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Tuesday, June 16, 2015

The Honourable LEO HOUSAKOS
Speaker

CONTENTS

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THE SENATE

Tuesday, June 16, 2015

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

Prayers.

THE SENATE

TRIBUTES TO DEPARTING PAGES

The Hon. the Speaker: Honourable senators, I would like to take this opportunity to salute a number of our departing pages.

First we have Savannah Dewolfe. Savannah has just completed an Honours Bachelor of Public Affairs and Policy Management with concentrations in human rights and law. Savannah has not said her final farewell to Nova Scotia. In the future she hopes to attend Dalhousie's Schulich School of Law. Until such time, Savannah is looking to pursue professional opportunities on Parliament Hill and elsewhere in the National Capital Region.

Congratulations and best of luck Savannah.

[*Translation*]

I also want to present Yves Dushimimana, who just completed his degree in economics and political science. He plans to spend the next year exploring various job opportunities and reading Shakespeare, Molière and the classics, after which he will begin his post-graduate studies in public policy. Congratulations and good luck!

Hon. Senators: Hear, hear!

[*English*]

We also have with us Marc Lussier. Next year Marc will complete the final year of his Bachelor of Music degree, specializing in musicology and theory as well as vocal performance. I understand he has quite the voice.

He's thrilled to continue his various scholastic commitments, such as editing *Intermezzo*, the University of Ottawa's student-run music journal, and is excited to begin a new position as vice-president, communications, for the Undergraduate Music Students' Association, ADEMSA.

Though Marc admits that you can never know what the future holds, he hopes to one day teach music at the university level and would love to own a small restaurant or flower shop.

Best of luck and congratulations.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

JOINT RULES FOR HOUSE OF COMMONS AND SENATE

Hon. Percy E. Downe: Honourable senators, as we all know, the House of Commons refused to follow the lead of the Senate and invite the Auditor General to audit their expenses. Even though it has been requested by several Auditors General, MPs refused to agree to the same openness and transparency as the Senate of Canada.

However, the recommendations of the Auditor General provide a road map for MPs — kicking and screaming as they may be — to enact changes for all of Parliament.

We all know that if the Auditor General performed an audit of MPs' expenses similar to what he did in the Senate he would, at the minimum, find the same results and likely more. How do we know this? Because many former MPs sit in this chamber and some of them have called for a similar audit.

I would hope that we take the recommendations of the Auditor General for improving the Senate and ask MPs which ones they want to join us on and jointly implement them. We should not allow two different sets of rules in Parliament. Let us see if NDP MPs will actually want to change, or will they simply talk some more, taking all steps short of meaningful action.

Given the high cost of the Senate audit — $23.5 million to identify less than $1 million in claims, which I understand is 0.4 per cent of our budget during those two years — honourable senators, I want to advise you that I intend to withdraw my Motion No. 55 that is currently before the Senate, calling for an audit of MPs. After all, if the experience here is any indication, the full cost of such an exercise by the Auditor General could exceed $100 million for the House of Commons — a cost I would not want to try and defend.

Let us use what we've learned in our audit to bring joint rules to both the Senate and the House of Commons. Working together, we can restore the trust of Canadians in their Parliament.

FOREIGN DIRECT INVESTMENT

Hon. Don Meredith: Honourable senators, I rise to address Ontario's leadership in the area of foreign direct investment. The FDI Report 2015, green field global investment trends, shows that Ontario led for the second year in a row for foreign capital investment, receiving $7.1 billion U.S. dollars. The province also ranked first for foreign capital investment in the automotive and life sciences sectors, and second for the number of FDI jobs in the financial services sector. Ontario outperformed U.S. states and other Canadian provinces in other areas as well.

The impact Ontario has around the world is significant because it reinforces Canada's role as a global leader in business and creating jobs. Findings from this report also show that the province moved up two places and now ranks third in foreign direct investment job creation with over 13,000 jobs created in 2014. This number is over double the 6,102 jobs that were created in 2013.

Honourable senators, foreign direct investments are a vital part of Canada's economic sustainability. Since 2012, I've participated in various delegations in the Caribbean and Africa, and I'm happy to report that many companies are interested in Canada as a country to do business with.

During my trip to Ethiopia in February of this year, it was enlightening to learn first-hand about the business opportunities in the sectors of agriculture and agro-processing, energy, finance, mining, housing and ICT. As I met with various ambassadors and high commissioners, I've learned that many countries around the world — including Bangladesh, Rwanda and Ethiopia — are interested in forming partnerships with Canadian businesses to support infrastructure and energy projects in their countries that they desperately need.

After real estate, the FDI report shows that in 2014 coal, oil and natural gas represented $79 billion in FDI and was also the second largest sector for foreign direct investments.

According to Statistics Canada, manufacturing and mining sectors accounted for over half the growth in the stock of foreign direct investment in Canada in 2014. The mining and oil and gas extraction sector increased from $10.9 billion to $152 billion and, since 1999, these two sectors combined have accounted for about half of all foreign direct investment in Canada.

The study further highlighted that FDI in Panama quadrupled to $8 billion due to a $6-billion copper mining project from a Canadian company.

Honourable senators, foreign direct investments create opportunities for Ontario firms to set up shop around the globe, create jobs and stimulate economies abroad and at home. I will continue to work with stakeholders, community groups and government to help remove barriers that impede Canadian businesses from offering their services abroad. This is Canada's time to lead on the world stage, create jobs, boost our economy and enhance global communities.

NEW BRUNSWICK'S FIGHTING 26TH BATTALION

ONE HUNDREDTH ANNIVERSARY OF DEPARTURE FOR FIRST WORLD WAR

Hon. Joseph A. Day: Honourable senators, on Saturday past, a number of us gathered at a monument in Saint John Harbour to mark the one hundredth anniversary of the departure of the 26th Battalion out of Saint John, New Brunswick to join the efforts of our allies in the First World War. This battalion served as part of the 5th Infantry Brigade of the 2nd Canadian Division.

It is estimated that on that day of departure there were between 10,000 and 20,000 loved ones and supporters who were there to say goodbye to their loved ones on the ship, the *Caledonia*.

It was not long after arriving in France — and I'm sure it's very much like that painting on the wall here in the Senate — where the landing took place at St. Lazare, welcomed in France by the Black Watch Regiment at that time. They participated in many of the major battles of the First World War, including Passchendaele, the Somme Offensive and Vimy Ridge. It was during these battles that the battalion earned the nickname, "The Fighting 26th."

• (1410)

Of the roughly 17,000 soldiers from New Brunswick who participated in the First World War, 6,000 of those passed through the 26th Battalion. As is the tragic case with war, many of these men died while serving. Approximately 2,400 New Brunswick soldiers perished during the war, many with the 26th Battalion.

It has been estimated that of the original 1,250 men who deployed on that day, only 44 returned home in 1917. Many had been killed or wounded during the battles. The Fighting 26th was awarded many battle honours, all of which are displayed on the monument in Saint John Harbour. These honours continue to be displayed by the successor of the 26th Battalion, the Royal New Brunswick Regiment, a reserve regiment continuing to exist in Fredericton, New Brunswick.

Lieutenant-Colonel Walter Brown, one of six commanding officers of the battalion, had the following to say on their return:

> Yes, indeed, we are glad to get back again. While the war was on we did not seem to mind quite so much for everyone felt that there was work to do, but since the armistice, or perhaps I should say since the end of our march into Germany, every week has seemed a month until at last the great day came when we said good-bye to England for the journey home.

Then he goes on to say:

> . . . one realizes more than ever the truth of the words of the old song, there's no place like home.

New Brunswickers made a tremendous contribution to the First World War. It should be remembered, and we will remember them.

BANGLADESH

GARMENT INDUSTRY AND CORPORATE SOCIAL RESPONSIBILITY

Hon. Mobina S. B. Jaffer: Honourable senators, the Senate Committee on Human Rights has recently been investigating the garment industry and corporate social responsibility in Bangladesh and will be drafting a report based on our findings.

Yesterday, we held our fourth hearing on the topic. We heard from representatives of Loblaw, Gildan and Human Rights Watch, as well as a professor from the University of Ottawa's School of International Development and Global Studies, Syed Sajjadur Rahman.

We have also spoken with representatives from Foreign Affairs, Trade and Development Canada; the International Labour Organization; Export Development Canada; Fairtrade Canada; Radical Design Ltd; the Canadian Apparel Federation; Maquila Solidarity Network; Solidarity Center; and various academics in the field. These hearings have been incredibly enlightening. The testimony of witnesses from both the Canadian government and the civil society organizations led us to the conclusion that, while the Canadian government and Canadian companies have taken a number of measures to address the rights of garment workers, we still have a long way to go.

Honourable senators, we all remember April 24, 2013, when the five garment factories in Rana Plaza in Dhaka, Bangladesh, collapsed. Over 1,100 workers died, and an additional 2,500 were injured. What fewer people remember is a similar and equally heartbreaking incident that occurred just months before. A fire broke out in a garment factory in Dhaka in November of 2012, killing over 120 people and injuring over 200. What is truly tragic about this event is that many workers were trapped inside the burning building with no way of escaping. They couldn't use the regular exits because they were too narrow, and there were not enough fire exits. Instead, some people attempted to jump out of windows on the higher floors, but this attempt at escape was futile. They died from the impact of the fall.

It is devastating that all of these deaths could have been avoided if only a few simple precautions had been taken during the construction of the factory.

Honourable senators, Canada has a responsibility to do everything in its power to make sure that tragedies such as these do not occur again. We must be a global leader in guaranteeing rights for the most vulnerable in our world.

Honourable senators, I know that Canada and we can lead the way to show precautionary ways to save lives.

[*Translation*]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

ACCESS TO INFORMATION ACT AND PRIVACY ACT—2014-15 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2014-15 annual reports of the Information Commissioner, pursuant to section 72 of the Access to Information Act and section 72 of the Privacy Act.

SPEAKER *PRO TEMPORE* OF THE SENATE

PARLIAMENTARY DELEGATION TO TRINIDAD AND TOBAGO, MARCH 15-17, 2015—REPORT TABLED

The Hon. the Speaker: Honourable senators, with leave of the Senate, I would like to table a document entitled: *Visit of the Honourable Leo Housakos, Speaker Pro Tempore of the Senate, and a Parliamentary Delegation, Trinidad and Tobago, March 15-17, 2015.*

Is leave granted, honourable senators?

Hon. Senators: Agreed.

STUDY ON BEST PRACTICES FOR LANGUAGE POLICIES AND SECOND-LANGUAGE LEARNING IN CONTEXT OF LINGUISTIC DUALITY OR PLURALITY

SIXTH REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Claudette Tardif: Honourable senators, I have the honour to table, in both official languages, the sixth report of the Standing Senate Committee on Official Languages entitled: *Aiming Higher: Increasing Bilingualism of our Canadian Youth.*

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

[*English*]

THE SENATE

NOTICE OF MOTION TO PHOTOGRAPH AND VIDEOTAPE ROYAL ASSENT CEREMONY

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 photographers and camera operators be authorized in the Senate Chamber to photograph and videotape the next Royal Assent ceremony, with the least possible disruption of the proceedings.

[*Translation*]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MISSION TO THE NEXT TWO COUNTRIES TO HOLD THE ROTATING PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION AND SECOND PART OF THE 2015 ORDINARY SESSION OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE, APRIL 13-24, 2015—REPORT TABLED

Hon. Michel Rivard: Honourable senators, I have the honour to present, in both official languages, the report of the Canadian parliamentary delegation of the Canada-Europe Parliamentary Association respecting its mission to the next two countries to

hold the rotating presidency of the Council of the European Union and its participation at the second part of the 2015 ordinary session of the Parliamentary Assembly of the Council of Europe, held in The Hague, Kingdom of the Netherlands; Luxembourg, Grand Duchy of Luxembourg; and Strasbourg, France, from April 13 to 24, 2015.

[*English*]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO TAKE NOTE OF THE CANADA-VIETNAM TRADE RELATIONSHIP AND CONDEMN HUMAN RIGHTS VIOLATIONS BY THE GOVERNMENT OF VIETNAM AND EXPLORE SANCTIONS TO DETER FURTHER HUMAN RIGHTS VIOLATIONS

Hon. Thanh Hai Ngo: Honourable senators, I give notice that, at the next sitting, I will move:

That the Senate take note of the following facts:

(*a*) The relationship between Canada and the Socialist Republic of Vietnam has grown substantially in recent years with annual trade between the two countries reaching nearly $3.5 billion in 2014;

(*b*) Vietnam receives substantial international assistance from the Government of Canada reaching nearly $88 million in 2014;

(*c*) Vietnam has made significant economic progress in recent years, but that progress has not been matched with greater respect for international human rights standards;

(*d*) Vietnam is a one-party state whose government, controlled by the Communist Party of Vietnam, has denied the Vietnamese people their basic human rights, such as freedom of speech, freedom of the press, freedom of association and freedom of religion; and

(*e*) Vietnam is a member of the United Nations Human Rights Council and should be held accountable to the highest standards of international human rights; and

That the Senate call upon the government to:

(*a*) Condemn the violation of international human rights standards by the government of Vietnam; and

(*b*) Explore a reduction, a freeze, or a termination of international development assistance to Vietnam and the imposition of other sanctions against that country, as appropriate, to act as a deterrent for further violations of international human rights standards.

• (1420)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF SECURITY CONDITIONS AND ECONOMIC DEVELOPMENTS IN THE ASIA-PACIFIC REGION WITH CLERK DURING ADJOURNMENT OF THE SENATE

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

That the Standing Senate Committee on Foreign Affairs and International Trade be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study of the Security conditions and economic developments in the Asia-Pacific region between June 22, 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.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE AND TO EXTEND DATE OF FINAL REPORT ON STUDY OF HOW THE MANDATES AND PRACTICES OF THE UNHCR AND UNICEF HAVE EVOLVED TO MEET THE NEEDS OF DISPLACED CHILDREN IN MODERN CONFLICT SITUATIONS AND DEPOSIT REPORT 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, notwithstanding the orders of the Senate adopted on Tuesday, May 6, 2014, and Thursday, December 11, 2014, the date for the final report of the Standing Senate Committee on Human Rights in relation to its examination of how the mandates and practices of the UNHCR and UNICEF have evolved to meet the needs of displaced children in modern conflict situations, with particular attention to the current crisis in Syria, be extended from June 30, 2015 to December 31, 2015; and

That, pursuant to rule 12-18(2)(b)(i), the Standing Senate Committee on Human Rights be authorized to sit between Monday, June 22, 2015 and Friday, September 4, 2015, inclusive, even though the Senate may then be adjourned for a period exceeding one week; and

That the Standing Senate Committee on Human Rights be permitted, between June 22, 2015 and September 4, 2015 and notwithstanding usual practices, to deposit with the Clerk of the Senate a report, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF SECURITY THREATS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Daniel Lang: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on National Security and Defence be permitted, notwithstanding the usual practices, to deposit with the Clerk of the Senate a report relating to its study on security threats facing Canada, from June 22, 2015 to August 31, 2015, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

Hon. Daniel Lang: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That, pursuant to rule 12-18(2)(b)(i), the Standing Senate Committee on National Security and Defence be authorized to sit from Monday, June 22, 2015 to Friday, July 31, 2015, inclusive, even though the Senate may then be adjourned for a period exceeding one week.

THE HONOURABLE MARJORY LEBRETON, P.C.

NOTICE OF INQUIRY

Hon. Marjory LeBreton: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to my 22-year career in the Senate of Canada, which officially ends as of my birthday on July 4.

ROUNDTABLE ON THE SOUTH-CHINA SEA TERRITORIAL DISPUTE

NOTICE OF INQUIRY

Hon. Thanh Hai Ngo: Honourable senators, I give notice that, two days hence:

> I will call the attention of the Senate to the Roundtable on the South-China Sea Territorial Dispute and the Final 1973 Peace Accord on Vietnam, held in Ottawa on December 5, 2014, and to the results of its work.

QUESTION PERIOD

INDUSTRY

COMPETITIVENESS IN THE MANUFACTURING SECTOR

Hon. Céline Hervieux-Payette: My question is to the Leader of the Government in the Senate. In the past few days we have received some surprising news regarding Canada's export performance. Now I should note that given the recent decline in the Canadian-American exchange rate, many government officials and technocrats are expecting an increase in Canada's manufacturing sector's exports. However, this week Statistics Canada reported that manufacturing sales were down by 2.1 per cent — that's a lot of money — which is a large drop and was four times larger than previously estimated.

Mr. Leader, could the government explain why the Canadian manufacturing industry continues to underperform and struggle despite the decrease in the exchange rate?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Senator, you know that we are fully committed to the economy and trade as evidenced by the opening of new markets, mainly through free trade agreements, which create jobs and business opportunities.

I believe that I have already told you that that is the reason why we launched the most ambitious program in our history for trade and the negotiation of free trade agreements. In fact, since 2006, we have entered into free trade agreements with 38 countries, including two historic free trade agreements, one with the European Union and another with Korea.

With our Economic Action Plan 2015, we will continue to support the expansion of international trade.

Senator Hervieux-Payette: I was referring specifically to the United States. In fact, that free trade agreement dates back quite a few years.

[*English*]

A recent CBC report by Amanda Lang discussed the same problem but from another and more frightening perspective. Apparently, Mexico's auto manufacturing is out-competing our own. Companies such as Volkswagen are building plants there and not here, of course, with Canadian money. In fact, Mexico's auto sector has doubled in size over the past decade and is not only catching up to Canada's output but is expected to overtake us over the next decade according to a report by DesRosiers Automotive Consultants from Toronto.

In my own report, we identified the root cause of these problems, which is the fact that Canada's economy is experiencing a structural shift away from manufacturing and toward services. We also identified two areas that need improvement in order for Canada to compete: The first is science and technology; the second is education.

Mr. Leader, what investment plans has Mr. Harper made with regard to improving Canada's competitiveness through technology and education?

[*Translation*]

Senator Carignan: Senator, your questions always cover several topics. However, with respect to the manufacturing sector, in 2007 we introduced the accelerated capital cost allowance to encourage investment in machinery and equipment used in manufacturing.

Economic Action Plan 2015 will provide manufacturers with an accelerated capital cost allowance at a rate of 50 per cent on a declining-balance basis for eligible assets acquired before 2026. This measure will provide solid long-term support for the manufacturing sector and will make it possible to plan the necessary investments to compete globally.

Senator Hervieux-Payette: Leader, first of all, I must tell you that I fully support accelerated tax breaks for the modernization of equipment. That is a good approach. When I refer to education, I am not necessarily talking about universities because, in that area, Canada is well positioned with respect to OECD countries. No, I am referring to people who should be able to read the instructions for modern machinery. I am talking about retraining workers and recruiting the young people who have lost their jobs.

[*English*]

Since the start of this year, Canada has been operating at a trade deficit. According to the Canadian Manufacturers & Exporters, Canada's trade performance was described as bleak. Citing reductions in the manufacturing sector and declines in eight of ten provinces, the report raises concerns about Canada's export future.

Canada's trade deficit is not only the result of the lower price of oil. Significant structural issues remain regarding Canada's ability to export and create jobs in other sectors. Structural issues cannot be solved by signing free trade agreements only. Reforms are needed and resources must be invested.

• (1430)

In the report that I prepared with my office, we identified seven reforms necessary to get Canada's export performance back on track. Some examples would be a single ministry of industry and trade. Another is privatizing Canada's foreign export services by having offices that would be operated by the private sector.

When will your government be ready to implement the necessary reforms to improve Canada's competitiveness and, in fact, address the question within this apparatus to make sure that we are competitive with all the trade agreements?

[*Translation*]

Senator Carignan: We are already taking those steps and we will continue what we started with our action plan. You talked about jobs and training. As part of our plan, we are expanding access to the Canada student loans and grants program to 22,000 students. We are also eliminating in-study student income from the needs assessment process, in order to give increased loan amounts to 87,000 students and provide increased support to over 92,000 students. These measures represent investments to support training for young students. We are going to continue our efforts to support training in order to make sure we have a skilled and better trained workforce, which will enhance the competitiveness of our businesses.

[*English*]

JUSTICE

GENDER IDENTITY—STATUS OF BILL C-279

Hon. Grant Mitchell: Honourable senators, in stark contrast to this government's failure to push through the transgender rights bill, Bill C-279, the U.S. Department of Labour has recently issued guidelines to private businesses that say transgender employees should be allowed to decide for themselves whether to use the men's or the women's facilities. I quote:

> The core belief underlying these policies is that all employees should be permitted to use the facilities that correspond with their gender identity. . . . The employee should determine the most appropriate and safest option for him- or herself.

Given that the U.S. Government has actually implemented the policy of fairness, justice and civil human rights for transgender people, is it too much to ask this leadership in the Senate, the government's leadership in the Senate, simply to have a vote on Bill C-279 before we rise for the summer?

[*Translation*]

Hon. Claude Carignan (Leader of the Government): Honourable senators, as you know, that bill is currently being debated. I invite you, when the time comes, to request a vote.

[*English*]

Senator Mitchell: Interestingly enough, these guidelines are very enlightened. Under the section on why facilities access is a health and safety matter, the department advised:

> Gender identity is an intrinsic part of each person's identity and everyday life. . . . it is essential for employees to be able to work in a manner consistent with how they live the rest of their daily lives, based on their gender identity.

Given this insight and this enlightenment south of the border by the U.S. Government, is it too much to ask simply to have a vote before we rise this summer on Bill C-279? You're the ones that want the vote on Mr. Chong's bill because it was passed over there. Well, this one was passed over there as well. So could you just implement and force — request your side to have a vote, Mr. Leader? You certainly have the power to do that; don't you?

[*Translation*]

Senator Carignan: Yesterday we received an email form our clerk, Mr. Robert, regarding a new guide on Senate procedure and practice. It is a comprehensive document that provides a detailed explanation of all procedures governing Senate and committee deliberations. *Senate Procedure in Practice* is the first procedural manual that deals exclusively with Senate procedures. The document provides a practical guide of the procedures in place and takes into account the events that occurred up until March. If you consult this guide, you will see that a vote can be requested when an item is called.

[*English*]

Senator Mitchell: Well, I'm asking for a vote, and I'm not getting an answer. Why couldn't we simply have a vote? This is an interesting scenario.

Let's just say for argument's sake that a member of Parliament or a senator invited Caitlyn Jenner to come to Canada. We know she's a remarkable athlete. Let's say the senator or the member of Parliament decided that they would go for a run together; they'd work out together. Where would it be that Caitlyn Jenner would change? Would she change in the men's facilities on the Hill, or would she be allowed to change in the women's facilities on the Hill?

Why can't we just have a vote on Bill C-279 to clarify that issue here in the federal government, right here in the House of Commons and the Senate?

[*Translation*]

Senator Carignan: You can suggest that your leader put Bill C-279 to vote at the same time as Bill C-377. I don't see a problem with that.

[*English*]

Senator Mitchell: This isn't a question of negotiation. This is a question of rights. Why can't you just have a vote? We're supposed to vote for Mr. Chong's bill because it was passed on the other side. Why wouldn't we vote for this bill because it was passed on the other side? How is that you're shaving this difference? What is different about these two bills to the extent that they were both passed on the other side?

I am asking for it to be passed. I don't know that it will be passed, but I am asking for a vote. Why is that too much to ask for? Why can't you, as the leader, simply say, "Yes, sure, we'll have a vote"? Just put it up for a vote.

[*Translation*]

Senator Carignan: Senator, I encourage you to have a look at the *Senate Procedure in Practice*, which was tabled by the Speaker yesterday. You'll see that a vote can be requested when an item is called.

[*English*]

Senator Mitchell: I can consult a practical guide, as you say, but I'm consulting a practical guy — you. Why don't you just call a vote? What's the matter? You've got the power. You're the leader. Why don't you show us some leadership and call a vote on something that is fundamentally important to people's rights in this country?

We're Canadians. We believe in people's rights, and one of their rights is to see a vote in their legislatures, in their chambers, on something that affects their daily lives. Why don't you just call a vote?

[*Translation*]

Senator Carignan: That's what we will do. When the time comes to vote on Bill C-377, I will call a vote, and when we move on to Bill C-279, you will request a vote.

[*English*]

Senator Mitchell: There we go again. Isn't that an interesting juxtaposition? On the one hand, you're prepared to call a vote on Bill C-377, which takes away people's rights and which disproportionately erodes the rights of unions, to set off against a vote on something that gives people rights. Isn't that just a classic example of how this government views rights?

[*Translation*]

Senator Carignan: You have repeated the same question a number of times. My eldest son is 23 years old and it feels as though I have been transported back 20 years to a time when he would ask the same question over and over and I would always give him the same answer. You can request a vote when Bill C-279 is called, and then we will see.

[*English*]

Senator Mitchell: Maybe you just never gave him a straight answer.

• (1440)

ORDERS OF THE DAY

COMMON SENSE FIREARMS LICENSING BILL

BILL TO AMEND—THIRD READING

Hon. Lynn Beyak moved third reading of Bill C-42, An Act to amend the Firearms Act and the Criminal Code and to make a related amendment and a consequential amendment to other Acts.

She said: Honourable senators, I am pleased to rise today to support Bill C-42, the common sense firearms licensing act.

Hunting, sport shooting, angling and trapping are a multi-billion-dollar industry in Canada today that is responsible directly or indirectly for tens of thousands of well-paying jobs. As a tourist resort operator and owner myself for many years, and a

hunter and sport shooter, I can personally attest to the economic benefits this industry brings. It is an important part of our shared Canadian heritage as well, and something we are all proud to promote.

This is the spirit with which the Minister of Public Safety introduced the legislation before us today. The common sense firearms licensing act takes an important step in the right direction, I believe, further protecting public safety while removing ineffective and unnecessary paperwork for law-abiding firearms owners like myself. It removes useless red tape, but it also takes several important steps to improve public safety. Many have divided this bill into two sections, the "safe" and the "sensible."

I would like to start with how this bill improves the safety of Canadians. First, it will impose strengthened firearms prohibition orders on those who have been convicted of domestic violence offences. Second, it will allow for more information sharing between CBSA and the RCMP on the importation of restricted firearms. And third, it will make firearms safety training mandatory for first-time firearms owners. I believe it is a very important step.

The bill also takes several measures to make our firearms laws more sensible. It merges the Possession Only Licence and the Possession and Acquisition Licence, which gives the right to buy and update their firearms to nearly 600,000 experienced gun owners.

It creates a grace period at the end of the five-year licence so that individuals do not become criminalized overnight for paperwork errors. It allows the authority of the chief firearms officers to be addressed for uniformity across Canada, subject to limits imposed by regulation. It ends needless paperwork around the authorization to transport restricted firearms, and it will allow the government to reverse the incorrect reclassification decision made by the RCMP regarding the CZ858 and the Swiss Arms family of rifles.

This bill is widely supported by Canadians from many walks of life. Tony Rodgers of the Nova Scotia Federation of Anglers and Hunters had this to say:

> We strongly support the passage into law of Bill C-42, the common sense firearms licensing act, and look forward to its implementation. . . .
>
> . . . The amended Criminal Code to strengthen the provision relating to orders prohibiting possession of firearms where a person is convicted of an offence involving domestic violence is a step in the right direction. . . .
>
> It is important to both Canada Border Services and the RCMP to share information on newly imported restricted and non-restricted firearms into Canada. So the change to authorize firearms importation information sharing when restricted and prohibited firearms are imported into Canada by Canadian businesses is good.
>
> . . . these changes will go a long way in fostering a positive relationship among the firearms community, government, and police."

Professor Gary Mauser of Simon Fraser University said:

> I do not think that any of the changes in Bill C-42 would increase the danger to women or children through guns. At the present time, only 2% of accused murderers have any kind of a firearms licence. That's a PAL, POL or the old FAC. So this is very small group of people and nothing would change.

As a law abiding firearms owner, hunter and shooter, I believe that this legislation will benefit all Canadians while maintaining public safety and ensuring common sense requirements for all law-abiding firearms owners, and I look forward to your support.

Hon. Mobina S. B. Jaffer: Honourable senators, I, too, rise to speak on Bill C-42, the firearms act.

Honourable senators, ever since I've been in this place, which has been for many years, I have learned one thing: There is nothing that divides people more or that people are so passionate about than the issue of guns and gun control.

When I first came to this chamber, I really did not understand it because I had a certain knowledge about guns. Now I have started respecting the positions that my friend Senator Beyak has talked about, and I understand that people want to be able to use their firearms and not be stopped with a lot of paperwork. However, I want to tell you that I come from a place where, as a young child, guns were used to hurt my family. Guns were used to hurt my community. I come from a very big bias of saying gun controls save communities, save families. I would like to see more restraint.

I won many cases for my clients as a family lawyer, a divorce lawyer, and unfortunately I lost my clients because their husbands had easy access to guns.

In the 1990s, I was appointed by Prime Minister Mulroney to a panel on violence against women. It was a national panel, and we travelled right across the country. Senator Marjory LeBreton was very instrumental in forming that panel. She knows that this panel travelled from corner to corner to corner across our country.

Senators, we saw so many women who were hurt by guns. We saw so many girls who were hurt by guns, but the one picture that I will never forget is a woman from Newfoundland whose face was blown away as a result of a gun. I cannot describe to you what her face looked like because I wouldn't get through this speech, but more than that I cannot describe to you the pain this woman went through, the surgeries this woman went through. She kept saying to us, "If only there had been some restraint on my husband, I would not be suffering."

When I became a member on the panel of violence against women, I met with Mrs. Edward. Mrs. Edward had just lost her daughter to École Polytechnique, and I was struck by how much

Mrs. Edward was committed to changing the lives of other people. I will never forget what Mrs. Edward said to me the first time I went to Montreal.

I asked her, why are you fighting so hard? You already lost your daughter. She looked me in the eye and said, "I don't want another mother to suffer the pain that I suffer every day."

Honourable senators, the proposed legislation will amend the Firearms Act and the Criminal Code. Under the Firearms Act, amendments are made to simplify the licensing regime by eliminating the Possession Only Licence and converting all Possession Only Licences to a Possession and Acquisition Licence, and to provide for a six month grace period on the date a valid licence normally expires, allowing holders to return to compliance while continuing to lawfully possess their firearms without fear of criminal sanctions.

It will require new licence applicants to participate in mandatory training. It will require a firearms officer to automatically issue as a condition on the licence, for specific reasons, an authorization to transport when they approve the transfer — for example, change of ownership.

It will require businesses, when importing restricted and prohibited firearms, to notify the RCMP Canadian Firearms Program in advance.

• (1450)

Under the Criminal Code, amendments are made to strengthen the provisions related to orders prohibiting the possession of firearms when a person is convicted of an offence involving domestic violence, to create a definition of non-restricted firearms and provide the Governor-in-Council with authority to prescribe a firearm to be a non-restricted or restricted firearm.

Honourable senators, I want to commend the minister for the mandatory prohibition when there is domestic violence. That is something that people like me who have worked on this issue have asked about for many years and I commend him for bringing that in.

Today I believe that you all know my biases; I have spoken about my biases, and I wear them on my sleeve. As many of you have experiences different from me, you canvass issues that are important to you, and I canvass them from the community I serve and the community I see in Vancouver that gets heard. That's why I would like to see gun control.

We have received some briefs and the Coalition of Gun Control brief sets out that Bill C-42 proposes critical modifications of the Firearms Act and the criminal code by relaxing controls on handguns and restricted weapons; by weakening powers of the provincial chief firearms officers, thereby preventing provinces by setting standards that are different from federal standards for the implementation of firearms legislation; by allowing the government rather than the RCMP to determine which weapons are prohibited or restricted, thereby increasing the influence of lobbies and political agendas in public safety decision; and by relaxing controls on gun licenses for possession, including handgun licenses.

They said that control explains the various ways in which the legislation will weaken controls and put the public at higher risk from gun-controlled violence and other crimes. They state that registration is what ensures that gun owners act in a responsible way because only registration makes gun owners truly responsible for the firearms they own by attaching each gun to its legal owner.

With this kind of accountability, owners are more likely to store their firearms according to the rules and are especially less likely to lend or sell them to people who aren't authorized to possess them.

Registration also provided police with the best available information regarding the potential presence of guns in a home, as well as what guns they need to confiscate from individuals who are the subject of court orders prohibiting them from owning guns for safety reasons.

The coalition has asked us, senators, to reject Bill C-42.

Honourable senators, when I was drafting this speech, I came to the conclusion that I would not be able to say the words that were said by witnesses at committee, so I am going to read what some of the witnesses have said.

Senator Baker, who is the deputy chair of the committee, asked the witnesses what they would see in Canada, considering that they were completely from different positions, from outlawing firearms to a system we have in place today. "What would you like to see?" Ms. Rathjen, who is a survivor of Polytechnique, stated:

> In terms of Bill C 42, I don't see any changes that could make it worthwhile, in our view, to be passed. Our group is not for banning all guns. We're for reasonable gun control. The law as adopted in 1995, Bill C 68, in combination with Bill C 17, which was passed before, pretty much represents the reasonable gun control regime that we support in terms of banning assault weapons. At the time, the regulations were up to date, but they haven't been updated since. That's why [sic] a lot of assault weapons are still legal. In terms of the laws that we would want, it would basically be what we had before the current government started chipping away at not only the registry but also many other measures.

Professor Cukier stated:

> There are two parts to the question. From a legislative point of view with respect to licensing, the issues are not regulatory but are around implementation. We've seen an erosion of the implementation of the licensing provisions because of the amnesties and, frankly, the uneven application of the law. Strong licensing is the foundation.
>
> When registration was eliminated, the bill not only destroyed the data on the more than 6 million firearms that had been registered but also eliminated the provision that had been in place since 1977 that required gun sales to be recorded at the point of sale. We currently have less control over the sales of firearms in Canada than they do in

most of the American states. We're no longer in compliance with many of the international regulations around trafficking. That's a huge hole that has to be filled.

I would echo what Ms. Rathjen said about updating the prohibited weapons. This is something that the police have been advocating for at least a decade. The list of prohibited weapons that was introduced in 1995 has not really been updated since then, except sporadically. Some states actually have lists of permitted weapons, which help to prevent manufacturers from changing small features and creating loopholes. That whole area needs to be looked at. We have to maintain tight restrictions on handguns and other restricted weapons. We would reinforce the importance of laws that are consistent with international norms and what is in place in most countries around the world.

Ms. Rathjen continued:

I would add that when the gun control law works, there are no headlines. There are fewer shootings. You cannot see prevention happening. What you see is safe communities, and that doesn't make the headlines. Investing in gun control is investing in the safety of our communities. We do not want to go down the path of our neighbours to the south. Every shooting is a tragedy. Every police shooting is a tragedy, and most police that die in the line of duty are shot. Investing in gun control includes more than just the money invested versus the number of deaths. You have to look at what we invest in gun control in terms of how safe our communities are. When our communities are safe, then the investment was worthwhile.

I would add, if I may, that since the implementation of the new measures following the Polytechnique shooting, all gun related deaths and crime has progressively diminished to the point where, in the year 2011, which was the last year that the law was implemented in its entirety there were some amnesties undermining some measures, but the law was in place it was the year that recorded the lowest firearm homicide rate in 50 or 60 years.

I asked Ms. Rathjen a question on licences, and this is what she said:

Licensing is important, as well as showing your licence and talking about the screening to get the licence. The problem is on two levels.

First, independent from Bill C-42, this government, when it abolished the registry with Bill C-19, didn't just get rid of the registry but also took away the obligation for sellers to verify the validity of a buyer's licence. So we can have a wonderful screening system in place for the licences, but if the transactions are done independent of the system, there is no verification that the person you are selling to could have an expired, revoked or fake licence or no licence at all. If the seller doesn't need to check and see it and there is no trace of the call, I would argue that seriously undermines the whole possession permit system.

Second, as I was saying, one of the useful aspects of the registry is to provide more information to police when they arrive on the scene of a domestic dispute or when arresting a suspect or in any kind of urgent situation, to provide more information about the number and the type of guns they may find on the premises. Without the registry, this government says that all you need is a licence because you will know whether or not a gun owner lives there and then you can assume that there will be guns.

Bill C-42 undermines that very mechanism by giving a six month grace period, so there is a hole in the system. Someone could move, not renew their licence and be in a new place, and when the police come on the scene and check the system, the address is not good any longer, so they have less information or faulty information. That seriously undermines the usefulness of the possession permits. They are still important, but in the implementation of the law, there are huge loopholes that you could drive a truck through.

• (1500)

Honourable senators, I want to now read to you a letter from Mrs. Edward. Mrs. Edward, as long as I know, has been a witness in many, many hearings in the Senate. Unfortunately, for reasons that I do not know, Mrs. Edward was not able to testify this time in front of our committee. I went and spoke to her afterwards. She was tearful in saying that her voice needs to be heard. Senators, I made a commitment to her that I would read her statement to all my colleagues here in the Senate, so I am reading her letter to all of you:

My name is Suzanne LaPlante Edward. I am the mother of Anne-Marie Edward, our gorgeous and talented daughter who was killed at the École Polytechnique where she was studying to become an engineer. That was on December 6th, 1989, 25 years ago.

During these last 25 years, my husband Jim, our son Jimmy and myself, along with other families and survivors, as well as hundreds of other volunteers, have worked to make Canada a safer place to live. We want to make sure our country never goes down the same path as did our neighbours to the south.

We have travelled to Ottawa numerous times to convince lawmakers of the value of effective control on firearms. Our latest visit to Ottawa was last Thursday June 11th in order to be present for the Senate hearings on Bill C-42 while PolySeSouvient and the Coalition for Gun Control explained the various ways in which this legislation will weaken controls and put the public at higher risk from gun-related violence and other crimes.

Together, over six long years following the loss of our daughter, we have managed to introduce comprehensive and effective gun control measures: a ban on assault weapons and large capacity magazines, possession permits for all gun owners and the registration of all guns.

Registration is what ensures that gun owners act in a responsible way because only registration makes gun owners truly accountable for the firearms they own by attaching each gun to its legal owner. With this kind of accountability, owners are more likely to store their firearms according to the rules and, especially, are less likely to lend or sell them to people who aren't authorized to possess them. Registration also provided police with the best available information regarding the potential presence of guns in a home, as well as what guns they need to confiscate from individuals who are the subject of court orders prohibiting them from owning guns for safety reasons.

When the gun control law passed in December of 1995, we had achieved what public safety experts said were the necessary measures to minimize the chances of guns being misused for criminal and violent purposes. These experts — police associations, chiefs of police, suicide prevention experts, women's groups fighting against domestic violence and public health authorities — claimed that Canada finally had the tools necessary to adequately protect the Canadians.

Unfortunately, ever since it came to power, the . . . government has sided with the gun lobby. At its request, the . . . government has destroyed the long-gun registry, with the result that it is no longer possible to connect a long-gun to its owner. It also allowed the introduction into the market of a variety of new assault weapons. It eliminated the obligation for gun sellers, private or commercial, to verify the validity of a potential buyer's permit, facilitating illegal sales. It eliminated the obligation for gun businesses to keep records of gun sales or keep an up-to-date inventory of their guns. Without inventory controls, police cannot ensure dishonest sellers aren't diverting arsenals to the black market. They also can no longer trace a gun that's found on the scene of a crime to the store that first sold it — like police can do in the U.S. In fact, that's how they identified my daughter's killer: by checking the sales records of Montreal area gun stores! Thanks to the Conservatives, police can no longer do even that!

We cannot understand why this supposedly "law and order" government would want to make it harder for police to flag illegal sales or to trace guns in their investigations. Taking away effective tools for police to protect the public constitutes, in my opinion, the most irresponsible law-making imaginable, because it is playing politics at the expense of people's lives.

The families of gun victims like ourselves feel powerless before a government that continues to weaken our gun control law. The members of this government are lying if they say they are on the side of victims. Yes, victims want justice, but to get justice police need to be able to catch the perpetrators, and taking investigative tools away from the police undermines their ability to do so. We also want the loss of our loved ones to mean something. We want society to learn from our suffering, so that others don't have to suffer as we have. Prevention is what we want, no more penalties, which experts say do not act as deterrents. The murderer of our daughter killed himself after the massacre. Tougher penalties would have made no difference. Criminals usually don't plan on getting caught. Most murders, especially domestic murders, are impulsive, committed in the heat of the moment, in circumstances where eventual penalties usually do not factor into the mind of the killers. Prevention is key.

Since that fateful day of the tragedy at the École Polytechnique, it has been our mission to educate politicians about the damages that a single gun can cause, and the need for a legal framework, proper rules and responsibilities. We will continue to ask for sane laws in order to ensure we have safe streets and neighbourhoods and to recover our country, one that is based on law, order, and good government. We are doing this for Anne-Marie's memory, but mostly for all Canadians who care about public safety.

Honourable senators, I beg you to show Canadians that the Senate is not a rubber stamp for the . . . government, that you are still relevant, that the Senate can work as a chamber of second thought. Please, do your job and protect the Canadians against . . . self-serving interests . . .

Honourable senators, these were the words of a mother — a mother whom I have come to know very well, a mother who has spent, I believe, every minute of her life trying to save our daughters.

Senators, at the beginning of my speech, I said that since I have come to this place I have come to very much respect the viewpoint that other people have on gun control and also the viewpoint that people want the least amount of paperwork.

I now stand before you knowing that this bill will pass. I now stand before you to say that maybe a time has come when we, who hold two polarizing positions, have to come up with a position that will absolutely assure the rights of people who have guns, but will also keep our daughters safe. Thank you.

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?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those against the motion please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yea" side has it.

Senator Fraser: On division.

And two honourable senators having risen:

The Hon. the Speaker: I see a number of senators rising. Do we have agreement on the bell between the two whips?

Senator Marshall: Thirty minutes?

The Hon. the Speaker: Thirty minutes it is. Call the senators in for 3:40 p.m.

• (1540)

Motion agreed to and bill read third time and passed, on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	McIntyre
Ataullahjan	Meredith
Batters	Mockler
Bellemare	Nancy Ruth
Beyak	Neufeld
Black	Ngo
Carignan	Ogilvie
Dagenais	Oh
Doyle	Patterson
Eaton	Plett
Enverga	Poirier
Frum	Raine
Gerstein	Rivard
Greene	Runciman
Johnson	Seidman
Lang	Sibbeston
LeBreton	Stewart Olsen
MacDonald	Tannas
Maltais	Tkachuk
Manning	Wallace
Marshall	Watt
Martin	Wells
McInnis	White—46

NAYS
THE HONOURABLE SENATORS

Campbell	Hubley
Chaput	Jaffer
Cordy	Joyal
Cowan	Lovelace Nicholas
Dawson	Massicotte
Day	Merchant
Dyck	Mitchell
Eggleton	Moore
Fraser	Munson
Furey	Ringuette
Hervieux-Payette	Smith (*Cobourg*)—22

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

ECONOMIC ACTION PLAN 2015 BILL, NO. 1

DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker: Honourable senators, Senator Tannas has made a written declaration of private interest regarding Bill C-59. In accordance with Rule 15-7, the declaration shall be recorded in the *Journals of the Senate*.

[*Translation*]

MARINE MAMMAL REGULATIONS BILL

THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Doyle, seconded by the Honourable Senator Dagenais, for the third reading of Bill C-555, An Act respecting the Marine Mammal Regulations (seal fishery observation licence).

Hon. Céline Hervieux-Payette: Honourable senators, obviously, I am going to support Bill C-555, which is a step in the right direction. However, I would like to remind my colleagues that we could have taken two or three more steps to increase the authorized observation distance in order to better protect our seal hunters and prohibit helicopter noise, which disturbs fishing activities.

I would have also liked to see provisions added to the bill to prohibit cameras because they are being used to spread negative publicity about Canada and the seal hunt throughout the world; to make it mandatory for every observation boat to have an inspector aboard; to increase the cost of the observation licence to $200, which is more appropriate than the $25 or $50 that is currently charged; to create a program to address the issue of defamation in the use of images of seal hunters on an ongoing basis; and finally to prohibit any observation by creating a reserved hunting area during the hunting season.

Despite all that, I am going to support the bill, and I invite my colleagues to vote in favour of it as well. We are dealing with this issue in a rather half-hearted way. The fact that these people are still having difficulty carrying out their trade is not exactly keeping us up at night.

I hope that the next step will offer seal hunters better protection and that the government will issue more hunting licences since not very many are being issued right now. That is why I will close by saying that I am going to vote in favour of Bill C-555 and I invite you to do the same.

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

Hon. Senators: Agreed.

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

• (1550)

[*English*]

INCOME TAX ACT

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

On the Order:

> Resuming debate on the motion of the Honourable Senator Dagenais, seconded by the Honourable Senator Doyle, for the third reading of Bill C-377, An Act to amend the Income Tax Act (requirements for labour organizations);
>
> And on the motion in amendment of the Honourable Senator Bellemare, seconded by the Honourable Senator Black, that the bill be not now read a third time but that it be amended in clause 1, on page 5,
>
> (*a*) by replacing line 34 with the following:
>
> "poration;"; and
>
> (*b*) by adding after line 43 the following:
>
> "(*c*) labour organizations whose labour relations activities are not within the legislative authority of Parliament;
>
> (*d*) labour trusts in which no labour organization whose labour relations activities are within the legislative authority of Parliament has any legal, beneficial or financial interest; and
>
> (*e*) labour trusts that are not established or maintained in whole or in part for the benefit of a labour organization whose labour relations activities are within the legislative authority of Parliament, its members or the persons it represents.".

Hon. James S. Cowan (Leader of the Opposition): Honourable senators, seven months ago, when I rose on November 4, 2014 to speak at second reading of Bill C-377, I began by saying, "This is a debate I had hoped we had seen the last of." I know that is a sentiment shared by many in this chamber, on both sides of the aisle. This is a bill that is poorly drafted, would violate the privacy of potentially millions of Canadians, would set back labour relations across the country and is very probably unconstitutional, both in violation of the division of powers and the Charter. Moreover, the governments of six provinces, representing 70 per cent of the population of this country, have asked us in the strongest possible words to not pass this bill.

Let me quickly remind honourable colleagues, and the many, many Canadians who are following this debate, of the history of this bill.

Bill C-377 is a private member's bill that was tabled in the other place by Mr. Russ Hiebert on December 5, 2011. Its provisions are without precedent in Canadian law. Meanwhile, because it is a private member's bill, it did not receive any constitutional vetting by the Minister of Justice or the constitutional experts in his department. It also did not benefit from the legislative drafting expertise of the Justice Department. And then, also because it is a private member's bill, under the rules of the other place, it received very limited scrutiny in debate there.

The bill passed the other place with a number of amendments that were put forward by the sponsor at report stage and quite literally were not debated at all.

One could say this was a perfect storm.

It arrived here on December 13, 2012. And as a chamber, we did our job of "sober second thought." First, we had a serious, substantive debate at second reading. A number of senators on both sides of the chamber took part, analyzing the bill and raising very serious, substantive issues with the bill, in particular questioning its constitutionality, implications for fundamental privacy rights, impact on labour relations in this country, and pointing out numerous serious problems with the drafting of the bill, including the amendments passed in such a hurry in the other place.

The bill then went before our Banking, Trade and Commerce Committee, which heard 44 witnesses over three weeks of hearings. These were serious hearings, colleagues. Witnesses were given an opportunity to fully state their positions and raise their concerns with the bill. Senators had an opportunity to engage with the witnesses, probing the issues raised. No one was cut off. Canadians who came before the committee left satisfied that they had been afforded a true opportunity to be heard.

And then, the members of the committee met to discuss the evidence they had heard and what they wanted to report back to this chamber. Let me read to you the observations that the members of the committee appended to their report to this chamber. And remember colleagues, this bill, which is before us now, is exactly the same bill that was before our Banking, Trade and Commerce Committee and on which they made these observations. This is what the committee said:

> While the Committee is reporting Bill C-377 without amendment, it wishes to observe that after three weeks of study — hearing from forty-four witnesses and receiving numerous submissions from governments, labour unions, academics, professional associations and others — the vast majority of testimony and submissions raised serious concerns about this legislation.

> Principal among these concerns was the constitutional validity of the legislation both with respect to the division of powers and the Charter. Other issues raised include the protection of personal information, the cost and need for greater transparency, and the vagueness as to whom this legislation would apply.
>
> The Committee shares these concerns.
>
> The Committee did not offer any amendments because these substantial issues are best debated by the Senate as a whole.

This chamber then debated the bill at third reading. Again, it was a serious, substantive debate, with excellent speeches from both sides of the chamber. Amendments were put forward by colleagues on both sides of the chamber. And in the end, in a powerful demonstration of bipartisanship, we voted to amend the bill.

That was a proud moment for the Senate. We set aside our partisan differences and did what the Senate is supposed to do — after having examined the bill, listening to witnesses, testing the concerns raised in the committee and then in this chamber, we agreed to amend the bill.

The then sponsor of the bill in the Senate, Senator Eaton, applauded our actions. In a speech last year, on March 26, 2014, speaking about the critical role of the Senate as an independent chamber of sober second thought — this was on one of the excellent inquiries into the role of the Senate launched by our late Speaker, Senator Nolin — Senator Eaton said:

> We should not, must not, and cannot allow ourselves to become a rubber stamp of the House of Commons. We've seen the tacit indignation that can arise when, as a chamber, we choose to exercise our prerogative and push back proposed legislation.
>
> We saw it first-hand last year with respect to our deliberations around Bill C-377, a private member's bill about union transparency. The other place had reported and passed the bill without amendment. However, our study of its provisions concluded that there were serious concerns over the constitutional validity of the proposed legislation both with respect to the division of powers and the Charter. Other issues raised include the protection of personal information, the cost and need for greater transparency, and the vagueness as to whom this legislation would apply.
>
> In light of those concerns and the consideration they were given here in this place, we did not pass the legislation. It was sent back to the other chamber, and rightfully so.

Colleagues, the other place never had an opportunity to consider our amendments. Prime Minister Harper prorogued Parliament and we found ourselves back at square one, so to speak. It was as though our extensive committee hearings, debates and amendments had never happened. We began afresh.

But of course, as we were reminded by our former colleague Senator Segal, who so strongly and eloquently opposed the bill on principle, the bill was the same bad bill it had been when we examined it before. In his words, Bill C-377 was:

> . . . badly drafted legislation, flawed, unconstitutional and technically incompetent when it was amended last time. Unamended, it has not now become perfect simply because one senator retired to do other things.

As was often the case, Senator Segal got it exactly right. The bill had not changed; it was the exact same one that our committee had found to be so deeply flawed — conclusions shared by this chamber when we voted substantial amendments to the bill.

Given this, I thought the correct course of action following Parliament's return after prorogation would have been to pass the same amendments we had passed in June 2013, so that the elected members of the other place would have an opportunity to consider our amendments — our best advice — and then either agree or disagree, to some or all.

I still believe that the elected members deserve the opportunity to consider our previous amendments in light of the evidence we heard and our extensive debates on the bill. That of course did not happen. Instead, we referred the bill to our Legal and Constitutional Affairs Committee.

Given the extensive evidence that had been heard last time, the committee chose to proceed with only a very few meetings — three — and scheduled them to hear very quickly from those witnesses that were called. I won't pretend that I agreed with that approach. We subsequently learned that 75 organizations and 249 individuals formally requested to be heard by the Legal and Constitutional Affairs Committee and had their requests denied. One of those organizations was the Canadian Union of Public Employees, or CUPE.

• (1600)

CUPE is the largest union in the country, representing over 600,000 Canadians. What makes the decision to exclude CUPE even more difficult to understand is that the committee did agree to hear from one individual, Mr. Marc Roumy, a flight attendant, who made a number of allegations about problems he has had with CUPE. Mr. Roumy had also appeared before the Banking Committee in 2013.

CUPE itself asked repeatedly for the right to appear before our Legal and Constitutional Affairs Committee. Their request was denied. In other words, colleagues, our committee heard one side, from one individual, while denying CUPE what I would have thought was a basic right to appear and present its side. So one disgruntled individual was heard, while 600,000 Canadians were denied the right to have their representative heard by our committee.

The truncated hearings also meant that there were a number of critically important issues on which committee members were not able to hear witnesses. For those witnesses who were allowed to appear, I was disappointed to see that, to meet the committee's

self-imposed timetable, witnesses — even provincial cabinet ministers and the Privacy Commissioner of Canada — were restricted to five-minute presentations and invited only to appear on crowded panels. Indeed, witnesses were literally cut off mid-sentence, something that happens in the House of Commons, but not here in the Senate.

Colleagues, providing a venue for Canadians to be heard on Parliament Hill has always been a point of pride for the Senate. Witnesses whose requests are denied in committee in the other place know that they will be assured of a meaningful voice here. That has been a fundamental and critical part of our chamber's sober second thought, a principle upheld here for decades, part of the "value added" of the Senate, to which many of us have pointed with pride. So, it's deeply disturbing that our Legal and Constitutional Affairs Committee denied so many Canadians the right to be heard on a bill that will have a profound effect on their lives.

But, as the other side reminded us, we all have the extensive testimony heard by our Banking Committee. That is part of the record before this chamber as we debate what to do with this bill. There were many, many very serious submissions from many concerned, informed Canadians and organizations, which are available to all of us.

So, colleagues, why are so many Canadians so deeply concerned about this bill? The bill imposes extraordinary disclosure obligations on so-called "labour organizations" and "labour trusts." Quite simply, there is no precedent anywhere in our statute books for the kind of disclosure obligations that this bill will impose.

It would require public filing, on the Internet for the world to see, of statements of all transactions and all disbursements for which the cumulative value is over $5,000, along with the name of the payer and payee, its purpose and description, and the specific amount paid or received.

It would require public filing, again on the Internet for the world to see, of disbursements to officers, directors and trustees, to employees who earn more than $100,000, and — this is a separate group:

> . . . to persons in positions of authority who would reasonably be expected to have, in the ordinary course, access to material information about the business, operations, assets or revenue of the labour organization or labour trust. . .

The paragraph expands on what is to be posted on the Internet for all of those individuals, stipulating that it is to include gross salary, stipends and benefits, including pension obligations, bonuses, gifts, among other things.

So, colleagues, a shop steward in a union shop in a small community, even though she may earn substantially less than $100,000, may nevertheless qualify as "a person in position of authority" and therefore have her gross salary, pension benefits and any other payment disclosed to her relatives, neighbours and the entire community, just because she works for a labour organization or labour trust.

Mr. Russ Hiebert, the sponsor of the bill in the other place, claimed that, because these private organizations benefit from taxpayer-supported deductions under the Income Tax Act, taxpayers are entitled to know how their taxpayer-subsidized dollars are being used.

But, colleagues, public servants who work for the federal government are not required to have their salaries posted on the Internet, and their salaries are completely and directly paid by taxpayer dollars. Staff who work for the Prime Minister, paid for by taxpayers, are allowed to keep their salaries private.

In fact, a question was placed on the Order Paper in the other place asking how many staff in the Prime Minister's Office earned salaries over $150,000 annually, over $200,000, over $250,000 and over $300,000. It also asked about bonuses paid to those staff. The question didn't ask for names or individual salaries, just how many staff were in each category, significantly less information than is being asked for in Bill C-377. The Parliamentary Secretary to the Prime Minister, Mr. Calandra, tabled the following response on March 6, 2014:

> Mr. Speaker, in processing parliamentary returns, the government applies the Privacy Act and the principles set out in the Access to Information Act, and the information requested has been withheld on the grounds that the information constitutes personal information.

So, it's personal information that must be kept private if you work for the Prime Minister, but if you're an ordinary Canadian who happens to work for a labour organization or a labour trust, no privacy for you. Instead, it will go up on the Internet, where anyone, anywhere in the world, with Internet access, can see it.

There's a long, troubling list of disclosure requirements set out in the bill. I and others have spoken previously about them, and I hope we have an opportunity to explore some of them in the course of this debate, but I want to focus my remarks on just a few.

First is the issue of third-party contracts, where there is a general obligation to "disclose all transactions and disbursements" where the cumulative value is over $5,000. Those transactions and disbursements must be disclosed as separate entries, with the name of the payer and payee, the details of the purpose, description and specific amount that was paid or received.

Colleagues, this means every contract by every union local across the country — whether with a photocopying company, a cleaning service, coffee supply company — will have to be disclosed and posted on the Internet. Imagine how those businesses will feel about that, having the terms of their contracts known to their competitors, without having access to their competitors' corresponding terms, just because they happen to be providing services to a labour organization or labour trust.

Colleagues, is this the government's plan to encourage a flourishing private sector economy, to build jobs and to help small businesses to thrive and grow? To force some but not all of those businesses to post their competitive information on the Internet?

Canada has spent decades building a reputation as a good place to do business. We understand that, for the free market to thrive, businesses need to know that there are strong laws protecting their confidential business information. Indeed, this information is protected from disclosure by governments under federal and provincial access to information laws. The federal Access to Information Act, the whole purpose of which is transparency and accountability — to ensure that Canadians have access to information about what their government is doing with their tax dollars — that act prohibits the government from disclosing "financial, commercial. . . information that is confidential information supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party."

So, once again, the federal government, that most public of all public institutions in this country, is prohibited from disclosing information that this bill would require private entities to disclose. I ask you again: What possible justification is there for that?

Make no mistake, business will see this for what it is — a danger sign that Canada cannot be trusted to protect confidential commercial information. This bill today is about targeting labour organizations, but who will be next, colleagues? What precedent would we be setting? What message would we be sending to private sector entrepreneurs, here at home and around the world, about Canada as a secure place to set up a business? Is that really what we want to do?

• (1610)

So, colleagues, contracts between a labour organization or a labour trust and third parties must have their particulars disclosed — but even that, anathema as it is to our sense of a fair and free market economy, is not all. One of the amendments passed so quickly in the other place provided the following:

> For greater certainty, a disbursement referred to in any of the subparagraphs (3)(*b*)(viii) to (xx) includes a disbursement made through a third party or contractor.

Colleagues, this seemingly innocuous amendment in fact arguably opens up a huge swath of the bill's reporting obligations to the third parties or contractors themselves — not just about the contract with the labour organization or labour trust, but about the third party's or contractor's own activities.

For example, one very troubling obligation requires reports on certain persons' political activities. The people at issue are the same ones I listed earlier — officers, directors, trustees; employees earning more than $100,000; and that vaguely worded category of "persons in position of authority." As drafted, the bill asks for a statement of the percentage of time dedicated by each of these people on each of "political activities, lobbying activities and other non-labour relations activities."

Colleagues, nothing in this section specifies that the relevant issue is time during the workday. In other words, this bill requires disclosure, and posting on the Internet, of how certain individuals spend their personal time, including how much of that personal time is spent on political activities.

This horrified many of us on the committee and horrified witnesses who appeared before us, including the Privacy Commissioner of Canada. Canada is a free and democratic country. What possible colour of right do we have to require someone to report publicly, on the Internet, about any political activities they engage in during their free time? Is there any pursuit that is more sacrosanct in a free democracy than the right to keep one's political views and activities private? Yet this right is emphatically denied by Bill C-377, once again targeting anyone who rises to a position of authority in a labour organization or labour trust.

Why would we require someone to report publicly on their non-labour relations activities, including those activities outside of work hours? Cooking, cleaning the house, helping one's kids with homework, talking with a neighbour, going to a church or a synagogue or a mosque — these are all non-labour relations activities and, as the bill is drafted, would appear to require public disclosure and posting on the Internet.

That sounds ridiculous because it is ridiculous — but that's what the bill says.

I have said this before, but confidential information on the mandatory long-form census was deemed by the government to be an unacceptable intrusion into the privacy of Canadians, but public posting of how certain Canadians spend their free time is not?

Now, I am not sure this is what Mr. Hiebert had in mind when he drafted the bill, but that's what the bill appears to require. Let there be no doubt: Anyone who stands and votes to pass this bill in this form is saying that they support imposing those requirements on certain of their fellow Canadians.

This bill also requires a statement of disbursements on political activities. Colleagues, as the Canadian Bar Association pointed out, when the other place amended the bill, it inserted the word "aggregate" in a number of these paragraphs. By basic rules of statutory interpretation, that means that those paragraphs without the word "aggregate" require itemized disclosure of each and every disbursement. The requirement to publish disbursements on political activities conspicuously does not have the word "aggregate." So it requires itemized disclosure of each and every disbursement.

This brings me back to the amendment I quoted a moment ago, which requires disclosure — and again, on the Internet — of disbursements made through a third party or contractor. My colleague Senator Fraser asked Michael Mazzuca of the Canadian Bar Association about the implications of this. They used the example of people under contract to maintain a labour organization's photocopier. Mr. Mazzuca confirmed that the bill would not only require disclosure of the terms of the photocopy maintenance contract, assuming it was over $5,000 for the period

in question, but would also require public disclosure of the amount of time the photocopier technician — the third-party contractor — spends on political activities.

Multiply that by third-party contracts that the thousands of union locals across the country have, and you see what a monster this bill would be if it were unleashed.

By the way, "labour organization," as defined in the bill, is much broader than traditional labour unions. Here is the definition contained in the bill:

> "labour organization" includes a labour society and any organization formed for purposes which include the regulation of relations between employers and employees, and includes a duly organized group or federation, congress, labour council, joint council, conference, general committee or joint board of such organizations.

I repeat: "Any organization formed for purposes which include the regulation of relations between employers and employees . . . ." This would include many organizations that would not be considered to be traditional labour unions.

Doctors Nova Scotia is the professional association representing the majority of doctors in Nova Scotia. In fact, they are the oldest medical association in Canada. They filed a very compelling brief with the Legal and Constitutional Affairs Committee detailing how the definition of "labour organization" and the definition of "labour relations activities" combine to produce the very real possibility that Doctors Nova Scotia would be caught by the bill's reporting obligations — this despite the fact that their physician members are independent contractors and not employees.

I won't go through their analysis, but I commend their brief to you. Again, I think all of us would agree that this was never Mr. Hiebert's intent. But if we pass the bill without amendment, that is what we're agreeing to require. Doctors Nova Scotia correctly — indeed, it is an understatement — describe the reporting obligations of the bill as "onerous." They describe how complying "will require a complete overhaul of the financial reporting" of their organization. And they go on:

> To become compliant with the bill, DNS will have no choice but to shift valuable resources away from its health promotion mandates and into financial services — all because of a lack of clarity in Bill C-377 that has the potential to be interpreted overly broadly.

Is this what Canadians want their medical profession focused on in these times of budgetary constraints — not health care, but reporting details of contracts with photocopier companies and building maintenance companies?

In their brief, Doctors Nova Scotia also focused on the requirement in the bill that they provide an estimate of the time dedicated by each of their members to political activities, lobbying activities and other non-labour relations.

Colleagues, don't we want an engaged medical profession — where doctors feel free to share the benefit of their knowledge and experience to inform Canadians and policy-makers on what will improve their health and well-being? And, of course, Doctors Nova Scotia didn't even focus on the spider-like tentacles of the bill, requiring disclosure of disbursements on political activities by third parties and contractors with whom they deal.

There are many unintended and very problematic consequences of the bill as drafted, but in the interest of time I will focus on just one more: the provisions concerning labour trusts.

In brief, the reporting obligations of the bill don't apply only to labour organizations but also to labour trusts. Here is the definition of "labour trusts" as set out in the bill:

> "labour trust" means a trust or fund in which a labour organization has a legal, beneficial or financial interest or that is established or maintained in whole or in part for the benefit of a labour organization, its members or the persons it represents.

• (1620)

In other words, "labour trust" includes a fund that is established or maintained in whole or in part for the benefit of members of or persons represented by a labour organization.

A number of witnesses who testified and sent in submissions warned us of the implications of this definition. For example, this would impose a reporting obligation for retail mutual funds held in RRSPs, TFSAs or otherwise if even one person participating in the mutual fund is a member of a labour organization. Let me repeat that, because it is important: If even one person participating in a mutual fund, which could be in an RRSP or a TFSA, is a member of a labour organization, then the entire mutual fund becomes, by virtue of Bill C-377, a labour trust.

Of course, as I described earlier, the definition of "labour organization" is much broader than traditional labour unions. So identifying whether someone holding a share of a mutual fund is a member of a labour organization, you have to look much more broadly than just at traditional union members.

What does this mean? Let me read to you from the submission of the Canadian Life and Health Insurance Association, and this is consistent with what a number of financial institutions wrote to warn us:

> In effect, if any union member purchases units of a retail mutual fund, that entire mutual fund would fall into the definition of labour trust, with all of the attendant reporting and disclosure obligations then applying to all individuals who purchase units of that mutual fund, regardless of any personal labour organization affiliation.

In other words, colleagues, if we pass this bill without amendment, we will be requiring every Canadian who owns a share in a mutual fund — which could be an RRSP or a TFSA — to comply with all the public reporting obligations of Bill C-377, including posting all of their information on the Internet, if just one other member of that mutual fund is a member of a "labour organization," as defined in the bill, which could, as I've shown, include a doctor. How many millions of Canadians would be impacted by that?

Is this ridiculous enough for anyone yet? Is this what anyone contemplated would be unleashed by a private member's bill to provide for greater transparency and accountability for labour organizations? We're all aware of the serious concerns that Canadians are not saving enough for retirement. The government is now trying to increase the amount that Canadians can invest in TFSAs. Who will want to invest in a TFSA or an RRSP if to do so would mean their financial and other information could very well end up posted on the Internet? How can we responsibly pass this bill in its current form?

By the way, as the Privacy Commissioner made very clear when he testified, this disclosure would be made without the need for the fund to obtain any consent from the individuals whose information would be publicly disclosed. Under the Privacy Act, consent is required for the disclosure of personal information, but if we pass Bill C-377 without amendment, no such requirement would apply in this case.

Mr. Cameron Hunter, a consulting actuary with a specialty in labour and benefit plans, was so concerned about the scope of Bill C-377 that he contacted my office and then took time to testify about the bill. He told the committee that the bill would require the full scope of disclosure from a wide variety of plans that he's aware of, including trusts established to collect vacation pay, that provide legal services and possibly even ones that fund substance abuse programs. He said that he's aware of a non-profit housing program that may be subject to the disclosure requirements in this bill. Even the program Helmets to Hardhats, which provides careers in the construction trades for returning veterans, is a partnership among government, employers and building trades unions. That, too, could well fall within the "labour trust" definition.

Mr. Hunter pointed out that under the definitions, workers' compensation plans may be subject to the bill. As he described, the Ontario Workplace Safety Insurance Board, for example, is maintained at least in part for the benefit of union members and would therefore satisfy the definition of "labour trust."

He testified that none of these is currently covered by the amendments to the bill passed in the other place that tried to limit the scope of the labour trust issues.

One problem, as Mr. Hunter pointed out, is that the exemptions are worded as a shopping list, and there are many funds that would fall within the very broad "labour trust" definition but are not on the list. He told our committee, "In fact, given the wide array of arrangements available today, it may not be possible to develop a comprehensive list of exemptions."

Another problem is that, as drafted, the exemption applies only to labour trusts whose "activities and operations . . . are limited exclusively to the administration, management or investments" of the shopping list of funds. So any fund that also does one thing — only one thing — in addition to the items on the shopping list would fall outside the exemption. Given the way that our financial service world operates, that means that many funds would simply not qualify for the exemption.

As Mr. Hunter described, this poses a problem for master trust arrangements, in which multiple separate trusts are combined into one larger trust. Each trust may provide different types of benefits. If any one of those benefits is omitted from the exemption list, it would taint the whole master trust, and all the other benefits, health benefits, life insurance, et cetera, would be subject to the disclosure obligations of the bill.

Colleagues, let me emphasize that while Mr. Hunter was the only witness called by our Legal and Constitutional Affairs Committee to testify on the bill on this issue, he was far from the only voice raising these very serious concerns. I mentioned the Canadian Life and Health Insurance Association of Canada, who raised the alert on the scope of these provisions. The Investment Funds Institute of Canada also submitted a brief — indeed, more than one — to point out the very serious implications of the labour trusts provisions of the bill. They pointed out that, operationally, managers of public mutual funds have no practical way to determine whether any particular investor in a fund is a member of a labour organization, and, of course as I have demonstrated, that definition is so broad that it includes many who would not normally call themselves members of a union.

Let me read to you a brief excerpt from the Investment Funds Institute's most recent brief:

> Currently in Canada there are over 9,000 series of mutual funds, each of which could be considered a labour trust under the current definition and our plain interpretation described in this letter. Therefore each of these 9,000 fund series could be subject to this reporting requirement. This is a very significant and costly administrative burden to potentially place on this industry and ultimately all of the millions of security holders of these funds.

Colleagues, 9,000 mutual funds in Canada, and according to the Investment Funds Institute, every one of them could be caught by Bill C-377, and every Canadian who has invested in a Canadian mutual fund would also be caught.

And colleagues, don't forget that all of the provisions I mentioned earlier — the requirement to publicly disclose salaries, pension benefits, political activities, third-party contracts, and the political activities of those third parties — all these provisions apply to all entities that fall within the definition of "labour trust" as well. So for mutual funds, RRSPs, TFSAs, all those provisions will come into play.

This is nothing less than a nightmare that we are being asked to unleash on Canadians.

Think of the costs to our financial industry of trying to comply with this, as well as the cost to CRA of trying to ensure compliance. Even more, colleagues, think of the violation of the basic privacy rights that this bill would set in motion.

The Privacy Commissioner of Canada testified to express his serious concerns about the bill. Mr. Therrien was the second Privacy Commissioner of Canada to do this. His predecessor, Jennifer Stoddart, testified before our Banking Committee in 2013. She told the committee that the proposed naming of individuals under the bill "is a significant invasion of their privacy." She said, "I think I would have problems with this bill."

Mr. Therrien was, if anything, even more blunt. Senator Joyal asked him whether the bill, in his opinion, goes beyond what is acceptable in terms of privacy.

• (1630)

This was Mr. Therrien's reply:

> I think it goes too far. I think accountability is an important principle that perhaps justifies the disclosure of some information, for instance, the salaries of the highest paid union leaders, but it goes too far, I think, in requiring the disclosure of non-union activities, such as those that you mentioned, and political activities, lobbying activities. I think in that way it goes too far.

Colleagues, there will be some consequences to this invasion of privacy. Tom Stamatakis, the President of the Canadian Police Association, testified both before the Banking Committee in 2013 and before our Legal Committee recently. He spoke of his members' concern for their safety and security after disclosure of the information — with names attached — that would be required under Bill C-377.

He told the committee that most of the elected union officials in the Canadian Police Association are also police officers, and when they complete their service with their local association, they return to a policing career. They are deeply concerned about their names and other personal information being made public and posted on the Internet. There is no predicting how many of the people engaged in criminal activity or criminal organizations could use that information.

Colleagues, I will quote from his testimony before the Banking Committee, as the time constraints were such that the chair literally cut Mr. Stamatakis off in mid-sentence when he was making this point.

This is what he said to the Banking Committee in 2013:

> I will give you one good example. A person on my executive board in Vancouver is a sergeant in the Combined Forces Special Enforcement Unit in British Columbia. The sole function of that unit is to target organized crime groups, outlaw motorcycle gangs, and identify gangs engaged in serious criminal activity. Their main function is to surveil gang members and their activities with a view to successfully prosecuting them. Bill C-377 would put this individual in a situation where at the very least his name would be published. In this day and age with technology the way it is, it probably would not take much for someone to do something.

Colleagues, why would we do this? Why require disclosure that we know has a high likelihood of endangering the men and women who are working to keep us safe? They face danger enough in their jobs. Surely our job is to do our best to reduce the dangers they face, not to pass unnecessary laws that we know — we are told — will add to them.

As you see, colleagues, there are many problems with the bill that is before us. But beyond the problems there is the overarching issue of the bill's constitutionality, and whether Parliament has the power to pass the bill in the first place.

Mr. Hiebert testified that his goal in introducing Bill C-377 is to improve transparency for labour organizations. In his words, "the purpose of the bill is to gauge the effectiveness, accountability and health of these organizations."

Colleagues, let's be very clear. All of us are in favour of accountability and transparency. But ensuring that labour unions are transparent and accountable is something that is already regulated under labour laws, and except for a relatively few labour unions that are federally regulated, labour law under our Constitution is a matter of provincial jurisdiction. Simply put, we do not have the constitutional power to pass Bill C-377.

This is an issue on which our Banking Committee heard extensive testimony and that our Legal and Constitutional Affairs Committee examined as well. I think it is fair to say there were a large number of constitutional experts who were very clear in their view that, if passed, Bill C-377 will be found to be unconstitutional as being in violation of the division of powers. There was only one constitutional expert who testified in support of our power to pass the bill, and that was the former Supreme Court Justice Michel Bastarache.

Former Justice Bastarache is now a lawyer in private practice. He was open and transparent with the committee that Merit Canada is a client of his firm and had asked a partner in his firm for an opinion on the constitutionality of that bill. This assignment was given to former Justice Bastarache.

For anyone who doesn't know, Merit Canada is widely acknowledged to be a leading proponent of Bill C-377. Indeed, some believe that Merit Canada lobbied for the bill and may even have been involved in its preparation.

Former Justice Bastarache's position is that Bill C-377 amends the Income Tax Act and that act is within federal jurisdiction. He accepts the statement that the bill is to provide for transparency and public accountability with respect to tax benefits afforded to labour organizations.

In his words:

> I see no reason to question the substance of the act as being in relation to "the raising of money" under section 91(3) of the Constitution.

He acknowledged that labour organizations are affected by the bill but said that "the ancillary powers doctrine provides that as long as the bill is sufficiently integrated into the federal scheme, it is constitutional."

Justice Bastarache says he sees "no serious encroachment on provincial powers. The object of the bill is rationally and functionally related to tax."

Other constitutional experts who testified were considerably less sanguine about the bill's constitutionality. Bruce Ryder is a constitutional law professor at Osgoode Hall Law School. He has taught constitutional law at Osgoode since 1987, approaching 30 years. He appeared before the committee after former Justice Bastarache testified, so he had an opportunity to consider the former Justice's opinion before appearing.

Professor Ryder was very clear. He said:

> . . . it's quite clear that the law in pith and substance is in relation to promoting transparency and accountability for labour organizations, a matter that simply does not fall within Parliament's jurisdiction and is therefore ultra vires.

That is pretty strong.

With respect to Mr. Bastarache's reference to the ancillary powers document, this is what Professor Ryder said:

> . . . do the financial disclosure provisions proposed by Bill C-377 play an important and substantial role in furthering the objectives of the Income Tax Act? Are they rationally and functionally connected to the objectives of the Income Tax Act in the sense that they advance its current provisions?
>
> My answer to that is, again, it's quite clear that the bill does not have a connection to existing provisions of the Income Tax Act, does not have a close connection to its objectives and, therefore, will be declared to be of no force and effect by the courts.

He pointed out that nothing in Bill C-377 makes any connections between the obligations under the bill and the tax status of labour organizations, or the tax consequences of the activities of or membership in labour organizations.

He addressed the argument raised by proponents of the bill that the proposed treatment of labour organizations is really no different than that of charities and athletic associations under the Income Tax Act. He pointed out that the Income Tax Act treatment of charities and athletic associations ties that treatment to their status as tax exempt organizations. By contrast, there is nothing comparable with respect to labour organizations.

Labour organizations, at least provincial ones, are created under provincial labour laws. Those provincial laws control whether or not they continue as a labour organization. The Income Tax Act has no power to create a labour organization, nor to deny its status, and nothing in Bill C-377 would change that.

In Professor Ryder's words:

> No tax consequences follow for breach of the disclosure set out in Bill C-377. That's why I argue in my brief that the analogy to the tax treatment of charitable organizations and athletic associations, and the disclosure requirements placed on them, is completely specious once you pay attention to the detailed provisions of the Income Tax Act that are relevant.

Senator Dagenais asked Professor Ryder about former Justice Bastarache's opinion and here is what Professor Ryder said:

> Clearly there's a disagreement between me and other constitutional scholars, who have expressed the same opinion as I have, and former Justice Bastarache. I would sum it up that Justice Bastarache and Mr. Hiebert believe it is sufficient to bring Bill C-377 within Parliament's jurisdiction to make laws in relation to taxation because labour organizations receive public benefits in the form of tax exempt status and the deductibility of union dues. It's sufficient to require extensive financial disclosure simply because they receive public benefits; that is enough to bring it within the taxation realm of Parliament.
>
> Frankly, I think that's a weak connection to income tax law. If that were the case, we could have massive disclosure requirements for just about every institution in the country, because there are so many that receive some form of significant tax benefit.
>
> In my view — and I think it's the view of the other constitutional scholars who have provided briefs during this bill's journey through Parliament — there needs to be a closer connection to the tax treatment of labour organizations or the tax consequences of transactions involving labour organizations for this to be a valid exercise of Parliament's taxation power.

• (1640)

Colleagues, think how dangerous a precedent we'd be setting if we claimed the right to regulate any industry or any person simply because they get a tax deduction or other benefit under the Income Tax Act. That would, in effect, erase the dividing line between areas of provincial jurisdiction and federal jurisdiction. We could override provincial governments simply by asserting our power under the Income Tax Act, because there is not a single organization or individual that doesn't benefit in some way from deductions under the Income Tax Act.

Eight out of 10 provinces have already legislated the disclosure that they believe is appropriate to demand of labour organizations. The testimony was very clear that this bill has been put forward because the proponents don't believe that the provinces have gone far enough. They disagree with the provincial choices.

Senator Runciman was very clear about this when he spoke at second reading. He doesn't like the laws in Ontario governing unions' involvement in provincial elections. Now, he himself was a minister in the Ontario government for eight years, and he had the opportunity then to bring in a law to remedy what he sees as a gap. His government, having been defeated — and repeatedly so in later elections — he understandably doesn't agree with the legislative choices of the elected Liberal government.

But that is no ground for him or us as federal legislators to use our position in the federal Parliament to pass laws that we wish provincial governments would pass — or, in his case, that he wishes the Ontario government would pass.

We have a constitution that divides legislative powers. On this matter, and with the greatest respect to former Justice Bastarache, the authorities are overwhelmingly consistent that Parliament has no constitutional authority to pass Bill C-377.

Paul Cavalluzzo is a constitutional and labour lawyer. He pointed out that the federal power over taxation is found in subsection 91(3) of the Constitution Act, and that section talks about raising money. To be exact, it gives Parliament the power to legislate on "The raising of Money by any Mode or System of Taxation."

Bill C-377 has nothing to do with the raising of money, by taxation or anything else. What it has to do with is regulating disclosure by trade unions, and that is labour relations law, which, except for the very few employees under federal jurisdiction, is a matter of provincial jurisdiction.

Our Banking Committee heard the same opinion from a number of other constitutional experts: Professor Alain Barré, Professor Henri Brun and Professor Robin Elliot all agree that Bill C-377, if it were to pass into law, would be found to be unconstitutional — in the words of Professor Barré, "totally unconstitutional."

Colleagues, I have the greatest of respect for former Justice Bastarache. But as we know, most recently from the experience of the unfortunate attempt to appoint Justice Nadon to the Supreme Court, sometimes former Supreme Court justices can be wrong. Given the overwhelming weight of the evidence brought before our Senate committees, I have concluded that is likely one such case.

Several witnesses, including Mr. Cavalluzzo and the Canadian Bar Association, also raised serious Charter issues with Bill C-377. They told our committee that the bill has serious problems, in particular with respect to the freedom of expression under subsection 2(*b*) of the Charter and the freedom of association under subsection 2(*d*).

Mr. Therrien, the Privacy Commissioner of Canada, expressed his view that Bill C-377 could be challenged under the Charter. He spoke of sections 7 and 8, which are generally relevant to privacy protection, and added that freedom of expression and freedom of association could also potentially be invoked by unions or others.

Once again, former Justice Bastarache did not share these concerns. This is what he said:

> With regard to the right of association, I see no problem. One must understand the limits of that right and distinguish what is constitutionally protected and what depends on legislation.
>
> The right of association is a procedural right, and it does not protect activities. It protects the ability to unite, to make representations and to receive an answer in good faith. The Supreme Court ruled on this in *Dunmore* and *Health Services* and in *Fraser*.

Colleagues, this is a very surprising opinion from Justice Bastarache. Those are certainly important cases in the history of the evolution of freedom of association — and, by the way, it is a freedom, not a right, contrary to what Justice Bastarache said.

But *Dunmore* was decided in 2001. *Health Services* was decided in 2007, and *Fraser* in 2011. Former Justice Bastarache notably omitted any references to the seminal decisions issued just a few months ago, in January 2015 by the Supreme Court, in which the Supreme Court did an extensive review of the nature and interpretation of the Charter's freedom of association. Those decisions significantly and profoundly expanded the scope of protection afforded by the freedom of association. Far from describing it as a "procedural right," the court held that the freedom of association under subsection 2(*d*) must be given, in the words of the court, "a purposive, generous and contextual approach." Indeed, the court took the opportunity to expressly overturn an earlier decision on the freedom of association that took a narrower approach — and that earlier decision was written by former Justice Bastarache.

As I said, I have the greatest respect for former Justice Bastarache, but in this case, I must reluctantly and regretfully conclude that, at best, his opinion is a dissenting view.

The overwhelming evidence before the Senate indicates there is a very real likelihood that Bill C-377 would be found to be unconstitutional, certainly on the division of powers and very possibly under the Charter. And as Senators Andreychuk and Frum have pointed out in another context, constitutionality is a very serious issue. To quote Senator Frum: "Why, then, should we be passing a bill, parts of which would in all likelihood be found to be unconstitutional? I believe we should not."

But, colleagues, whatever your view of the Senate's role in assessing the constitutionality of a bill, I think all of us would agree that the Senate has an obligation to take very seriously the position of the provinces on a given issue.

Six provinces have written to say they do not support Bill C-377. Three provincial ministers of labour appeared, expressing their governments' strong opposition to the bill.

This is not a partisan issue. These representations were made by governments of all stripes. In several cases, governments were replaced between the representations made in 2013 and now, and the new government reiterated the position of the old. That's certainly the case in my province of Nova Scotia.

In other words, there's strong agreement on these issues: Bill C-377 is bad public policy; it would have negative impacts on the labour relations and economy of the provinces in question; and it deals with a matter of provincial jurisdiction.

Only one province expressed a contrary view. That was two years ago, in late June 2013, when the British Columbia government wrote to Senator LeBreton, then the Leader of the Government in the Senate, and sent a copy to me. Interestingly, that letter expressed what can best be described as lukewarm

support, stating that the government supports, and I quote, "the principles behind Bill C-377," namely, that unions "should be more transparent and accountable for their spending decisions."

But it is more than interesting that, while expressing support for this theoretical principle, the Government of British Columbia has taken absolutely no legislative initiatives on its own to amend its own labour laws to ensure greater transparency for the unions it regulates — hence my description of their support as being "lukewarm."

• (1650)

Colleagues, everyone agrees with the importance of transparency and accountability. The problem is with the way in which Bill C-377 seeks to achieve those objectives.

The Honourable Kelly Regan, Minister of Labour and Advanced Education in my province of Nova Scotia, testified before our Legal and Constitutional Affairs Committee. She expressed her government's concern that Bill C-377 "interferes with provincial jurisdiction over labour law, which may have unintended consequences on labour management relations."

She said:

> The Province of Nova Scotia is concerned about the one-sided nature of this legislation, that it requires only one of the parties on the labour scene to disclose very detailed information that could be used against them. We'd like to see issues around basic fairness addressed.
>
> The Province of Nova Scotia already has provisions that require unions to provide financial information to their members. Provisions in the Trade Unions Act allow union members to access copies of all financial statements, free of charge. There have been no complaints over the past five years about this provision.

Minister Regan concluded her opening statement as follows:

> Others have suggested at these hearings that this is simply a tax bill and that there's no infringement on provincial jurisdiction. I respect that the federal government has the power to order tax audits and do what it needs to do to ensure proper compliance with the Income Tax Act, but the provisions around public disclosure create an unintended consequence that will mean unions will not be operating on a level playing field.
>
> . . . governments all across Canada are doing what they can to eliminate regulatory duplication and red tape. Nova Scotia, for example, has just signed an agreement with New Brunswick to advance this effort. It's hard to understand why the federal government would enter into this area of provincial jurisdiction. It is an intrusion and will no doubt result in a court challenge.

That's what Minister Regan had to say to our committee.

Colleagues, when a provincial minister of the Crown states that a proposed federal law is an intrusion on provincial jurisdiction and "will no doubt result in a court challenge," we need to take that seriously.

Of course, the Nova Scotia government is not alone in opposing Bill C-377. The governments of Ontario and Manitoba each had their minister of labour testify.

The Honourable Kevin Flynn, Minister of Labour for the Government of Ontario, asked the Senate to reject Bill C-377, citing five reasons. First, the bill is unnecessary, as the Ontario legislature — like nearly every other provincial legislature in the country — already requires financial disclosure from unions to their members, as each of these provinces has decided is appropriate.

Second, the bill's disclosure obligations "would create an unnecessary burden and increase costs to ordinary union members."

Third, the bill raises serious privacy concerns.

Fourth, the bill risks destabilizing labour relations in Ontario by "unfairly attacking one side and damaging that delicate balance between employers and unions."

Finally — and this was Ontario's paramount consideration — is the bill's constitutionality. In the words of the minister, if passed the bill "would have the federal government overstepping its constitutional bounds and stepping into the area of provincial jurisdiction."

Similar views were expressed by the governments of Manitoba, New Brunswick, Prince Edward Island and Quebec. The duly elected governments of six provinces have spoken to express their opposition to our passing Bill C-377. These governments together represent fully 70 per cent of the Canadian population. Not a single provincial government has urged us to pass Bill C-377, not even the former Alberta Conservative government.

Colleagues, we all know that one of the founding roles of the Senate was to protect and defend regional and provincial interests. If we do not stand firmly by all these provinces that have reached out to us, asking us not to pass Bill C-377, then what are we doing? Whose interests are we here to protect? Merit wants this bill. Six provincial governments do not. Are we seriously considering giving Merit what it wants, while telling six provinces representing 70 per cent of Canada's population that their views are interesting but irrelevant?

Bill C-377 is, quite simply, a bad bill. Moreover, I believe that we would be exceeding our constitutional power were we to pass it.

In 2013, this chamber came together in bi-partisan consensus and voted significant amendments to Bill C-377. We gave our best advice to the elected members of the other place as to how we believed Bill C-377 should be addressed. The other place, due to unusual circumstances of timing, never had an opportunity to consider that advice.

The bill has not changed. The concerns we shared then are just as valid today.

Prime Minister Harper has not appointed any new senators to this chamber, so there is no one here today who was not here then. Accordingly, I had intended to ask in these remarks that we join together again and pass the same amendment that we passed two years ago — that we give the elected members the opportunity they never received two years ago to consider our advice and benefit from the extensive testimony we heard that was not heard by their members.

However, in view of Senator Bellemare's excellent amendment, which I fully support, I intend instead to propose a subamendment to subsection 149.01(6). If Senator Bellemare's amendment is defeated, which I hope it is not, and we return to third reading debate on Bill C-377, at that time I anticipate moving the amendment that I originally planned to put forward so that, as a chamber, we can provide to the other place the opportunity they never had to consider our amendment from 2013. That's for later in the unlikely event that we do not accept Senator Bellemare's most reasonable amendment.

My subamendment relates to the extraordinary scope of the disclosure that Bill C-377 requires of so-called labour trusts. Senator Bellemare's amendment would help with respect to the constitutional division of powers, but there would remain the question of the bill, including a whole range of plans and investment instruments that were never intended to be caught by the disclosure requirements of the bill.

Members of the other place recognized this and tried to limit the application of the bill by including paragraph 6*(b)*, exempting from the bill a number of such plans. However, as I described earlier, the amendments were never debated, so no one was ever able to point out that by including the word "exclusively," the amendment failed to achieve its purpose. My subamendment would remedy that, removing the word "exclusively."

MOTION IN AMENDMENT

Hon. James S. Cowan (Leader of the Opposition): Accordingly, I now move:

> That the motion in amendment be not now adopted but that it be amended as follows:
>
> (*a*) by deleting the word ''and'' at the end of paragraph (*a*) of the amendment;
>
> (*b*) by adding the following new paragraph (*b*) to the amendment:
>
> "(*b*) by replacing line 36 with the following:
>
> 'of which are limited to the'; and"; and
>
> (*c*) by changing the designation of current paragraph (*b*) to paragraph (*c*).

The Hon. the Speaker *pro tempore***:** Senator Cowan, would you accept a couple of questions?

Senator Cowan: Of course.

[*Translation*]

Hon. Jean-Guy Dagenais: My first question is the following. I listened carefully to your very interesting speech.

I produced the financial statements for my union for eight years, and these statements covered several funds. There was a general fund that was used for all of the union's operating expenses, and there were also life insurance and health insurance funds.

Moreover, there was a group RRSP fund in which each police officer who belonged to the union could invest. Correct me if I'm wrong, but you said that this would include the names of union members and the amount they contributed. In the provincial police's group RRSP at the time, there was about $200 million invested. We had a trustee who submitted financial statements that detailed the amounts invested, but these statements never included details on the contributors or the amounts they had contributed. You mentioned the TFSA and I'll let you respond.

• (1700)

Before I finish up, however, you mentioned my friend, the president of the Canadian Police Association, Tom Stamatakis, who suggested that one of his vice-presidents was or could have been unsafe because his name might appear in the financial statements. I would like to point out that most police unions have a website that posts the names of the directors along with a photo. I suggested to Mr. Stamatakis that he take that information off the website before talking about people being unsafe.

I will let you respond to my comments on plan members and the amounts of their investments, but I just want to mention that financial statements for group RRSPs and TFSAs include the names of companies where the money is invested, but not the names of the investors. I will let you respond to that.

[*English*]

Senator Cowan: All I'm saying is that under this bill, if we were to pass it, all of that information would have to be publicly disclosed; and I see no reason for that. I see no public purpose in requiring that level of disclosure.

With respect to Mr. Stamatakis, it's unfortunate that perhaps you didn't have an opportunity, although you were at that committee, to ask him that question. I was simply reporting the concerns that he expressed to the committee. I can't speak to whether they're accurate. Certainly, as you know, he appeared twice, once before our Banking Committee and once before our Legal Affairs Committee, where he expressed exactly the same concern two years apart. Whether it's justified, I suggest you take that up with him.

[*Translation*]

Senator Dagenais: Thank you, senator. With your permission, Madam Speaker, I would like to ask another question. You mentioned the privacy and freedom that unions enjoy with respect to their dues and their political activities. I find that surprising. I understand unions wanting to keep their political activities private, but when we read in the papers — including Quebec papers — that the FTQ and the CSN are planning to participate in an anti-Conservative campaign, I don't see what's so private about that, particularly since they have decided to run a political campaign. I'm not sure they talked to their members about that. It's public. Union leaders and even dock workers have publicly announced to their members in the papers that they would campaign against the Conservative government. I would like to hear your opinion on that notion of privacy and freedom.

[*English*]

Senator Cowan: I certainly wouldn't discourage anybody from campaigning against the Conservative government. I plan to do it myself.

Seriously, Senator Dagenais, if there are problems in Quebec with members and officials of unions and with their funds being used in an inappropriate way, then that's a responsibility for the National Assembly of Quebec to deal with. I would suggest that if you have these concerns, they should be expressed to your colleagues in Quebec City. The National Assembly of Quebec is in a position to amend its labour relations laws to prohibit unions from becoming involved in political campaigns and donating to political parties, if that's what they wish to do. I'm sorry I'm not familiar with the donation regime in Quebec. In my province, unions are not permitted to engage directly in political activities or to use union funds to engage in campaigns. If there are activities like third-party advertising and that sort of thing that need to be constrained or restrained in some way, then the appropriate vehicle to use is provincial legislation.

What we have here goes beyond that to requiring the categories of individuals who have been identified, caught within the definition — I'm not suggesting this was the intent of Mr. Hiebert, but the broad way in which the bill and the definitions are drafted is such that people who fall into those categories would be required to report on the activities they undertake in their private off-time. All of us, whether we work for unions or the government or anybody else, are entitled to spend our free time the way we want to spend it. If we want to engage in political activities, support political parties, not running for them but supporting them, we're entitled to do that in our free time. We can't do it on company or union time, but surely we should be able to spend our free time as we choose to spend it, without a detailed report filed on the Internet.

The problem is the unreasonable extent to which this has gone that would require all kinds of information that I'm sure you and I would agree would be completely inappropriate to have posted on the Internet. But with the way the bill is drafted, with its lack of vetting and expertise, perhaps, there are so many unintended consequences that I think it deserves a rejection on our part or, at the very least, an amendment.

Hon. Bob Runciman: Would Senator Cowan accept another question?

Senator Cowan: Of course.

Senator Runciman: Perhaps I'm getting too sensitive in my old age, but you seemed to imply, Senator Cowan, that as the chair of Legal I showed bias with respect to the treatment of witnesses. You mentioned on two occasions that I cut them off in mid-sentence. I don't see committee hearings as a way to provide a soapbox for anyone. All witnesses know the timelines, and I make every effort to treat all witnesses, pro and con, fairly and in the same manner. I just wanted that on the record, Your Honour.

I have a question: One of your themes, I think in your comments, was inadequate consideration of this proposed legislation. I just want to put on the record that 72 witnesses appeared before the Banking and Legal committees on the same piece of legislation; 21 hours of committee hearings; almost 14 hours of debate at second and third readings last session and this session; and that's just so far, as we continue that debate.

Can you advise the chamber of any other private member's bill that has received that much scrutiny?

Senator Cowan: First, Senator Runciman, I certainly did not intend in any way to impugn your fairness as the chair of Legal. I've had the good fortune to be there on a number of occasions. You're scrupulously fair in the enforcement of time limits. It didn't matter who was speaking, when the time came to an end, the microphone was shut off. I certainly didn't say and I don't intend to say anything like that. My complaint was more that so many witnesses were crammed into the limited time available, which meant you had to do what you did. I meant no more than that.

My problem is not with the aggregate number of witnesses heard and the number of days devoted to this bill, in both Banking and Legal. It's not that. My problem is that, for whatever reason, I'm afraid the chamber is about to disregard what I consider and what I tried to outline in my speech to be the overwhelming preponderance of evidence, particularly with respect to the constitutionality of it. I had hoped that the bill would never appear again, but when it did and was sent to the Legal Committee, which was an excellent choice, I expected to hear, "All right it's the same bill. We're not dealing with a different bill." It was extensively considered in 2013. We had a strong, unanimous report from the committee.

I would think that we would want to say now, "Well, two years have gone by. What's changed?" We would want to invite those folks back not so much to say, "Please give the same testimony you gave us in 2013," but to say that we heard their testimony in 2013, and this is the conclusion we reached. "Have you changed your mind? Has anything happened in the interim that would change your opinion?" That was my objection to it — not that there was any need to have all of those people appear again to say the same thing that they said in 2013.

• (1710)

I would have thought we would be interested to see whether any of those who appeared in 2013 held a different view in 2015 than they did then, and if so, why. That was the aim of my comment. I certainly can't think of a bill in my time that's received more extensive consideration. My problem is not the length of the consideration and the number of witnesses. My fear, which I hope is unjustified, is that the majority in this chamber are about to disregard all of that good evidence that was heard both by Banking and by your committee. That's my concern.

(On motion of Senator Ringuette, debate adjourned.)

REFORM BILL, 2014

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Tannas, seconded by the Honourable Senator Oh, for the third reading of Bill C-586, An Act to amend the Canada Elections Act and the Parliament of Canada Act (candidacy and caucus reforms).

Hon. Donald Neil Plett: Honourable senators, I rise today to speak to Bill C-586. As someone who has worked in politics for most of my life, certainly all of my adult life, starting at the age of 15, I support any initiative which seeks to improve the democratic process. I respect Michael Chong and support much of what he stands for. However, Mr. Chong has presented to us a bill, under the guise of democratic reform, which I believe to be a hindrance to the democratic process.

My primary concern with the legislation is in regard to section 49.5, subsections (1) through (4), which would set out a new process for a party leadership review and the expulsion of a party leader. In Canada, we have a long-standing tradition of allowing a party's membership to choose and dismiss their leader.

When I was the president of the Conservative Party of Canada, we brought in the one-member, one-vote system, with a point system assigned to each electoral district to ensure regional balance. All other federal parties and some provincial parties have since brought in some form of the one-member, one-vote system to elect their respective leaders. Canada's political parties have put trust in their membership to select and deselect their leaders.

We have intentionally moved away from the delegated leadership votes where sitting members often controlled all the delegates. As you are aware, under Bill C-586 a leader chosen by tens of thousands of members can be expelled at the whim of a small group of disgruntled caucus members who are unhappy that they didn't get a cabinet post or a committee chair.

While Mr. Chong is attempting to sell this bill as democratic reform in an attempt to rebalance the power in caucus, in reality it gives members of Parliament power at the expense of the party membership. This would often force a leader to campaign within his or her own caucus.

Let's take the example of Liberal leader Justin Trudeau. He was elected by 81,000 Liberal Party supporters. Under Bill C-586, with a caucus of only 36 members of Parliament, eight members could spark a leadership review and 19 members could expel him as leader. That is 19 people overturning the wishes of 81,000.

Supporters of the legislation have suggested that it is unlikely that there would be such a large disparity between the support of the membership and the support from caucus. I need only remind my honourable colleagues of the "Martinites" versus the "Chrétienites," or Greg Selinger's "famous five" in Manitoba or a similar caucus revolt in Alberta with Alison Redford, all of which occurred after these leaders had won strong mandates to govern.

Let's also look at the recent example of Patrick Brown, the newly elected leader of the PC Party of Ontario. A membership of over 76,000 voted to elect Patrick as their new leader, where he won by a large margin. Of the 28 caucus members in the PC Party of Ontario, 23 did not support Patrick Brown. These caucus members would have the ability to overturn the votes and the tireless efforts of thousands of PC members. Colleagues, this is an insult to the grassroots.

Some supporters of the bill, including the sponsor himself, have suggested that we elect members of Parliament to act as our voice on party matters. However, we do not elect members of Parliament to choose our party leaders, nor to make any party decisions on our behalf. We elect them to represent the constituents of an electoral district in Parliament.

Michael Chong was elected to represent the fine folks of Wellington—Halton Hills, not to represent the members of the Conservative Party of Canada. What if you are a member of the Liberal Party in a Conservative riding or a member of the Conservative Party in an NDP riding? By this logic, with your member of Parliament acting as your voice on parliamentary business, you would be completely unrepresented in a leadership deselection process. We have to keep in mind that when we remove a party leader, which could be a sitting prime minister, we are not only dismissing the will of thousands of party members but potentially the will of millions of Canadian voters.

For example, statistics show, and we've done this over and over again, 50 per cent of all voters who cast their ballots in any given riding, in any given election, vote for party leaders; 40 per cent vote for the party; and only between 8 and 10 per cent vote for the candidate of their choice.

So in Michael Chong's case, of the 35,000 constituents who cast a ballot for Michael Chong, an estimated 18,000 voted for Stephen Harper; 14,000 voted for the Conservative Party of Canada; and only about 3,000 voted for Michael Chong himself.

Many of us will recall the last federal election, when Jack Layton's "orange crush" took hold of Quebec and NDP candidates were elected after never having stepped foot in their ridings, campaigning in Las Vegas. These individuals, who were absolute unknowns in their communities, would have had the right to overthrow Jack Layton without any consideration given to the membership.

Furthermore, it is very rare to see a candidate who crosses the floor be re-elected, and it is even rarer when an individual becomes an independent. We can look at the defeat of Jack Horner a number of years ago in Alberta, losing his seat after crossing the floor from the PC Party to the Liberals; Garth Turner in the riding of Halton, when he went from Conservative to Liberal and lost to newcomer Lisa Raitt; or Helena Guergis, going from Conservative to independent and losing to Kellie Leitch; or indeed the upcoming defeat of Eve Adams.

The point I am making, colleagues, is that most members of Parliament were elected because of who their leader is, and the wishes of a few disgruntled members of Parliament should not trump the wishes of the electorate.

Furthermore, this has major implications for entire regions of the country that would be left out in the process if Bill C-586 were to pass. As Senator Wells stated in a recent op-ed:

> . . . under this bill many provinces and territories would be left of out the process of de-selection. My province of Newfoundland and Labrador has no Conservative members of the House of Commons, therefore there would be no voice from my province over whether a party leader — in this case a sitting prime minister — would be dismissed from the position.
>
> The people of Alberta, where there are no Liberal members of the House of Commons, would have no voice either. The territories, with only one member each, would be virtually ignored.

• (1720)

Again, colleagues, this is as far away from grassroots as we can get.

Furthermore, Mr. Chong is attempting to write party business into Canadian statute. Mr. Chong knows very well that this is party business. That is why he tried to get this policy passed at three separate Conservative Party of Canada conventions and failed every time. The Conservative Party has spoken, and clearly they do not want to lose their rights as paying members. I would venture to guess that the membership of the other parties would feel similarly slighted if they knew their right to select and/or dismiss their leader was being compromised.

Now Mr. Chong is trying another avenue and, in my opinion, an inappropriate one. Throughout our deliberation of this legislation, I find it most offensive that Mr. Chong has actually stated that the Senate should rubber-stamp this legislation, invoking the Constitution as a basis for his claim. He states that section 18 of the Constitution Act enshrines the principle that each of the two chambers in our bicameral Parliament is independent of the other with respect to its own affairs, including the affairs of its caucuses.

First of all, caucus is not enshrined anywhere in Canadian statute. With this legislation, Mr. Chong is actually trying to define "caucus" for the first time in Canadian law. The term "caucus" is a party concept and is not recognized in any constitutional capacity.

[Senator Plett]

Secondly, privileges, immunities and powers of this chamber are in fact independent of the privilege, immunities and powers exercised in the other place. However, changes to the rules and procedures of the other place do not occur through legislative amendment but through a motion. The Senate would have no place interfering in motions being deliberated in the other chamber and vice versa. However, colleagues, this is not a motion. This is legislation; this is public policy. This does not simply affect the proceedings of the chamber; it affects Canadians, both party members and the electorate.

As such, it is not only appropriate that we thoroughly examine this legislation, but it is our constitutional obligation to do so. One Conservative colleague said this: "I believe in a measured and appropriate application of the Senate's constitutional duty of sober second thought."

Colleagues, that quote was from Michael Chong when he was actively encouraging me and other senators to defeat Bill C-290, the sports betting bill. Liberal strategist Rob Silver recently tweeted, "'I want the senate to kill bills I disagree with but it's a democratic atrocity if they kill MY bill' is not a compelling argument."

Colleagues, the balance of power in a democratic electoral system is an honourable goal to strive for, but this legislation does not accomplish that. This bill attempts to rebalance caucus and give backbench members of Parliament increased power at the expense of the grassroots party membership, and in fact at the expense of the electorate. In my view, this approach is an affront to democracy, and I call upon my Senate colleagues to fulfill their constitutional role and give this poorly thought-out legislation the sober second thought it requires.

In closing, senators, I do believe that it is our democratic responsibility and obligation to bring all legislation that has been studied at committee and brought back to this chamber to a vote in this chamber before we rise.

Hon. Percy Mockler: Would the honourable Deputy Leader of the Opposition permit me to ask a few questions before we adjourn?

The Hon. the Speaker *pro tempore***:** Senator Plett, would you accept a few questions?

Senator Plett: Certainly.

Senator Mockler: Thank you.

I'll share with you that my first meeting in public life was in 1967, when I met the Premier of New Brunswick, Louis Robichaud.

[*Translation*]

Let's remember the leadership of Premier Robichaud, who wanted to strengthen those regions so that everyone could participate in democracy.

[*English*]

I want to share also with you that when I was elected in 1982 — and my colleague Senator Wallace made reference to it in his speech — in the turbulent years of 1986 and 1987 in New Brunswick — and I don't want to reminisce, but we do remember the challenges that we had in 1986 and 1987 with the premier of the day, for whom I still have a lot of respect. He's not here now, but he knows where Percy stood. I've seen in my experience in politics that sometimes we do not have MPs or sitting MLAs on either side of the house; other times we do.

When I look at Mr. Chong's bill, Bill C-586 — I have quite a few questions. I'll tell you what I've done in this exercise: Even on the weekend at home I talked to some of the volunteers and the membership that worked on our seven elections in New Brunswick, and I was always forceful to say that I will defend the people of my community, or communities, within the context of the Legislative Assembly of New Brunswick, and here, too, for the minority side of New Brunswick.

My question to you, with your experience, Senator Plett, is this: If this bill passes, what mechanism do we have in place to permit a riding that does not have a sitting MP to be heard?

The Hon. the Speaker *pro tempore***:** Senator Plett, before you answer this question, your time is almost up. Do you require five more minutes?

Senator Plett: No. I need to leave. I will answer this question quickly.

Senator Campbell: I have a question.

Some Hon. Senators: Oh, oh!

Senator Plett: No, Senator Mockler, if this bill passes the way it is, we have very little chance of having people in Newfoundland and Labrador have a say in the selection of a Conservative leader.

The Hon. the Speaker *pro tempore***:** Thank you, Senator Plett.

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

• (1730)

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON INTERNATIONAL MECHANISMS TOWARD IMPROVING COOPERATION IN THE SETTLEMENT OF CROSS-BORDER FAMILY DISPUTES—TWELFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on Human Rights (budget—study on the Hague Abductions Convention—power to hire staff), presented in the Senate on June 11, 2015.

Hon. Mobina S. B. Jaffer moved the adoption of the report.

She said: Honourable senators, the committee has asked for $1,000. We have asked for this money because, in order to present a report with proper graphic design, we understood that we would need some additional resources to make this report easily available and readable.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

FIFTH REPORT OF COMMITTEE—MOTIONS IN AMENDMENT AND SUBAMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator White, seconded by the Honourable Senator Frum, for the adoption of the fifth report of the Standing Committee on Rules, Procedures and the Rights of Parliament (amendments to the *Rules of the Senate*), presented in the Senate on June 11, 2014;

And on the motion in amendment of the Honourable Senator Cowan, seconded by the Honourable Senator Fraser, that the report not now be adopted, but that it be amended by:

1. Replacing paragraph 1.(j) with the following:

   "That an item of Other Business that is not a Commons Public Bill be not further adjourned; or";

2. Replacing the main heading before new rule 6-13 with the following:

   "Terminating Debate on an Item of Other Business that is not a Commons Public Bill";

3. Replacing the sub heading before new rule 6-13 with the following:

   "Notice of motion that item of Other Business that is not a Commons Public Bill be not further adjourned";

4. In paragraph 2.6-13 (1), adding immediately following the words "Other Business", the words "that is not a Commons Public Bill";

5. In the first clause of Paragraph 2.6-13 (3), adding immediately following the words "Other Business", the words "that is not a Commons Public Bill";

6. In the first clause of paragraph 2.6-13 (5), adding immediately following the words "Other Business", the words "that is not a Commons Public Bill"

7. In paragraph 2.6-13 (7) (c), adding immediately following the words "Other Business" the words "that is not a Commons Public Bill";

8. And replacing the last line of paragraph 2.6-13(7) with the following:

"This process shall continue until the conclusion of debate on the item of Other Business that is not a Commons Public Bill".

And on the subamendment of the Honourable Senator Mitchell, seconded by the Honourable Senator Day, that the amendment be not now adopted but that it be amended by adding immediately after paragraph 8 the following:

9. And that the rule changes contained in this report take effect from the date that the Senate begins regularly to provide live audio-visual broadcasting of its daily proceedings.

Hon. Stephen Greene: Honourable senators, the time is almost up for this item. I would like to adjourn the debate for the balance of my time.

(On motion of Senator Greene, debate adjourned.)

TRINITY WESTERN UNIVERSITY

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak on Senator Plett's inquiry on Trinity Western University's proposed law school. As a British Columbian senator and also the only member of the Law Society of British Columbia in the Senate, I feel compelled to speak on this motion.

I want to thank Senator Plett for introducing this motion. So far, Senator Doyle, Senator Runciman and Senator Meredith have spoken in favour of and supported Senator Plett's motion.

Honourable senators, human rights should be ever-growing like trees. As we learn about and appreciate each other's differences and become more tolerant of what makes us all unique, we should grow as a society and transform our roots into branches and branches into leaves, representing the diverse and multicultural society that is the face of Canada today. I also believe we should not, however, be an accordion-like society that expands and compresses when needed to produce the sound that it desires. We should be like ever-growing trees.

I support and will always support the right of communities to have religious schools and universities in our country. I believe they have a vital role in helping develop the values of our children.

Honourable senators, I have two children, Azool and Farzana. They both attended Catholic schools. Azool attended St. Patrick's and St. Thomas Aquinas, and my daughter Farzana attended St. Thomas Aquinas. In Uganda, my dad was very instrumental in helping build Catholic schools.

As you all are aware, it is very difficult to obtain a place in a Catholic school in Vancouver, especially if you are not of Catholic faith. As such, my husband Nuralla and I had an uphill battle to have our children attend Catholic schools.

On the day of my daughter's interview with the principal of St. Thomas Aquinas, she surprised me with her responses to his questions. The principal asked her whether she was being forced to attend St. Thomas Aquinas and she responded, "My parents like the values you teach, and I would like to learn all about the Catholic faith and Christianity, as I live in a predominantly Christian country." Happily, she attained a place at St. Thomas Aquinas.

Farzana was such a good student in religion class that in her final years of high school, she was in the advanced religious Catholic class, a class where girls were aspiring to become nuns. In fact, one of her very good friends from that class became a nun.

One day I asked her why she decided to take advanced Catholic religion, and she responded, "Mum, Catholics have the same values as we do and a lot of their rituals are like ours. I learn almost the same things on Saturday at our religious classes as I learn in school."

Honourable senators, if we took the time to understand each other's faith, we would be richer. Religion does not divide us; our ignorance of each other's faith divides us, as I learned from my amazing daughter Farzana.

As a parent and a mother, I subscribe to and support religious institutions. As a lawyer from British Columbia, I have a challenge with one section of the community covenant of Trinity Western University that every student to the school must adhere to. The covenant requires students to abstain from "sexual intimacy that violates the sacredness of marriage between a man and a woman."

Attaining admission to the university is limited to those who agree to comply with the expectations set forth in the covenant. Compliance with this covenant is mandatory both on and off campus. Violating the covenant can result in various forms of discipline, including suspension and expulsion from the school.

Honourable senators, Canada is a country that prides itself on its diversity. We are a country deeply rooted in the preservation and protection of human rights. The Canadian Charter of Rights and Freedoms guarantees the fundamental freedoms of conscience and religion, thought, belief, opinion, expression and association. The Charter also grants individuals equal protection and equal benefit of the law without discrimination.

The Canadian Human Rights Act declares that:

> . . . all individuals should have an opportunity equal with other individuals to make for themselves the lives that they are able and wish to have and to have their needs accommodated, consistent with their duties and obligations as members of society, without being hindered in or prevented from doing so by discriminatory practices based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability . . . .

The act describes that any practice based on one or more of the aforementioned grounds of discrimination is indeed a discriminatory practice.

Honourable senators, the aforementioned section of the covenant of Trinity Western University violates Canadian human rights, specifically those of same-sex couples. Of course, as a parent, I accept the portion of the covenant respecting the sacredness of marriage, but I will never accept rights of same-sex couples being denied. If the covenant stated that only married people could have intimate relationships, I would support it, but with the language "between a man and a woman," the covenant is discriminatory on its face and its meaning, resulting in the rights of same sex-couples being denied.

Regarding the covenant, my law society's position can be distinguished from that of the British Columbia College of Teachers' position against Trinity Western University, as the law society has a different set of duties and responsibilities.

In the case of *Trinity Western University v. British Columbia College of Teachers*, a similar issue was at hand regarding the discriminatory effect of the covenant and the British Columbia College of Teachers approving a teacher education program. In this case, the court held in favour of Trinity Western University, citing that the British Columbia College of Teachers does not qualify "to interpret the scope of human rights nor to reconcile competing rights. . . . This is a question of law that is concerned with human rights and not essentially educational matters."

• (1740)

It further stated that:

> Neither freedom of religion nor the guarantee against discrimination based on sexual orientation is absolute. The proper place to draw the line is generally between belief and conduct. The freedom to hold beliefs is broader than the freedom to act on them. Absent concrete evidence that training teachers at TWU fosters discrimination in the public schools of B.C., the freedom of individuals to adhere to certain religious beliefs while at TWU should be respected. Acting on those beliefs, however, is a different matter.

Unlike the College of Teachers, the Law Society of British Columbia is a protector of the public interest in the administration of justice and is statutorily required to "preserve and protect the rights and freedoms of all persons and to protect the integrity and the honour of the legal profession."

Law schools play an integral role in Canadian society and the Canadian legal system. They are the first step in training lawyers and judges, who are at the heart of the administration of justice. Lawyers are expected to uphold the rule of law and the fundamental values that underpin our democratic society. The honour and integrity of the profession and the public faith and confidence in the justice system depend on the legal profession living up to this duty. As such, the law society has an obligation to make rules and set requirements that will uphold and protect the public interest in the administration of justice.

Lesbian, gay and bisexual people can be admitted to Trinity Western University's proposed law school only if they agree to abstain from what the covenant treats as their sinful sexual behavior. As such, they must renounce their sexual identity and treat their right to marry as a nullity for the duration of their education at the proposed law school. The Law Society of British Columbia described that "this renunciation would only come at an unacceptable personal cost effectively barring lesbian, gay, and bisexual Canadians from attending the school." It is this discriminatory impact that the law society is standing up against.

On its decision to not to approve Trinity Western University's proposed law school for the purpose of admission to the British Columbia Bar, the Law Society of British Columbia explained that "the legal profession of British Columbia does not condone and will not facilitate the exclusion of lesbian, gay, and bisexual people from the practice of law."

It further went on to explain:

> This has not been done to punish Trinity Western University or those who hope to attend a law school rooted in evangelical Christian values, but rather to advise that the Law Society does not consider it to be in the public interest in the administration of justice for prospective graduates of a law school that discriminates in its admission policy to be enrolled in the Law Society's admissions program.

Honourable senators, all this boils down to is this: How do individuals get treated? How do our young people perceive going to that university?

I would like to share the story of Trevor Loke. Trevor is a 25-year-old Christian who sexually identifies as gay. He has been with his common-law partner for four years and calls British

Columbia his home. He plans to apply for law school in his home province and has felt humiliated by the covenant at Trinity Western University. He stated:

> I'm not welcome at school because of who I am. If my partner happened to be female, I would be welcome.
>
> It's something I cannot help — even though I'm somebody who has tried to serve the public in everything I do, even though I'm Christian — just because I check the wrong box, I'm not welcome.

Trevor felt personally discriminated against and felt that his rights were violated because he is unwilling to disavow his sexual identity. On his hopes for the future, Trevor stated:

> My hope is we don't have to live in a society where we segregate based on who people are. Segregation belongs in the history books.

Honourable senators, Trevor's story is only one account of an individual who feels discriminated against and restricted by the covenant of Trinity Western University. Chief Justice Hinkson of the British Columbia Supreme Court noted that Trevor's case was in the public interest. In British Columbia, the purpose behind the province's human rights code is:

> . . . to promote a climate of understanding and mutual respect where all are equal in dignity and rights;
>
> to prevent discrimination . . .
>
> to identify and eliminate persistent patterns of inequality associated with discrimination prohibited . . . .

As we can see through Trevor's story, Trinity Western University's covenant is inconsistent with both British Columbia's and Canada's framework of human rights, and it is this inconsistency that the Law Society of British Columbia, as well as the law societies of Upper Canada and Nova Scotia, are standing up against.

Ten years ago the Parliament of Canada passed Bill C-38, the Civil Marriage Act, making Canada the fourth country and the first in North America to legalize same-sex marriage nationwide. By 2009, all provinces and territories included sexual orientation in their human rights law. I cannot believe that we are standing here in 2015 and stating that those rights do not deserve our support and protection. I can never accept an institution denying the rights of same-sex couples. It is our duty and responsibility as senators to fight for rights, and I will always fight for human rights.

Honourable senators, when an accordion is played, the bellows of the instrument are expanded and compressed to allow airflow to produce the desired sound. Human rights should not be treated like an accordion, where we expand them only to suddenly compress them as we wish.

Canada has been a leading nation in fostering the rights of the lesbian, gay, bisexual and transgender community. But just as we celebrate these rights, it would be wrong if we suddenly diminish these rights as we please. There is no place for discrimination in our society. Human rights should be continuously evolving and growing like a blossoming tree that can proudly show off its leaves.

Honourable senators, I stand here today even with everything that's happened to our institution to say to you that I am a very proud senator. And I am proud today to stand and tell you what has happened to Trevor. I will fight very hard to make sure Trevor's rights are protected.

(On motion of Senator Martin, debate adjourned.)

SENATE REFORM

INQUIRY—DEBATE CONTINUED

On the Order:

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

Hon. Elizabeth Hubley: On this inquiry I would like to adjourn the debate in my name for the remainder of my time.

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

Hon. Senators: Agreed.

(On motion of Senator Hubley, debate adjourned.)

THE SENATE

MOTION TO TAKE NOTE OF CANADA-AFRICA PARLIAMENTARY ASSOCIATION'S RESOLUTION CONCERNING THE RIGHTS OF PERSONS WITH ALBINISM ADOPTED

Hon. A. Raynell Andreychuk, pursuant to notice of June 11, 2015, moved:

> That the Senate:
>
> (*a*) take note of the resolution adopted by the Canada-Africa Parliamentary Association on June 3, 2015, and tabled in the Senate on June 11, 2015, concerning the rights of persons with albinism, who are subject to widespread discrimination, and whose body parts have been used in witchcraft, exposing them to murder and mutilation; and
>
> (*b*) encourage all parliamentarians to
>
> (i) exercise their influence within their communities with a view to combatting prejudice and disinformation with respect to albinism and people with albinism,

> (ii) educate their fellow citizens with respect to the multiple layers of human rights challenges — including social marginalization, medical and psychological problems, and confinement to poverty — affecting people with albinism, and
>
> (iii) advocate tolerance and adherence to the rule of law to ensure the rights and safety of persons with albinism and exercise extra vigilance in the lead-up to elections.

She said: Honourable senators, albinism is a congenital condition. It affects members of all genders and races in every country in the world. People with albinism lack melanin. This results in the lack of pigmentation in the skin, hair and eyes. People with albinism are vulnerable to the sun and bright light and almost always suffer from visual impairment.

Today I will speak only briefly on this motion as I have spoken in a senator's statement.

A number of senators from both sides have already given their statements about the murder and mutilation of persons with albinism, especially in East Africa.

Last Thursday in the Senate I tabled this resolution upholding the rights of persons with albinism. Colleagues have also highlighted the plight of persons with albinism and our resolution in the other place. Our work on this matter is part of a growing awareness about the human rights abuses suffered by persons with albinism as part of a growing international call to action.

• (1750)

In recent years, stories about murders, rapes, infanticides and dismemberments of persons with albinism have been met with widespread condemnation. A February 2015 report of the United Nations Human Rights Council notes that as of October 2014, over 340 attacks against persons with albinism, including 134 killings, have been recorded in 25 countries. Many of these killings are linked to a lucrative harvest of albino body parts for use in witchcraft. These practices are especially common in the impoverished regions surrounding Lake Victoria.

As Tanzanian albino rights campaigner Josephat Torner explained:

> People with albinism are being killed because of superstition.

Their body parts are used, and people believe they can become rich if they do so.

> So people started to hunt us like we are animals. People started to chop us because they want to become rich.

Isaac Timothy, another albino activist, said:

> When you bring [a witch doctor] a body part, such as an arm, a leg or a finger, the witch doctor will make a potion with it. A miner will pour it in the ground where he wants to find minerals or a fisherman will pour it in his canoe.

According to official figures, at least 75 albinos have been murdered in Tanzania alone in the last 10 years. Campaigners believe the real number to be much higher. I could perhaps relate the stories of many of the people who have campaigned, but I think it is within the record. I believe this should be the start of the Senate's record of supporting people with albinism and making sure that Canada is at the forefront of encouraging education and encouraging the ending of this practice of using albino parts — particularly by politicians as elections appear, as appears to be the case in some countries.

Under the Same Sun, as the organization is called, is based in Vancouver. It is founded by Peter Ash, who is helped by his brother Paul. Both brothers have albinism. Peter explains his vision with these simple words:

> I have a dream that one day people with albinism will take their rightful place throughout every level of society, and that the days of discrimination against persons with albinism will be a faint memory — EVERYWHERE!

Peter, Paul, and those who work within Canada and Africa and around the world do important work. They use awareness and education to secure the safety and well-being of people with albinism.

Grace Wabanhu, a 26-year-old albino from Northern Tanzania who works with the Under the Same Sun group, explains the impact of this approach:

> People didn't know what is albinism. But, after explaining to them they came to think, "Hah, this is a normal person like others." So it's because of ignorance. People don't know.

Much more must still be done. Key to these efforts is the active involvement of parliamentarians, yet there is some evidence that politicians are among those fuelling the illicit trade in albino parts.

Late last month, Tanzania's Deputy Minister of Home Affairs Minister, Pereira Silima, told the National Assembly of Tanzania that numbers show a rise in attacks on persons with albinism during elections. She said:

> I want to assure my fellow politicians that there won't be any parliamentary seat that will be won as a result of using albino body parts.

Vicky Ntetema is an award-winning former BBC journalist, who, eight years ago, first exposed the use of albino parts in witchcraft by politicians in Tanzania at, I must say, great risk to herself. Today she serves as the executive director of Under the Same Sun. In a recent Facebook post, she made the following appeal:

> I call upon you African leaders to wipe the tears of mothers of persons with albinism who suffer from stigma and discrimination because they have children with the genetic condition!

> I call upon you African leaders to console grieving mothers whose children have been mutilated and murdered so that their body parts can be used by witchdoctors to make their clients successful!

Tanzania has imposed a ban on witchcraft to try to stem the harvest of albino parts for use in lucky charms and spells. Some 30 witch doctors have been arrested. Others, such as the governments of Malawi and Namibia, are also adopting measures to end attacks against people with albinism, but more efforts are needed to effect a change in popular attitudes.

Parliamentarians must exercise their influence within their communities to combat prejudice and disinformation. Parliamentarians must educate themselves and their fellow citizens about the multiple layers of human rights challenges confronted by persons with albinism. Parliamentarians must become advocates for tolerance and the rule of law, especially in the lead-up to elections.

This is the essence of the motion before the Senate today. It is a strong reflection of the parliamentary diplomacy that is so central to our work as senators and as Canadian parliamentarians.

Attacks and discrimination affect people with albinism, not only in Africa but around the world. We, as parliamentarians, must be part of the process of encouraging our colleagues, in parliaments everywhere, to fight ignorance. Parliamentarians must raise awareness and stand up for the human rights of people with albinism.

I urge all senators to support this motion. It is as a result of the work of the Canada-Africa Parliamentary Association, which has raised this concern in its work in Africa, and comes with the full knowledge, on the ground, that our work with our colleagues is absolutely necessary to help people with albinism to reclaim their rightful place as human beings, as individuals in society, with the respect and dignity that they deserve.

Hon. Jim Munson: I said my piece last week, and I'm still thinking of and haunted by the face of a young man Senator Andreychuk and I, along with other members of our delegation, met in Dar es Salaam, Tanzania, on a beautiful day near a marketplace. He was trying to hand out a pamphlet, and he had the face of a hunted man. It was very hard to look at him. He was trying to tell us that there was a meeting going on or a rally taking place to talk about his and others' plight, and it is one of those journeys to another part of the world where you recognize how desperate people are and how human rights are disrespected.

Imagine taking the life of a newborn baby or child and doing what they do to those children — killing them, basically. They kill them. It is unimaginable that this is still happening in 2015. Yet, these are countries that are vibrant and full of all kinds of new attitudes, both on a human rights level and on an economic level. You can't believe that in the shadows of life this sort of thing is taking place.

The English-language newspapers in Dar es Salaam had rallies going on in the soccer stadiums, where people are actually outraged over what is happening, but can you imagine, as Senator Andreychuk said, the idea of taking these potions and using them for good luck in an election campaign? We cannot stereotype people. It's the so-called rich and famous of Tanzania, the people who are in charge of that country, the people who want to run that country, who appear to be involved in this sort of acceptance of witchcraft.

What struck me was that, at the end of the day, there is this motto in the language spoken there, which says, "Enough is enough."

• (1800)

We're a Senate and we're far away, but we can speak about this. I realize it's six o'clock —

The Hon. the Speaker *pro tempore***:** Honourable senators, it is now six o'clock. Pursuant to rule 3-3, I'm obliged to leave the chair until 8:00 p.m. when we will resume, unless it is your wish, honourable senators, to not see the clock.

Is it agreed to not see the clock?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore***:** Agreed.

Senator Munson: Especially in a matter as important as this, Madam Speaker, to not see the clock is important.

Enough is enough. Even though we are a chamber that is far away, we live in a democracy; we live in a society where we respect each and every one of us. Enough is enough on this particular issue. We must speak louder and louder and louder and talk to other parliamentarians from other countries to put a stop to this.

Thank you, Madam Speaker.

Hon. Mobina S. B. Jaffer: Honourable senators, I, too, rise today to speak on the motion regarding albinism. I support Senator Andreychuk's motion and I thank her for introducing this motion. I also want to take this opportunity to thank her for co-chairing the Canada-Africa Parliamentary Association for such a long time and for her work at the association. I want to thank Senator Munson for his work at the association, as well.

Honourable senators, as you are aware, I am a proud East African. When I was in school as a child in Uganda, I grew up noticing the stigma some of my schoolmates faced because they had albinism. At my school, we were taught very early what albinism is.

As you are aware, albinism is a genetic condition. It manifests as a partial or complete absence of pigment in the skin, hair and eyes. This is usually because their bodies are not able to produce normal amounts of melanin, the chemical that is responsible for our pigmentation.

Honourable senators, we all heard the gut-wrenching statements that were read by our colleagues last week and today. We all shared a similar reaction of dismay and pain. We

were all troubled by the suffering that these individuals face, these children even, simply because they have albinism, simply because they have a genetic condition.

The abuse of these people is horrendous. My colleagues here related to you the challenges my fellow East Africans face because of albinism.

One of the reasons this issue has moved so rapidly and ferociously across Africa is the lack of understanding of what causes albinism. Because of this, I ask each of you to resolve to be committed to help educate our parliamentary colleagues in East Africa. Politicians in East Africa need to feel supported in their work on the ground, and this is important work that needs to be acted on immediately.

We have all experienced the process of changing our attitudes when we were educated on a particular issue. An example of such an elusive issue that was quite difficult to deal with at home here and in Africa was that of HIV/AIDS. Initially there was a lot of skepticism and avoidance from politicians when the epidemic began. Today, though not perfect, through large-scale educational efforts, AIDS is better understood and more people are able to come forward and get treatment because of it. There is now more help for AIDS victims and hopefully less stigma.

Honourable senators, I ask you to be committed to educating our political colleagues from East Africa. We all belong to many parliamentary associations, so I ask that we Canadian senators be instrumental in educating parliamentarians to help them stop the persecution of children with albinism. Why? Let me share a story.

Sabina Namigambo shared her sons' story with the BBC last December. Her son, May, was only 4 years old when he managed to escape an attempted kidnapping. Sabina's husband was out fishing and the attackers struck. Sabina jumped out of the window with May and they chased after her. They only gave up when her screaming managed to wake up the neighbours. Why were the kidnappers after May? Because May has albinism, and their local witch doctors claim that potions they make out of the body parts of albinos bring good fortune and wealth.

Another woman with albinism shared her fear, saying, "We are being killed like animals. Please pray for us."

Mr. Namigambo's contribution to the story is what struck me most, when he said:

> The government once held seminars about albinism. It made a lot of difference, but they don't do it anymore. We should urge the government to do more in educating the community here.

Honourable senators, local governments cannot headline educational initiatives unless they, too, are educated on these issues. We have the resources, we have the medical information, and we have the communication lines with our parliamentary colleagues. Let us step up and play a role in raising the education level on albinism. Let us help put an end to this senseless killing. Let us act now and help educate our fellow parliamentarians.

I would like to urge the Government of Canada and all of you here to help be instrumental in providing education to school authorities, especially in East Africa. Let us raise awareness that albinism is a disease and not a work of witchcraft. Let us make it a mantra that people can follow, that albinism is a disease worthy of protection.

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

Hon. Senators: Question.

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

(Motion agreed to.)

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO DEPOSIT REPORT ON STUDY OF THE USE OF DIGITAL CURRENCY WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Irving Gerstein, pursuant to notice of June 15, 2015, moved:

> That the Standing Senate Committee on Banking, Trade and Commerce be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the use of digital currency, between June 22 and June 30, 2015, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Question.

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

(Motion agreed to.)

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE REGULATION OF AQUACULTURE, CURRENT CHALLENGES AND FUTURE PROSPECTS FOR THE INDUSTRY AND DEPOSIT REPORT WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Fabian Manning, pursuant to notice of June 15, 2015, moved:

> That, notwithstanding the order of the Senate adopted on Monday, December 9, 2013, the date for the final report of the Standing Senate Committee on Fisheries and Oceans in

relation to its study on the regulation of aquaculture, current challenges and future prospects for the industry in Canada, be extended from June 30, 2015 to July 31, 2015; and

That the Standing Senate Committee on Fisheries and Oceans be permitted, notwithstanding the usual practice, to deposit with the Clerk of the Senate a report relating to its study on the regulation of aquaculture, current challenges and future prospects for the industry in Canada between June 22 and July 31, 2015, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

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

Hon. Senators: Question.

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

(Motion agreed to.)

NATIONAL ROUNDTABLE ON MISSING AND MURDERED ABORIGINAL WOMEN AND GIRLS

INQUIRY—DEBATE ADJOURNED

Hon. Lillian Eva Dyck rose pursuant to notice of March 25, 2015:

That she will call the attention of the Senate to the National Roundtable on missing and murdered aboriginal women and girls and the Government of Canada's *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*.

She said: Honourable senators, I rise today to speak to my inquiry into the National Roundtable on Missing and Murdered Aboriginal Women and Girls and the Government of Canada's Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls.

Our previous three speakers have talked about human rights issues. In fact, this, too, is a human rights issue quite simply because, according to the Canadian Charter of Rights and Freedoms, section 15, equality rights, "every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination."

Now, of course, we know about the issue of missing and murdered Aboriginal women who do not receive the equal protection of law, so it's a human rights issue.

A historic roundtable of provincial, territorial and Aboriginal leaders, two federal ministers and family members of missing and murdered Aboriginal women and girls was held on February 27. In May 2014, the RCMP documented that nearly 1,200 Aboriginal women and girls have been murdered or gone missing since 1980. Aboriginal females are three times more likely to be murdered and four times more likely to disappear than other Canadian women.

• (1810)

Incredulously, though almost all provincial and territorial leaders have called for a national commission of inquiry into the issue of missing and murdered Aboriginal women and girls, the Prime Minister has said repeatedly that his government would not do so. After the historic roundtable meeting, Ministers Leitch and Valcourt held a separate press conference to reiterate that their action plan released last September was all that was needed.

After the roundtable, Minister Leitch stated:

No single community, no individual, no organization or government can end violence against Aboriginal women and girls alone. We all have a shared responsibility . . . and the federal government is committed to doing its part.

Honourable senators, while the issue of missing and murdered Aboriginal women is indeed a shared responsibility, by holding a separate news conference and by not committing to funding any new initiatives, it appears that the federal ministers have essentially off-loaded their primary responsibility onto the provincial, territorial and Aboriginal leaders.

Honourable senators, after the roundtable, Minister Leitch said the federal government would not undertake a national inquiry into missing and murdered Aboriginal women and girls. The ministers think their national action plan is sufficient, but how good is their national action plan? Sadly, it is too narrow in its focus and most of the actions are too late — after the victim has been murdered or made missing.

Worse yet, the national action plan is fixated on the as yet unsubstantiated premise that Aboriginal men are the main perpetrators. This significantly limits the effectiveness of the national plan in preventing the disappearance and murder of Aboriginal women and girls.

Honourable senators, let's examine the Conservative government's national action plan. There are four major budgetary items totalling $25 million over five years: $8.6 million over five years for community safety plans; $2.5 million over five years for projects to break intergenerational cycles of violence; $5 million over five years for anti-violence programs; and $7.5 million over five years for victim services.

The national action plan budget is about $5 million per year and, while the federal ministers may imply that this is substantial, it is a small amount of money compared to the $100 million per year spent by Aboriginal Affairs fighting First Nations on various matters in the courts, and the more than $100 million spent on Canada's Economic Action Plan ads since 2009.

It was just reported that Aboriginal Affairs didn't even spend its entire budget for the last five years — $1 billion was unspent. That's correct, $1 billion: $200 million per year was unspent for the last five years. Can you imagine what we could have done with that billion dollars?

Let's review the four components of the Conservative action plan. When we examine these programs and their effectiveness to address what we know about the issue of missing and murdered Aboriginal women and girls, we find that the national action plan falls significantly short.

It should be noted that the Conservative government officials have repeatedly said that enough research has been done on missing and murdered women and that it's time to take concrete actions to ameliorate this tragedy. Having said that, you would expect that the government members responsible for this issue would have read the 40 reports that they refer to and you would expect that they would have thoroughly reviewed the research findings from the RCMP and the Native Women's Association of Canada. Clearly, that has not been the case.

Honourable senators, the Conservative government has developed a national action plan that is based on their assumption that most Aboriginal women and girls are murdered or made missing by the actions of the Aboriginal men living on First Nations reserves.

Minister Valcourt, at a private meeting with Treaty 7 and 8 chiefs stated that Aboriginal men were responsible for 70 per cent of the missing and murdered Aboriginal women cases. At first the RCMP stated that they would not verify the minister's statement because they don't do race-based analyses. However, RCMP Commissioner Paulson later stated that the 70 per cent statistic was correct and that another report with statistics would be released in May.

I've been waiting for these numbers to include in my speech, but the RCMP have not yet released any new information. As of today, the Aboriginal Peoples Television Network said the RCMP will release an update tomorrow, but there will be no such numbers on the racial identity of the perpetrators.

Now, to get back to the plan: First, $8.6 million over five years has been promised for the development of community safety plans on reserves across Canada. While this sounds great, it's not a new initiative. The Aboriginal Community Safety Planning program was launched in 2010. Surely this Conservative government could have initiated something new. After all, they had 40 reports and more than 700 recommendations to aid their planning. The safety planning program is flawed because it focuses only on First Nation reserves. It does not address the safety issues for the majority of Aboriginal women who live in urban or rural areas. The Metis and the Inuit don't live on reserves, and neither do the majority of First Nations people.

Honourable senators, policing is also included under the community safety plan. The First Nations Policing Program received funding for $612.4 million over five years in 2013. Again, while this may sound good, First Nation policing is underfunded. Gosh, where could that $1 billion been helpful here?

In 2014, for example, the Nishnawbe Aski and Anishinabek police services in Ontario and the band constable program in Manitoba all faced critical funding shortages. In the case of Manitoba, the federal government unilaterally withdrew their band constable funding program. Fortunately, the provincial government stepped up and provided funds — at twice the federal level.

Colleagues, surely if the Conservative government was serious about making Aboriginal communities safe, they would have provided sufficient funding for policing on reserves, especially in Manitoba which, like Saskatchewan, is an area where Aboriginal women and girls have the greatest risk of being murdered or made missing.

If the Conservative government officials think that the main problem is violence occurring on First Nation reserves, why did they cut the resources for on-reserve police in one of the most unsafe areas of the country? It just doesn't make sense.

Honourable senators, now let's examine the second item in the government's action plan: $2.5 million over five years to break intergenerational cycles of violence stemming from abuse in the Indian residential schools. Included under this second item of the national action plan are the Family Violence Prevention Programs. While this is a good initiative, its main focus again is reserve communities. As I said before, Inuit, Metis and First Nation families who live off reserve are neglected.

It's important to note that the intergenerational violence that occurs on reserves stems from the deliberate actions and policies of the government aimed at Aboriginal people. The residential schools system, the Indian Act and the political marginalization of Aboriginal people in Canada are all factors that created an intergenerational cycle of abuse and violence on Indian reserves. The present Government of Canada should not forget that this cycle of violence was created by federal governments of the past.

Four months ago, Minister Valcourt stated that Aboriginal men were responsible for 70 per cent of the murders of Aboriginal women. His statement angered the chiefs to whom he was speaking. Valcourt's statement was outrageous. It ignored the root causes of the high rates of family violence, the intergenerational legacy of abuse and violence, and the devaluation of women learned at Indian residential schools. How can he blame Aboriginal boys and men for violent behaviours without taking into account that federal government legislation and policies created the residential schools and gave Aboriginal women fewer rights than Aboriginal men?

How can Minister Valcourt say that First Nation men have a lack of respect towards women on reserves without acknowledging that this is part of the cultural norm for all Canadians? He should know that that teaching was part of the assimilationist agenda imposed on Aboriginals through the Indian residential schools which eradicated the traditional respect that Aboriginal women received before colonization.

Just two weeks ago, the Truth and Reconciliation Commission held their final public event here in Ottawa. Their work has made it abundantly clear that there is a link between Indian residential

schools, intergenerational trauma and family violence, and missing and murdered Aboriginal women and girls. What is of prime importance is that the commissioners also made it clear that non-Aboriginal Canadians have learned to devalue and denigrate Aboriginals.

• (1820)

Colleagues, the third item under the Conservative national action plan is $5 million over five years for anti-violence programs. While a new awareness program to denounce violence against Aboriginal women is to be developed in conjunction with the Native Women's Association of Canada, the emphasis once again is on family violence and Aboriginal boys and men on reserve. While this is an important aspect, Aboriginals know that an awareness campaign to educate Canadian society at large on ending violence against Aboriginal women and girls is also needed. Furthermore, as noted earlier, the Truth and Reconciliation report makes it crystal clear that non-Aboriginal communities have also been taught to devalue Aboriginal women.

Colleagues, the fourth item under the national action plan is $7.5 million over five years for the Family Violence Prevention Program, which provides services for women, children and families on reserve who are victims of family violence. This program also funds 41 women's shelters on reserve.

According to an APTN news article, however, money provided for new family violence protection programs is not new money but was money taken from the budget for on-reserve women's shelters. While more money is available for new programming, there is less money available for shelters. Clearly this makes little sense as the two actions are contradictory. The national action plan is, in effect, increasing the risk of violence against Aboriginal women by decreasing funding earmarked for shelters.

Honourable senators, it is clear that the four measures contained in the national action plan are inadequate.

The premise that it is Aboriginal men living on reserve who are responsible for the murder or disappearance of Aboriginal women and girls was first mentioned by suspended Senator Brazeau in 2010, during our study of the matrimonial property rights act. Unfortunately, Minister Valcourt has followed Senator Brazeau's thinking.

Minister Valcourt has said:

> Obviously, there's a lack of respect for women and girls on reserves . . . if the guys grow up believing that women have no rights, that is how they are treated.

He, of all people, must surely know that the reason why Aboriginal women have fewer rights on reserves was because of the Indian Act. The minister is blaming Aboriginal men for disrespecting Aboriginal women, when he should be blaming the treaty-era White men in 1876 who developed the Indian Act, which granted fewer rights to Indian women than to men.

Contrary to what Brazeau and Valcourt have claimed, the Native Women's Association of Canada reported that most Aboriginal woman and girls are most likely to be murdered or to be disappeared off reserve. According to their 2010 research report, only 7 per cent go missing from a reserve and only 13 per cent are murdered on a reserve. Seventy per cent of Aboriginal women and girls disappeared from an urban area and 60 per cent were murdered in an urban area.

Could I have five more minutes, please?

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

Hon. Senators: Agreed.

Senator Dyck: Furthermore, the Native Women's Association of Canada data show that Aboriginal women and girls are three times more likely to be murdered by a stranger. It is obvious that the Harper government has ignored these findings and thus has made a serious mistake by focusing their actions on family violence on Indian reserves.

Honourable senators, perhaps the most damming indictment of the Conservative's national action plan is that it ignores the role of non-Aboriginals in the murders and disappearance of Aboriginal women and girls. Most everyone knows that non-Aboriginal men have murdered Aboriginal women. There are many well-known cases, such as the serial killers Willie Pickton and John Crawford.

The 2010 NWAC research report *What Their Stories Tell Us: Research findings from the Sisters in Spirit initiative* clearly documents that both Aboriginal and non-Aboriginal men murder Aboriginal women. Their data show that at least 23 per cent of the murderers were non-Aboriginal; 36 per cent were Aboriginal; and 41 per cent were of unknown race. It's very difficult to determine the race with any degree of certainty. That's why there's such a high percentage there.

On March 20, however, Minister Valcourt claimed that 70 per cent of the murderers of Aboriginal females were indigenous, according to unreleased RCMP data. He indicated that this data would be reported to the public. Initially, the RCMP said they don't collect this type of data and won't be releasing any data on the racial identity. Then, as noted earlier, Commissioner Paulson said the numbers would be released last month, but so far nothing has been released. Today, APTN is saying the RCMP will release a report tomorrow, but the update report will not include information on the ethnicity of the perpetrators. We're back to square one. The credibility of Minister Valcourt and the veracity of his statement are thus very questionable.

Honourable senators, the actions taken by the government to prevent the murder or disappearance of Aboriginal women and girls should have been better thought out and based on all the available facts. While there are some good individual programs in the action plan, it is clear that it is an action plan to tackle intergenerational family violence on reserves, but it is not an

action plan on missing and murdered Aboriginal women and girls. While family violence may be part of the root causes, there are other root causes and factors that lead to the greater risk of Aboriginal women to be made missing or murdered. The federal government has not designed an action plan to specifically address missing and murdered Aboriginal women and girls. Even the words "missing and murdered Aboriginal women and girls" are not in the title of their action plan.

Honourable senators, the only way to get an effective national action plan to prevent Aboriginal women and girls from going missing or being murdered is to launch an independent commission of inquiry. An independent commission of inquiry would not be unduly influenced by preconceived ideas about Aboriginal women and men and at least an independent commission would recognize that non-Aboriginal men play a significant role in the murder and disappearance of Aboriginal women and girls. We could access all available data, including any that the RCMP may have but will not release.

Colleagues, over the last two years, there has been a steadily increasing public awareness about the large numbers of missing and murdered Aboriginal women and girls. An Angus Reid poll conducted last October showed that three-quarters of Canadians are in favour of a national inquiry. Just two weeks ago, the Truth and Reconciliation Commissioners also recommended a public inquiry.

Recommendation 41 of their summary states:

> We call upon the federal government, in consultation with Aboriginal organizations, to appoint a public inquiry into the causes of, and remedies for, the disproportionate victimization of Aboriginal women and girls. The inquiry's mandate would include:
>
> i. Investigation into missing and murdered Aboriginal women and girls.
>
> ii. Links to the intergenerational legacy of residential schools.

Honourable senators, seven years ago, in June 2008, Prime Minister Harper apologized for the imposition of the Indian residential schools and the harms done to generations of people, and yet today he still refuses to call a commission of inquiry into the missing and murdered Aboriginal women. Colleagues, that is just not right. It is just not right. Something must be done.

(On motion of Senator Lovelace Nicholas, debate adjourned.)

IMMIGRATION AND REFUGEE PROTECTION ACT
CIVIL MARRIAGE ACT
CRIMINAL CODE

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts, and acquainting the Senate that they had passed this bill without amendment.

(The Senate adjourned until Wednesday, June 17, 2015, at 1:30 p.m.)

CONTENTS

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