh anniversary of the independence of Azerbaijan, which is today. I wish the Republic of Azerbaijan a very bright future.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Mr. Ramil Huseynli, Chargé d'Affaires from the Embassy of Azerbaijan in Canada. He is the guest of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I also draw your attention to the presence in the gallery of His Excellency Nikolay Milkov, Ambassador of the Republic of Bulgaria. His Excellency is accompanied by Svetlana Stoycheva, Deputy Head of Mission of Bulgaria and the composers and musicians who performed "Reverberations of Aboriginal Inspirations", a concert given in room 256-S today. They are musicians: Ralitsa Tcholakova, Jen McLachlen, Dominic Moreau, Elaine Keillor and composers: Evelyn Strobach, Victor Herbiet, Kevork Andonian and Daniel Mehdizadeh. They are the guests of the Honourable Senator Martin.

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

Hon. Senators: Hear, hear!

• (1340)

NATIONAL VISION HEALTH MONTH

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak in the month of May, which has been recognized as National Vision Health Month, and to congratulate our former colleague, the Honourable Asha Seth and the Canadian National Institute of the Blind for their hard work in making this important issue known to Canadians.

As many of you may know, the CNIB began in the aftermath of the Halifax Explosion, when over 1,000 people lost their eyesight or suffered eye damage due to flying shattered glass resulting from that December 6, 1917, blast. That event, coupled with the return

home to Nova Scotia of many World War I veterans with eye injuries, stirred a group of caring volunteers into action. Their work led to the inclusion of those who suffer from blindness in society and to spreading awareness of the difficulties of the vision-impaired in leading a life alongside those who have healthy vision.

National Vision Health Month seeks to achieve more than understanding the problems faced by blind Canadians. There's also the goal of spreading awareness to those of us with vision that healthy eyesight is not a given. We must constantly strive to maintain the health of our eyes for they not only provide us with sight but also with the warning signs that other health problems are afoot, like diabetes and cardiovascular disease.

Honourable senators, one in seven Canadians will develop a serious eye disease in their lifetime. Many of these diseases can be detected only through a comprehensive eye exam. The older we become, the more the chance of eye problems developing. All this to say: Take care of your vision and have your eyes examined. Visit your optometrist regularly.

National Vision Health Month also recognizes individuals and organizations who champion the cause of healthy eyesight through the Vision Champion Award, which is presented by the Canadian Association of Optometrists. The inaugural winner this May is Pat Davidson, Member of Parliament for Sarnia—Lambton. Ms. Davidson has worked tirelessly to promote and protect the vision of Canadians. Her private member's bill, which brought cosmetic contact lenses under the same regulation as prescription lenses, is only one example of her efforts. Our congratulations go to Ms. Davidson and to all those who work to promote healthy eyesight in Canada.

I dedicate this statement to my recently departed friend and my optometrist, Dr. Thom Lawrence, late of Chester Basin, Nova Scotia.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of Dr. Rob Greenwood of Memorial University. He is the guest of the Honourable Senator Wells.

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

Hon. Senators: Hear, hear!

MEMORIAL UNIVERSITY OF NEWFOUNDLAND

Hon. David M. Wells: Honourable senators, our North and our oceans are two frontiers that have long captured the imagination of Canadians. As these environments change, the stakes, both cultural and economic, are high, with a significant proportion of Canada's wealth lying in the northern reaches of our land and

sea. It's my great pleasure to rise today in the Senate to acknowledge the world class work being done by Memorial University of Newfoundland related to the challenges and opportunities in our changing North.

As Newfoundland and Labrador's only university, Memorial is committed to working with industry, community and government partners to meet these challenges and opportunities for the benefit of all Canadians. For instance, Memorial is home to the state-of-the-art Ocean Sciences Centre, where Dr. Paul Snelgrove heads the Canadian Healthy Oceans Network, a national network of ocean scientists.

As we speak, renowned fisheries scientist, Dr. George Rose from Memorial's Marine Institute, is leading a massive transatlantic research expedition aboard the *Celtic Explorer*. The Marine Institute also includes many assets, such as the Centre for Marine Simulation, the best marine simulation and training facility in the world.

Memorial's Centre for Cold Ocean Research, C-CORE, is a global leader in industry-university R&D collaboration and commercialization related to cold ocean and Arctic resource development, specializing in turning state-of-the-art research into thriving business opportunities.

Geographer and 2013 Arctic Inspiration Prize winner, Dr. Trevor Bell, is working with Inuit partners in northern Labrador to develop unique ways to monitor and promote safer winter travel in northern coastal communities.

Dr. Brian Veitch from the Faculty of Engineering and Applied Science is leading a team of researchers in developing safer working practices for harsh offshore environments.

His colleague, Dr. Claude Daley, heads the world's only co-op education Ocean and Naval Architecture Engineering program, where researchers and students work to design the next generation of ships fit for navigating the harsh conditions of Canada's Arctic seas.

Next week, researchers from across the country will gather in Ottawa as part of the On the Move Partnership, a national research project studying the impacts of commuting long distances for work. It will be led by Memorial's Dr. Barbara Nies.

These few examples are appropriately the tip of the iceberg of Memorial's cold ocean and arctic capacity, which will grow as the university focuses on COASTS, the acronym for the Cold Ocean and Arctic Science Technology in Society. COASTS, being led at Memorial University by Dr. Rob Greenwood, includes investment in a new core science building with 125,000 square feet reserved for industry R&D collaboration, doubling the size of the Faculty of Engineering and increasing the Marine Institute by a third. Memorial is also committed to increasing its number of research-ready graduate students to have the highest proportion of graduate to undergraduate students in the country by 2020.

Honourable colleagues, please join me in applauding the work of Memorial's COASTS initiative. With Memorial's help and that of industry and community partners, Canada is leading the way in adapting to the opportunities of a changing North.

[Senator Wells]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of His Excellency An'ua-Gheyle Solomon Azoh-Mbi, Cameroon's High Commissioner to Canada and the Honorable Nfon Victor Mukete, Senator. They are the guests of the Honourable Senator Andreychuk.

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

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

CONTROLLED DRUGS AND SUBSTANCES ACT

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

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

Thursday, May 28, 2015

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

TWENTY-EIGHTH REPORT

Your committee, to which was referred Bill C-2, An Act to amend the Controlled Drugs and Substances Act, has, in obedience to the order of reference of Thursday, April 23, 2015, examined the said bill and now reports the same without amendment.

Respectfully submitted,

BOB RUNCIMAN
Chair

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

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

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

TENTH REPORT OF ABORIGINAL PEOPLES COMMITTEE ON SUBJECT MATTER Tabled

Hon. Dennis Glen Patterson: Honourable senators, I have the honour to table, in both official languages, the tenth report of the Standing Senate Committee on Aboriginal Peoples, which deals

with the subject matter of those elements contained in Division 16 of Part 3 of Bill C-59, An Act to implement certain provisions of the budget tabled in Parliament on April 21, 2015 and other measures.

The Hon. the Speaker: Honourable senators, pursuant to the order of the Senate of May 14, 2015, the report will be placed on the Orders of the Day for consideration at the next sitting of the Senate, and the Standing Senate Committee on National Finance is simultaneously authorized to consider the report during its study of the subject matter of all of Bill C-59.

COMMITTEE OF SELECTION

FIFTH REPORT OF COMMITTEE PRESENTED

Hon. Jim Munson, Deputy Chair of the Senate Committee of Selection, presented the following report:

Thursday, May 28, 2015

The Committee of Selection has the honour to present its

FIFTH REPORT

Your committee wishes to inform the Senate that it nominates the Honourable Senator Eaton as Speaker *pro tempore*.

Respectfully submitted,

ELIZABETH MARSHALL
Chair

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

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

• (1350)

SAFE AND ACCOUNTABLE RAIL BILL

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-52, An Act to amend the Canada Transportation Act and the Railway Safety Act.

(Bill read first time.)

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

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

PARLAMERICAS

THIRTY-FIFTH PARLAMERICAS MEETING OF THE BOARD OF DIRECTORS AND THE ELEVENTH PLENARY ASSEMBLY, SEPTEMBER 24-27, 2014—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 Thirty-fifth ParlAmericas Meeting of the Board of Directors and the Eleventh Plenary Assembly, held in Santiago, Chile, from September 24 to 27, 2014.

PARLIAMENTARY GATHERING ON THE OCCASION OF THE SEVENTH SUMMIT OF THE AMERICAS—LEGISLATIVE TRANSPARENCY AND THE THIRTY-SIXTH BOARD OF DIRECTORS MEETING, APRIL 10-11, 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 Parliamentary Gathering on the Occasion of the Seventh Summit of the Americas: Legislative Transparency and the Thirty-sixth Board of Directors Meeting, held in Panama City, Panama, from April 10 to 11, 2015.

QUESTION PERIOD

HEALTH

MENTAL HEALTH COMMISSION

Hon. Jim Munson: Thank you, Your Honour. My question is to the Leader of the Government in the Senate. As you know, our prestigious independent Liberal caucus has been holding regular open caucus sessions so that Canadians can understand and learn about different issues in the country, and they have been very informative, including the one a couple of weeks ago dealing with mental health in this country. The experts there told us many, many things. Of course, thanks in large part to the efforts of the Mental Health Commission, which was created in 2007 and the idea for which came from the Senate, we have a national conversation trying to erase the stigma of mental illness.

But there are desperate situations in this community. Mr. Leader, as you know, approximately 20 per cent of Canadians will suffer from mental illness in their lifetime. Those faced with mental illness are also faced with a choice to pay out of pocket for treatment, or wait as long as a year for services covered by Medicare.

I applaud the government for renewing the Mental Health Commission's mandate to 2027, but your government has yet to commit to the commission's budget. We see the advertising. There is certainly a budget for that and a lot of money being spent on advertising on the economic blueprint for the future.

But where is the money? Can you provide figures on how much money the Mental Health Commission of Canada will receive to address this important issue?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, to answer your question, as you know, we have invested nearly \$1 billion in mental health research since 2006, in addition to our support for the Canada Brain Research Fund. As you noted, we created the Mental Health Commission of Canada to develop the Mental Health Strategy for Canada and recommend the best ways in which all levels of government, health care professionals, communities and individuals can work together and improve outcomes.

In response to the renewal of the commission's mandate, Michael Wilson, who chairs the board of the Mental Health Commission of Canada, said:

This renewed mandate signifies a new chapter for the MHCC. Together we will continue to build on our accomplishments and strive towards our common goal: improving the mental health of Canadians.

Senator, rest assured, this extended mandate will give the commission the tools it needs to carry out its responsibilities. I am confident that the chair of the board, former Minister Michael Wilson, will ensure that the commission has the necessary funding to fulfill this mandate.

[English]

Senator Munson: I appreciate that response. I think the sooner that Parliament knows how much money is involved and how the programs are going to work, the better. The sooner the better. It is a shame that the money is not shown in the budget implementation bill.

I will take your answer. Of course, from Michael Wilson, I have the same quotes in front of me. They're very pleased and happy for this, but I think the mental health community would love to know, as well, just how much money there is and how the programs will work.

As part of the commission's initial mandate, there's a knowledge exchange centre that has been established to connect with doctors and share practices across the country. But the panel that appeared before us says it does not go far enough, and it says it is essential that national protocols be established for mental health treatment as outlined in the commission's national strategy.

What is the federal government doing to collaborate with the provinces? I would like to have some specifics here, if I could. What is the federal government doing to collaborate with the provinces and see the national mental health strategy implemented?

[Senator Munson]

[Translation]

Senator Carignan: I likely anticipated that question when I was giving my previous answer. As I said, we have invested nearly \$1 billion in mental health research since 2006, in addition to the envelope for the Canada Brain Research Fund. We created the Mental Health Commission of Canada, whose mission is to develop a national mental health strategy and recommend the best ways in which all levels of government, health care professionals, communities and individuals can work together and improve outcomes and services with respect to mental health. That should answer your question.

[English]

Senator Munson: Thank you, Mr. Leader. It seems, though, that \$100 million is nowhere near enough. Just for the record, I would like to have your government explain the poor state of mental health of individuals under its care: the suicide rate for veterans is 46 per cent above the national average for men and 32 per cent for women; in federal correctional institutions, suicide accounts for 20 per cent of all deaths; and, over a third of young Aboriginal deaths are attributable to suicide. Do you really think that your government is doing enough to support Canadians struggling with mental health?

• (1400)

[Translation]

Senator Carignan: Senator, I don't know where you got the \$100 million figure. I said \$1 billion. As for veterans, as I have already pointed out in response to previous questions, veterans want our government to focus on medical research to improve treatment and rehabilitation programs.

Our government has made significant improvements to the mental health program for Canadian veterans. We will be opening a new operational stress injury clinic in Halifax, with satellite clinics in St. John's, Chicoutimi, Pembroke, Brockville, Kelowna, Victoria, Montreal and Hamilton. We are working with the Royal Ottawa Mental Health Centre and the Mental Health Commission of Canada to broaden research and promote communication.

We are also making improvements that are generating better career outcomes for Canadian veterans. We have increased investments and expanded rehabilitation and retraining, and we have brought in faster record transfer between National Defence and Veterans Affairs.

We offer better medical treatment, starting with better research. We have allocated a significant amount of money: \$200 million over six years. This money is on the books for the next six years and will be available to veterans for as long as they need it. Anything less would be irresponsible. Senator, you can see that the government is taking concrete action on mental health. You specifically mentioned veterans. I think my answer is complete and shows our government's commitment in this sector, as in all the sectors under its jurisdiction.

[English]

Hon. Jane Cordy: I would like to go back to Senator Munson's first question. As with many other Canadians who have done work in the area of mental health and mental illness, I was very pleased when Michael Wilson was appointed chair of the board. He has done tremendous work over the years in this field of volunteering his time to speak to many agencies about mental health and mental illness. But that is beside the point. The question Senator Munson asked was that while the mandate was extended to 2027, the reality is that no money goes along with that.

The budget is before the House of Commons — I don't think it has reached the Senate yet. There is no mention in the budget of money for the Mental Health Commission. Parliament will soon be adjourning — the House of Commons in June; the Senate, who knows, June, July, or whenever. It's unlikely that we'll be back in the fall and then it's unlikely that we'll be back until November or December; some are saying February. Let's be generous and say November. There is no funding for the Canadian Mental Health Commission and nothing in the budget that is before Parliament. What's the good of the mandate without any funding?

[Translation]

Senator Carignan: The government is involved in this file and is committed to the Mental Health Commission of Canada. Obviously, if the commission's mandate is extended, it will have all the tools it needs to fulfil that mandate. Given his experience, the chair of the board, Michael Wilson, who worked in finance and knows how important it is, will manage the budget of the Mental Health Commission of Canada effectively.

[English]

Senator Cordy: Thank you very much. I agree with all the things you said about Michael Wilson. I have great respect for Michael Wilson and the work he has done, particularly in the area of mental health and mental illness.

You said the government is committed to the Mental Health Commission. There was a movie one time where someone said, "Show me the money!" I guess a true commitment would be a budget for the Mental Health Commission to go along with the extension of the mandate. I've spoken to a number of stakeholders throughout the years since I worked on the Social Affairs Committee studying mental health and mental illness, but particularly before our open caucus on children and youth mental health.

Many stakeholders that I have spoken to are greatly concerned that there is no budget for the Mental Health Commission. Can you help to alleviate their concerns? As I said earlier, commitment is great, but commitment doesn't extend far if there is no money to go along with the commitment.

[Translation]

Senator Carignan: Senator, the Mental Health Commission still has a mandate and that mandate has been extended. If the commission still has a mandate, then the tools and means for it to fulfil that mandate are there and will continue to be there.

[English]

PUBLIC SAFETY

ANTI-TERRORISM

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a question for the Leader of the Government in the Senate. This is a question that comes from Mr. Bradley Johnston of Toronto, who asks:

Why should we let Bill C-51 gut the Charter of Rights and Freedoms?

People argue that Pierre Trudeau invoked the War Measures Act to fight terrorism. But, we must remind everyone that this was a temporary remedy. Bill C-51 makes it the law of the land forever.

Are we really ready to permanently give up our rights and freedoms? The death of our soldiers in Ottawa —

And in St. Jean —

— were heinous acts of violence and murder and a national tragedy.

But how many more of our grandfathers died in World War Two to ensure that Canada remained free? Will we throw those sacrifices away so easily?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, thank you for passing on that individual's question.

We share the same values and objectives: to keep Canadians safe. That is why our government has introduced measures that protect Canadians from jihadist terrorists. That is why we will not sit on the sidelines, but will join our coalition allies in the fight against the Islamic State. Bill C-51, which is currently before the Senate, puts in place mechanisms to balance the rights of Canadians and national security. In particular, I am thinking about the provisions of the bill that give judges a specific role.

As you know, Canadian judges have the authority to approve or reject applications by the police or our national security authorities to carry out certain activities to protect Canadians. This practice has been in place in Canada for a long time. It is a tool in the law to balance rights.

CSIS will not have the authority to conduct an activity unless a Federal Court judge deems it to be necessary to keep Canadians safe and specifically approves that activity. Bill C-51 contains specific parameters to strike a balance between the rights of individuals and national security.

[English]

Senator Fraser: This comes from me, not Mr. Johnston, but follows on his question, which was far more concerned with Canadians' rights than with security.

• (1410)

Every legal expert that I have heard or read on the matter of that particular contentious clause of Bill C-51 says it is unheard of, unprecedented in this country, to pass into law a provision stating that judges may issue warrants even if the conduct authorized by those warrants would contravene the Charter of Rights and Freedoms. Every legal expert says that under the normal practice for warrants, or for any other conduct authorized by a judge, one of the key elements is that that conduct must be acceptable under the Charter of Rights and Freedoms, and it has been perfectly possible under the Charter of Rights and Freedoms to engage in vigorous law enforcement and to protect the national security of this country. Why would a government be prepared to override or to attempt to override in ordinary legislation the Constitution of the country?

When we see also in Bill C-59 the extraordinary provision retroactively changing the law to exempt the RCMP from possible criminal charges, what are Canadians supposed to think about this government's respect for their rights?

[Translation]

Senator Carignan: Senator, I see you are following the example of one of your colleagues and combining various subjects in your question.

With respect to balancing rights, I would like to draw a parallel with section 1 of the Canadian Charter of Rights and Freedoms, which justifies certain violations.

When a violation can be justified in a free and democratic society, I would remind you that according to the test under section 1, which was first established in the Supreme Court decision in *Oakes*, there must be a prima facie violation of a right. The test under section 1 of the Charter applies when there is already a prima facie violation of a right guaranteed by the Canadian Charter of Rights and Freedoms, but according to a certain test, this violation can be justified in a free and democratic society when there is a pressing and substantial objective.

This is a parallel, but a judge in this case has the power to issue an authorization that includes certain criteria when it appears that such authorization is needed to protect Canadians and the judge has specifically approved it. I think the process is clear and it achieves its objective, which is to keep Canadians safe.

[English]

Senator Fraser: Section 1 of the Charter of Rights and Freedoms says that the Charter is subject to such exceptions as are demonstrably justifiable and prescribed by law in a free and democratic society. The *Oakes* test says, among other crucial points, that the exception must be proportional to the wrong that it proposes to right.

In the case of the budget bill, I am not at all sure that a provision to exempt the police from criminal charges — the police — is demonstrably justifiable. Certainly I have not seen it demonstrably justified, nor do I think it's proportional to the gravity that the government may see in the possibility of the RCMP being found to have committed an offence under the law.

[Senator Fraser]

In the case of Bill C-51's attempt to override the Charter of Rights and Freedoms, proportionality is even less evident, because that section of the bill gives almost open-ended discretion to CSIS to seek we know not what exemptions from the law. How do we know that something is proportional when we don't know which exemptions are being sought, let alone having any kind of demonstrable justification offered for that exemption?

[Translation]

Senator Carignan: Senator, your comments are very interesting. I imagine they will form the framework for your speech on Bill C-51. However, the objective of that provision is of course not to convince you, but rather to keep Canadians safe.

[English]

THE SENATE

BILL C-279—PROGRESS OF LEGISLATION

Hon. Grant Mitchell: I have a question for the Leader of the Government that follows on, in one sense, from the rights question and the mental health question that preceded, because it concerns Bill C-279, which is the transgender rights bill.

The Senate received that bill about two years ago. As we know, the government can call a vote on these kinds of things any time they would like. I respect the fact that Senator Batters has yet to speak and is scheduled to speak next week. I encourage that be done.

My question is to ask the Leader of the Government whether he would put his full authority behind pressing his deputy leader to allow for a vote as soon as possible after Senator Batters speaks so that we could get a vote on Bill C-279 for the many people in the transgender community, their families, supporters and all Canadians who are concerned about rights and have been waiting for over two years.

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, allow me to remind you that we proposed amending the *Rules of the Senate* to allow time allocation or a means of ending debate or forcing a vote on a private member's bill. The goal was to allow a bill's critic or sponsor to move this motion to force a vote on the bill. Unfortunately, your side strongly objected to a change in the Rules.

Therefore, we must apply the current Rules and let senators continue to debate and study the bill. I invite you to put pressure on your leadership if you wish to change your position on amending the Rules. That would allow you to move this motion in order to advance debate.

[English]

Senator Mitchell: I appreciate the cagey comeback, completely and utterly disingenuous, because what that initiative would require would be that if I wanted a vote on a bill that I'm sponsoring as an opposition member, I could move to have it, but

I'd still have to get the support from the government side, the majority, in order to get the vote. What I'm doing right now is just asking you to help me get the support on the other side to get the vote. I just want a vote. These people have been waiting for two years. It was passed in House of Commons by a majority, with 18 Conservatives, including the late Jim Flaherty and the former Minister John Baird.

I'm asking you and doing exactly what you're saying, what your initiative would have done. We don't have closure. All we have is the opportunity to ask. This is my opportunity.

Will you please see that we get a vote on the report immediately after Senator Batters speaks and that we move to third reading? Senator Plett and others can speak, but we can do that within a day or two. Certainly we're getting a budget bill. What is the budget bill going to cover, \$250 billion? We're doing that in two weeks. This has been two years. Could you not just ask your members to allow for a vote? That's all we're asking.

• (1420)

[Translation]

Senator Carignan: That is exactly what I was saying. The amendment would enable a vote to be held. It's not a way to limit debate; it's a way to force a vote at a specific time. Unfortunately, you rejected this amendment to the *Rules of the Senate*, and as a result, you cannot use this tool as a way to take positive action toward advancing your bill. As you know, from our perspective, this is an interesting private member's bill on which everyone can vote their conscience. We each have the right to study the bill and vote as we see fit. We all get a chance to study it properly.

[English]

Senator Mitchell: It sounds like we've made some progress, but now we have to establish that you're not going to be whipped and you get to vote your conscience. That's great. Let's get that on the record. Let's reinforce that. The Conservatives will be able to vote their conscience on this bill. That's fantastic.

What I am saying, and I want to make this clear, is that I get your point about the initiative we turned down, but what you're not getting is that the initiative that we turned down is exactly what, in effect, I'm doing now. That initiative would allow me to ask the Conservatives to vote on giving me a vote. I'm being that much more efficient, trying to reduce government, trying to reduce red tape.

I'm simply asking: Will you put the weight of you and your office behind getting a vote on this bill, Bill C-279, at report and quickly after that at third reading? Could you do that before the end of the session for the sake of all these people?

[Translation]

Senator Carignan: I hope I didn't miss parts of the question, because I forgot to put in my earpiece for the interpretation.

[English]

Senator Mitchell: You are allowed to vote your conscience. There will be no whip.

[Translation]

Senator Carignan: I can assure you that, on this side, ever since I have been in the Senate, every one of the senators I have seen vote has always done so according to his or her conscience.

[English]

Senator Mitchell: I am not for an instant doubting the exercise of conscience on that side. What I doubt is the sincerity of your response to my basic fundamental request to simply have a vote on a bill that was passed by elected members, who were probably representing 60 per cent in total of the popular vote in Canada. It was passed by members on the other side. Could we, after two years, have a vote on that? You get a budget bill worth \$250 billion through here in two weeks. Isn't two years getting to be a little bit long for this bill?

[Translation]

Senator Carignan: Senator, we will refer the proposed rules to the representatives of your caucus, and if they agree to adopt the amendment to the Rules without delay, you will have all of the tools you need to move your bill forward.

[English]

PUBLIC SAFETY

RCMP RETROACTIVE EXEMPTION—ANTI-TERRORISM

Hon. Wilfred P. Moore: Honourable senators, I would like to follow up if I could on the questions from Senator Fraser. With regard to the retroactive exemption that will be granted to the RCMP, how far back does that extend and to what matters?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator I believe you are talking about a bill that is currently with various committees. I invite you to ask the witnesses that question.

[English]

ORDERS OF THE DAY

ANTI-TERRORISM BILL, 2015

BILL TO AMEND—THIRD READING

Hon. Bob Runciman moved third reading of Bill C-51, An Act to enact the Security of Canada Information Sharing Act and the Secure Air Travel Act, to amend the Criminal Code, the

Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts.

He said: Honourable senators, I am pleased to kick off the third reading debate on Bill C-51, the Anti-terrorism Bill, 2015 — a debate that I am sure will be an interesting one.

This bill enacts the security of Canada information sharing act and the secure air travel act, and it amends the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act.

When I spoke on this bill at second reading, I did so with the benefit of participating in many hours of National Security and Defence Committee hearings during pre-study of the legislation prior to the bill arriving in the Senate.

I'd like to thank that committee and particularly the chair, Senator Lang, and deputy chair, Senator Mitchell, for allowing me to participate fully in the consideration of this legislation even though I am not a regular member. I also want to commend all members of the committee. There was full participation in the hearings and despite our differences on the legislation, we were able to achieve consensus on a number of helpful observations.

In my speech at second reading, I commented extensively on the evidence we heard and I do not intend to repeat myself today, but I do think events in recent weeks help to explain why Canadians need the measures outlined in Bill C-51.

Earlier this month, acting on a tip from a parent, the RCMP arrested 10 young people at Trudeau Airport in Montreal. They were headed to join the Islamic State in the Middle East. In Montreal alone, police have made at least 15 similar arrests in recent months, and at least seven youths have left Montreal to join the fight on behalf of ISIS in Iraq and Syria. I think you will all agree that these are shocking statistics, considering that we are talking about one city alone.

When I saw news reports of the latest arrests, I could not help but think that Bill C-51 has the potential to greatly assist authorities in dealing with these types of situations where Canadians are radicalized and attempt to head off to join the jihadist movement.

The new Criminal Code offence proposed in Bill C-51 regarding the promotion of terrorism will help deal with the online propaganda that is often so important in the radicalization process. It will allow police to lay charges, and it also lays out a process for the removal of the offensive material from the Internet.

The new threshold for terrorism peace bonds proposed in Bill C-51 will make this tool more effective in preventing a radicalized person from acting on his or her beliefs. The expanded no-fly list proposed in the secure air travel act — also part of Bill C-51 — will allow listing of not only those who pose a threat to the flight but also those who are flying to a place where they can commit terrorist acts. All of these measures will assist in cases such as the ones at the Montreal airport this month.

I commend the RCMP for their quick action in the Montreal case, and I believe everyone in this chamber will join me in thanking our national security and law enforcement agencies for their hard work in detecting and disrupting several terrorist plots. Over the past few months, in fact, there have been a number of terrorism-related charges and arrests thanks to their professionalism and dedication.

I don't think too many of us in this chamber are prepared to concede that we are fighting a losing battle, but it must be recognized that our police and our intelligence agencies are doing a job that is becoming increasingly more difficult and complex.

The terrorists of today are well-financed. Only yesterday I read that ISIS has more than \$8 billion U.S. at its disposal. They understand how to use modern technology to disseminate their message and recruit followers, and they are committed to their cause. They are in it for the long haul. If we are to prevail in this struggle, we must make a similar commitment on behalf of freedom, tolerance and yes, security.

Honourable senators, I submit that if we refrain from taking a strong stance, if we fail to make smart legislative changes, we do so at the peril of our national security. We must give our security agencies and police forces the tools they need to address the evolving threat of terrorism.

Senator Mitchell, in his speech at second reading, raised the issue of resources. He made the point that passing laws isn't enough and I agree with him. On that point, I would highlight the government's investment announced in the budget of close to \$300 million in intelligence and law enforcement agencies for additional investigative resources to counter terrorism.

• (1430)

It is also worth mentioning Bill C-44, the Protection of Canada from Terrorists Act, which recently received Royal Assent. This legislation provided important updates to the CSIS Act to ensure that CSIS has the tools it needs to investigate threats to the security of Canada, no matter where they occur.

But it is clear that as terrorists continue to refine and adapt their methods, police and national security agencies need additional tools and greater coordination. That's precisely the goal of the anti-terrorism bill, 2015. This bill contains a number of measures that will allow us to more effectively confront the threats posed to our country by violent extremists and by those who travel abroad for terrorist purposes.

First, the bill will create the "security of Canada information sharing act" to improve the ability of government departments and agencies to share information when it is relevant to activities that undermine the security of Canada. This will allow institutions with national security mandates to better detect, analyze, prevent, investigate or disrupt national security threats. It does not expand the range of information that government can collect, but it does ensure that, in cases where national security is at stake, information can be shared in a more timely and efficient manner with other institutions that play a role in national

security. The bill was amended in the other place to explicitly exclude information sharing related to advocacy, protest and dissent.

I know committee members on both sides were pleased to hear Minister Blaney, when he appeared before the committee on Monday, make the commitment that all departments and agencies affected by the information-sharing provisions of the bill will be required to complete a privacy impact assessment in consultation with the Privacy Commissioner of Canada to ensure the privacy rights of Canadians are protected. This is a very positive development that the committee highlighted in observations attached to its report on the bill.

The bill also creates the “secure air travel act,” which expands the mandate of current Passenger Protect Program, better known as the no-fly list. Right now, the no-fly list contains names of people who are a threat to transportation security; in other words, they might hijack or blow up an airplane. Under the “secure air travel act,” this list will also include those who the minister has reasonable grounds to suspect are travelling by air for the purposes of committing a terrorist offence. This is an important new tool in the fight against the enlistment of Canadians by terrorist forces in Iraq and Syria in particular.

Part 3 of the bill, the Criminal Code amendments, will make the recognizance with conditions and terrorism peace bonds more effective by lowering thresholds and, in the case of recognizance with conditions, increase the period of preventive detention.

The bill also creates a new offence of advocating or promoting the commission of terrorism offences in general to fill the gap in the law as it now stands, which requires counselling to commit a specific offence.

The third area of reform in the Criminal Code relates to two new warrants of seizure, forfeiture or deletion of terrorist propaganda. The changes would allow a judge to order the seizure of terrorist propaganda that is printed or recorded, as well as the removal of terrorist propaganda that is in electronic form and available to the public through a Canadian Internet service provider.

Part 4 of the bill allows CSIS to play an enhanced role in ensuring Canadians’ national security by allowing the agency to take preventive action to reduce terrorist threats. For example, CSIS officers would be permitted to speak to a potential terrorist recruit to dissuade them from action. CSIS officers would need a warrant from a Federal Court judge before undertaking any threat-disruption activity that would otherwise infringe upon an individual’s Charter rights or be contrary to Canadian law.

To be clear, and this has been said by many people before the committee, but it bears repeating: The bill does not give CSIS officers the right to infringe on Canadians’ Charter rights. If a Federal Court judge does not believe the activity can be conducted in a manner that is consistent with the Charter, then he or she is under no obligation to issue the order.

The bill is also explicit that CSIS employees will not have law-enforcement powers. For example, they will have no powers of arrest.

The final part of Bill C-51 proposes changes to Division 9 of the Immigration and Refugee Protection Act, including security certificate proceedings. Division 9 proceedings are used when the government must rely on and protect classified information to determine whether non-citizens can enter and remain in Canada. If disclosed, that information would be damaging to national security or endanger the safety of individuals. The changes proposed in this section are designed to better protect this information.

Honourable senators, we need these measures to contain what the CSIS director, before the Standing Senate Committee on National Security and Defence on Monday, called a growing threat. Not only is recruitment of Canadians growing, but ISIS has on more than one occasion specifically mentioned Canada as a target.

Before I finish, I want to come back to something from the debate at second reading. At the time, Senator Cools asked me a fundamental question. She asked me if I could tell her what “terrorism” is.

There’s an extensive definition under section 83.01 of the Criminal Code that, in a nutshell, defines “terrorist activity” as an act committed in whole or in part for a political, religious or ideological purpose with the intention of intimidating the public with regard to its security or compelling the government or an organization to either take or abandon a certain course of action. It requires a degree of violence that causes or is intended to cause death or serious bodily harm.

Of course, that’s a legal definition for use inside a courtroom. Out in the real world, we sometimes disagree about what constitutes terrorism, which gets back to Senator Cools’ question.

For example, when U.S. Army Major Nidal Hasan slaughtered 13 people and wounded dozens more in a shooting rampage at Fort Hood, Texas in 2009, the Obama Administration classified it as “workplace violence,” ignoring evidence of Hasan’s radicalization. Honourable senators, in the view of most observers and Americans, that was terrorism, plain and simple, just as it was when Martin Couture-Rouleau ran down and killed Warrant Officer Patrice Vincent in Quebec last October, and when Michael Zehaf-Bibeau shot Corporal Nathan Cirillo and then launched his attack on Parliament Hill.

We are not helping ourselves by refusing to speak the word “terrorism.” If we don’t acknowledge it, we can’t fight it. We have been slow to realize this in Canada, perhaps because we have not faced a serious attack. If you don’t share that view, I encourage you to take a look at the kind of legislation our international partners have passed in recent years. I will give you a couple of examples.

In Australia, anyone over 16 can be detained for up to 14 days when there’s a threat of an imminent terrorist attack or immediately after a terrorist attack. Australia is set to pass a law in the coming weeks to give the government power to strip citizenship from dual citizens, even if they’re not convicted of crime.

In France, Parliament has approved new surveillance powers giving intelligence agencies the ability to tap phones and intercept emails without judicial authorization. It forces Internet service providers and phone companies to surrender data upon request.

In Great Britain, they allow indefinite detention of foreigners as terrorist suspects, and they passed a bill earlier this year denying U.K. citizens re-entry to the country if they're suspected of fighting as terrorists overseas.

• (1440)

Clearly this bill does not contemplate but recognizes the importance that Canadians hold with respect to our values and principles. They are very much cherished and protected, and I think that is reflected in this legislation.

I have to say that I suspect many of the people opposing this bill have a fundamental misunderstanding of the threat we face. Given some of the assessments of the bill that have been reported in the media, especially the comments Senator Fraser mentioned earlier in the day, those from academic and legal communities, they seem to think the same tools we use to deal with ordinary criminality are sufficient to deal with terrorism, and they're not. Ordinary criminals seek to prey on society, not to destroy it. They're motivated in part by self-preservation. That's a lot different from a homicidal maniac driven by a perverse ideology that tells him the more heinous the attack, the higher the death toll, the more exalted will be his place in heaven — an ideology that encourages him to die for the cause. Unlike the criminal justice sector, in counterterrorism operations, success is measured in prevention rather than prosecution.

As I mentioned earlier, I agree with what Senator Mitchell said two weeks ago in the chamber, that new laws alone won't be enough to win this fight. But that doesn't mean new laws aren't necessary, because they are, and the balanced and reasonable measures contained in Bill C-51 are a good start to help make Canadians safer and more secure.

I urge all honourable senators to support this legislation.

Hon. Mobina S. B. Jaffer: Senator Runciman, will you answer a question?

Senator Runciman: Yes.

Senator Jaffer: Senator Runciman, you are a very careful man, and my experience of working with you is that you say things very carefully. I want to make sure it is put clearly on the record, because I don't think you would have wanted to say that we have never had as big a threat as we had on Parliament Hill. Twenty years ago, this country had a terrible threat with Air India. Would you not agree that was our first threat and not Parliament Hill?

Senator Runciman: Well, there's no question that was the worst terrorist attack in the history of the country. I agree with you.

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

[Senator Runciman]

CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator McInnis, seconded by the Honourable Senator McIntyre, for the second reading of Bill C-12, An Act to amend the Corrections and Conditional Release Act.

Hon. Larry W. Campbell: Honourable senators, once again I find myself defending those who are considered in parts of society to be indefensible. I am, of course, referring to those persons who are addicted to drugs, be it street, prescription or alcohol. I assume that all reasonable people accept the scientific fact that addictions are medical conditions.

Let's pretend I'm an addict. I have been called a lot worse. I am sentenced to prison for a crime. I remain an addict. Why would any reasonable person believe that when I go through the prison gate, my addiction will go into remission? Why would any person believe that when 10,000 of the 15,000 people who are incarcerated committed their offences while under the influence of alcohol or drugs? The fact is that many of these people who committed these offences not only are addicted but are suffering from a mental illness.

There are two issues that have to be considered with this bill. The first is the issue of substances in prisons. The second is treatments for addictions.

I have read Senator McInnis' speech. It was, as always, compelling, accurate and sensible. I would ask, however, where the figure that almost 95 per cent of offenders who are seeking rehabilitation in our facilities are being provided services came from. In fact, the treatment programs in the prison systems have been reduced. From the Correctional Investigator, we learned that the opiate substitute therapy program, which is normally associated with methadone, has been cut by 10 per cent. In fact, 5.3 per cent of the incarcerated population was participating in this program, with great success. So, while the population increases, the programming decreases.

As part of the Economic Action Plan of 2008 that was set up while we were in the throes of a major depression, \$122 million over five years was allocated to new measures to control smuggling. There was an expansion of drug detector dog teams. There was a hiring of new security intelligence officers, which always seemed to be a bit oxymoronic to me. There was new detection equipment and more stringent search standards.

I have no idea what this has to do with an economic action plan, but how did this work out? Both the Correctional Investigator and the commissioner of the CSC advised in their reports that the results appear mixed and somewhat distorted. Yes, there is an increase in the amount of drugs seized. Random urinalysis tests administered have shown a decline in positives. However, with all numbers, statistics and figures, you have to really dig down to see what you have. After correcting for the

removal of prescription drugs, which were prescribed while in prison, the rate of positives remained unchanged over the past decade, despite increased interdiction efforts.

It seems to come as a surprise that this is happening, but it shouldn't, because this is the government. It refused to consider harm reduction as a method of dealing with addiction and continued to spend money on interdiction.

Senator McInnis speaks of the safety of the community and the correctional officers, and of course this has to be our concern. What of the safety of the inmates that I would remind everyone are in our care? I know — they're addicts. They're bad people and they must be punished.

Similarly put, interdiction, drug testing and other efforts are consistently stymied by the addict population. One of the things that I found in my dealings with the addict population over the years, and the thing that sometimes I'm most sad about, is the loss of the intelligence that these people have. Imagine if they could just apply their intelligence to something other than drugs.

It comes as a surprise that a still was found in a prison. It may surprise you even more that in one prison they had a meth lab running inside the prison.

A prison is a living, breathing entity. It is not something that sits in isolation from the rest of the community. Goods and services come and go. People come and go. People have various ideas of what is right or wrong. People have a lack of morality in some cases when it comes to bringing drugs in.

It should not surprise you that drugs are in prisons. It simply is beyond comprehension that you believe that you can stop this.

There are prisons in the United States that are considered super max prisons. People are in cells 23.5 hours a day. They see no one. They talk to no one. Their cell is a room with a huge Plexiglas window that is open to the outside. Yet, drugs get in there and people who are in these situations are still able to get them.

• (1450)

Would it not be more appropriate to ensure that treatment is available when the addict needs it? Would it not be appropriate to understand that somebody coming in addicted and in a situation where they have stark options should be afforded the option to have treatment and to the very least come out of prison in a state of remission? Make no mistake here, honourable senators, nobody is cured of addictions; nobody is cured of alcoholism. It will always be there and you will always just be in remission. Would it not make our prisons a safer place, if addictions were treated as a disease and not as a criminal problem?

This bill, like so many others, does not address a problem; it exacerbates an existing problem. If we do not stop this kind of thinking, then we are doomed to see the same results over and over again.

Given this bill and the content, I simply cannot support it. Thank you.

Hon. Ghislain Maltais (Acting Speaker): 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 second time, on division.)

REFERRED TO COMMITTEE

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

(On motion of Senator McInnis, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

ADJOURNMENT

MOTION ADOPTED

Hon. Yonah Martin (Deputy Leader of the Government), pursuant to notice of May 27, 2015, moved:

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

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

INCOME TAX ACT

BILL TO AMEND—THIRD READING—POINT OF ORDER—SPEAKER'S RULING RESERVED

Hon. Jean-Guy Dagenais moved third reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations).

Hon. Diane Bellemare: Honourable senators, I rise today on a point of order pursuant to rule 17. The Senate cannot consider Bill C-377 since it includes appropriations that have not been recommended by the Governor General.

Mr. Speaker, honourable colleagues, on October 30, 2014, during the speech I delivered at second reading of Bill C-377, I questioned the admissibility of such a bill. I couldn't understand how a bill that costs so much and is of such capital importance to labour organizations could be introduced by a member instead of by the government.

The admissibility of this bill had been challenged in the other place, but in December 2012, the Speaker of the House of Commons rejected the challenge on the basis of the requirements of the Tax Act with regard to information on charities.

He said that the bill was admissible and did not need a Royal Recommendation, since the agency's spending authority already included the requirements created by Bill C-377.

Since December 2012, new facts have come to light, including the recent publication of the 2015-16 Plans and Priorities for the Canada Revenue Agency — which I will refer to as the CRA — and Bill C-59, which sets out new requirements concerning balanced budgets. Based on this new information, I am challenging the admissibility of Bill C-377.

These new facts confirm that Bill C-377 involves new appropriations and thus requires a Royal Recommendation. The costs and activities related to this bill do not fall under the agency's permanent mandate, nor are they administrative in nature.

Here are my reasons. First, by amending the Income Tax Act, Bill C-377 would require CRA to undertake major information gathering activities. Information gathering does not fall under CRA's permanent mandate, which is to collect taxes and protect fiscal integrity. The main purpose of Bill C-377 is to document the expenses of labour organizations for accountability purposes, so it would entail the creation of a new program distinct from those currently managed by CRA.

Second, Bill C-377 cannot be considered an extension of the agency's activities related to the legislation governing charitable organizations. The purpose of these activities is to protect the integrity of the tax base and ensure compliance with tax laws for individuals and businesses.

Third, Part 3 of Bill C-59 would enact the Federal Balanced Budget Act, so we cannot ignore the budgetary repercussions of Bill C-377 even if they are caused by increased administrative expenses at the agency. The impact of Bill C-377 on balancing the budget, should there be a deficit, will be borne entirely by the Prime Minister, the ministers and the deputy ministers because government operating expenses will be frozen and salaries cut by five per cent.

These are the main reasons why Bill C-377 involves new appropriations and therefore requires a Royal Recommendation. Before I get into any more detail, I would like to list the federal government's administrative obligations should Bill C-377 pass to ensure that everyone understands why they do not fall under CRA's permanent mandate.

Clauses 2 and 3 of Bill C-377 require local labour organizations to file financial information with the minister. Clause 4 requires that the minister post the information on the departmental Internet site in a searchable format. The objectives of Bill C-377 are not explained in the bill. It requires all disbursements by a labour organization with a value greater than \$5,000, along with the name of the payees and the purpose and a description of the transaction, to be made public, along with other financial

information. The bill also requires an estimate of the time spent on each of political activities, lobbying activities and other non-labour relations activities.

• (1500)

For the federal government, this means that the bill will require 18,300 local labour organizations to register with the CRA. At present, no such federal registries exist.

About 90 per cent of labour organizations report to their respective provinces and the others report to the federal labour department.

The CRA will have to post 18,300 annual information returns on its website. For the exercise to be valid, the agency will have to verify the accuracy of the data produced and, specifically, the accuracy of the breakdown of expenditures according to whether or not they pertain to labour relations activities. I will now explain my three arguments.

First, Bill C-377 generates activities and data gathering costs that are new and outside the agency's permanent mandate. The Report on Plans and Priorities for the agency defines its permanent mandate as follows:

The CRA's mandate is to ensure that Canadians pay their required share of taxes; receive their rightful share of benefits; and are provided with an impartial review of decisions they choose to contest.

The CRA's mandate, as defined on the Governor-in-Council appointments website, covers the same themes:

The Canada Revenue Agency has the mandate to administer tax, benefits, and other programs, and to ensure compliance on behalf of governments across Canada, thereby contributing to the ongoing economic and social well-being of Canadians.

Section 5 of the Canada Revenue Agency Act also indicates that the agency is responsible for supporting the administration of program legislation. The act specifies that the CRA implements agreements that all require a Royal Recommendation. The CRA can, however, provide ancillary services, but they must be consistent with its mandate, which is collecting taxes. Bill C-377 pertains to accountability in labour relations, as indicated in the objectives of the American legislation upon which Bill C-377 is directly based. I would like to quote the inspiration for this bill.

The title of the American law is:

[*English*]

The Labor Management Reporting and Disclosure Act of 1959, As Amended

To provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes.

This title is followed by a short one: Labor Management Reporting and Disclosure Act of 1959, under the heading Declaration of Findings, Purposes, and Policy in the preamble, one can read the following:

(a) The Congress finds that, in the public interest, it continues to be the responsibility of the Federal Government to protect employees' rights to organize, choose their own representatives, bargain collectively, and otherwise engage in concerted activities for their mutual aid or protection; . . .

(c) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947, . . .

[*Translation*]

In light of the American legislation, it is clear that Bill C-377 pertains to labour relations and more specifically to the accountability of labour organizations. Generally speaking, in Canada, this is covered by the Canada Labour Code and the provincial labour codes.

The current Income Tax Act does not provide for any mandate that resembles the one Bill C-377 seeks to impose on the CRA. For that reason, Bill C-377 is a new and distinct program compared to those that are already administered by the CRA. In reality, there is nothing in Bill C-377 about taxes other than its title, which indicates that it seeks to amend the Income Tax Act. Other than the title, the bill does not have any stated tax objective or any tax implications if the obligations set out in this bill are not met. The \$1,000-a-day fine for being late is not a tax penalty. There are no consequences if the information provided is deliberately misleading.

The first version of Bill C-377 was Bill C-317, which was introduced in 2011 by MP Ross Hiebert. Bill C-317 could be described as a tax bill because failure to meet the obligations set out in that bill meant that union members were unable to deduct their dues from their taxable income. It was because of the tax implications of Bill C-377 that the Speaker of the House of Commons decided that the bill needed a Royal Recommendation.

With the removal of the tax penalty set out in Bill C-317, Bill C-377 is no longer a tax bill because it no longer contains any provision that would change the tax regime and the way Canadians pay their taxes.

Accordingly, Bill C-377 no longer automatically falls within CRA's permanent mandate. Bill C-377 therefore constitutes a new appropriation and it will require separate approval by the Treasury Board in order to expand the agency's current mandate. In concrete terms, passing this bill will change the agency's program alignment architecture.

The new architecture, as well as the changes to the measurable strategic outcomes that are expected and the funds needed to carry out this new mandate, will have to be approved by the Treasury Board.

[*English*]

This is why C-377 is a money bill.

[*Translation*]

My second argument is that some people will say that the CRA collects information on registered charities and that it could do the same thing with respect to Bill C-377. According to that argument, there would be no need for a Royal Recommendation. In fact, as others have explained, gathering information is not part of the agency's permanent mandate. Gathering information is one of many ways that the agency carries out its mandate, which, I would remind you, is to protect the integrity of the tax base and taxes.

Otherwise, how could we distinguish that agency's mandate from those of Statistics Canada; the Treasury Board, which gathers information on collective agreements; the labour department; or intelligence services that all collect information?

Gathering information on charitable organizations is one way to achieve its tax objectives, including those related to protecting the integrity of the tax base and making sure that taxpayers comply with tax laws, because charitable donations can be used to commit tax evasion. That is not the case for union dues.

Charitable organizations do come under CRA's mandate, because they issue tax receipts that allow donors to pay less in taxes. The government keeps an eye on these organizations to prevent tax evasion and protect the tax base.

Since 1967, using form T3010, the agency has worked to ensure that charitable activities do not benefit donors directly. After performing audits, the agency revokes offending organizations' ability to issue tax receipts. The information that the CRA gathers and posts on its website allows taxpayers to make sure that the donations they make to certain organizations are tax deductible. That is why this sub-program is part of the program that has to do with information for taxpayers and businesses.

• (1510)

Labour organizations cannot be compared to charities. They do not pay taxes and do not issue tax receipts to members. In fact, dues are deducted directly by the employer on the T4 form that the employer provides to its employees.

Bill C-377 requires a Royal Recommendation, since the information gathering activities have no tax implications. This does not constitute an extension of the CRA activities that apply to charities, which do have tax implications. I repeat that Bill C-377 requires specific approval from the Treasury Board, since it will change the CRA program structure and mean significant spending.

It costs more than \$30 million a year and takes 330 full-time employees to administer the charity sub-program. According to our estimates, it will cost as much or even more in the long term to administer Bill C-377.

Furthermore, Bill C-377 requires personal information, but that is not the case for charities. On the contrary, the CRA considers the protection of personal information to be extremely important.

The deductibility of donations and dues is the only similarity between the legislation for charities and Bill C-377. However, Bill C-377 says nothing about this. There is no provision in Bill C-377 that says that the deductibility of dues is the reason for the bill.

If the deductibility of dues were truly the reason behind Bill C-377, it would also be necessary to collect personal information on the spending of all organizations that are funded by deductible contributions, such as local, municipal, provincial and federal political associations. Imagine the massive invasion of privacy and the absurdity of the costs involved, all in the name of accountability.

I will now move on to my third argument. Bill C-377 flies in the face of the Balanced Budget Act in Bill C-59.

Honourable senators, Bill C-59, which covers this fiscal year, includes strict provisions on failing to maintain a balanced budget, which is something new.

With help from information obtained from the Office of the Parliamentary Budget Officer and the Library of Parliament, I estimated that the direct costs related to Bill C-377 for the next two years — since we are talking about implementation — could be as high as \$139 million a year, and then \$38.4 million every year thereafter.

In addition to these direct costs, we have the tax expenditures associated with the higher union dues that labour organizations will have to charge in order to comply with Bill C-377. A number of witnesses told us that their management fees would increase significantly because of Bill C-377. No study was done on this. However, we can estimate the potential costs. I calculated that all the local labour organizations combined could end up spending an extra \$299 million a year. Let's not forget that there are 18,300 of them. If they each spend an average of \$15,000 to \$16,000, then that is the total amount we come up with. Since these costs will likely translate into higher union dues, this could cost the government roughly \$68.2 million a year in lost revenue. Every \$100 in dues deducted from taxable income costs the government \$22.80. These tax losses come in addition to the direct costs.

Bill C-59 assigns significant responsibility to the ministers and deputy ministers to ensure that budgets are balanced when we are not in a recession. Under paragraphs 8 to 11 of clause 41 of Bill C-59, if the Public Accounts record a deficit in respect of a fiscal year for which a deficit was not projected — which is currently the case — the “operating budget freeze and pay

reduction are to take effect on April 1 of the year that follows the year in which the Public Accounts are tabled.” The latest estimates do not include any money for managing Bill C-377, and the projected surplus for 2015-16 is quite precarious.

Honourable senators, in this new legislative context where the Prime Minister, the ministers and the deputy ministers are held responsible for failing to achieve the projected balanced budget, it is illogical and illegal to pass bills with real budgetary implications that have not received the Royal Recommendation.

To sum up, Bill C-377 does not fall under CRA's permanent mandate. It is about labour relations. It is not an extension of CRA's activities with respect to charitable organizations, nor is it an ancillary function as described in subsection 5(2) of the Canada Revenue Agency Act because gathering information about charitable organizations is a means to achieve tax objectives such as protecting the integrity of the tax base. On the contrary, gathering information is the key element of Bill C-377 for purposes of accountability. Bill C-377 would therefore create a new and distinct program for CRA.

Finally, Bill C-377, with its direct and fiscal costs, flies in the face of the federal government's budget plan in a new context where balance must be achieved. That's why I raised this point of order, honourable senators, and why I ask you to take my arguments into consideration.

In closing, honourable senators, I would like to add that the Speaker in the other place decided that Bill C-377 was in order, citing Speaker Milliken's 2007 ruling, which reads as follows:

If . . . resources are required . . . then they would be brought forward in a separate appropriation bill for Parliament's consideration.

However, that is not the right way to do things because it violates our rules and especially section 54 of the Constitution of 1867. Thank you, esteemed colleagues.

[*English*]

Hon. Joan Fraser (Deputy Leader of the Opposition): I would like to congratulate Senator Bellemare for the amount of work that she has put into this point of order, and I would like to support it.

We have learned a great deal since this bill first came to us, in the last session of Parliament, from the House of Commons, and then was sent to us one more time, at the beginning of this session.

A great deal of what we have learned, in my view, tends to support Senator Bellemare's point of order.

It is, at the very least, arguable that this bill is expanding the mandate of the Canada Revenue Agency in a way that is improper in that it is not frontally addressed. It happens by accident.

As Senator Bellemare said, to begin with, the mandate of the Canada Revenue Agency essentially is to collect taxes. At the heart of its mission and responsibility under law is that it does not

make public information about individual taxpayers. This bill will require it to turn that principle upside down and make public vast amounts of information about individual taxpayers, beginning with their salaries but going on to include far more information about political activity and other matters that, surely to goodness, are not, by any stretch of the imagination, organically linked to the mandate of the Canada Revenue Agency.

Does Parliament have the right to do this, without including specific changes to the legal principles under which the Canada Revenue Agency operates, which, of course, this bill does not do? I'm not at all sure that Parliament has the right to do that. Certainly, I think it is something that should be considered with the greatest of care by Your Honour in his deliberations on this Point of Order, because the integrity of the taxation system and the confidence that Canadians have in it is such a foundational element of good governance and of our capacity to trust one another in this country, that it simply must be examined.

• (1520)

This becomes even truer when you realize — as we now do realize, but did not originally — that this bill is not going to affect a few labour organizations; it's going to affect thousands of organizations. Many of those organizations, interestingly, come under provincial jurisdiction, provincial labour law or even other provincial law.

I know that Speakers do not normally address themselves to constitutional issues, but testimony from provinces before the Standing Senate Committee on Legal and Constitutional Affairs has suggested that we may be creating difficulties for other jurisdictions that surely should not happen as side effects or unintended consequences of a private member's bill.

Then there is the matter of the Royal Recommendation. When this bill was first sent to us from the House of Commons, we believed — in part because we believed that it wasn't going to affect that many organizations — that it wasn't going to cost much to implement. It is well established, at least in this place, that private member bills can imply the spending of public money as long as that money is purely ancillary to the fundamental purpose of the bill which is not the raising or spending of money.

But now we know, or we believe we know, as Senator Bellemare has suggested, that this bill may involve the expenditure of federal money to the tune of hundreds of millions of dollars. This no longer becomes a minor ancillary administrative cost that is worth supporting because the principle of the bill is so admirable. This is a major expenditure. Yes, it comes to us from the House of Commons, which, unlike the Senate, has the right to introduce money bills, but it doesn't have the Royal Recommendation and it needs that Royal Recommendation. It should have carried that Royal Recommendation with it from the House of Commons. It didn't do that.

We are, in the case of the mandate of the CRA in particular, in uncharted waters here. That is one of the many reasons why I deeply regret that the Legal and Constitutional Affairs Committee did not, in its wisdom, see fit to hear from the

Canada Revenue Agency when it was studying this bill. But the committee did not make that choice; the steering committee did not make that choice.

Therefore, Your Honour, it's up to you. However, I would strongly suggest that in cases where such grave doubts have been raised about the acceptability of a bill, you should uphold Senator Bellemare's point of order.

[*Translation*]

Hon. Pierrette Ringuette: First of all, Mr. Speaker and dear colleagues, I would like to congratulate Senator Bellemare for the research she has just shared. Some of us did have doubts and your research has confirmed that they are founded.

The Speaker in the other place did not have all this information during their deliberations. If the Senate received a government bill requiring spending of Canadian taxpayers' money, that would be provided for in the budget estimates. However, constitutionally, this chamber is not authorized, Mr. Speaker, to study a private member's bill that provides for such expenditures without the Royal Recommendation. This chamber must respect the Constitution and the limits set by Canada's Constitution.

I would like to once again congratulate my colleague for her fine work.

I would like to remind you, Mr. Speaker, of the comments made by the Canada Revenue Agency representatives when they appeared before the Banking, Trade and Commerce Committee in 2013. You can consult the transcript of that meeting. They said that Bill C-377 is not about taxation, but about disclosure. Those are their words.

Moreover, the issue is not just about the expenditure of millions of taxpayer dollars in order to please a few institutions that want to make the headlines. It goes well beyond that.

[*English*]

We have to respect our role, obligation and limitations as senators under the Constitution of Canada. That is one of them. In this chamber, we cannot vote for a bill that has not received the money from the taxpayers of Canada. We are not allowed to do that.

[*Translation*]

Mr. Speaker, that is a new dimension. The point of order is quite justified. Your research on the file deserves careful consideration. We should not establish a precedent in this place, under your new office as Speaker. I believe that we have a great deal to think about in this file before we take action. I believe that the arguments made today are very valid ones. The bill must return to the other place and come back with the Royal Recommendation.

• (1530)

Hon. Ghislain Maltais: I would respectfully submit that this is not a courtroom. We heard a lengthy intervention from Senator Bellemare and from Senator Ringuette on the substance of the matter. In any chamber of any parliament, it is important

to listen to the remarks on each bill to know what they are about, and not a whole host of things that we can't confirm on the spot. I would like to know which rule of the Senate precludes this bill from being read. Each and every senator here has the right — even those who make it a duty — to take part in the discussion and vote according to their conscience.

Mr. Speaker, I appeal to your sense of humility and ask that you allow the bill's sponsor to read the bill. After that, anyone in this chamber who has something to say can do so.

The Hon. the Speaker: Thank you for your perspective. We are on a point of order. All senators who wish to take part in the debate are welcome to do so. We will then resume the debate.

Are there any other senators who wish to take part in the debate?

Senator Fraser: Mr. Speaker, did I understand correctly that you have decided that we will resume the debate before you give your ruling?

The Hon. the Speaker: No. I am saying that we will proceed with the debate until all senators who wish to participate in the debate on the point of order have had a chance to do so.

Are there any other senators who wish to take part in the debate?

Some Hon. Senators: No.

The Hon. the Speaker: I thank senators for participating in the debate on the point of order. The matter will be taken under advisement and I will give my ruling at a subsequent sitting.

[English]

NATIONAL SICKLE CELL AWARENESS DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Smith, P.C. (Cobourg), for the second reading of Bill S-227, An Act respecting National Sickle Cell Awareness Day.

Hon. Don Meredith: Honourable senators, I rise today to speak in support of Senator Cordy's bill, Bill S-227, An Act respecting National Sickle Cell Awareness Day. I was delighted when Senator Cordy moved this bill and I'm delighted to lend my voice to it this afternoon.

Ms. Lanre Tunji-Ajayi is the President and Executive Director of the Sickle Cell Disease Association of Canada, SCDAC, an organization that has advocated tirelessly for individuals and

families battling sickle cell. The president has said that "a National Sickle Cell Awareness Day will increase knowledge and attract much needed support for the thousands with the disease. We hope it will open the door for a coordinated health plan for sickle cell disease in Canada."

Honourable senators, Canadians need this awareness day because most are not educated about the disease and the challenges facing those who live with sickle cell. In addition, there are a lot of myths about sickle cell that prevent people from getting early screening and the right treatment to deal with this disease. To that end, I would like to tackle two of those myths today.

The first is that sickle cell is not a serious disease. Sickle cell is a hereditary disorder of the red blood cell that is caused by an irregular form of hemoglobin. For sickle-cell patients, the hemoglobin, which takes oxygen around the body to vital organs, does not function correctly. As a result, the red blood cells form a sickle shape, making it difficult for blood to flow through the vessels. Patients then experience pain in their bones, especially in their shoulders and hips. In addition, cells may become damaged, leading to anemia or impairment of the lungs, heart, kidney, liver and the eyes. In fact, the pain is so intense at times the eyes tend to begin to bulge. Due to the damage sickle cell can cause to all of those body systems, it is described as a "multi-system disorder."

Honourable senators, a day of awareness would help increase knowledge of this disease among Canadians and ultimately help advocate for improved care, treatment and support for almost 5,000 Canadians living with the disease.

On May 5, the association hosted "Advocacy on the Hill." Members of the association met with parliamentarians, including Senator Cordy and others in this chamber, in various private meetings to talk about the opportunities and challenges affecting those living with this disease.

During those discussions, I was encouraged to learn how an early diagnosis had changed the life of one of the association's volunteers, Mr. Heri Muhero. He went through two and a half years of getting penicillin and blood transfusions every six weeks. He credits the early intervention with the fact that today he is a functioning individual who is able to contribute to his family and society. In fact, as he sat in my office, he talked to me about the fact that he's able to help prepare meals for his children. Honourable senators, isn't that the hope for all Canadians?

Mr. Muhero's story is consistent with the association's experience supporting sickle-cell patients. Most young people aspire to be contributing members of society and, as such, seek post-secondary education with the hope of a brighter future. The association knows first-hand that young adults with sickle cell disease are no different. The association's president stated:

The need to excel academically is exceedingly important for young people with sickle cell given that individuals with this disease are ill-cut for hard manual labour.

[Senator Maltais]

Senator Cordy also mentioned the powerful stories that were shared at the association's reception which was held on May 5. Adeniyi Omishore is a 16-year-old trapped in what he describes as a sickle-cell cycle. At the reception, I was moved by this young man as he described the stress and challenges he faces living with this disease. He said:

I have been missing school because of appointments or because I'm in the hospital. When I miss days at school, the work piles on. When the work piles on, I get stressed. When I get stressed, I get sick. Then I constantly repeat the cycle of going to the hospital and missing school.

Because of sickle cell, the bone tissue in Adeniyi's hip is dead and now he has avascular necrosis. He has to use a walker to get around. He's 16, honourable senators. What were you doing at 16? Like every 16-year-old boy, Adeniyi just wants to be normal and to fit in.

Honourable senators, while most teenagers are planning for post-secondary education and meeting with their friends, this young man has to deal with a different reality, one that is filled with pain and loss of energy, and that doesn't give him a fair shot to achieve his dreams and enjoy his youth.

- (1540)

He stated:

Every day when I go to school and use my walker people look at me weird. There were even times when people would make fun of me. It's hard to be normal when you're limping and using a walker when you're only 16. Sometimes I can't even hang out with my friends because where they're going is too far or I'm in too much pain.

Honourable senators, none of us should be made to feel like the quality of our life for us is zero, and "being limited to things is having a huge toll on our minds," stated Adeniyi.

Colleagues, we cannot afford to fail this young man, and many more like him across this great country. Sickle cell awareness day would educate people about the challenges so ultimately we can change the attitudes of those who don't understand the disease and replace ignorance with knowledge, empathy and compassion.

The second myth I would like to address is that sickle cell is a Black disease. Honourable senators, it is a common myth for people to think this disease is just limited to one group. In fact, the association states that sickle cell is one of the most frequent genetic disorders.

Currently, there are about 3,500 to 5,000 patients in Canada and approximately half of those are children. In fact, the association indicates that one in every 2,500 children in Canada will be born with sickle cell. If given the chance, these young people can become future contributors to Canada, but if not, the results can be devastating. This is the case for the association's president who lost her brother to the disease at age 29. He was an electrical engineer.

From her own personal experience with her brother and through her advocacy work, she states:

Many young adults with sickle cell disease between the ages of 18-35 are dying and Canada is losing a valuable part of its workforce. Even with multiple complications, including excruciating pain, these young people struggle to conclude their post-secondary education — only to sometimes succumb to unnecessary death.

Honourable senators, the disease is indeed more apparent in people from Africa, the Mediterranean, Caribbean, Middle East, Southeast Asia, West Pacific region, South America and Central America. Understanding this tendency, countries like Jamaica have instituted a national strategy to look at early intervention.

To that end, we commend the association for advocating for a comprehensive national strategy for sickle cell disease and thalassemia disorder. The association's proposal for a national sickle cell strategy is based on three key activities: a national newborn screening for sickle cell disease; ensuring that Canadians with sickle cell disease have access to quality treatment and medical care; and better understanding of sickle cell disease and its impact on Canadians.

The association's president states:

A national health policy will provide Canadians with sickle cell disease a chance to simply be productive members of the society and live as normal a life as possible. They do not desire nor want social assistance but with the lack of a proper comprehensive health plan for this disease, many even with post-graduate degrees, end up on social assistance and sometimes die prematurely.

Honourable senators, surely we can do better than this. Consider that Canada is a multicultural society made up of a diverse population. According to Statistics Canada, in 2011 Canada had a foreign-born population of 6.8 million people representing 20.6 per cent of the total population. This means that as the population becomes more diverse, these are our neighbours and their children who might be diagnosed with sickle cell. They will need the right treatment to support and manage this disease.

I have seen firsthand what sickle cell does to a person. I saw how it ravaged Toronto resident Ricky Trench, someone I grew up with. He was only 30 when the disease took his life. Sisters Karen and Opal Berry, who were diagnosed as teens, today continue to live with sickle cell through a miracle of love. The Berry sisters are supported by their church family and despite the fact that they were constantly in and out of hospital, they never let the disease define them. They make the best of the situation by participating in church activities, like joining the choir and by singing. They make the best of it, honourable senators. Sometimes they were in so much pain that they would curl up on the church benches, but they would still try to participate in activities.

Increasingly, even among the populations often thought to be predisposed to sickle cell, there is a lack of awareness about the disease. At the association's reception, we also heard from

Esther Fleurimond who, with her husband, has two sons. The family had ancestors from France, Haiti and the Dominican Republic.

When their son Adam became sick at the age of five, they went to the emergency. They were told:

Your son is in pain but nothing is wrong with him. Comfort him and he will get better.

It took them several attempts and advocating assertively for their son before he was finally diagnosed with sickle cell. Prior to this, the family had never heard of the disease. The Fleurimond family described Adam's diagnosis as "coming from a dark room into the light of the day."

Mrs. Fleurimond said:

It was not exactly good news to find out my son had sickle cell disease. However, it became possible to help him, to give him the care he needed. If parents are not tested, like us, many families will walk a dark, scary path. If the children and young adults are not given adequate care, many will suffer unnecessarily.

Honourable senators, having a national sickle cell awareness day is a low-hanging fruit that will bear many positive outcomes. Through the advocacy work of the Sickle Cell Disease International Organization, sickle cell is now internationally recognized as a public health priority for UNESCO, the World Health Organization and the United Nations.

June 19 has been designated World Sickle Cell Day in order to raise awareness of the disease around the world.

Honourable senators, with Canada's international leadership on such matters as maternal, newborn and child health, I think it's time that Canada also joins this worthwhile cause to raise awareness about sickle cell.

In conclusion, honourable senators, I quote from the president:

For the Sickle Cell Disease Association of Canada, recognizing June 19 as National Sickle Cell Awareness Day will bring increased recognition of the disease in Canada as well as provide access to a national framework for improved care and treatment and dedicated funding for research.

As a critic for this bill, I absolutely and enthusiastically join my colleagues opposite in supporting Bill S-227 to establish a national sickle cell awareness day on June 19. I trust you will join me and Senator Cordy in providing an opportunity to annually highlight the realities of the approximately 5,000 Canadians battling sickle cell. Their desire to self-actualize and contribute positively to Canada demands that we make this happen now.

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

[Senator Meredith]

Some Hon. Senators: Question.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

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

(On motion of Senator Cordy, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

• (1550)

COASTAL FISHERIES PROTECTION ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-3, An Act to amend the Coastal Fisheries Protection Act, and acquainting the Senate that they had passed this bill with the following amendments, to which they desire the concurrence of the Senate:

1. *Page 4, clause 4:* Add after line 18 the following:

“(3) No person shall import any fish or marine plant that is not accompanied by the documentation required by regulation.”

2. *Page 4, clause 5:* Add after line 45 the following:

“(2.1) Section 6 of the Act is amended by adding the following after paragraph (d):

“(d.1) respecting documentation required for the importation of fish and marine plants;”

3. *Clause 9:* Replace:

(a) line 5 on page 13 with the following:

“9. Paragraphs 14(a) to (c) of the Act are replaced”

(b) lines 7 to 9 on page 13 with the following:

“(a) any fishing vessel seized under paragraph 9(1)(a) by means of or in relation to which the offence was committed, or, if the vessel has been sold, the proceeds of the sale,

(b) any goods aboard a fishing vessel described in paragraph (a), including fish, marine plants, tackle, rigging, apparel, furniture, stores and cargo, or, if any of the goods have been sold under section 11, the proceeds of the sale,

(b.1) any goods seized under paragraph 9(1)(b) in any other place, including fish, marine plants, tackle, rigging, apparel, furniture, stores and cargo, by means of or in relation to which the offence was committed, or that were obtained by or used in the commission of the offence, or, if any of the goods have been sold under section 11, the proceeds of the sale, or

(c) any fishing vessel described in paragraph (a), or the proceeds of the sale of the vessel, and any of the goods described in paragraph (b) or (b.1), or the proceeds of the sale of the goods.”

4. Page 18, clause 16: Add after line 33 the following:

“(3) Every person who contravenes subsection 5.6(3) is guilty of an offence and liable

(a) on conviction on indictment, to a fine of not more than \$500,000; or

(b) on summary conviction, to a fine of not more than \$100,000.”

ATTEST

The Acting Clerk of the House of Commons

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

[Translation]

STUDY ON THE IMPORTANCE OF BEES AND BEE HEALTH IN THE PRODUCTION OF HONEY, FOOD AND SEED

NINTH REPORT OF AGRICULTURE AND FORESTRY COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Agriculture and Forestry entitled, *The Importance of Bee Health to Sustainable Food Production in Canada*, tabled in the Senate on May 27, 2015.

Hon. Percy Mockler moved, seconded by the Honourable Senator Tardif:

That the report be adopted and that, pursuant to rule 12-24(1), the Senate request a complete and detailed response from the government, with the Minister of Agriculture and Agri-Food being identified as minister responsible, in consultation with the Ministers of Health and Finance, for responding to the report.

He said: Honourable senators, if I may, I will be very brief.

As we just heard, this report was tabled yesterday. Senator Tardif and I held a press conference on this subject this morning, and there was a lot of interest in the report on the study of bees.

The committee believes that protecting the health of bees should be based on scientific findings as much as possible. That is why we recommended that the Pest Management Regulatory Agency conclude, without delay, its re-evaluation of neonicotinoid insecticides based on evidence and sound scientific principles with an objective of protecting the health of bees.

[English]

Honourable senators, the committee hopes that these recommendations will be seen as an opportunity to act together to ensure bee health, whose role in pollination is of paramount importance to the production of food and seed, and to enhance ongoing bee health initiatives.

That said, I would like to take this opportunity to thank all the members of the committee and also recognize the leadership that Senator Tardif has always provided to the committee. I would like to conclude by saying, honourable senators, to the clerk of this committee and his team that I want to thank them on behalf of the committee for an outstanding job when we're doing our job as senators.

Thank you.

Some Hon. Senators: Hear, hear.

[Translation]

Hon. Claudette Tardif: Honourable senators, I'm pleased to rise to speak to the motion to adopt the ninth report of the Standing Senate Committee on Agriculture and Forestry, entitled *The Importance of Bee Health to Sustainable Food Production in Canada*. I want to thank the chair of the committee, Senator Mockler, for his leadership and his important contribution in preparing this report.

I would also like to thank the other senators who participated in this study. I especially want to acknowledge Senator Mercer who, unfortunately, could not be with us but who supported this study from the beginning.

[English]

In the last few years, bee health, or lack thereof, has become a concern worldwide. In its May 2015 issue, *National Geographic* dedicated 18 pages to the world's most important pollinators. Last week, our neighbours to the south announced new steps to promote bee health through a national strategy to promote the health of honey bees and other pollinators, as well as a pollinator research action plan.

Yesterday, it was your committee's turn to unveil nine recommendations that are designed to improve and protect bee health in Canada.

Honourable senators, as you well know, bees play an important role in the environment and food and seed production, as well as honey production in Canada.

[Translation]

Over the course of our study, which began in November 2013, we learned that honey bees are vital for the pollination of plants, fruits and vegetables. They also play an important role in the

agricultural system and in the preservation of ecosystems. The pollination of canola, which is one of the most profitable crops in Canada, is also a major activity for the Canadian bee industry.

The commercial value of honey bees for crop pollination in Canada is estimated at over \$2 billion annually. Worldwide, their contribution to the human food supply is estimated at about \$200 billion U.S.

[English]

Pollinators play an important role in sustainable food production. One out of every three bites of food we eat is due to the hard work of our pollinators. Furthermore, 70 of the 100 crop species that provide 90 per cent of the world's food are pollinated by bees. Bees are essential to human nutrition.

[Translation]

Canada had over 8,700 commercial and hobbyist beekeepers in 2014, managing over 694,000 colonies. I would just like to point out that one colony can contain over 50,000 bees. Sixty-six per cent of colonies are in Alberta, Saskatchewan and Manitoba. However, most beekeepers — 68 per cent — are in British Columbia, Ontario and Quebec. Forty-two per cent of Canadian honey is produced in my home province of Alberta. The value of honey production in Alberta is estimated at \$79 million. In western Canada, about 300,000 honey bee colonies are used to pollinate hybrid canola seed each year.

[English]

Honourable senators, we cannot afford to lose such a precious part of our food-production system. The lack of comparable data makes it difficult to speak of a global decline in bee health. However, other countries have observed a higher-than-normal bee mortality.

• (1600)

The mortality of bees is of major concern. Since 2006-07, annual overwinter colony losses in Canada have consistently been above the average rate of 10 to 15 per cent of colonies. The 2013-14 winter was particularly challenging for our Canadian beekeepers, where losses in Canada reached an average of 25 per cent. B.C. beekeepers lost an average of 15 per cent of their colonies, while in Ontario losses were up to 58 per cent.

[Translation]

Witnesses who appeared before our committee identified several stressors, which interact and negatively affect the health of bees, such as weather and climate change; the transportation of bees; hive management; disease and pathogens, insecticides such as neonicotinoids; and a lack of floral diversity. Many factors weaken bee health.

Canada has already introduced a number of measures in response to these concerns. However, more needs to be done to address serious problems.

The committee therefore made nine recommendations to the Government of Canada, particularly Agriculture and Agri-Food Canada, Health Canada and the Department of Finance. The recommendations primarily focus on improving hive management, agricultural practices and chemical registration, while increasing funding for long-term research.

[Senator Tardif]

[English]

Honourable colleagues, I would urge you to read this important report carried out by your committee and which illustrates the important work that the Senate carries out.

I would therefore move the adoption of this motion.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

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" ADOPTED

On the Order:

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

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.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I am very pleased to speak in favour of Senator Martin's motion that we recognize the month of June as speech and hearing awareness month — I'm sorry, as deaf-blind awareness month. Speech and hearing is a separate matter that I'm going to get to in a moment. It is deaf-blind awareness month.

I was deeply moved, as I'm sure we all were, to listen to Senator Martin and Senator Munson as they spoke about something most of us probably did not know, which is the great numbers of people in Canada who suffer from deaf-blindness — nearly 70,000 Canadians, of whom apparently only maybe 3,000 are enrolled in programs getting the help they need.

The month of June was chosen because it's Helen Keller's birth month. I am sure we all remember, most of us, seeing years ago now the incredible film, *The Miracle Worker*, showing how Helen Keller, a child who was blind and deaf and lost, living basically like an animal, was saved by the work of what we now call an intervenor, Anne Sullivan. Thanks to that intervention, that long patient work, Helen Keller was able to overcome the terrible isolation in which she lived and become a beacon of hope

and an inspiration for people all over the world, not just because she learned to speak and talk but because she had, once she was able to show it, such a wonderful mind that she could apply to the great issues of the day. She was truly an inspiring figure.

Not everybody is born with the mighty brain that she was able to put to such good use. Not everybody has the good fortunate to have parents who can afford to have a full-time carer, as Helen Keller did, to bring her out of her prison. That's why we need to take a collective sense of responsibility for helping people who suffer from this unimaginably lonely condition. They may not all be Helen Kellers, but every one of them can contribute to the betterment of our society, and it begins with awareness.

I think it would be really terrific if today, on our last sitting in May, we recognize June as deaf-blind awareness month. But before we leave the month of May, I would like to remind all colleagues that the month of May has been designated by Speech-Language and Audiology Canada as speech and hearing month. Speech-Language and Audiology Canada is an organization representing about 6,000 professionals in the field of speech and hearing loss across Canada. Every year, in the month of May, they have a specific campaign to raise awareness and get help for some element of speech and hearing difficulties.

This year, I think we in the Senate may have a particular interest. This year, their focus was on communication, health and aging. I don't know how many of us know that people who have hearing loss are two to five times more likely than others to develop dementia. We know that hearing loss is the third most prevalent chronic condition, behind arthritis and hypertension, and yet only one in five people who could benefit from a hearing aid actually uses one.

To have lost your hearing or never to have had your hearing is not as bad as to have lost both your hearing and your sight or never to have had your hearing and your sight, but to have lost your hearing is also a terrible factor of isolation. I sometimes think that if I had to choose between the two, I would almost rather be blind.

We see it. We sometimes feel it ourselves. As we age, we're more and more likely to feel it. When you're deaf, it's very difficult to be part of the communications network of the people around you. It starts out with not quite catching what they say, not quite understanding the joke because you didn't quite get the punch line, and then it progresses until there you are, surrounded by people who think you look normal but cut off from them by an invisible wall.

I'm sure most of us here today remember our former colleague Senator Jean-Robert Gauthier, who was my seatmate for several years. He was deaf, and he was very much alone in the Senate

Chamber despite his years of extraordinary parliamentary service. He was functionally alone here until the Senate figured out a computer system that would allow him to receive the stenographer's debates on a computer screen. The whole world opened up to him.

• (1610)

Even so, I mean, I respected Senator Gauthier and I liked him, but I can't say I communicated much with him. I was sitting beside a man who was incapable of hearing a word I said. Then I had a colleague who used to send me written jokes and I started passing them on to Senator Gauthier. He could read — oh boy, could he read — and his world lit up. He would giggle and that brought home to me, as much as anything ever has, how alone he was when he was deprived of the written word, even though he could see everything.

Thanks to help from people like the members of Speech-Language & Audiology Canada, some people can achieve miraculous progress. I once met a man who had been born totally deaf and who spoke fluent English, French and Spanish. I think he was working on his fourth language when I met him.

All things are possible if you have the determination, the resources and the talent. But how many of us have all of those things and, in particular, how many have the resources they need?

So let us move forward into June, thinking about deaf-blindness. I thank Senator Martin and Senator Munson again for bringing this terrible condition to our attention. But let us also think about the month of May. Remember that the campaign this year was about communication and aging, which is something we all need to pay attention to, colleagues.

Hon. Senators: Hear, hear.

Hon. Yonah Martin (Deputy Leader of the Government): I thank the Honourable Senator Fraser for her statement, as well as her support, and to all honourable senators for supporting the motion. I also wish to acknowledge once again Senator Jim Munson for being the co-sponsor of this motion.

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

Hon. Senators: Agreed.

(Motion agreed to.)

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

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