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(HANSARD)

Wednesday, June 3, 2015

The Honourable LEO HOUSAKOS
Speaker

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THE SENATE

Wednesday, June 3, 2015

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

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the presence in the gallery of a delegation from the Confederation of the Greater Toronto Chinese Business Association, incorporated in 1998 to facilitate trade for businesses in Canada and Asia, in particular China trade.

The delegation includes: Mr. John Leung, President for Toronto; Mr. Carson Ho, President for the Scarborough York Region; Ms. Annie Ho, President for Richmond Hill & Markham; and Mr. Benedict Leung, its past president; as well as Ms. Lilian Kwok for Mississauga.

They are the guests of the Honourable Senator Oh.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the presence in the gallery of a delegation from the Association of Chinese Canadian Entrepreneurs, whose mission is to encourage the spirit of entrepreneurship in the business community. Each year, they acknowledge the contributions of entrepreneurs by presenting the Chinese Canadian Entrepreneur Awards to those who demonstrate excellence in their fields.

The delegation is led by Mr. Irwin Li, its current president and Mr. Alan Kwong, immediate past president.

They are the guests of the Honourable Senator Oh, as well.

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

Hon. Senators: Hear, hear!

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, I have received a notice from the Leader of the Government who requests, pursuant to rule 4-3(1), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Suzanne Fortin-Duplessis, who will be retiring on June 30, 2015.

[*Translation*]

I remind honourable senators that pursuant to our rules, each senator will be allowed three minutes and may speak only once.

[*English*]

Hon. Elizabeth (Beth) Marshall: Honourable senators, pursuant to rule 4-2(8)(a), I would ask for leave to extend the time for Senators' Statements today by 15 minutes.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Honourable senators, would there also be agreement that we continue our tributes to our former colleague under Senators' Statements, to be followed by her response?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: We will therefore have up to a total of 45 minutes for tributes and Senators' Statements together, not including the time for Senator Fortin-Duplessis' response. Any time remaining after tributes will be used for other Senators' Statements.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I draw your attention to the presence in the gallery of Monsignor Gaétan Proulx, Auxiliary Bishop of Quebec, and Brother Superior Yvon Proulx, Provincial Prior. They are guests of the Honourable Suzanne Fortin-Duplessis.

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

Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: I would also draw your attention to the presence in the gallery of the Honourable Suzanne Fortin-Duplessis's family: her husband, Maurice Duplessis; her son, Jean-Maurice, and his wife, France, with their daughters, Samuelle and Jade; the senator's sisters, Claire and Thérèse Fortin; her brother, Marc Fortin, and his wife, Simonne Delorme; and her nieces, Sandra and Nadia Hassan, as well as many dear friends.

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

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE SUZANNE FORTIN-DUPLESSIS

Hon. Claude Carignan (Leader of the Government): Honourable senators, esteemed colleagues, my very dear Suzanne, the time has come for us to bid you farewell.

If I had just 20 seconds to sum up your personality, these are the words that would come to mind: distinguished, elegant, classy, intelligent, dedicated, hard-working, open to others, and passionate about the French language, a language that you employ with such refinement and respect.

It's a good thing we have more than 20 seconds to pay tribute to our colleague because there is so much to say about a woman whose career has been so rich and varied.

When we look at your career and your involvement in your local community and municipal and federal politics, we marvel at how you could do so much in one lifetime.

One thing is certain: You have boundless energy and the sheer will to make life better in your community. That is surely the reason the Prime Minister of Canada, the Right Honourable Stephen Harper, appointed you to the Senate of Canada in December 2008.

However, before that you had a long, distinguished career in education, which you interrupted in 1984 when you were elected as a member of Parliament for the Progressive Conservative Party under the Right Honourable Brian Mulroney. The people of Louis-Hébert would re-elect you in 1988 for a second term until 1993.

During those nine years in the Parliament of Canada, you served as parliamentary secretary to a number of ministers and played leadership roles on various legislative and parliamentary committees.

• (1340)

In addition, from the time you were elected, in 1981, as the first female municipal councillor for the City of Sainte-Foy, you have been a pioneer.

Canada is recognized as a world leader in terms of how women have taken their rightful place in our society in general, and within our public institutions in particular, because we could always count on caring, accomplished women like you, Suzanne, with your energy, determination and immutable passion. It is no surprise, then, that you have been awarded a number of distinctions and honours throughout your career. In 1991, for instance, you were named Chevalier de l'Ordre de la Pléiade by the Assemblée internationale des parlementaires de langue française.

Furthermore, in your speech on March 8, 2013, in honour of International Women's Day, you said the following: "Of course, International Women's Day allows us to take stock of the progress that has been made and presents the perfect opportunity to pay tribute to all those pioneers who have advanced the status of women, one step at a time, here in Canada and all around the world."

Today we are paying tribute to you, Suzanne. Thank you for everything you have done for your community, for your colleagues and for Canada, and for so much more.

Enjoy your retirement, and come back to visit soon! We love you, and we wish you all the best and the best of health so that we can continue to enjoy your company and benefit from your valuable advice.

Thank you, Suzanne!

Hon. Senators: Hear, hear!

Hon. Claudette Tardif: Honourable senators, I am pleased to rise today to pay tribute to the Honourable Suzanne Fortin-Duplessis.

Senator Fortin-Duplessis, as you prepare to leave parliamentary life, I would like to thank you for your hard work and all that you have accomplished within our democratic institutions, and particularly for the contribution you have made to the Senate.

Elected as the federal Member of Parliament for the riding of Louis-Hébert twice — in 1984 and again in 1988 — you made a name for yourself in the area of foreign affairs and international trade. You had the courage of your convictions and the determination to become actively involved in politics and represent the people of Canada at a time in the not-so-distant past when very few women were going into politics.

You have been a staunch defender of the French language during your time in Parliament. Your commitment to the Francophonie was recognized when you were named a Chevalier de l'Ordre de la Pléiade in 1991 by the Assemblée parlementaire de la Francophonie. Your involvement in the APF allowed you learn more about many of the problems and issues concerning the French language.

I had the privilege of working with you on the Standing Senate Committee on Official Languages. You have been a member of that committee since 2009 and its deputy chair since 2013.

I saw how determined you were to advance linguistic duality in our country. You always made a commitment to propose solutions to the communities that you represent.

I would like to point out two studies that were carried out by the Official Languages Committee because of your determination to learn more about the issues facing official language minority communities. On your own initiative, you identified needs that had to be filled.

Because the challenges facing the anglophone community in Quebec are not very well known, you very enthusiastically proposed that the committee carry out the study entitled *The Vitality of Quebec's English-Speaking Communities: From Myth to Reality*. What is more, given your desire to learn more about official languages learning in Canada, you rightly insisted that the committee study best practices in language policy and second-language learning. It was vitally important to you to encourage bilingualism among Canada's youth. Given your training as a teacher, you found this cause to be very important and contributed a great deal to it.

Dear colleague, throughout your political career you have distinguished yourself. I would like to wish you health and happiness with your family as you begin this new stage of your life. You can be proud of everything you have accomplished.

Hon. Senators: Hear, hear!

Hon. Michel Rivard: Honourable senators, it is a great pleasure to rise today to mark the departure of our colleague, Senator Suzanne Fortin-Duplessis, and especially to pay tribute to this extraordinary woman.

Before I say anything about this great lady's remarkable career, I would like to talk about our colleague's personal qualities. I have had the great privilege of knowing and working with Suzanne for more than 35 years. Suzanne is a very strong woman. Nothing can stop her; there is no challenge too great for her. Her vitality is legendary, and the laps she swims in the pool every morning attest to that.

Her passion, enthusiasm and dedication, together with her strong sense of justice, sensitivity and respect for others, make her an exceptional human being. People like Suzanne and Suzanne likes people. This loving relationship has never wavered.

In the 1980s, when I was at the Communauté urbaine de Québec, we worked together on promoting the Parc technologique de Québec and the great National Optics Institute project. At the time, she was the MP for the riding of Louis-Hébert. Thanks to some visionary partners like Jean-Guy Paquet, then Rector of Université Laval; the late Louis-Marie Lavoie, former mayor of Sainte-Foy; and the late Jean Pelletier, former mayor of Quebec City, efforts to convince the two cities to create and invest in the technology park paid off. Ms. Fortin-Duplessis led this effort masterfully and made a huge contribution to the success of the technology park and INO.

Her contribution to one of Quebec's crown jewels was honoured by the INO in 2008. I quote:

... for her outstanding contribution, vision and unwavering support, helping to make the INO a world-class research centre.

Quebec City has one of the lowest unemployment rates in Canada. With more than 500,000 people and a metropolitan area of 715,000 people, Quebec City is Quebec's second-largest economic centre and Canada's seventh largest.

[Senator Tardif]

Canada's first high tech park was created in 1988 thanks to the courage and dedication of these visionaries and to an innovative relationship among governments, municipalities, universities and businesses. The Québec Metro High Tech Park became a Crown corporation, based on a concept that was, at the time, unusual, to encourage courageous and innovative entrepreneurs to set up shop and do business in the city. The purpose was also to make sure that scientific discoveries become profitable and marketable products and to find ways to financially support these businesses. Today, the high tech park is home to more than 100 businesses and high-tech research centres and employs more than 5,200 world-class workers. Suzanne, your incredible support for this project is, in my mind, one of the greatest achievements of your long and distinguished career.

What a career it has been. You went from teaching to becoming the first woman elected to the municipal council of the city of Sainte-Foy, a sign of the changing times. You came to the House of Commons in 1984. You were appointed by the Prime Minister as Parliamentary Secretary to the Minister of State for Science and Technology, Minister for Science, Minister for External Relations, and Minister of State for Indian and Northern Affairs Canada —

The Hon. the Speaker *pro tempore*: Senator Rivard, I'm sorry, but your time is up.

Senator Rivard: Okay, I'll wind up.

Suzanne, soon we will have to say goodbye to you. Your husband Maurice, your two sons and your seven grandchildren will soon have full-time access to their wife, mother and grandmother.

Still, it grieves me to say goodbye to an exceptional parliamentarian and a friend. I wish you a wonderful retirement, Suzanne, and I have no doubt that you've already got all kinds of plans.

Good luck.

• (1350)

Hon. Mobina S. B. Jaffer: Honourable senators, I am very proud to pay tribute to a remarkable woman, a person of integrity who loves her language and culture: Senator Suzanne Fortin-Duplessis. I will do my best to deliver a worthy tribute in French this afternoon. As you know, when I first arrived in the Senate, I did not speak French very well. Thanks to your encouragement and inspiration, I am proud to recognize you today in the language of Molière.

Honourable senators, I would like to take this opportunity to thank Senator Fortin-Duplessis for her many commitments as a parliamentarian. She was first elected to the House of Commons in 1984 and appointed to the Senate in December 2008. Her integrity, hard work, well-prepared questions, and her devotion to our institution have gained the admiration of all senators.

I had the opportunity to sit with her on a number of committees, including the Standing Senate Committee on Foreign Affairs and International Trade, where I could see how

much her work meant to her. Regardless of the bill or study in question, Senator Fortin-Duplessis was always very well prepared and asked the witnesses very good questions.

I recently became a member of the Standing Senate Committee on Official Languages, where I had the chance to work with the senator on cultural and linguistic issues that are dear to her. Her devotion to her language and to our country is an example to us all, honourable senators.

Over the years, I had the good fortune to get to know not only an incredible woman, but also her husband, Maurice Duplessis. I want to thank you both for your friendship. You were both very gracious and kind to me.

In closing, I will remember Senator Fortin-Duplessis as a woman of integrity who was always well prepared and who cared a great deal about her work. She is leaving us for a well-deserved retirement, but her departure also reminds us that we need to look out for one another.

Senator Fortin-Duplessis and Mr. Duplessis, I thank you for your respect and kindness. I wish you and your family health and happiness. Thank you for your friendship. I will miss you very much.

Hon. Ghislain Maltais: Honourable senators, allow me to join you in bidding farewell to our colleague Senator Fortin-Duplessis, who will be leaving us in just a few weeks.

I will not spend a lot of time talking about her long career in politics. Instead, I will focus on her caring nature. The Conservative caucus called her Sister Suzanne. Why? Because Suzanne was always there to commend anyone who had done a good deed and to console anyone who had made a mistake.

On Wednesdays at breakfast, we would fondly confess to Suzanne, whose arms were always open and who had nothing but words of encouragement for us. Suzanne is a very caring individual. Her role as a mother and grandmother gave her a lot of understanding for her colleagues. She did not judge them. She simply accepted them with kind words. Suzanne had a very special quality; she was always there when we needed her. That is what a mother and a good person who opens her heart to everyone does.

I had the pleasure of working with Suzanne on the Standing Senate Committee on Official Languages, and Suzanne is passionate about the French language. In the years to come, many Canadians will be able to refer to her legacy — the report that will soon be tabled — and see her desire for those she affectionately refers to as “little Canadians,” from the Atlantic to the Pacific, to have the chance to learn both official languages.

It was her greatest desire. She put her heart and soul into this file, and I am certain that this legacy will outlast her and will serve as a guide for the future for other members of this committee.

In closing, the Suzanne I know will make liars out of all of us today because Suzanne is not going to retire; Suzanne is going to change jobs. Suzanne will be listening to the people in her

region. Suzanne cares very deeply for her family, especially Maurice, her children and her grandchildren. Suzanne will never retire because she loves life and the people around her too much. Suzanne, good luck in your new job. I love you.

Hon. Dennis Dawson: A number of colleagues have been asking me for a week, with a smile, if I will be paying tribute to Suzanne Fortin-Duplessis. It is my pleasure to do so. Suzanne, some time ago, I came to appreciate you.

[*English*]

Some of you may not know it, but in 1984, when I went back to private life — in other words, when I was defeated — Suzanne replaced me as Member of Parliament for Louis-Hébert.

Honourable senators, when they say “Louis-Hébert,” they look at me the minute they say it, whether it’s Claude or —

[*Translation*]

Suzanne, I will stick to the period following my departure in 1984, because we could argue about your successes in the riding of Louis-Hébert. Today, I am paying tribute to the senator.

Since your arrival in the Senate, I have had the privilege of being a member of the Standing Senate Committee on Foreign Affairs and International Trade. With no disrespect for the other members of the committee, I can say that no one was better prepared for committee meetings than Senator Fortin-Duplessis.

Her questions were clear, she had done prior research on every issue raised in committee, and there was a lack of partisanship, which is more in evidence, insofar as I am concerned, when I ask questions in committee. I can assure you that she showed great dedication.

I also had the pleasure of working with Suzanne on a number of files associated with international parliamentary associations. Furthermore, when I left in 1984, Suzanne took over for me at the Inter-Parliamentary Union, so she had the opportunity to become involved in that organization, for which I have a great deal of respect. She did excellent work within that organization. We also had the opportunity to host 600 parliamentarians from 160 countries in beautiful Quebec City. I can assure you that her hard work paid off and that the credibility she enjoys today is thanks, in large part, to her sense of duty.

[*English*]

I want to thank her warmly for her contribution to our institution. She took her job as a senator very seriously, and she earned the respect and consideration of members on both sides of this chamber.

[*Translation*]

I wish her a very happy, healthy retirement, and I want to extend my sincere thanks to her for her remarkable contribution to our parliamentary life. I have come to be very fond of my dear colleague, and if she had not defeated me in 1984, I would have given her 10 out of 10.

Suzanne, I wish you all the best in your future endeavours. I know that Maurice wasn't sure if he could trust me. Senator Dagenais was asked to speak after me, in case there was anything that needed to be corrected, but I think Maurice really did trust me.

I learned to work with Suzanne and I pay tribute to her today. Good luck, Suzanne.

[*English*]

Hon. Norman E. Doyle: Honourable senators, I take great pleasure in joining the people who have already spoken fondly and highly of our esteemed colleague.

• (1400)

Many groups, organizations and governments, in Canada and abroad, have already acclaimed our colleague as being an exceptional person; so we're at the end of a long line.

When one looks over a brief record of her life to date, one can say that hers has been a life well and truly lived. Since meeting her in this place, I have found her to be a very warm, generous and gracious person, as well as being a very hard-working colleague.

Everything about our colleague denotes graciousness, even her name. If you ask a computer what the English word for the French name "Suzanne" is, it will say "lily." Some articles will say it goes way back into antiquity, referring to a particular white lily that grew in the Persian city of Susa. "Fortin," I'm told, is a diminutive version of the French word *fort*, which means "strong." And "Duplessis" is one of the old regional noble names in medieval France.

We've all heard it said, "What's in a name?" Well, in the case of our colleague, plenty. She has a name which denotes not only grace but strength and noble purpose. I won't go into all of her many accomplishments — I will leave that to others who will speak — but I will say her volunteer work, as you might expect, is impressive.

She was involved with the Alzheimer Society, the Quebec opera foundation, the Quebec historical society, her local chamber of commerce, the YMCA and the Cardinal Marc Ouellet foundation, to name a few.

I have to mention that in 1984, Ms. Fortin-Duplessis was elected to the House of Commons as a PC MP for the riding of Louis-Hébert and was re-elected to a second term in 1988. She developed a keen interest in foreign affairs and international trade. As a result, she served on a special committee on free trade with the United States and on the Strategic Defense Initiative.

All in all, quite a busy public career for someone who is, as I said earlier, as graceful as a lily, as strong as a fortress and of noble bearing and purpose. We shall never forget her gentle ways, and we will always miss her.

Hon. Percy E. Downe: Thank you, Your Honour. Congratulations on your recent appointment and elevation to the big chair.

[Senator Dawson]

I won't repeat what was said, other than to indicate that I support the very kind things said about Senator Fortin-Duplessis, and they're all true. She has the respect of all of us. She works hard. On Foreign Affairs and International Trade, she shows up on time, usually before the meeting starts. She's never late, and she's always well prepared and has very good questions for the witnesses who appear before us.

I did not know her before her appointment to the Senate, and I know the Prime Minister has been criticized for some of his Senate appointments, but he has made some very good ones, and Senator Fortin-Duplessis is one of those.

I join your many friends here in wishing you all the best in the future. We look forward to your return here to visit us as often as you can. We thank you for your hard work for the Senate and for your friendship with us all.

[*Translation*]

Hon. Jean-Guy Dagenais: Honourable senators, I rise today in this chamber to bid farewell to our charming colleague, Senator Suzanne Fortin-Duplessis, who is leaving us after many years of service, first as a member of Parliament and a minister in the Conservative government, and then as a Conservative senator.

My tribute today is not for the senator, but for my friend Suzanne.

I remember our first meeting in the spring of 2011 as if it were yesterday. It was at a political meeting in Victoriaville, which several Conservative candidates attended. I didn't know her, but this elegant woman approached me to encourage me in my political involvement with the Conservatives. Her kind words reassured me, as a novice politician, but I didn't think that we would one day meet again on these benches.

When I came to the Senate in 2012, it was a great pleasure for me to see her here.

In my time here, I have been grateful for our breakfasts in the cafeteria every Wednesday morning before the Quebec Conservative caucus meeting. That's where I got to know the real Suzanne Fortin-Duplessis.

I discovered a politician, seasoned from her years in Prime Minister Brian Mulroney's cabinet. I discovered a woman capable of listening and being open to discussion, but also capable of being tough when it came to defending her ideas and those of our government.

I can tell you that our Wednesday morning meetings, and many others over the years, were very rewarding for me.

In politics, Senator Fortin-Duplessis was both wise and firm, something I admire. I'm sure that's what enabled her to perform so brilliantly in all of her endeavours. I would be remiss if I did not mention how diligent she was when it came to being present for all of our work and our activities. She was an exemplary senator in that regard. Also remarkable was her team spirit, an essential quality when one seeks to serve in public life.

Senator Duplessis has been a team player for a long time now. Her personal involvement at school, church, university, and in the union movement was always recognized and appreciated by those who worked with her.

Then came politics. She began as the first female municipal councillor for Sainte-Foy. Then she became the Conservative member for the riding of Louis-Hébert, where — and I mean this in the nicest possible way — she beat a certain Liberal by the name of Dennis Dawson.

Senator Duplessis, it was a great pleasure to work with you. I do not expect your public and social life to end with your retirement from the Senate, and I look forward to spending some enjoyable time in wonderful Quebec City with you and your charming husband, Maurice.

Thank you. Happy retirement!

[*English*]

Hon. Victor Oh: Honourable senators, it is my great honour to rise today to pay tribute to our colleague, Suzanne. Throughout her distinguished public career, Suzanne has been committed to improving our communities, the province of Quebec and our country.

As we both sit on the Foreign Affairs and International Trade Committee, I had the privilege to closely observe Suzanne in action. I must say, she is a very hard-working member on the committee. She is usually the first one to ask questions, with her sharp wit, and her questions are always to the point.

In February of this year, I had the opportunity to travel with her as part of our committee fact-finding mission to Southeast Asia. Despite the extremely tight schedule and her respectful age, she was physically active, full of life and energy. She is “an action senator with great taste,” acclaimed by my siblings who had the pleasure to have dinner with her in Singapore.

In addition to her political involvement, Suzanne was engaged in many other capacities related to the community that she cares so much about. We have attended events together, for example, meeting with youth for breakfast in the Senate foyer. Many students from Quebec instantly felt the warmth from Suzanne, and she was always gracious to everyone around her. She was welcomed openly by staff and colleagues alike.

I want to express my gratitude to the Honourable Suzanne Fortin-Duplessis for her service to our country. I use this opportunity to remind myself about the true nature of public service, about caring for other people.

Suzanne, don't forget that my family in Singapore are waiting for you to have dinner with them again. Thank you.

[*Translation*]

Hon. Paul E. McIntyre: Honourable senators, I too would like to say a few words. Senator Fortin-Duplessis, my colleagues have said so many nice things about you, and with good reason.

You are a wife, a mother of two, a grandmother of seven, a teacher and a federal politician from Quebec.

I know that you were born in Chicoutimi, in the beautiful Saguenay region, a region that I know very well because I was an English teacher at the Séminaire de Chicoutimi for two years in a row shortly after I obtained my undergraduate arts degree from the Université de Moncton.

• (1410)

At the time, I was drawn not only to your beautiful region, but also to the people who lived there, especially the lovely ladies. If my memory serves me well, according to urban legend there were seven women for every man in those days.

I am not going to recap your entire political career. However, I feel it is important to point out, as my colleagues did, that you have been a great lady of federal politics in Quebec. Our colleagues all mentioned this in their statements. You were the first woman elected to the Sainte-Foy municipal council, a federal MP for two terms, a parliamentary secretary, chair and deputy chair of various legislative committees, and so on.

In the Senate, I had the pleasure and the privilege of being on the Standing Senate Committee on Official Languages with you, and what an honour it was. In addition to your achievements in politics, I am told that you were always very involved in your community at every level, and especially in your local parish. There is a simple reason for that. When you were very young, your parents instilled in you the importance of civic duty and sharing. Therefore, it is obvious that these good principles they taught you shaped your life and your wonderful career.

My dear Suzanne, enjoy your well-deserved retirement! I love you very much.

Hon. Diane Bellemare: Speaker, dear colleagues, it is a pleasure today to rise to pay tribute to Senator Suzanne Fortin-Duplessis.

Having studied fine arts, Senator Fortin-Duplessis could have been an artist and earned a living as such. She is a visual artist who sometimes makes art in her leisure time, and she will undoubtedly take up her art again in the years to come.

She is also a skilled teacher, and she put those skills to good use in service to children and later to Canadians. As you know, dear colleagues, a parliamentarian must be something of a teacher if he or she wants people to listen.

However, after art and teaching, her passion for politics changed her life. From municipal politics to federal politics, she rose through the ranks, from municipal councillor to parliamentary secretary for various ministers and departments. As many others have pointed out, she was elected twice as a Progressive Conservative MP in 1984 and 1988. She later worked within the party and became involved in volunteer work and parish activities in the greater Quebec City area, for which she was awarded many official accolades. For instance, she was named Chevalier de l'Ordre de la Pléiade by the Assemblée internationale des parlementaires de langue française.

Suzanne came to the Senate in 2008. Appointed by the Right Honourable Stephen Harper, she already had a long political career as a Progressive Conservative behind her. I had the pleasure of meeting her in September 2012 when I came to the Senate. She helped me find my place in the caucus with a dash of feminine complicity. I will always remember Senator Fortin-Duplessis as a great lady of politics. She always worked with finesse and diplomacy in order to avoid a scene, and she was always willing to listen. I'll remember her kindness, her calm demeanor and her elegance. She is a truly honourable senator.

My dear Suzanne, I wish you all the best in your well-deserved retirement, and I hope you will be able to enjoy doing whatever makes you happy.

Hon. Leo Housakos: Honourable senators, today we are paying tribute to a smart, caring woman, my very honourable colleague, Suzanne Fortin-Duplessis. I first met her in the 1980s, when I was a young party activist involved in the youth wing of the Progressive Conservative Party and she was the proud Member of Parliament for Louis-Hébert, in Quebec City, where she was first elected in 1984.

She is the embodiment of Quebec City and the quiet certainty of living in the most beautiful city in the world. I also discovered an honest, uncompromising woman with solid values who truly cares about the well-being of others, when it comes to her community, her political involvement and her family.

She has always believed that the support of family is necessary to a career in politics. I want to take this opportunity to salute Maurice and her family, who are here today. I want to thank you for sharing this exceptional woman and her talents with us.

She truly cared about getting young people in her constituency involved and active in politics.

I remember that the riding of Louis-Hébert had the highest number of young activists in Quebec. Her background as a teacher and her desire to pass on a legacy and values to the next generation surely explain her ongoing involvement with young people.

Some 20 years later, I had the pleasure of running into Suzanne again. On December 22, 2008, Prime Minister Stephen Harper appointed both of us to the Senate. I had the pleasure and the honour of joining this institution at the same time as my colleague. Clearly, she would make her mark here in the Senate.

Senator Fortin-Duplessis distinguished herself in particular as a member of the Standing Senate Committee on Official Languages and the Standing Senate Committee on Foreign Affairs and International Trade. Her keen political sense, her wisdom and her extensive experience helped her stand out as a legislator and make a remarkable contribution to our work here. Today, after nearly seven years with us in this great institution, it is now time for you to retire and move on to another stage in your life.

My esteemed colleague, dear Suzanne, I want to tell you how much I admire your commitment and how much I appreciate your endearing and down-to-earth nature. On behalf of my

colleagues, I thank you for having served Canada and Canadians so well. I wish you all the best on the rest of your journey, which I know, because of your generosity and dedication, will be filled with success.

Thank you, Suzanne.

Hon. Senators: Hear, hear.

EXPRESSION OF THANKS

Hon. Suzanne Fortin-Duplessis: Honourable senators, it is with great emotion and pride that I rise to speak in this chamber for what is likely to be the last time.

First of all, I would like to sincerely thank all of my colleagues who just paid tribute to me. I really appreciate your kindness. Please know that your words have touched my heart and that I will always remember them.

I would like to acknowledge my family and my dear friends who are here today. Thank you for joining me today to share in this solemn occasion. This marks the end of a chapter in my life and 40 years of active civic and political engagement as a municipal councillor, federal MP and senator. I cannot tell you how privileged I feel to have had the opportunity to serve my country and to have represented Quebecers in this venerable institution. The past six years have been unforgettable. I say goodbye with the feeling of joy that comes from a job well done but also with a feeling of sadness because I am leaving wonderful colleagues who have become good friends. I really enjoyed working with you.

• (1420)

I could never have fulfilled my role as senator without the unwavering support and kindness of my husband, Maurice, who always stood by me during this amazing adventure. Maurice, I thank you with all my heart for your generosity and wisdom and the great partnership we have shared for so long.

Civic engagement has been an integral part of my life for as long as I can remember. As Senator McIntyre pointed out, it was my parents who instilled this intrinsic need to contribute to my community and advance the causes that are important to me.

My parents, Jean-Julien Fortin and Pearl Tremblay, from Chicoutimi, were exemplary models of selflessness and determination. To them, being in a large family, living in society, was a privilege and meant that one had to give as much as one received. They taught me and my brothers and sisters the values of sharing and giving that became the foundation of our lives. My parents left this world far too long ago, but I know that they are still guiding me, and I want to pay tribute to them today.

I want to thank my dear assistant, Carole Hupé, who has been by my side since my very first days in the Senate. Carole is the epitome of reliability and conscientiousness and she ran my office with professionalism and enthusiasm. She gave me sound advice that was of great help to me. Carole, I consider you to be a very good friend.

I also want to thank Amanda Simard — who is not here today because of her new job — my little politician whose extraordinary people skills helped her get elected as municipal councillor in eastern Ontario. I wouldn't be surprised to see her sit in the other place one day. Whatever happens, I wish her all the best.

I salute François Desmarais, one of my political advisors. He was an excellent researcher, and his expertise in foreign affairs really helped me do my parliamentary work in committee.

I would like to thank the Senate administrative staff who helped me so diligently over the past six years. Whether it was for security, human resources, administration, procedure or logistics, I could always count on their know-how and their professionalism, always delivered respectfully, courteously and with good humour. I want them to know how much I appreciate them. I would also like to add a special word of thanks for my dear Senate pages.

I would like to thank the Prime Minister, the Right Honourable Stephen Harper, for showing such great faith in me when he appointed me to the Senate in December 2008. It was the ultimate honour for me to be invited by that great man to serve Canada once again.

Since it was not my first go-round, I came back to Parliament full of excitement and ready to take on new challenges and advance bills and issues of great importance to Canada, including Senate reform. I have always believed that the Senate is of critical importance to our governance. I firmly believed that now more than ever, despite the public perception of eroded legitimacy, our system of government needs an upper chamber where regional differences can be expressed and where we can employ a constitutional principle to protect minorities whose interests conflict with public opinion.

I set out to make sure that Canadians understood the benefits of having a chamber of sober second thought and the opportunity to express themselves on issues that matter to them. I wanted them to better understand the history of the Senate, its purpose and its role. I have to admit that I would have liked to stay here for another few years to witness the great things that will happen under the leadership of our new Speaker, the Honourable Leo Housakos, whom I would like to congratulate once again. We are very proud of you. I know, dear colleagues, that he will complete what our dear friend and former Speaker, the Honourable Pierre Claude Nolin, set out to do before leaving us for a better world.

Pierre Claude wanted to review how the Senate operates, to make it less partisan, more independent and better positioned to examine the government's proposed legislation, to question the government on its management of public policy and to defend the interests of minorities. He set the stage and everything is in place to create a modern, transparent, responsible Senate that is closer to Canadians. I wish you much success, Speaker Housakos. I have full confidence in your leadership, especially now that you have the support of the Honourable the Speaker *pro tempore*, Nicole Eaton, whom I also congratulate.

I'm extremely proud of having sponsored Bill C-6, which made it possible for Canada to ratify the Convention on Cluster Munitions. This bill was particularly close to my heart, since my

family suffered a painful tragedy as a result of cluster munitions and antipersonnel mines. The ratification of this important humanitarian treaty sent a strong message about Canada's ongoing commitment to participating in the elimination of cluster munitions around the world. I was also honoured to sponsor Bill C-266, designating April 2 as Pope John Paul II Day. I was able to pay tribute to this great man from Poland who spent his whole life promoting peace and tolerance and combatting human rights violations. His enormous contribution to the fall of communism inspired tributes from former Russian president Mikhail Gorbachev.

Women here in Canada and around the world were always uppermost in my mind as I represented Canada at the United Nations, to study the elimination and prevention of all forms of violence against women and girls, or as I added my voice to those of my colleagues, the Honourable Salma Ataullahjan and the Honourable Mobina Jaffer — as a side note, thank you, Mobina, for your kind words — and that of my former colleague, the Honourable Don Oliver, who strongly condemned violence against women.

• (1430)

Canadians enjoy a quality of life that is among the highest in the world. We believe in tolerance and justice and in helping the least fortunate. We share a set of values that define our identity, such as pride, the belief in equality and diversity, and respect for all members of our society. Men and women, children and seniors, all are equally respected in Canada. Despite our individual differences, we share all these values that make Canada a welcoming, compassionate country and a good place to live. We have to continue building on these assets.

Upon my arrival in the Senate, my marked interest in foreign affairs led me to sit on the Committee on Foreign Affairs and International Trade, under the chairmanship of Senator DeNino and, subsequently, Senator Andreychuk, whom I would like to acknowledge today. I would also like to acknowledge our deputy chair, who paid tribute to me earlier.

During my term of office, we studied, among other things, Canada's relations with various countries, including the BRIC countries — Brazil, Russia, India and China. We studied how the situation in these emerging countries had evolved, their internal dynamics, their political orientations and international trade focus, and their collective efforts. We determined that a coherent political commitment is vital if we want to take full advantage of opportunities for strategic political and trade alliances with the BRIC countries.

The committee also studied relations between Canada and the Republic of Turkey. I am pleased to note that following the release of our report entitled *Building Bridges: Canada-Turkey Relations and Beyond*, the government implemented a number of initiatives that reflect the spirit of the recommendations we made, such as the launching exploratory discussions on a Canada-Turkey free trade agreement, creating a joint committee on the economy and trade, discussing the possibility of expanding air transportation services and making a commitment to strengthen exchanges in the areas of education and technology.

We also proceeded to review NAFTA and our relations with the United States and Mexico. What is more, I also had the opportunity to work on important bills on implementing trade agreements with other countries, such as Panama and Colombia, and implementing treaties, such as the Convention on Cluster Munitions I was talking about earlier.

Many thanks go to my colleagues, Senator Maria Chaput and Senator Claudette Tardif, who both chaired the Standing Senate Committee on Official Languages, of which I have been a member since 2009. What inspiring women! Senator Tardif, thank you very much for the kind words you said about me.

I am truly grateful for their immense contribution and I truly enjoyed working with them on ensuring that Canadians' linguistic rights are respected and that the federal government upholds its commitment to protecting and promoting minority language communities. I am particularly proud of all the work that was done as part of the study on best practices for language policies and second-language learning in a context of linguistic duality or plurality. The report on this study is set to be tabled in this chamber before the end of this session.

I salute my colleagues from the Quebec caucus, especially Senator Demers, Senator Maltais, Senator Dagenais and Senator Rivard, with whom I had breakfast every Wednesday morning before the caucus meeting. My colleagues already mentioned that. I will deeply miss our conversations and camaraderie. Many thanks go to Senator Carignan, our leader, who is a very endearing man. He is also my former seat-mate, a hard worker, and an accessible leader who truly listens to his colleagues.

I would also like to thank the Leader of the Official Opposition, the Honourable James Cowan, who does his job so politely and with such distinction, despite the difficult questions he asks.

I would like to acknowledge and thank the Honourable Noël Kinsella, who, when he was the Speaker of the Senate, invited me to accompany him to Rome for the elevation of His Grace Gérard Cyprien Lacroix to the College of Cardinals. On that trip, we participated in very rewarding high-level meetings to develop an exchange program for Italian and Canadian students. I have some great memories of that.

On that note, honourable colleagues, I bid you farewell and thank you again for sharing this part of my journey. I will never forget you.

Hon. Senators: Hear, hear!

THE HONOURABLE SUZANNE FORTIN-DUPLESSIS

Hon. Céline Hervieux-Payette: Honourable senators, I would just like to say a few words. Since I was not able to pay tribute to my colleague, Suzanne Fortin-Duplessis, I would like to bid her

[Senator Fortin-Duplessis]

farewell. I know that she will end up in a very stimulating environment. I wish her many years of good health, particularly so that she can do as I do and take care of her grandchildren.

[English]

THE LATE HONOURABLE ALASDAIR GRAHAM, P.C.

Hon. Céline Hervieux-Payette: Honourable senators, I wish to share some memories about an old friend, the late Senator Alasdair "Big Al" Graham.

When I was in my junior days here on Parliament Hill in the 1980s, Senator Graham and I occupied positions in the Liberal Party executive and caucus. From a heroic effort we worked together to convince Pierre Trudeau to run once again as leader of the Liberal Party in the 1980 election, following his resignation after a snowstorm.

Senator Graham was born in one of the coal mining communities of Cape Breton Island in Nova Scotia. It was from this experience that a young Alasdair Graham developed a dedication to always stand up for the little guy.

Following a failed election bid for the riding of Antigonish-Guysborough, Alasdair Graham joined DEVCO, the federal Crown corporation tasked with the development of Cape Breton Island — a place he cherished all his life.

"He believed in regional development because he believed people should be able to live and work in Nova Scotia and not have to leave," said Leonard Kuchar, a former Senate staffer to Senator Graham.

At the 1968 Liberal Party leadership convention, Graham supported his long-time friend and MP Allan J. MacEachen, who would later become a senator. After MacEachen was voted off the ballot, the team supported Pierre Elliott Trudeau, and both would form an integral part of Trudeau's team. Four years later, in 1972, Prime Minister Trudeau appointed Graham to the Senate. He then went on to serve as President of the Liberal Party of Canada simultaneously, from 1975 to 1980.

In 1997, Prime Minister Chrétien appointed Graham as regional minister due to the fact that the Liberal Party had no MPs in Nova Scotia — too bad — following that year's election. He also served as Leader of the Government in the Senate for two years.

• (1440)

In retirement, he travelled the world as a member of election observation missions. He wrote a book based on his travels, called *The Seeds of Freedom: Personal Reflections on the Dawning of Democracy*. Senator Graham also enjoyed one of the most meaningful lifetime responsibilities as the first National Patron and Ambassador for L'Arche Canada, an organization committed to inclusive communities for adults with special needs, whom most of us know.

As a staunch defender of the upper chamber, in his farewell speech on March 24, 2004, Senator Graham said that the average Canadian often misunderstood the work of a senator:

. . . let us never forget that — senators work long hours to ensure that our laws are crafted to safeguard the peace, the security, the basic rights and freedoms of our talented people, no matter where they live, no matter what their circumstances. We are here in this chamber to protect regional, provincial and minority interests. We are here to focus greater public attention on those people in society whose rights and interests are often overlooked — the young, the poor, the elderly, the dying, our veterans and our wonderful Aboriginal friends.

And of course, I subscribe to that.

NATIONAL HEALTH AND FITNESS DAY

Hon. Nancy Greene Raine: Honourable senators, today I would like to remind you that next Saturday, the first Saturday in June, is the first official National Health and Fitness Day. I would like to thank those of you who helped to get over 200 municipalities to endorse the day, including representation in all provinces and territories. A special thanks to Senator Lang and his colleague MP Ryan Leef for getting 100 per cent support in Yukon.

Colleagues, as you know, the Social Affairs Committee is studying the rising rates of obesity in Canada. We've learned that the causes are complex and there will be no easy solution. Too many calories in seems to be the main cause, but exercise is also important. Becoming fit will definitely make you healthier no matter what your weight. More than ever, we all need to promote taking personal responsibility for our health. If we don't, our health care system will be unsustainable. Canada is facing a crisis, and we must change.

Honourable senators, we have some amazing examples of physical fitness excellence in our chamber. Did you know that Senator McIntyre recently ran the Ottawa Marathon? More impressive, it was his fifty-third marathon. It's clear that giving yourself a challenge is a great motivator, so I encourage all of you to sign up for a local fundraising event, be it a walk, a run or another activity. You will be amazed at how having a goal will get you going.

Speaking of goals, how about Eddy Dostaler of Kamloops? He's running across Canada, unsupported except for strangers who help him along the way. He started in Victoria on March 1, and when he gets to St. John's, Newfoundland, he plans to turn around and run right back to the West Coast. No one has ever done that before. He's doing it to raise money for Alzheimer's and breast cancer, two great causes. He's currently in Kenora, Ontario, so if you see him, give him a thumbs-up. You can find out more on his website, fasteddycanada.com.

In closing, honourable senators, please watch for National Health and Fitness Day activities where you live. Again, thank you for your support of this initiative.

[*Translation*]

ROUTINE PROCEEDINGS

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

TWENTY-SECOND REPORT OF SOCIAL AFFAIRS,
SCIENCE AND TECHNOLOGY COMMITTEE
ON SUBJECT MATTER TABLED

Hon. Kelvin Kenneth Ogilvie: Honourable senators, I have the honour to table, in both official languages, the twenty-second report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the subject matter of those elements contained in Division 15 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 *pro tempore*: Honourable senators, pursuant to the order of the Senate of Thursday, 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.

[*English*]

NATIONAL SEAL AND SEAFOOD PRODUCTS DAY BILL

TENTH REPORT OF FISHERIES AND OCEANS
COMMITTEE PRESENTED

Hon. Fabian Manning, Chair of the Standing Senate Committee on Fisheries and Oceans, presented the following report:

Wednesday, June 3, 2015

The Standing Senate Committee on Fisheries and Oceans has the honour to present its

TENTH REPORT

Your committee, to which was referred Bill S-224, An Act respecting National Seal and Seafood Products Day, has, in obedience to the order of reference of Thursday, April 2, 2015, examined the said bill and now reports the same with the following amendments:

1. *Title:* Replace the long title with the following:

“An Act respecting National Seal Products Day”.

2. *Preamble, page 1:* Replace line 30 with the following:

“Seal Products Day”.

3. *Clause 1, page 2:* Replace line 35 with the following:

“Products Day Act.”.

4. *Clause 2, page 3*: Replace line 3 with the following:

““National Seal Products Day”.”.

5. *Clause 3, page 3*: Replace lines 4 and 5 with the following:

“3. For greater certainty, National Seal Products Day is not a legal holiday or a”.

Respectfully submitted,

FABIAN MANNING
Chair

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

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

[*Translation*]

ADJOURNMENT

NOTICE OF MOTION

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

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, June 9, 2015 at 2 p.m.

[*English*]

THE SENATE

STATUTES REPEAL ACT—NOTICE OF MOTION TO RESOLVE THAT THE ACT AND THE PROVISIONS OF OTHER ACTS NOT BE REPEALED

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

That, pursuant to section 3 of the *Statutes Repeal Act*, S.C. 2008, c. 20, the Senate resolve that the Act and the provisions of the other Acts listed below, which have not come into force in the period since their adoption, not be repealed:

1. *Canada Grain Act*, R.S., c. G-10:

-paragraphs (d) and (e) of the definition “elevator” in section 2 and subsections 55(2) and (3);

2. *Contraventions Act*, S.C. 1992, c. 47:

-paragraph 8(1)(d), sections 9, 10 and 12 to 16, subsections 17(1) to (3), sections 18 and 19, subsection 21(1) and sections 22, 23, 25, 26, 28 to 38, 40, 41, 44 to 47, 50 to 53, 56, 57, 60 to 62, 84 (in respect of the following sections of the schedule: sections 1, 2.1, 2.2, 3, 4, 5, 7, 7.1, 9, 10, 11, 12, 14 and 16) and 85;

3. *Agreement on Internal Trade Implementation Act*, S.C. 1996, c. 17:

-sections 17 and 18;

4. *Canada Marine Act*, S.C. 1998, c. 10:

-section 140;

5. *An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act*, S.C. 1998, c. 22:

-subsection 1(3) and sections 5, 9, 13 to 15, 18 to 23 and 26 to 28;

6. *Comprehensive Nuclear Test-Ban Treaty Implementation Act*, S.C. 1998, c. 32;

7. *Preclearance Act*, S.C. 1999, c. 20:

-section 37;

8. *Public Sector Pension Investment Board Act*, S.C. 1999, c. 34:

-sections 155, 157, 158 and 160, subsections 161(1) and (4) and section 168;

9. *Modernization of Benefits and Obligations Act*, S.C. 2000, c. 12:

-sections 89 and 90, subsections 107(1) and (3) and section 109;

10. *Marine Liability Act*, S.C. 2001, c. 6:

-section 45;

11. *Yukon Act*, S.C. 2002, c. 7:

-sections 70 to 75 and 77, subsection 117(2) and sections 167, 168, 210, 211, 221, 227, 233 and 283;

12. *An Act to amend the Criminal Code (firearms) and the Firearms Act*, S.C. 2003, c. 8:

-section 23;

[Senator Manning]

13. *An Act to amend the Canadian Forces Superannuation Act and to make consequential amendments to other Acts*, S.C. 2003, c. 26:

-sections 4 and 5, subsection 13(3), section 21, subsections 26(1) to (3) and sections 30, 32, 34, 36 (with respect to section 81 of the *Canadian Forces Superannuation Act*), 42 and 43;

14. *Assisted Human Reproduction Act*, S.C. 2004, c. 2:

-sections 12 and 45 to 58;

15. *Public Safety Act, 2002*, S.C. 2004, c. 15:

-sections 78 and 106;

16. *Amendments and Corrections Act, 2003*, S.C. 2004, c. 16:

-sections 10 to 17 and 25 to 27;

17. *Budget Implementation Act, 2005*, S.C. 2005, c. 30:

-Part 18 other than section 125; and

18. *An Act to amend certain Acts in relation to financial institutions*, S.C. 2005, c. 54:

-subsections 1(1) and 27(2), sections 29 and 102, subsections 140(1) and 166(2), sections 168 and 213, subsections 214(1) and 239(2), section 241, subsection 322(2), section 324, subsections 368(1) and 392(2) and section 394.

• (1450)

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

CO-CHAIRS' ANNUAL VISIT TO JAPAN,
APRIL 23-26, 2014—REPORT TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Japan Inter-Parliamentary Group respecting its participation at the Co-Chairs' Annual Visit to Japan, held in Tokyo, from April 23 to 26, 2014.

[Translation]

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

SUMMIT OF LA FRANCOPHONIE,
NOVEMBER 25-30, 2014—REPORT TABLED

Hon. Paul E. McIntyre: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) respecting its participation at the Fifteenth Summit of la Francophonie, held in Dakar, Senegal, from November 25 to 30, 2014.

BUREAU MEETING AND BILATERAL MEETING,
JANUARY 21-27, 2015—REPORT TABLED

Hon. Paul E. McIntyre: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Canadian branch of the Assemblée parlementaire de la Francophonie (APF) on its participation at the bureau meeting of the APF and a bilateral meeting, held in Paris and Clermont-Ferrand, France, from January 21 to 27, 2015.

MEETING OF THE POLITICAL COMMITTEE,
MARCH 23-26, 2015—REPORT TABLED

Hon. Michel Rivard: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary delegation of the Assemblée parlementaire de la Francophonie (APF) respecting its participation in the meeting of the Political Committee of the APF, held in Siem Reap, Cambodia, from March 23 to 26, 2015.

[English]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO DEPOSIT REPORT ON STUDY OF INTERNATIONAL
MECHANISMS TOWARD IMPROVING COOPERATION
IN THE SETTLEMENT OF CROSS-BORDER
FAMILY DISPUTES WITH CLERK DURING
ADJOURNMENT OF THE SENATE

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study of the Hague Abduction Convention between June 29, 2015 and September 4, 2015, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

ROHINGYA MUSLIMS IN MYANMAR

NOTICE OF INQUIRY

Hon. Mobina S. B. Jaffer: Honourable senators, I give notice that, two days hence:

I will call the attention of the Senate to the persecution of Rohingya Muslims in Myanmar, and the mandate of the Canada's Office of Religious Freedom.

STATUTORY POWERS OF AUDITOR GENERAL

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to Senate Rules 5-1 and 5-6(2), I give notice that, two days hence:

I shall call the attention of the Senate to:

- (a) the statutory officer the Auditor General of Canada, and to the *Auditor General Act*, in which parliament wilfully granted him no powers to subject or compel senators or members of parliament, to audit examination; and, to this Act's *Powers and Duties* sections 5-12, and section 5 that commands:

The Auditor General is the auditor of the accounts of Canada, . . .

and,

- (b) to the constitutional truth that the Senate is no part of the accounts of Canada, nor of the public administration, nor of the public service; and, to the constitutional fact that this parliament's upper house the Senate, like the Commons House, is not a department of government headed and directed by a government minister of the crown; and, to the *Auditor General Act's* section 7 that commands the Auditor General to report to the Commons House on his public accounts audits, but which Act has no section that authorizes this auditor to report to the Senate on anything, and most particularly not on an audit examination of senators, largely because this Act grants no power to report on that which it grants no power to do, and in fact forbids; and, to the critical fact that the *Auditor General Act* is subject to the abiding law of the constitution, known as the "sovereignty of parliament," which he is sworn to uphold; and,
- (c) to the constitutional fact that the auditor general's audit of the Senate and senators is no part of the data or information he requires "to the fulfillment of his or her responsibilities" as the auditor of the accounts of Canada, pursuant to the *Auditor General Act* section 13.(1), 14.(1) and 14.(2); and, to the fact that senators and the Senate are not subject to his Act's section 13.(4) which grants him powers as a commissioner under the *Inquiries Act*, Part I, because the Senate, is "no part of the accounts of Canada," nor of the public service, nor of the public administration; and,
- (d) to the 1987 Federal Court of Appeal ruling, against the Auditor General in his quest for access to cabinet documents in the Petrofina case, wherein Justice Pratte, concurring with the lead Justice Heald, held that the Auditor General is the "auditor of the accounts of Canada" and, "whatever be his rights under ss. 13 and 14, he may only exercise them in fulfilling his responsibility as auditor of the accounts of Canada," and, to the constitutional fact that audit of the senators is no part of the Auditor General's rights, powers, nor "the fulfillment of his or her responsibilities" by the *Auditor General Act*.

PROPER ROLE OF THE AUDITOR GENERAL

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to Senate Rules 5-1. and 5-6.(2), I give notice that, two days hence:

I shall call the attention of the Senate to:

- (a) the statutory officer, the Auditor General of Canada, and his powers and duties granted by the current *Auditor General Act*; and, to our 1878 statute, *An Act to provide for the better Auditing of the Public Accounts*, which Act created the new auditor general as an independent officer, absolutely and completely separate from government, to be beyond and outside government influence, favour, and disfavour; and,

- (b) to the powers of the auditor general, by the *Auditor General Act* section 13.(4), by which section he is a commissioner under the *Inquiries Act*, Part I; and, to his powers to compel and obtain information that he needs for his audit, and to the fact that these powers have no application to senators; and, to section 13.(4) that states:

The Auditor General may examine any person on oath on any matter pertaining to any account subject to audit by him and for the purposes of any such examination the Auditor General may exercise all the powers of a commissioner under Part I of the *Inquiries Act*.

- (c) to the February 16, 2011, 9 page paper, *The Accountability of Agents of Parliament*, and its accompanying 5-line letter, signed by seven office holders, who describe themselves as "agents of parliament," in preference to the term "officers of parliament," when in fact these office holders are neither; and,
- (d) to the 1988 Senate National Finance Committee's Eighteenth Report on its consideration of the Main Estimates, and also on its study on the role of the auditor general pursuant to the then still new 1977 *Auditor General Act*; and, to this Report, which concluded that the auditor general's role is not to judge the merits of public policy; and,
- (e) to Carleton University Professor Sharon Sutherland's article, *The Office of the Auditor General of Canada: Watching the Watchdog*, which examined the auditor general's value-for-money audit, which article is chapter 6 in the 1981 book, *How Ottawa Spends Your Tax Dollars* edited by Bruce Doern.

• (1500)

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

FIFTEENTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ON SUBJECT MATTER TABLED

Leave having been given to revert to Presenting or Tabling of Reports from Committees:

Hon. Daniel Lang: Honourable senators, I have the honour to table, in both official languages, the fifteenth report of the Standing Senate Committee on National Security and Defence, which deals with the subject matter of those elements contained in Divisions 2 and 17 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 *pro tempore*: Honourable senators, pursuant to the order of the Senate of May 14, 2014, 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.

QUESTION PERIOD

HEALTH

AUTISM STRATEGY

Hon. Jim Munson: Honourable senators, my question is for the Leader of the Government in the Senate. The question comes from our own Senate Liberal “Your Question Period” initiative. It was submitted by Kathleen O’Grady, an Ottawa-based political and media strategist, author and academic whose articles about autism have been published by many news outlets across the continent. She writes:

Autism is reaching alarming rates in Canada, yet the services to help our children are not there in most parts of the country, despite expert claims that early intervention is key. A few bright spots exist in the country, so in the community it is not uncommon to hear about families in Ontario, Quebec and the Maritimes uprooting their families to move to Alberta or B.C. where there are often better and more flexible autism services for their children. In other words, we have medical migrants WITHIN our country, leaving jobs, other family behind, just to get the services that they are entitled to by the Canada Health Act.

So instead of this unfair, fragmented and inadequate response to a national crisis — the autism crisis in our country — why don’t we have a national autism strategy in place?

[Translation]

Hon. Claude Carignan (Leader of the Government): Senator, as you know, our government is determined to advance research to help Canadians with autism and their families.

Since 2006, we have allocated \$33.5 million to autism research. That includes funding for a national autism research chair to raise awareness of the disorder. In Budget 2014, we invested \$15 million to match people with developmental disabilities, such as autism, with jobs.

We also gave Genome Canada one billion dollars to support cutting-edge research in areas such as autism. We also announced nearly \$20 million in additional support for NeuroDevNet for collaborative research to develop treatments for children, including those with autism. Senator, I believe that these are concrete measures we have taken to tackle this terrible disability that unfortunately affects too many young Canadians. We will continue to support research in this area.

[English]

Senator Munson: I have a supplementary question. With all due respect to the leader, spending money and having a national vision are two different things, but I want to thank him for that response. His government has taken steps but not quite enough, as far as I’m concerned.

This is a supplementary from Ms. O’Grady. She says:

When kids with autism get the early interventions they need — speech therapy, behavioural therapy, occupational therapy — they can learn and thrive. We have the evidence to prove it. This saves governments at all levels countless thousands of dollars per child as they do better in school, adapt better in the community, and go on to lead a more integrated life in our communities.

In other words, it makes both ethical and economic sense to have flexible, integrated and comprehensive services for kids with autism all across our country — so what’s the federal government doing about it?

[Translation]

Senator Carignan: As you know, part of your question relates to provincial jurisdiction. We are supporting research into autism. I would like to point out that our provincial health transfers are the highest in Canadian history. We have allocated an unprecedented \$40 billion from now to the end of the decade to ensure stable, predictable funding for the health system and support the provinces in fulfilling their health and social services obligations. The provinces must therefore play a part in supporting autism-related activities like the ones you mentioned. For our part, we will continue to support that research, which we have been supporting since the beginning.

[English]

Senator Munson: Thank you for that, leader. It should be a shared jurisdiction. That’s my view about the whole argument about somebody’s jurisdiction. Autism has no borders. There still has to be a national vision and there are no borders when it comes to autism in this country.

I have my own supplementary question. Ms. O'Grady's questions are very timely. Earlier this week, CBC's "Go Public" reported on the lack of services for adults with autism and profiled a mother struggling to care for her adult daughter with autism. The long wait times for group homes and staggering costs for other services have left Hope Galloway of Barrie, Ontario, "mentally and physically exhausted." She is one of many Canadians who might well benefit by relocating elsewhere in Canada, as Ms. O'Grady discussed in her first question.

Your government, in the last budget — and I was happy to see it — proposed to provide \$2 million this fiscal year "to support the development of a Canadian Autism Partnership." Is the disparity in services from one province to another an issue this partnership will address?

[Translation]

Senator Carignan: As I mentioned, health is a shared jurisdiction, and the amounts transferred by the federal government to the provinces are considerable, even record amounts.

• (1510)

For our part, with the cooperation of our provincial partners, we will continue to advance research in order to help autistic Canadians and their families.

I will not repeat the amounts invested, but they are significant and appreciated by the stakeholders.

[English]

Senator Munson: Thank you very much. We're getting there. It might take some time, but we're getting there. We're just not there yet.

I have one more supplementary. In that same CBC report, Michael Bach, head of the Canadian Association for Community Living, suggested that the demand for caregivers will outstrip that for police, nurses and teachers. Without action, this means that more and more parents like Ms. Galloway will struggle to care for their children who have mental and/or physical disabilities.

Mr. Bach indicated his organization will push for greater benefits for persons with disabilities in the upcoming federal election. He believes the government should institute a national benefits program similar to Old Age Security for the disabled. I support this proposal.

My question is: Does your government?

[Translation]

Senator Carignan: We also need to respect provincial jurisdictions. However, we intend to continue providing support for research and the creation of a national autism research chair.

Furthermore, for those with autism who are eligible, our government has set up some plans, such as the Registered Disability Savings Plan. If they qualify, they can also receive this assistance, which is very much appreciated by parents of children with a disability.

[Senator Munson]

[English]

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

TRUTH AND RECONCILIATION COMMISSION REPORT—GOVERNMENT'S RESPONSE

Hon. Sandra Lovelace Nicholas: Honourable senators, my question is for the Leader of the Government in the Senate.

As you know, the Prime Minister initially refused to offer an apology to First Nations. After much pressure, he offered an apology that took place in 2008. The report of the Truth and Reconciliation Commission has 94 recommendations. Will the government honour the 94 recommendations from the report, in particular the inquiry into missing and murdered Aboriginal women that was mentioned?

[Translation]

Hon. Claude Carignan (Leader of the Government): Our government recognizes that there have been dark chapters in the story of the Government of Canada's relationship with First Nations. Unfortunately, we cannot erase the past, but we can learn from it and ensure that these things never happen again.

As Prime Minister Harper said during the historic apology he made on behalf of all Canadians in 2008, there is no place in Canada for the attitudes that inspired the Indian residential schools system to ever prevail again.

As for the recommendations, we will examine the report and the commission's recommendations in order to decide what the next steps should be.

[English]

Senator Lovelace Nicholas: Does the government accept that this was a history of cultural genocide against the First Nations people of Canada?

[Translation]

Senator Carignan: Senator, we can't erase the past. History has been marked by some dark chapters, and it is important to ensure that these kinds of extremely tragic events never happen again. That is why Prime Minister Harper made a historic apology to Canada's Aboriginal peoples in 2008.

[English]

Senator Lovelace Nicholas: Will the government ensure that the report of the Truth and Reconciliation Commission be made available to all Canadians and, in particular, distributed to all Aboriginal schools and, in fact, all schools across Canada at the expense of the government?

[Translation]

Senator Carignan: Senator, the government will examine the commission's recommendations and pay particular attention to what the next steps should be. I invite you to consult the

Prime Minister's website, which just posted, a few minutes ago, a press release on the closing ceremony of the Truth and Reconciliation Commission of Canada, in which he thanks the commissioners for their hard work. You can have a look at the Prime Minister's remarks in that regard.

[English]

Senator Lovelace Nicholas: On the contrary, I was hurt and disappointed that not all Aboriginal senators were invited to the closing of this historic ceremony.

Senator Cordy: Shame.

[Translation]

Senator Carignan: I'm a little surprised by what you are saying. I was watching the ceremony earlier and I saw that Senator Dyck and Senator Watt were there. Senators who represent First Nations communities were also there. I am not aware of any reason why you weren't invited to attend, which is what I understood from your remark. However, as I was watching the ceremony on television, live from Rideau Hall, I saw Senator Dyck and Senator Watt. In fact, they were seated next to their Liberal Leader, Justin Trudeau.

[English]

Senator Lovelace Nicholas: Yes, this is all fine and good, but I didn't get an invitation. I don't know how they got in there. Senator Sibbeston did not get an invitation, either, and I think that's a shame.

[Translation]

Senator Carignan: Listen, I don't know how they got in either, if that was your question. One thing is certain: They were there. With regard to the report, it is public and can be consulted.

[English]

PUBLIC SAFETY

MURDERED AND MISSING ABORIGINAL WOMEN AND GIRLS

Hon. Mobina S.B. Jaffer: Honourable senators, I was very touched by the way the Leader of the Government talked about the history, and that we are all responsible for the history and that we all have to work to make things better.

The issue of murdered and missing Aboriginal women is not history. I come from British Columbia and, sadly, this is a continuing issue. If we can learn anything from history, it's that this pain is continuing. We have to stop it. Will the government now appoint a national inquiry?

• (1520)

[Translation]

Hon. Claude Carignan (Leader of the Government): Over 40 studies have been conducted on this particular issue. As I have said numerous times in this chamber, I believe that it is time to take action because people need concrete action, such as we are taking right now.

[English]

Senator Jaffer: I have a supplementary question. Leader, I agree things have to be done. I would appreciate knowing what the government is going to do to stop the murder and disappearance of Aboriginal women, especially in my province.

[Translation]

Senator Carignan: Senator, as I already said, we have taken strong and significant action on this issue. We introduced the Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls and the Family Violence Prevention Program.

Since coming to power, our government has passed 30 new criminal justice and public safety measures to protect Canadians, including tougher sentences for murder, sexual assault and kidnapping and mandatory prison sentences for the most serious crimes. We also passed historic legislation that gives Aboriginal women living on First Nations reserves the same matrimonial rights enjoyed by other Canadian women, including access to emergency protection orders in violent situations. We eliminated a legislative gap that had existed for 30 years by ensuring that hundreds of thousands of people living on First Nations reserves would have the same human rights protections enjoyed by other Canadians.

Senator, I believe that our government has taken concrete action and that it will continue to take measures to combat violence against Aboriginal women and girls.

[English]

ORDERS OF THE DAY

COASTAL FISHERIES PROTECTION ACT

BILL TO AMEND—MESSAGE FROM COMMONS— AMENDMENTS FROM COMMONS— DEBATE ADJOURNED

The Senate proceeded to consideration of the amendments by the House of Commons to Bill S-3, An Act to amend the Coastal Fisheries Protection Act:

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.”

Hon. Fabian Manning moved that the Senate concur in the amendments made by the House of Commons to Bill S-3, An Act to amend the Coastal Fisheries Protection Act; and that a message be sent to the House of Commons to acquaint that House accordingly.

He said: Honourable senators, I am pleased to add my support to Bill S-3, An Act to amend the Coastal Fisheries Protection Act. This bill has long been discussed in both houses of Parliament, and it is my hope that we will be voting on and passing this important piece of legislation very soon.

Many members of all parties have spoken to the importance of this bill and the need to ratify the agreement. I hope that my fellow senators will concur that this bill must be passed quickly in order to ensure we can add our support to this global fight as soon as possible.

Returning to the bill at hand, the goal of the amendments to the Coastal Fisheries Protection Act, as proposed in Bill S-3, is to allow Canada to follow through on our international commitment to implement and ratify the Port State Measures Agreement. Canada signed the agreement in 2010, and as this bill demonstrates to the chamber, we stand by our commitments. In implementing these agreements, honourable senators, we will be fortifying our already robust Port State Control program in its management of foreign fishing vessels.

We know that Canada is not the problem, neither as a source of illegally caught fish nor as an attractive place for marine bandits to land their illegal catches from the high seas. Our fisheries waters are thoroughly patrolled from the sea and in the air. Our docks are monitored and infractions strictly dealt with. However, globally this is a serious problem. Not all countries are as well prepared as Canada to fight illegal fishing, and these areas are therefore targeted by criminal operations. These illegal activities damage and threaten to destroy fish stocks vital to these countries' economies and threaten the marine environment.

By supporting the global effort to fight illegal fishing through implementing the Port State Measures Agreement, Canada will be joining its key international partners, including the European Union and the United States, in order to stop this environmental and economic scourge.

Honourable senators, the amendments we are debating today are practical changes. For example, under the proposed amendments, it would be an offence to knowingly import into Canada any fish or fish products acquired through illegal, unreported and unregulated fishing activities. But it is not enough to simply create an offence; we must also provide our dedicated Canadian fishery protection officers with broader authorities to identify imports of illegally harvested fish and seafood products wherever they may be found.

These criminal organizations know there is a lot of money at stake through illegal fishing. It's important that we close all opportunities they have to import their catch into our marketplace. Bill S-3 would accomplish this by expanding the powers of fishery protection officers to inspect any place, including containers, warehouses, storage areas and vehicles.

These inspections can be conducted in all ports of entry, such as land border crossings, airports and inland ports. This is an important change since such inspection powers are currently limited to fishing vessels and wharves.

The amendments would also allow fishery protection officers to seize illegally caught fish found in these new places and seek their forfeiture in the event of conviction for their illegal importation. I will expand on the forfeiture amendments in a moment.

Honourable senators, the expansion of fishery protection officers' jurisdiction to places other than fishing vessels and wharves is critical to their ability to collaborate with the agents of the Canada Border Services Agency. In cases where fish products are imported at other points of entry, Canada Border Services agents would be able to call in expert help from fishery protection officers when they have questions about the legality of a

shipment. This bill would give fishery protection officers the legal authority to inspect such shipments and seize them if warranted.

The bill also contains changes that would clarify the ability of Fisheries and Oceans Canada and the Canada Border Services Agency to share information related to the import of fish, fish products and marine plants. The ability of these two departments to cooperate is vital to the successful apprehension of illegally caught fish at entry points to our markets. Once illegally caught fish enter the market, it may be very difficult, and in some cases perhaps impossible, to distinguish them from legally caught fish.

In short, honourable senators, these amendments will empower our officers to work together more efficiently and effectively to stop those illegal activities.

Honourable senators, a moment ago I mentioned the importance of expanding inspection, seizure and forfeiture rules to “any place” that the provisions of the Coastal Fisheries Protection Act and its regulations might apply. During the study of this bill by the House of Commons Standing Committee on Fisheries and Oceans, additional amendments were introduced to ensure consistency with the intent of the bill.

One of these additional amendments proposed in the bill and put forward by the parliamentary secretary is related to the authorization of the courts to order the forfeiture of goods and fishing vessels that are seized by fishery protection officers in places other than traditional fishing vessels and wharves.

As I have just stated, the ability for fisheries officers to investigate these areas is a new power under Bill S-3. This practical amendment gives legal clarity and certainty that should someone be convicted of an offence under the Coastal Fisheries Protection Act, the court will be able to order that their seized property be forfeited to the Crown as part of the penalty. Again, honourable senators, this is a practical, technical clarification that further strengthens our system.

The committee also made an amendment enabling Canada to make regulations that could specify documentation requirements for imports of fish and seafood products. This amendment is important because it will clearly lay out the legal authority to require documentation for fish imports as Canada determines them necessary. For example, if an international fisheries management body devises a catch documentation system for a target fishery, we will have the clear legal authority to require the documentation for our imports as well, even though we may not be part of that organization.

• (1530)

The motion for these additional amendments was carried by the house committee and included in the committee report tabled in the House of Commons on April 29, 2015.

Your Honour, I cannot stress enough that illegal, unreported and unregulated fishing is an issue of grave concern. The Port State Measures Agreement deals with the worldwide problem of illegal fishing, which has devastating economic and environmental consequences. Illegal fishing puts at risk the livelihoods of law-abiding fish harvesters around the world.

This international agreement ensures that there is a cohesive and collaborative effort to sustainably manage the resources of all of the world’s oceans.

Your Honour, I call upon all honourable members of this chamber to join me in supporting the passage of Bill S-3.

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

ANTI-TERRORISM BILL, 2015

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Runciman, seconded by the Honourable Senator Boisvenu, for the 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;

And on the motion in amendment of the Honourable Senator Mitchell, seconded by the Honourable Senator Lovelace Nicholas, that the bill be not now read a third time, but that it be amended

(a) in clause 2, on page 5:

(i) by adding after line 15 the following:

“(1.1) Each Government of Canada institution that discloses information under subsection (1) must do so in accordance with clearly established policies respecting screening for relevance, reliability and accuracy of the information.”, and

(ii) by adding after line 18 the following:

“(3) Prior to disclosing information under this section, the Government of Canada institution must enter into a written arrangement with the recipient Government of Canada institution specifying principles governing information sharing between the Government of Canada institutions.

(4) The written arrangement entered into pursuant to subsection (3) must be consistent with the principles enumerated in section 4, and include provisions respecting the circumstances under which shared information is retained and destroyed, the confirmation of the reliability of the shared information and future use of the shared information.

- (5) The Government of Canada institution must
- (a) notify the Privacy Commissioner of any written arrangement into which the institution plans to enter; and
- (b) give reasonable time to the Privacy Commissioner to make observations.
- (6) A copy of any written arrangement entered into pursuant to subsection (3) must be provided to the Privacy Commissioner.”;
- (b) in clause 6,
- (i) on page 8, by replacing line 31 with the following:
- “6. The portion of subsection 241(9) of”, and
- (ii) on page 9,
- (A) by replacing line 2 with the following:
- “(b) designated taxpayer information, if there are reason-”, and
- (B) by deleting lines 19 to 21;
- (c) in clause 42, on page 49,
- (i) by replacing lines 21 to 23 with the following:
- “measures will be contrary to”, and
- (ii) by replacing line 29 with the following:
- “enforcement power or authorizes the Service to take measures that will contravene a right or freedom guaranteed by the *Canadian Charter of Rights and Freedoms*.”;
- (d) in clause 50, on page 55, by replacing line 1 with the following:
- “50. (1) Paragraph 38(1)(a) of the Act is amended by striking out “and” at the end of subparagraph (vi), by adding “and” at the end of subparagraph (vii) and by adding the following after subparagraph (vii):**
- (viii) to review the use, retention and further disclosure of any information disclosed by the Service to a Government of Canada institution, as defined in section 2 of the *Security of Canada Information Sharing Act*, or to the government of a foreign state or an institution thereof or an international organization of states or an institution thereof;
- (2) Section 38 of the Act is amended by”;**

- (e) on page 55, by adding after line 8 the following:

“50.1 Subsection 39(2) of the Act is amended by striking out “and” at the end of paragraph (a), and by adding the following after paragraph (b):

(c) during any review referred to in paragraph 38(1)(a)(viii), to have access to any information under the control of the Government of Canada institution concerned that is relevant to the review; and

(d) during any review referred to in paragraph 38(1)(a)(viii), to have access to any information under the control of the government of a foreign state or an institution thereof or an international organization of states or an institution thereof that the government, international organization or institution consents, upon request by the Review Committee, to disclose any information that is relevant to the review.

50.2 The Act is amended by adding the following after section 39:

39.1 (1) If on reasonable grounds the Review Committee believes it necessary for the performance of any of its functions under this Act, those of the Commissioner of the Communications Security Establishment under the *National Defence Act*, those of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police under the *Royal Canadian Mounted Police Act* or those of the Privacy Commissioner under the *Privacy Act*, the Review Committee may convey any information that it itself is empowered to obtain and possess under this Act to

(a) the Commissioner of the Communications Security Establishment;

(b) the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police; or

(c) the Privacy Commissioner.

(2) Before conveying any information referred to in subsection (1), the Review Committee must notify the Director and give reasonable time for the Director to make submissions.

(3) In the event that the Director objects to the sharing of information under this section, the Review Committee may decline to share the information if persuaded on reasonable grounds that the sharing of the information would seriously injure the Service’s performance of its duties and functions under this Act.

(4) If the Review Committee dismisses the Director’s objection, the Director may apply to a judge within 10 days for an order staying the information sharing.

(5) A judge may issue the stay order referred to in subsection (4) if persuaded on reasonable grounds that the sharing of the information at issue under this section would seriously injure the Service's performance of its duties and functions under this Act.

(6) At any time, the Review Committee may apply to a judge for a lifting of any stay issued under subsection (5) on the basis of changed circumstances.

(7) For greater certainty, the Review Committee may request information it believes necessary for the performance of any of its duties and functions under this Act from the Commissioner of the Communications Security Establishment, the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police or the Privacy Commissioner.”;

(f) on page 55, by adding after line 16 the following:

“51.1 The Act is amended by adding the following after section 55:

PART III.1

SECURITY OVERSIGHT COMMITTEE OF PARLIAMENT

55.1 (1) There is established a committee, to be known as the Security Oversight Committee of Parliament, which is to be composed of members of both Houses of Parliament who are not ministers of the Crown or parliamentary secretaries.

(2) Subject to subsection (3), the Committee is to be composed of eight members, of whom four must be members of the Senate and four must be members of the House of Commons, and it shall include at least one member of each of the parties recognized in the Senate and in the House of Commons.

(3) If either of the two Houses of Parliament has more than four recognized parties, the committee membership must increase to include at least one member of each of the parties recognized in the Senate and in the House of Commons and to maintain an equal number of members of the Senate and members of the House of Commons.

(4) Members of the Committee must be appointed by the Governor in Council and hold office during pleasure until the dissolution of Parliament following their appointment.

(5) A member of either House belonging to an opposition party recognized in that House may only be appointed as a member of the Committee after consultation with the leader of that party.

(6) A member of either House may only be appointed as a member of the Committee after approval of the appointment by resolution of that House.

(7) A member of the Committee ceases to be a member on appointment as a minister of the Crown or parliamentary secretary or on ceasing to be a member of the Senate or the House of Commons.

(8) Every member of the Committee and every person engaged by it must, before commencing the duties of office, take an oath of secrecy and must comply with the oath both during and after their term of appointment or employment.

(9) For purposes of the *Security of Information Act*, every member of the Committee and every person engaged by it is a person permanently bound to secrecy.

(10) Despite any other Act of Parliament, members of the Committee may not claim immunity based on parliamentary privilege for the use or communication of information that comes into their possession or knowledge in their capacity as members of the Committee.

(11) Meetings of the Committee must be held in camera whenever a majority of members present considers it necessary for the Committee to do so.

(12) The mandate of the Committee is to review the activities of the Service and the legislative, regulatory, policy and administrative framework under which the Service operates, and to report annually to each House of Parliament on the reviews conducted by the Committee.

(13) The Committee has the power to summon before it any witnesses, and to require them to

(a) give evidence orally or in writing, and on oath or, if they are persons entitled to affirm in civil matters, on solemn affirmation; and

(b) produce such documents and things as the Committee deems requisite for the performance of its duties and functions.

(14) Despite any other Act of Parliament or any privilege under the law of evidence, but subject to subsection (15), the Committee is entitled to have access to any information under the control of federal departments and agencies that relates to the performance of the duties and functions of the Committee and to receive from their employees such information, reports and explanations as the Committee deems necessary for the performance of its duties and functions.

(15) No information described in subsection (14), other than a confidence of the Queen's Privy Council for Canada in respect of which subsection 39(1) of the *Canada Evidence Act* applies, may be withheld from the Committee on any grounds.

(16) The annual report required under subsection (12) shall be submitted to the Speakers of the Senate and the House of Commons, and the Speakers shall lay it before their respective Houses on any of the next 15 days on which that House is sitting after the Speaker receives the report.

(17) In this section, "Committee" means the Security Oversight Committee of Parliament established by subsection (1).

RELATED AMENDMENTS

National Defence Act

51.2 The *National Defence Act* is amended by adding the following after section 273.64:

273.641 (1) If on reasonable grounds the Commissioner believes it necessary for the performance of any of the Commissioner's functions under this Act, those of the Security Intelligence Review Committee under the *Canadian Security Intelligence Service Act*, those of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police under the *Royal Canadian Mounted Police Act* or those of the Privacy Commissioner under the *Privacy Act*, the Commissioner may convey any information that the Commissioner is empowered to obtain and possess under this Act to

- (a) the Security Intelligence Review Committee;
- (b) the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police; or
- (c) the Privacy Commissioner.

(2) Before conveying any information referred to in subsection (1), the Commissioner must notify the Chief and give reasonable time for the Chief to make submissions.

(3) In the event that the Chief objects to the sharing of information under this section, the Commissioner may decline to share the information if persuaded on reasonable grounds that the sharing of the information would seriously injure the Establishment's performance of its duties and functions under this Act.

(4) If the Commissioner dismisses the Chief's objection, the Chief may apply within 10 days to a judge designated under section 2 of the *Canadian Security Intelligence Service Act* for an order staying the information sharing.

(5) The judge may issue the stay order referred to in subsection (4) if persuaded on reasonable grounds that the sharing of the information at issue in the application would seriously injure the Establishment's performance of its duties and functions under this Act.

(6) At any time, the Commissioner may apply to a judge for a lifting of any stay issued under subsection (5) on the basis of changed circumstances.

(7) For greater certainty, the Commissioner may request information the Commissioner believes necessary for the performance of any of the Commissioner's functions under this Act from the Security Intelligence Review Committee, the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police or the Privacy Commissioner.

Royal Canadian Mounted Police Act

51.3 The *Royal Canadian Mounted Police Act* is amended by adding the following after section 45.47:

45.471 (1) Despite any other provision in this Act, if on reasonable grounds the Commission believes it necessary for the performance of any of its functions under this Act, those of the Security Intelligence Review Committee under the *Canadian Security Intelligence Service Act*, those of the Commissioner of the Communications Security Establishment under the *National Defence Act*, or those of the Privacy Commissioner under the *Privacy Act*, the Commission may convey any information that it itself is empowered to obtain and possess under this Act to

- (a) the Commissioner of the Communications Security Establishment;
- (b) the Security Intelligence Review Committee; or
- (c) the Privacy Commissioner.

(2) Before conveying any information referred to in subsection (1), the Commission must notify the Commissioner and give reasonable time for the Commissioner to make submissions.

(3) In the event that the Commissioner objects to the sharing of information under this section, the Commission may decline to share the information if persuaded on reasonable grounds that the sharing of the information would seriously injure the Force's performance of its duties and functions under this Act.

(4) If the Commission dismisses the Commissioner's objection, the Commissioner may apply within 10 days to a judge designated under section 2 of the *Canadian Security Intelligence Service Act* for an order staying the information sharing.

(5) The judge may issue the stay order referred to in subsection (4) if persuaded on reasonable grounds that the sharing of the information at issue in the application would seriously injure the Force's performance of its duties and functions under this Act.

(6) At any time, the Commission may apply to a judge for a lifting of any stay issued under subsection (5) on the basis of changed circumstances.

(7) For greater certainty, the Commission may request information it believes necessary for the performance of any of its functions under this Act from the Commissioner of the Communications Security Establishment, the Security Intelligence Review Committee or the Privacy Commissioner.

Privacy Act

51.4 The *Privacy Act* is amended by adding the following after section 34:

34.1 (1) Despite any other provision in this Act, if on reasonable grounds the Commissioner believes it necessary for the performance of any of the Privacy Commissioner's functions under this Act, those of the Security Intelligence Review Committee under the *Canadian Security Intelligence Service Act*, those of the Commissioner of the Communications Security Establishment under the *National Defence Act* or those of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police under the *Royal Canadian Mounted Police Act*, the Privacy Commissioner may convey any information that it itself is empowered to obtain and possess under this Act to

(a) the Commissioner of the Communications Security Establishment;

(b) the Security Intelligence Review Committee;
or

(c) the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police.

(2) Before conveying any information referred to in subsection (1), the Privacy Commissioner must notify the head of the government institution and give reasonable time for the head to make submissions.

(3) In the event that the head objects to the sharing of information under this section, the Privacy Commissioner may decline to share the information if persuaded on reasonable grounds that the sharing of the information would seriously injure the government institution's performance of its duties and functions.

(4) If the Privacy Commissioner dismisses the head's objection, the head may apply within 10 days to a judge designated under section 2 of the *Canadian Security Intelligence Service Act* for an order staying the information sharing.

(5) The judge may issue the stay order referred to in subsection (4) if persuaded on reasonable grounds that the sharing of the information would seriously injure the government institution's performance of its duties and functions.

(6) At any time, the Privacy Commissioner may apply to a judge for a lifting of any stay issued under subsection (5) on the basis of changed circumstances.

(7) For greater certainty, the Privacy Commissioner may request information it believes necessary for the performance of any of its functions under this Act from the Commissioner of the Communications Security Establishment, the Security Intelligence Review Committee or the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police.”;

(g) in clause 57, on page 57, by deleting lines 4 to 33; and

(h) in clause 59, on page 57, by replacing line 43 with the following:

“**85.4** (1) The”.

Hon. Jane Cordy: Honourable senators, I rise today to speak to Bill C-51, the government's anti-terrorism legislation. Like my colleagues on this side who have spoken, I have grave concerns about the proposed sweeping changes that will be ushered in with this bill. I have received hundreds of emails from Nova Scotians who have expressed their great concerns with Bill C-51, and they have asked that I vote against the bill. To date, I have received no emails from Nova Scotians asking me to support the bill. That input from my province makes my decision clear.

I will focus my comments today on two aspects of Bill C-51: the glaring lack of parliamentary oversight over the new powers granted to Canada's security agencies and the mass data collection and sharing of Canadians' personal information. As

outlined in this bill, information can be shared freely between 17 different departments in the government, including Health Canada and the Canada Revenue Agency, which we wouldn't necessarily consider security departments. Canadians' information can also be shared with any number of foreign nations and foreign agencies, all in the name of national security.

Since the creation of the Canadian Security Intelligence Service in 1984, the realities of national security and threats to Canada have changed along with it. To quote Michel Coulombe, director of the Canadian Security Intelligence Service, from his testimony before the Standing Senate Committee on National Security and Defence on April 20:

When the CSIS Act was passed in 1984, the primary security concern was espionage. It is a serious issue, yes, but it did not and does not represent an exigent threat to life. The presence of a foreign spy in Canada posed a long-term threat to national security but not an immediate danger to public safety. For CSIS, collecting intelligence on the threat and making government aware was then a sufficient response. This seems wholly insufficient in today's threat environment.

Honourable senators, there is no denying that the threat environment we find ourselves in today is vastly different than 30 years ago and that we must be ever vigilant and adaptive to meet the challenges threatening our national security. Providing our security agencies with the tools they need is paramount to keeping Canadians safe at home and abroad. However, we must be prudent when drafting legislation such as Bill C-51 to ensure that Canadians' rights are protected and that any new powers, particularly policing powers, are kept in check. It is important that legislation must be a balance between security and the rights and privacy of Canadians. This bill does not strike that balance.

One of my main concerns with Bill C-51 is that there is no provision of parliamentary oversight of the new powers granted to our security agencies. This makes Canada the only member of the Five Eyes intelligence alliance that lacks parliamentary oversight of its security agencies. The United States, Great Britain, Australia and New Zealand all have a public oversight mechanism in place. This oversight system ensures that the public is protected against misuse of the expanded powers of our security agencies.

This lack of oversight has raised many flags with thousands of Canadians, as well as with security and civil liberty experts.

In his testimony before the House of Commons Standing Committee on Public Safety and National Security on March 23, 2015, former Senator Hugh Segal said:

Accountability on the part of our security services to the whole of Parliament is not needless red tape or excessive bureaucracy. In fact, it is the democratic countervail to the kind of red tape and bureaucracy which might unwittingly lose sight of the security mission appropriate to a parliamentary democracy, where laws and constitutional protections such as the presumption of innocence and due process must protect all citizens without regard to ethnicity or national origin.

Honourable senators, the Charter of Rights and Freedoms should not be dismissed as meddling red tape. The Charter should not be circumvented by bestowing broad powers to our security agencies and judiciary. The Charter of Rights and Freedoms makes us who we are as Canadians. To ensure that Canadians are well protected, it is absolutely necessary that there be mandatory parliamentary oversight over our government agencies. As stated in *The Toronto Star* editorial on May 17:

If the government is to strengthen their powers . . . it should ensure that the public is well-protected against misuse of that authority.

Bill C-51 fails on this account and does not provide Canadians this protection — a fact that has not gone unnoticed by most Canadians.

To quote Anne Bauman of Cumberland, British Columbia, who emailed me with her concerns about Bill C-51:

Since it was introduced, hundreds of thousands of Canadians have rallied in more than 70 communities across the country, signed petitions and written letters against it. Over 40 civil society groups, 4 past prime ministers, 5 former Supreme Court justices, as well as every current (and 4 former) provincial and federal Privacy Commissioners have spoken out to stop this unnecessary, flagrantly bad bill.

Charles Monpetit of Montreal expressed his fears of Bill C-51 to me in an email as well. He wrote:

Fearing potential acts of terror is one thing, but actually lopping our own freedoms is the wrong way to go

He went on to say:

When a bill is flawed, we shouldn't cross our fingers and pray that the law will be applied with adequate restraint. We've already seen that things never turn out that way. The solution is not to hope for the best but to leave no margin for errors.

In an email sent to all Nova Scotia senators, Jens Laursen of Riverport, Nova Scotia, wrote:

Bill C-51 is terrible, over-the-top, unnecessary, and badly drafted legislation. It is repudiated by many hundreds of knowledgeable Canadian and international experts.

Jens went on to quote from the Munk Debates of May 22, 2015:

Most recently, Pulitzer Prize-winning author and long time foreign correspondent (*New York Times*) Chris Hedges stated that Canada has "passed one of the most draconian anti-terrorism laws in the industrialized world — in some ways, it's even worse than that of the United States."

I agree with Jens that Bill C-51 in its current form is a flawed and potentially dangerous piece of legislation. But, contrary to what Jens stated in the email to me, Bill C-51 has not passed

yet. There is still the opportunity for members of this chamber to do the right thing and amend this bill to include the checks and balances to protect Canadians from any potential abuses of authority.

• (1540)

Oversight isn't only lacking on activities of our security agencies' authority to disrupt potential terror activities and the judge-approved warrants process for preventive arrest and detention contravening the Canadian Charter of Rights and Freedoms, but also on the sharing of collected mass data — what is being shared and with whom. There are numerous government agencies that this information will be shared with, including international entities. This rampant information sharing without any oversight is a concern.

Sukanya Pillay, Executive Director and General Counsel of Canadian Civil Liberties Association writes:

There would be an exceptional increase in mass information sharing flow across governmental agencies and institutions, and with foreign powers and actors, without adherence to legal safeguard or accountability mechanisms, and without a demonstrable security benefit. Privacy rights would be severely undermined — all in the name of an extraordinarily broad description of “activities that undermine the security of Canada.”

Only last week during debate on Bill S-220, an act to establish the intelligence and security committee of Parliament, Senator Moore said this about the importance of parliamentary oversight of our security agencies' activities:

... in a responsible democracy such as ours, after the passage of so many bills that in many ways curb the rights of Canadian citizens, including their privacy rights, it would seem prudent to provide some balance to at least monitor how these laws are working or not working and to provide Canadians with the assurance that their parliamentarians are in the loop and playing this oversight role.

In the same speech, Senator Moore also highlighted the good work our government did in assisting Zimbabwe to draft a new constitution as an adviser nation. However, the good work of this project, with which this government is so proud and rightfully so, also brings to light the hypocrisy of this government. The Zimbabwe Constitution of 2013, on the advice of advisory nations such as Canada, clearly states in Chapter 11, Part 1, section 207. Security Services, and section 210. Independent Complaints Mechanisms:

The security services are subject to the authority of this Constitution, the President and Cabinet and are subject to parliamentary oversight.

And

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

It is interesting that this government doesn't follow its own advice. If they felt so strongly that it is important for Zimbabwe to ensure an oversight mechanism in their constitution, then surely — surely — there should be an oversight provision in Bill C-51.

Honourable senators, information gathering and the sharing of this information across intelligence and enforcement agencies is essential in the war on terror and threats to our national security. It is also essential that Canadians are reassured that their government maintains a system of checks and balances to protect us from any potential misuses of power in the efforts to keep Canadians safe.

Parliamentarians, RCMP officers, government workers and security officials are only human. Mistakes can be made. One can look at what happened in the Maher Arar case to see the injustice that was done to him because of mistakes that were made. Bill C-51 does not provide for these assurances of protection of privacy for Canadians or for an independent mechanism for investigating allegations of misuse of power. In fact, the bill's vague and broad language grants potentially serious, overreaching authority to our security agencies. Canadians have every reason to heed the warnings of the hundreds of civil liberty experts, law experts, international experts, former prime ministers and privacy experts that this bill has great potential to override and quash Canadians' rights and freedoms all in the name of the war on terror, without the inconvenience of accountability. Honourable senators, if the rights of Canadians are not protected, there is no security.

I will conclude with a quote by our former colleague Senator Hugh Segal:

Attempts to keep Canadians safe, the number one job of any government, should not include provisions that make us resemble those we are struggling to defeat.

Hon. Mobina S. B. Jaffer: Honourable senators I rise today to speak at third reading of Bill C-51. You have heard Senators Mitchell, Dawson and Cordy speak so convincingly and passionately about the challenges of this anti-terrorism bill. A few weeks ago, I also spoke at second reading of this bill. Nothing has changed in Bill C-51 since my second reading speech. We have had one long day of hearings in committee, and I would like to address the most pertinent question that arose: Will this anti-terrorism bill keep Canada safe?

There are some provisions that will give more tools and powers to the security authorities. While I agree that security authorities need some new powers, this could have been achieved without bringing in such a far-reaching anti-terror bill.

Honourable senators, for me nothing has changed since second reading. What is perhaps most troubling is that we did not hear from a single Muslim at committee stage, the community that will be most affected by passing this bill.

Honourable senators, I take the threat of terrorism very seriously, so much so that many years ago after I returned from Peshawar, Pakistan, I met with Senators Segal, Tkachuk, Joyal and Dallaire, who were the steering members of the Special Senate

Committee on Anti-terrorism. I asked them to work with me to start a study on radicalization. They were open to the idea but, unfortunately, the Senate leadership did not agree to reconvene the committee.

What upsets me most is that over the years the Special Committee on Anti-terrorism has built an expertise on the issue of terrorism. That committee was not reconvened for this anti-terrorism bill, though I believe it should have been. I have also spoken with Ministers Blaney and MacKay, Commissioner Paulson of the RCMP, and Mr. Coulombe of CSIS about my work on terrorism, wanting to share with them what I have learned in many countries. I have offered to work with them, but I have yet to hear back from any of them.

I work on issues of terrorism around the world. A few weeks ago, I was in Oslo to deal with radicalization in the developed world. These experiences demonstrate how seriously I take the issue of terrorism. Why? I do not want people to usurp my faith of Islam for violent gains. As a politician, I believe our role is to create harmony in society. What is harmony, though?

For instance, let us think about a piano. You cannot obtain great harmony by playing only the white keys or only the black keys. Playing on both white and black keys is what is needed for real harmony. Honourable senators, to have harmony in Canada, we need to involve all members of our country. We all need to feel like we belong to our great country, Canada.

At second reading, I emphasized the profound problems with this bill. I stated my concerns with regard to information sharing, compensation, warrants that break our Charter, and the newly defined terrorist propaganda law. I requested that Bill C-51 have extensive hearings and that we, a chamber of sober second thought, give more thought to the implications of this bill, which has been described as the largest national security overhaul since 9/11. Unfortunately, my request was not heeded. After only one long meeting we are back in this chamber readying ourselves to vote on this anti-terrorism bill.

Today, I raise a question, one that I do not feel has been adequately examined with regard to not only this anti-terrorism bill but also with national security in general. What is happening in Canada that is causing our youth to be radicalized and in some cases to leave the country to fight with terrorist organizations? Why are Canadian citizens being radicalized to the point of violence?

This anti-terrorism bill does not deal with the root causes of radicalization, nor does any other bill or law deal with this issue. For this reason, I am certain that Bill C-51 will not keep us safe but it will most certainly infringe on many of our rights. If we truly want to stop the stem of violent extremism from growing, we must seek to understand it from all angles. To understand the grievances of our youth and visible minority groups is a much more difficult and introspective task than to point our fingers solely at outside influences as the bill suggests. If we are truly going to have a thoughtful conversation about this issue, then we must subject ourselves to the sometimes painful endeavour of self-examination.

[Senator Jaffer]

• (1550)

Honourable senators, I would like to take some time to speak about what some Canadians are facing and then present what I believe to be a more thoughtful and effective response to the issue of violent extremism — one that will not involve putting our rights at risk and one that will achieve a balance between security and human rights.

There are three issues that I would like to raise. The first is systemic discrimination in Canada; the second is the effects of rhetoric; and the third is mental health.

First, on systemic discrimination, we can no longer deny that for many Canadians discrimination in many forms has become part of everyday life. Our policy of multiculturalism is one of the most advanced in the world. Yet, simply including multiculturalism in our Charter is not enough. To combat systemic discrimination, the spirit of multiculturalism must run through every policy that we make. This includes how Canadians are policed.

Honourable senators, many of you are aware that in Toronto, a Black or Brown male is five times more likely to be stopped, and in some cases searched, for no reason. We all know about this through the well-documented statistics on carding.

In our prisons, Black individuals make up 9.3 per cent of the population, while outside of prisons they make up only 2.9 per cent of the population. Black Canadians are also more frequently placed in maximum security institutions, even if the justice system rates them as unlikely to be violent or to reoffend.

I would like to quote Desmond Cole, a resident of Toronto, who wrote in *Toronto Life* about what it feels like to be over-policed in this manner:

I have been stopped, if not always carded, at least 50 times by the police in Toronto, Kingston and across southern Ontario. By now, I expect it could happen in any neighbourhood, day or night, whether I am alone or with friends. These interactions don't scare me anymore. They make me angry. Because of that unwanted scrutiny, that discriminatory surveillance, I'm a prisoner in my own city.

Honourable senators, Chief Saunders was stopped on his way to his swearing-in ceremony as Chief of Police of Toronto. Nobody is immune from this.

If that level of discrimination exists in the everyday policing of individuals, then we can only imagine the discrimination that Canadians would face in areas that are not as well documented — for example in housing, in the job market, at the airport and in everyday actions like being followed around in a supermarket simply because you are Black or Brown.

This makes one feel like a prisoner in one's own city and can lead to feelings of alienation. Individuals can quickly feel as if they do not belong here and begin searching for outside places and communities by which they believe they will be more accepted. We all have a need to be part of a community.

Honourable senators, it is no stretch to say that systemic discrimination of visible minority individuals plays a role in radicalization. If we are serious about combatting radicalization, then we must first look at the systemic discrimination that runs through our society to start with — for instance, stop carding in Ontario.

Second and closely related, I would like to speak about the effects of rhetoric that we use which leads to the marginalization of some visible minority communities. Senator Mitchell has also raised this issue several times in his speech and I would like to delve into it further.

In the interest of time, I will give only one example of this, but to the discernible eye many more examples can easily be found. Since the introduction of this anti-terror bill, the government has insisted on using the words “violent jihadism” or “violent jihadi terrorists.” In what way does co-opting the Islamic term of “jihad,” which is a term ripe with multiplicity of meanings and nuances, help the government combat violent extremism here at home?

When asked about the meaning of “jihad,” His Highness the Aga Khan, an honorary Canadian, said:

To begin with, I think there are several interpretations today. I do not think that there is in the Muslim world only one definition of Jihad. The word is used too frequently and in too many fields. But the Jihad is, before anything else, a personal discipline. To begin, it is the search for personal improvement, which means that it is a personal effort in life.

According to His Highness the Aga Khan that is the premier definition of “jihad,” yet the government seems keen on co-opting the term and using it in a manner that they see fit, which can have far-reaching effects on Canadian Muslim communities.

First, it shows a lack of respect for the faith of over one million Canadians by making undue associations with Islam and the radical extremist elements that Muslims themselves are combatting. We Muslims do not want our faith to be co-opted for violent extremist means. We are peace-loving citizens, just like any other Canadians.

Second, it puts anyone who has any association with the term “jihad” under increased scrutiny — even if the term is not used to denote violence.

During our pre-study of this anti-terror bill, I asked two experts on radicalization, J.M. Berger and Haras Rafiq, about the effects of rhetoric on radicalization. They said:

A very small number of Muslims are Islamists . . . They will say that the West is at war with Islam. Well, the far right will say the same argument, rotated by 180 degrees, and say that Islam is at war with the West. This polarization, if we're not careful, is going to get worse and actually help to drive more young Muslims into the hands of Islamist recruiters.

I think it's very important that we get Bill C-51 right. It's important that we don't see the Muslim communities in Canada purely through the lens of extremism, radicalization and terrorism, and work on the other parts of society

because it's the right thing to do. Those are things like social cohesion, integration, getting people into jobs and getting them an education.

Rhetoric, when compounded with other factors — such as preventing women from wearing their hijab while taking their citizenship oath — can lead to the marginalization of individuals and simultaneously play into the world view that groups like ISIS use to recruit. Instead, we should be using neutral terminology which is thoughtful and does not paint everyone with the same brush.

Third, I would like to speak about mental health. There is little doubt that mental health plays a significant role in some of the most recent cases of terrorism that we have seen. It also plays a role in the lives of some of those individuals who left Canada to fight with foreign terrorist organizations.

Michael Zehaf-Bibeau, the individual who attacked Parliament last fall, was known to have a history of mental health issues. There is no doubt that those issues played a role in developing the conviction that he should attack Canada's Parliament.

At some point, while living in Vancouver, my city, Michael Zehaf-Bibeau, because of his disruptive behaviour — and nothing to do with issues of terrorism — was asked to leave the mosque. I do not fault that community for turning him away. I fault our mental health regime which did not provide the adequate resources for this community to help this man before his mental health issues made him a danger to others.

In the same vein, I would like also to suggest that these faith-based communities have adequate resources to bring individuals who are on the fringes into the mainstream. Faith communities should feel comfortable to work with authorities, which this anti-terror bill would discourage.

Early converts who may have a predisposition to being radicalized should be contacted, reached out to and be taught about the religion and the community that they have joined. This should be viewed through the lens of national security. This is the suggestion that I have made for many years to anybody who would listen. We need to stop our children from being radicalized. I believe the first step is to recognize that they are our Canadian children.

Communities should have the resources to connect with those individuals and provide them with opportunities to create relationships in the community and get any sort of mental health or scholarly knowledge which would help their personal development.

Honourable senators, there are many ways in which individuals are radicalized. I have presented three: systemic discrimination, untamed rhetoric and untreated mental health issues. These are issues that can be dealt with if we have the political will. Dealing with just these three issues would allow us to reduce the emphasis on domestic spying and over-policing of visible minority groups. It would allow us to reduce the emphasis on criminalizing free speech. It would allow us to reduce the emphasis on secret courts and no-fly lists. If we deal with these issues thoughtfully, it becomes more difficult to justify putting the rights of Canadians at risk.

Honourable senators, as you know, I lost my father, Sherali Bandali Jaffer, just a few months ago. He was a politician of many years who had to flee our homeland. He had many choices of where we could live because of who he was, but he chose Canada. He chose Canada because he always said that in Canada people are treated fairly. He wanted his grandchildren and great-grandchildren to live in a country where all people were treated equally, irrespective of their colour or faith. I'm sure he will be turning in his grave over this anti-terror bill.

My father taught me many things, but one profound idea that he spoke of often was that a politician is the most powerful person in society. By a politician's work on passing laws, he can cut up societies or sew up societies, by the legislation they work on. Politicians have the power to cut up or sew Canada.

• (1600)

Honourable senators, this anti-terror bill is like scissors. It will divide our communities at this very critical juncture in the life of our country. I urge you not to be scissors but needles and help to sew up our country so that we can live harmoniously. Our great country of Canada needs us all to work hard to create a harmonious society. Let us, for the sake of all our grandchildren and great grandchildren, including my grandchildren, make Canada a country that belongs to all of us.

May I have five more minutes? I have an amendment.

Hon. Senators: Agreed.

MOTION IN AMENDMENT

Hon. Mobina S.B. Jaffer: Therefore, honourable senators, I move:

THAT Bill C-51 be not now read a third time, but that it be amended in clause 16,

(a) on page 25, by replacing lines 36 to 41 with the following:

“nminating statements, wilfully advocates or promotes the carrying out of a terrorist activity for the purpose of inciting an act or omission that would be a terrorism offence — other than an offence under this section —”; and

(b) on page 26,

(i) by deleting line 1, and

(ii) by adding after line 4 the following:

“(1.1) No person shall be convicted of an offence under subsection (1)

(a) if the person establishes that the statements communicated were true;

(b) if, in good faith, the person expressed or attempted to establish by an argument an opinion on a religious subject or an opinion based on a belief in a religious text; or

(c) if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit, and if on reasonable grounds the person believed them to be true.”.

The Hon. the Speaker: Honourable senators, is there leave to stack amendments at third reading for the purpose of debate?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Jaffer, seconded by the Honourable Senator Fraser, that Bill C-51 be not now read a third time but that it be amended in clause 16 — dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: On debate?

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I'm not rising to speak specifically to Senator Jaffer's amendment, although I congratulate her for it. It would greatly improve this bill.

There are two elements or omissions in this bill that I would like to address. The first is, as I suggested at second reading, its cavalier treatment of the Canadian Charter of Rights and Freedoms. Colleagues will recall that clause 42 of this bill authorizes a judge to authorize CSIS to take measures that would contravene a right or freedom guaranteed by the Canadian Charter of Rights and Freedoms.

Think about that. We're telling judges it is okay to allow someone to contravene the Canadian Charter of Rights and Freedoms. What kind of a country are we living in if we can set aside the rights that are among the foundational elements of the democracy on which we pride ourselves?

Senator Mitchell's very long amendment, but the precise portion to which I refer, you'll find in the middle of page 5 on today's Order Paper aims to correct this. He addresses himself first to section 42 as it would — I won't bother with all the numbers, because they're just confusing. Anyway, the bill proposes the following language:

The Service shall not take measures to reduce a threat to the security of Canada if those measures will contravene a right or freedom guaranteed by the *Canadian Charter of Rights and Freedoms* or will be contrary to other Canadian law, unless the Service is authorized to take them by a warrant issued —

— by a judge. A judge is hereby, purportedly, authorized to issue a warrant that would suspend the Charter of Rights and Freedoms — which would contravene the Charter of Rights and Freedoms.

So Senator Mitchell proposes that instead, that clause of the bill should say, “The Service shall not take measures to reduce a threat to the security of Canada if those measures will be contrary to Canadian law unless the service is authorized to take them by a warrant issued under section” and so on. The difference there is that he says that a judge could authorize a warrant to contravene ordinary laws but not the Charter.

Then he would go on to say in the next clause of the bill, “For greater certainty, nothing in this section of the bill confers on CSIS any law enforcement power or authorizes the service, CSIS, to take measures that will contravene a right or freedom guaranteed by the Canadian Charter of Rights and Freedoms.”

That’s where we should always be. In fact, we shouldn’t even have to say, “You can’t contravene the Canadian Charter of Rights and Freedoms,” because it’s the basic law of the land. But in case people might be confused by this very strange bill, it seems necessary to say that.

We’ve heard the argument advanced that the warrants that judges could issue to contravene the Charter of Rights and Freedoms would be the same as ordinary search warrants that authorize things that would otherwise be contrary to the Charter of Rights and Freedoms. That is not true, colleagues. That is not a true assertion.

A search warrant under ordinary Canadian law is issued by a judge meeting very strict criteria, but issued by a judge to permit actions that would otherwise be against the ordinary law of the land, and that warrant will be granted only if the judge is satisfied that to grant it will still be permissible under section 8 of the Charter of Rights and Freedoms. Section 8 of the Charter of Rights and Freedoms is the element that protects every Canadian against unreasonable search or seizure. We all know that sometimes the police, and in due course CSIS, do sometimes need to have powers of search and seizure, but the Charter is there to say that those powers must be authorized by a judge and must not be exercised in a way that is unreasonable.

What Bill C-51 would do is say “Go right ahead. Even if it is unreasonable, a judge can authorize it.” Bill C-51 would permit a judge to suspend all the other protections in the Charter as well, every single last one of them, some of which are among the things to which we cling most dearly — equality rights, legal rights, democratic rights. Bill C-51 would be able to suspend them, just boom, like that, as long as CSIS could spin together some kind of an argument to persuade some judge somewhere that it was probably a good idea.

This particular clause of the bill has been attacked before the Senate committee and before the committee of the other place by lawyer after lawyer after lawyer. Basically, the only people who defended it were — surprise, surprise — representatives of the government. Well, that’s their job, right? But there’s a long list of very impressive people who were not there to represent the government, who were there to give their expert and loyal Canadian view of this section of the law, and they said it was at the very best worrisome and almost certainly the vast majority said certainly unconstitutional. Who were these experts? They included the Canadian Bar Association, the Canadian Civil

Liberties Association, the Criminal Lawyers’ Association, Amnesty International, the Mackenzie Institute and special advocates such as Paul Cavalluzzo, Professors Craig Forcece and Kent Roach, Wesley Wark, Paul Copeland, Pamela Palmater, John Major and, perhaps most impressive of all, Ron Atkey, a loyal Conservative in his day, who was the head of SIRC after he ceased to be a minister. If Ron Atkey says this is unconstitutional — he said it twice, to each committee — I think we need to listen very carefully.

• (1610)

Let me quote the opinion of Gord Cameron who is with Blake, Cassels & Graydon in Toronto. He is a highly respected lawyer who has experience as a special advocate. When he was asked by Senator Day about this provision of the bill, he said:

I would not predict that that provision of the bill will survive review by the Supreme Court of Canada, that you can’t smuggle a notwithstanding clause into legislation. If the government wants to pass legislation that it intends to result in a violation of charter rights of Canadians, it has to say right up front, “Notwithstanding the charter, a judge may do X.”

Remember, this bill would go much further than simply applying the notwithstanding clause. The notwithstanding clause can only be used for certain very specific parts of the Charter. This bill would allow contravention — the overriding — of every part of the Charter.

It is an abomination and, if no other part of Senator Mitchell’s amendment were accepted, this part should be. The whole amendment is excellent, but this part seems to me to be the most important of all, because it goes straight to what we are supposed to defend in this place.

The second element that I would like to address has to do with Aboriginal peoples. This week of all weeks we have been reminded that our Aboriginal peoples have been, and in so many ways still are, among the most vulnerable Canadians and among those who have had such strong reason to feel victimized so often.

We know that they are very concerned about Bill C-51. They are concerned about a discriminatory application of it as regards Aboriginal peoples. The National Chief of the Assembly of First Nations, Perry Bellegarde, said that he’s worried that First Nations activists would be unjustly labelled as terrorists. He’s concerned about the bill’s effect on First Nations people’s rights to freedom of speech and assembly, freedom from unreasonable search and seizure — there we go again — their rights as peoples under section 35 of the 1982 Constitution, et cetera. His concerns have been echoed by many, for example, Grand Chief Stewart Phillip of the Union of BC Indian Chiefs.

It is not good enough for us just to say, “If you’re not doing anything wrong, you don’t have anything to worry about.” That’s not an excuse for bad law or for law that shakes Canadians’ confidence in the justice of their country.

Those who have been here long enough will have heard me speak many times in the past about the need for good, strong, proper non-derogation clauses in Canadian law, non-derogation clauses being clauses that specify that whatever else a bill does, it cannot derogate from the constitutional rights of Aboriginal peoples. If for no other reason than to preserve the confidence of those vulnerable, wounded people who are so worried about this bill, there should be in this bill a non-derogation clause.

MOTION IN AMENDMENT

Hon. Joan Fraser (Deputy Leader of the Opposition): Therefore, honourable senators, after consultation with Senator Dyck, I move:

THAT Bill C-51 be not now read a third time, but that it be amended in clause 2, on page 3, by adding, after line 43, the following:

“2.1. For greater certainty, nothing in this Act or the regulations is to be construed so as to abrogate or derogate from any existing Aboriginal or treaty rights of the Aboriginal peoples of Canada under section 35 of the *Constitution Act, 1982*.”

Some Hon. Senators: Hear, hear.

Senator Jaffer: Will Senator Fraser answer a question?

The Hon. the Speaker: I will read her amendment first. It has been moved by the Honourable Senator Fraser, seconded by the Honourable Senator Munson, that Bill C-51 be not now be read a third time but that it be amended — dispense?

Some Hon. Senators: Dispense.

The Hon. the Speaker: Senator Jaffer on a question.

Senator Jaffer: Senator Fraser, you are and have been a member of the Legal Committee for a long time. In your experience, do you ever think a judge in our great country would find a way to breach the Charter?

Senator Fraser: Actually, I don't. I don't think a judge would willingly choose to breach the Charter, but the trouble is that if we rely always on having recourse to the courts, then we are imposing, at least for the interim, a fresh injustice. It costs a lot of money to go through legal proceedings all the way up to the Supreme Court. It costs a lot of money and it takes a lot of time — years usually.

In the meantime, what about all the other people who are being captured by a bad law? It's our duty to get the law right in the first place and not just impose on everybody else the duty — the terrible, costly, time-consuming duty — of turning to the courts.

Senator Mitchell: Well done. Good job.

(On motion of Senator Day, debate adjourned.)

[Senator Fraser]

ALLOTMENT OF TIME—NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I wish to advise the Senate that I was unable to reach an agreement with the Deputy Leader of the Opposition to allocate time on Bill C-51.

Therefore, I give notice that at the next sitting I will move:

That, pursuant to rule 7-2, not more than a further six hours of debate be allocated for consideration at third reading stage 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.

SAFE AND ACCOUNTABLE RAIL BILL

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald Neil Plett moved second reading of Bill C-52, An Act to amend the Canada Transportation Act and the Railway Safety Act.

He said: Colleagues, I am pleased to speak today on Bill C-52, the “safe and accountable rail act.”

• (1620)

Bill C-52 seeks to amend both the Railway Safety Act and the Canada Transportation Act in response to the hard lessons learned as a result of the tragedy at Lac-Mégantic, Quebec, in July 2013. Since then, there have been more accidents involving crude oil and other dangerous goods, which make the legislation we have before us increasingly important. The bill also responds to the recommendations made in 2013 by the Auditor General.

With respect to the Railway Safety Act, the amendments will have the effect of strengthening the regulatory regime in order to reduce the likelihood of rail accidents and improve emergency response through the sharing of information and improved communication.

Let me begin with enforcement. Under the current Railway Safety Act, the Minister of Transport can take enforcement actions, including prosecution, for any non-compliance with the act's regulations. The minister also has the authority to order a railway company to take corrective measures, but this authority is limited to deficiencies within the company's safety management system. Currently, under the Railway Safety Act, a safety management system consists of a risk assessment, a list of mitigation measures and a plan to monitor the effectiveness of these measures.

Under the act, the minister may order corrective action only on the safety management system itself. The bill before us today gives her new powers to order a company to take corrective measures

should the implementation of the system risk comprising safety. In other words, having a plan is not in itself sufficient; the manner in which a railway implements the plan will also be held to account.

Also, under the current act, the minister's authority to issue an emergency directive extends only to railways. This bill gives the minister additional powers to issue an emergency directive to municipalities and road authorities, as well as railway companies.

Under this legislation, the minister will also have the authority to intervene in situations that are not considered an immediate threat. For example, an emergency directive could be issued for matters involving constructing, altering, operating or maintaining a railway.

In short, colleagues, the range of situations in which the minister can intervene to enforce safety has been broadened.

To accompany this much-needed change, the bill also strengthens the authority of railway safety inspectors. Currently, inspectors can only send a notice advising that a safety threat has been identified, after which the inspector can request a response outlining the steps taken by the company to address that threat.

The act also describes four specific situations where an immediate threat can be identified, in which case the inspector can require that the company cease the use of the equipment, work or crossing in question until the threat is removed.

However, these four specific situations do not cover the entire range of situations that could compromise safety. Additionally, the safety inspector does not have the authority to issue a notice or a notice and order outside of these situations. He or she does not have the flexibility to cover all situations under the current act, nor does the inspector have the authority to identify the specific measures needed to mitigate the threat.

Under the new powers proposed in these amendments, the safety inspector will be allowed to intervene in a more effective way. The inspector may issue a notice or notice and order in response to any threat to safety. Such notices and orders may be issued to any person or entity. Thus, when an inspector identifies a potential threat to the safety of railway operations, he or she will be able to order any company, road authority or municipality to take specific measures.

In addition, honourable senators, the bill before us seeks to improve emergency preparedness by providing for regulations to enhance information sharing with municipalities, which are often responsible for dispatching first responders in the event of an emergency, on information contained in a safety management system.

Under the existing Railway Safety Management System Regulations, railways are required to preserve and, at the request of the minister, file certain safety information comprising their safety management system. Under the amendments before us, new authorities are given the power to

regulate the sharing of this information with entities other than Transport Canada. Regulations could be set, for example, that would require the railways to share certain safety-related information with a municipality. This provision is in response to a number of requests by the Federation of Canadian Municipalities for access to railways' safety information.

Further, Bill C-52 addresses a long-standing conflict between the municipalities and provinces and the railway companies regarding liability for the costs of responding to issues caused by railway operations. When a municipality or province seeks reimbursement for incurred costs, direct causation is often difficult to prove in court. In some instances, the train has left the scene long before a fire has been reported, and the evidence is largely circumstantial. Under these amendments, it will be easier for the municipalities and provinces to seek compensation.

The Canadian Transportation Agency would determine whether the railway's operations were responsible for the fire, and it would then have the authority to order the railway company to reimburse the province or municipality for the costs they incurred in responding to the incident.

Finally, with respect to the Railway Safety Act, the bill removes the term "fatigue science" from the act and replaces it with the more encompassing term "management of employee fatigue." As a result, the Railway Safety Management System Regulations would include broader and more comprehensive requirements regarding employee fatigue.

Colleagues, the six components of this bill that I referenced, which amend the Railway Safety Act, increase the enforcement authorities of the minister and Transport Canada's railway safety inspectors, allowing for easier intervention when safety may be compromised. The amendments also improve the ability of first responders to anticipate emergencies through the sharing of information regarding the transportation of dangerous goods.

I would now like to turn to the provisions of the bill that amend the Canada Transportation Act. Where the amendments to the Railway Safety Act deal with measures that will help prevent accidents through more effective enforcement of the rules, the amendments to the Canada Transportation Act focus primarily on issues of accountability. In the event of a catastrophic accident, how can we clearly make a determination as to who should pay, and how do we ensure the insurance coverage will be sufficient?

The derailment in Lac-Mégantic highlighted a number of flaws in the current liability and compensation regime for rail. I would remind honourable senators that the Montreal, Maine and Atlantic Railway was a short line railway that did not have adequate insurance to cover third-party liabilities stemming from the accident.

Following a comprehensive review of the third-party liability and compensation regime for rail conducted by Transport Canada and the Canadian Transportation Agency, a revised liability and compensation regime was put forward to ensure sufficient funds will be available to compensate potential victims, pay for cleanup costs and protect public funds.

The bill before us addresses both the required insurance coverage for railways and the need for adequate coverage in response to increased risk as a result of operational changes or changes in the nature of the goods being transported.

Under these amendments, railways would be assigned minimum levels for third-party liability insurance based on the type and volume of the dangerous goods they carry. These levels will range from \$25 million for railways carrying few or no dangerous goods to \$1 billion for railways carrying significant volumes of dangerous goods, namely CN and CP.

• (1630)

These amounts are detailed in a new schedule IV of the act and would be adjusted by regulation.

The applicable minimum insurance for each railway company would be determined by the Canadian Transportation Agency, which would also have the authority to hold inquiries to determine whether a railway is maintaining the prescribed insurance coverage. If it finds that the railway does not have the required coverage, it could suspend or withdraw the railway's certificate of fitness, and the railway would be prohibited from operating.

As a result of these amendments, all federally regulated railways, including short lines, will need to have insurance coverage that is aligned with the risks associated with their operations. These enhanced insurance requirements will ensure that the full costs of the vast majority of potential emergency scenarios will be covered.

The bill will also require the railways to notify the agency should a change in their operations affect the level of insurance coverage required. Should a railway fail to notify the agency, administrative monetary penalties may apply.

Senators, under the common carrier obligations, a railway does not have the right to turn down a customer who wants to ship dangerous goods. The railway must assume the risk and carry insurance to the respective minimum levels that are established in this bill.

As we saw at Lac-Mégantic, some shipments, such as crude oil, carry significant risks in the event of a derailment. The amount of damages incurred by such accidents can exceed the liability insurance coverage of the railway, even if fully insured under the new enhanced insurance requirements. As such, the bill before us puts a cap on a railway's liability coverage in the case of accidents involving crude oil. Other designated commodities can be added at a later time.

The bill would require railways to pay compensation up to the limit provided by their minimum insurance level, without needing to prove fault or negligence. To cover insurance claims above that amount, a fund for railway accidents involving designated goods will be created by imposing a per-tonne levy on the movement of crude oil. Other dangerous goods may be added to the fund's provisions at a later date. This fund would be backstopped by the Consolidated Revenue Fund.

To create the fund, railways would be required to collect the levy from shippers and remit to the Receiver General on a quarterly basis. The requirement for railways to keep records concerning the levy and to remit levies to the Receiver General would be enforceable by the administrative monetary penalties, a provision to which I will return in just a little bit. The minister would have the authority to discontinue the levy or establish a special levy applicable to railway companies in the event that a catastrophic accident depletes the fund.

Senators, Bill C-52 also includes several measures to clarify railway liability and compensation. Under the current regime, liability and compensation are determined through the courts, based on fault or negligence. The process can be lengthy and costly, with delayed or uncertain outcomes for the victims of accidents.

The bill before us would also give claimants greater certainty and expediency of compensation. In the event of catastrophes involving the designated goods, which, at this point, are limited to oil, the railway would be held liable without the need to prove fault or negligence, up to the amount determined by the minimum mandatory insurance level. Should they need to, railways would be able to seek financial redress from at-fault parties through the courts.

Finally, let me address the issue of compliance. As I said, there is a new liability and compensation regime, as well as a new levy for the fund for railway accidents involving designated goods. The government requires strong enforcement mechanisms to ensure compliance with these measures and to support accountability.

The administrative monetary penalties for non-compliance with the insurance notification requirements will be a maximum of \$100,000 per violation. An administrative monetary penalty (AMP) of \$100,000 will be applied to railways who fail to collect and remit levies or fail to keep adequate records. Penalties of this magnitude present serious incentives to short line railways to abide by the new regulations in the Railway Safety Act and the Canada Transportation Act.

Colleagues, the short line railways are vital partners in Canada's logistics network. But at a time when the transportation of dangerous goods, such as crude oil, increases the risks to communities, we must ensure that short lines carry sufficient insurance and do their part to cover the cost of catastrophes that are beyond the coverage provided by liability insurance.

At the same time, we will broaden the authority of the minister and the railway safety inspectors to help to make the rail system safer for short lines and Class 1 railways. We also have the chance to improve communication between railways and municipalities, who are responsible for first responders in the event of an incident.

We can expedite compensation for those who have been affected by rail incidents, whether it involves reimbursement for the costs of putting out a fire or compensation to the victims of a major disaster, so that they can get on with their lives.

Colleagues, the provisions in this bill represent a meaningful response to the tragedy that occurred in Lac-Mégantic, and because subsequent accidents have occurred as a result of rail transportation of dangerous goods, it is crucial that this bill is passed in a timely manner. It is imperative that the minister's authority is broadened in order to reduce the likelihood of rail accidents and to improve emergency response. I am pleased to report that this legislation received unanimous support in the other place, and I urge all honourable colleagues to join me in supporting its swift passage.

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

THE ESTIMATES, 2014-15

MAIN ESTIMATES—EIGHTEENTH REPORT OF NATIONAL FINANCE COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Moore, for the adoption of the eighteenth report of the Standing Senate Committee on National Finance (Main Estimates 2014-2015), tabled in the Senate on March 31, 2015.

Hon. Joseph A. Day: Honourable senators, I began to speak on this particular matter after I had moved its adoption, but before we were able to finish, we ran out of time. I just thought that perhaps, before calling the question, I could finish my brief remarks, and then we could have the question on this particular matter, unless other honourable senators wish to join in the debate on this very fine report of the Finance Committee. It's the eighteenth report. It's the report that finishes and gives an overview of the work that we did in the last fiscal year, up to the end of March. There were two or three items in here, honourable senators, that I started to bring to your attention previously that I thought I would remind you of.

In this report, we dealt with 23 different federal departments and agencies, four Crown corporations and two non-governmental organizations. There were two other reports on the Main Estimates during the year, and there were, of course, reports on Supplementary Estimates (A), (B) and (C) as well. But this particular report provides a very good summary, and it is for that reason that I wanted to bring it to your attention. Perhaps you may wish to make reference to it. It provides a good overview of the supply process and how estimates fit into the supply bills and that cycle. This provides for a very good overview of that.

• (1640)

There is another area that I want to bring to your attention with respect to Border Services, the entry/exit initiative, which is in the works but not yet complete. There are some automated stations where entry/exit is now being tracked, but we need more

legislation before that will be fully implemented across all modes of travel. With respect to the airlines, there is an exchange of information between airlines as far as Canada and the U.S. are concerned. That is already happening.

Federal liabilities and debts is one area that I want to bring to your attention. I know that some honourable senators have been tracking this quite closely. Following questions from the committee, officials explained that the federal government's total liabilities are approximately \$1 trillion. Of that amount, \$660 billion is market debt, such as bonds, T-bills and other retail-type debt. An additional \$150 billion is in Public Service Pension Plan-related liability obligations, \$75 million in employee benefits for veterans' programs, et cetera, and the RCMP. The balance is made up of accounts payable and accruals.

Officials also explained that the estimates respecting annual interest charges — what we estimate for this particular year on the public debt — are approximately \$26.3 billion for the fiscal year just ending. Honourable senators, it's important for us to keep this kind of information in mind. The interest rates have been low, and still we anticipate spending about 11 per cent of the federal budget just servicing the debt, not paying it down but just servicing it.

There were two other areas that I think would be of interest and help as a good reference source. One is in relation to economic development agencies and various other agencies that expend money on behalf of the government in research and development and in economic development issues. There is a good summary of those various agencies, and we met with representatives of each in our Finance Committee during the year.

The other is with respect to bridges. Nobody has ever really drawn together the information with respect to bridges that are under federal government responsibility, so we tried to do that and, in fact, we did that. The table attached to the report provides for the various federal bridges. Let me give you the different departments and agencies responsible for federal bridges. The Federal Bridge Corporation Limited has a number of bridges, including the Thousand Islands Bridge. There is the Seaway International Bridge Corporation Limited. Jacques Cartier and Champlain Bridges Incorporated has a good number of bridges in the Montreal area, and the Montreal Port Authority has some federal bridges under its authority and responsibility. The Quebec Port Authority has the Dalhousie Street Lift Bridge in Quebec City under its authority. There are the St. Lawrence Seaway Management Corporation, the Confederation Bridge in Prince Edward Island, the National Capital Commission, and Public Works and Government Services Canada. And there are two pages of bridges listed under Fisheries and Oceans.

Honourable senators, most of us would never be able to trace down a particular bridge to say whose responsibility it is. This report is very helpful in answering that question.

I will conclude and ask for the question to adopt this part of the report so that it becomes part of our permanent record. I'd like to thank all those who served on the Finance Committee over the

past year. It's sometimes quite demanding, but we've had a very good team, and I very much appreciate their service and help in getting through this work.

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

Hon. Senators: Question.

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

(Motion agreed to and report adopted.)

(The Senate adjourned until Thursday, June 4, 2015, at 1:30 p.m.)

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